

31ST OCTOBER, 1899.

PRESENT:—

His EXCELLENCY the GOVERNOR (Sir Henry BLAKE, G.C.M.G.).

His EXCELLENCY Major-General GASCOIGNE, C.M.G. (Commanding the Troops).

The Hon. J. H. STEWART LOCKHART, C.M.G. (Colonial Secretary).

Hon. H. E. POLLOCK (Acting Attorney-General).

Hon. R. MURRAY RUMSEY (Harbour Master).

Hon. F. H. MAY, C.M.G. (Captain Superintendent of Police).

Hon. A. M. THOMSON (Colonial Treasurer).

Hon. R. D. ORMSBY (Director of Public Works)

Hon. Dr. HO KAI.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS, C.M.G.

Hon. WEI A YUK.

Hon. J. J. KESWICK.

Mr. R. F. JOHNSTON (Acting Clerk of Councils).

REPORT OF THE FINANCE COMMITTEE.

The COLONIAL SECRETARY—I beg to lay on the table the report of the Finance Committee (No. 7). A reference to the report will show that it refers to two matters. There is an item of \$2,000 in aid of the Water Account, and the other matter has reference to the Supply Bill. The first vote was recommended unanimously by the Finance Committee. With regard to the Supply Bill, all the items were recommended, but when the Committee came to that part of the Estimates dealing with "Public Works Extraordinary" a wish was expressed on behalf of the unofficial members that the consideration of the items under that head should be postponed for a fortnight in order that the unofficial members might have more time to go into the items, and knowing that your Excellency was desirous of giving every opportunity for full consideration of the Estimates, I took upon myself to adjourn the meeting of the Finance Committee for a fortnight. I therefore move that the vote on account of Water Account of \$2,000 be approved.

The COLONIAL TREASURER seconded, and the motion was carried.

THE LAW RELATING TO SOLICITORS.

The ACTING ATTORNEY-GENERAL—I beg leave to move the second reading of the Bill entitled An Ordinance to amend the Law Relating to Solicitors. Honourable members will remember that in the early part of this year there was an Ordinance passed through the Council to amend the law relating to solicitors. That Ordinance was sent to the Secretary of State, and these amendments have been introduced in accordance with his instructions. Clause 2 provides that—"Upon any taxation of costs, the Taxing Officer may, in determining the remuneration, if any, to be allowed to a solicitor for his services, have regard, subject to any general rules or orders already made or hereafter to be made on that subject, to the skill, labour, and responsibility involved." That provision is one which is in force in England, With regard to clause 3 of the Bill, that has been introduced in order to avoid the possibility of any ambiguity.

The COLONIAL SECRETARY seconded and the second reading of the Bill was passed.

The Bill having been considered in committee, and no alterations being made, on the Council resuming the Bill was read a third time and passed.

THE INSANITARY PROPERTIES BILL.

The Council went into committee to resume consideration of the Insanitary Properties Bill.

His EXCELLENCY the GOVERNOR—I think we had reached clause 4 (which refers to cubicles).

The ACTING ATTORNEY-GENERAL—Yes.

The CAPTAIN SUPERINTENDENT OF POLICE said that with regard to the question of limiting the size of cubicles, the Sanitary Board had had the question under consideration the previous day, and on behalf of the Board he would beg to suggest that in sub-section *g* the words "four feet" be altered to "six feet." That was the original recommendation of the Board.

The DIRECTOR OF PUBLIC WORKS said he was inclined to recommend that the clause should be left as it was. He thought four feet from the window would be enough to allow of the window being opened wide. It seemed to him that the taking away of the cubicle from the window would really be removing a valuable space from the owner's floor. Probably it might be used by servants to sleep in or grown-up children belonging to a family occupying a cubicle, but if they took over six feet they would increase by 50 per cent what had been described as lost space. However, that was not so important as the fact that he considered four feet enough. It would give ample room for air and light to get in. He must say that he was in favour of leaving the clause as it was.

The Hon. E. R. BELLIOS—I beg to second the

amendment.

His EXCELLENCY the GOVERNOR—It is not necessary to second an amendment in committee.

The Hon. Dr. HO KAI supported the view enunciated by the Director of Public Works. He considered that removing the cubicle two feet further from the window would not enable the light to penetrate very much further. He considered it a useless waste of valuable space and that it would not effect any improvement.

On the matter being put to the Council it was decided to leave the sub-section unaltered.

The CAPTAIN SUPERINTENDENT OF POLICE suggested that in sub-section *h* "eight feet by eight feet" be substituted for "64 square feet." He said the object of his suggestion was to prevent a row of very narrow cubicles being constructed on either side of the room with a very narrow passage in the middle. He took it that the intention was, when that sub-section was drafted, that there should be an area of eight feet long by eight feet wide, or 64 feet square. As the sub-section stood now a cubicle might be constructed of a very narrow shape and still contain 64 square feet.

The Hon. Dr. HO KAI said the proposed alteration would serve no useful purpose. All cubicles must be of a certain width in order to hold a Chinese bed, which was of a certain size. The bedstead as a rule measured about four feet six inches wide and six to seven feet long, and this had to be placed in a cubicle together with a table and a wash-stand, but if the words "eight feet by eight feet" were inserted it would prevent many cubicles from being made, although the area might be sufficient. In all these cases it was quite sufficient if they determined upon the size of the cubicle, and then the people might be allowed to make their cubicle any shape they might choose in order to meet their requirements. He thought the arbitrary fixing of eight feet by eight feet would be rather a hardship, and he suggested that the sub-section should remain as it was. It must be remembered that this sub-section had been considered by a large number of persons who had taken a great deal of time in getting it up. He thought the the Bill before them was as the Director of Public Works had described it—a compromise.

His EXCELLENCY the GOVERNOR—Assuming the present Bill is not interfered with where does any diminution of overcrowding come in by the Bill before us now?

The Hon. Dr. HO KAI said the Bill before them did not provide any remedy, or effective remedy, for overcrowding. It only made more space for ventilation and saw that every house had a back yard or passage so that the people could get the air in from the back and have a through ventilation. At the present time some houses had not got a backyard; therefore proper ventilation was impossible. They might have an open front, and yet the air did not

circulate through unless they had an outlet at the back. Therefore, so far as he could see, the present Bill dealt with the ventilation of houses and the Bill had his support, and he believed it had the support of other members of the Council; but as a measure to diminish overcrowding, the Bill would scarcely touch it at all. The surface overcrowding was not provided for in the Bill except by clause 6. The height of buildings was allowed to remain as now, and only on land which was acquired from the Crown after the passing of this Bill could they prevent surface overcrowding. Surface crowding they, would have to a great extent in a few years time. Instead of 72,000 per square mile they would have 100,000 or more per square mile. A workman would have to live somewhere near his work. If he walked a long distance he was tired when he got to his work, and he did not like to make a long tramp home after his day's work was over. This had the effect of overcrowding some districts in the colony. In order to prevent that sort of thing the real remedy lay in opening out the east and west ends of the town at present unoccupied and connecting them by means of a tramway to be subsidised by Government, the charge only to be nominal to enable the labouring population to make use of the tramways. Then again, opposite Hongkong, along the sea shore, there were an enormous number of building plots which could be made use of if there was a decent service of ferry boats. Sometimes they had to wait half an hour or an hour for the Chinese ferry boat before they could cross, and as regarded the English Company their charge was too excessive for the labouring Chinese to make use of their ferry. If they had lines of ferry boats subsidised by Government, a nominal charge being made, it seemed to him that the Chinese labouring classes would be able to occupy the cheap land on the other side. So far as the subsidy was concerned, he thought the Government would easily recover all they spent in increased land sales and increased taxes. He thought if the Government's attention was drawn to this matter and immediate action taken, in a very few years the Chinese would be spread out either to the east end or to the west end or on to the opposite shore, and overcrowding would be materially diminished. With regard to cubicles, a man earning \$6 or \$8 a month had to pay about \$2 or more a month as rent for his cubicle for himself and family. That was one-third of his wages, and left him so much less for food and clothing. He could either pay for a good room to live in and stint himself and family as regarded food and clothing, or he could have better food and clothing and live in a small space. As to the plague returns referred to by His Excellency the Governor at the Council meeting, he could see that it was not only insanitary dwellings which caused the plague. It was his firm opinion that insufficiency of food and clothing reduced a man's constitution to such a state that

he was unable to withstand the attacks of disease. They might place a Chinese any where and give him a big hong to live in—a palace at the Peak if they liked— but if he had insufficient food and clothing he would take the plague just the same as a Chinaman much worse housed, and this had been amply proved by cases of plague which had occurred at the Peak. A man's constitution was weakened by bad and insufficient food and clothing. When they saw during the summer months and during the autumn a large number of coolies lying out in the street at night they could not wonder at their being afflicted with dysentery, cholera, or anything else. They lay on the ground exposed to the night air and dew, and it was enough to give anyone rheumatism and other ailments. If plague or anything else was going about at the time they were sure to catch it. It had been stated that the women and children were more often affected by the plague than the men, and this was sometimes put down to the fact that the men went out into the open air more often than the women. That might have something to do with it, but his firm opinion was that it was because the women had less to eat than the men. It was the custom for them to reserve the best for the men and be content with very little themselves. A working man might have fresh meat once or twice or three times a week, whereas the woman in the house would have to be content with meat once a week or none at all, and have to exist on vegetables or salt fish. That was, to his mind, the reason why more women caught the plague than men. He was fully convinced that if they were ever to send plague from their midst it would not be by ventilation only, but chiefly by enabling the Chinese to get cheap lodgings. As long as they had such a large population living in the city of Victoria it was impossible for them by any single measure they might pass to rid the colony of plague. Instead of passing any drastic measure like the one proposed and spending money every year in combatting the plague they might spend public money in opening out new sites and providing cheap and easy means of access to them, and then if they spread the population throughout the colony they would find that plague would finally leave them.

The Hon. WEI A YUK said he endorsed all that the Hon. Dr. Ho Kai had said.

His EXCELLENCY the GOVERNOR said he had very great difficulty himself on this question of overcrowding. He knew that the popular opinion was that overcrowding and the height of houses were at the bottom of this visitation of plague, and it had frequently appeared to his mind that if it was satisfactorily proved to

that Council that the cause of the epidemics of plague was overcrowding the simplest way of making a beginning to remedy the evil would be to enlarge the cubicles. But in saying that he was by no means certain that the evil could be remedied in this way. Statistics did not bear out the general assumption that the sanitary state of the town was due to surface overcrowding, or that the mortality from plague followed the rate of overcrowding in the town. He had been looking very carefully over all these things, and he might say that a short time after he came here he visited about 30 of the worst houses which could be shown to him by the Medical Officer of Health. It was perfectly clear to his mind that the ground floors of some of these houses were utterly unfit for human habitation, because they could not see at all without a lamp. The cubicles in them were absolutely dark, and it was quite clear to him that people should not be allowed to live in such places. On going through the houses, which he did from roof to cellar, he confessed he was struck by their cleanliness. He did not find the state of filth which he was led to expect to find. On the contrary, he found the houses quite as clean as the same class of houses in London. The cubicles were very small, and there were a large number of people living in them, but when one came to look into the question he found that the instances of plague did not follow the rate of population at all. He would have expected to find, if overcrowding had been the cause of the insanitary state of the town, that the death rate would have gradually increased as the population of the town increased. They knew that the population of Hongkong was very much greater than it was in 1878, but he found that the death rate in that year was 30.35 whilst it was but 22.50 last year. Of course there had been sanitary improvements since 1878, but still the fact remained that before these improvements were made or taken in hand the death rate had not increased at all but had decreased though the population was increasing. As to surface overcrowding, they would find if they took the population in the different districts that the cases of plague were not in proportion to the population. This fact shook one's faith in the statement that it was overcrowding which had brought about the present state of affairs. Touching on the question of increasing the size of the cubicles, His Excellency said that, as the Hon. Dr. Ho Kai had said, increasing the size of cubicles must inevitably mean an increase in the rent and naturally an increase in wages. He requested the Council to let this matter stand over at the previous Council meeting so that honourable members might have an opportunity of considering it. It was for the Council to say whether they thought the size of the cubicles should be increased or not. He had a strong opinion upon the matter himself. The amendment of the Hon. Captain Superintendent of Police was that "eight feet by eight feet" be substituted for "64 feet square."

The DIRECTOR OF PUBLIC WORKS thought there was something in what the Hon. Dr. Ho Kai had advanced.

Eight feet by eight feet was a very rigid measurement to lay down and might not suit all houses. He proposed that the sub-section should read as follows:—"No cubicle used for sleeping purposes shall have a less floor area than 64 square feet or a less length or width than seven feet."

On this being put to the Council, it was carried, the Hon. Dr. Ho Kai being the only dissident.

Clause 5, which deals with mezzanine floors or cocklofts, was next considered, and was passed with only a small alteration.

On clause 6, which deals with the height of buildings, being reached.

The Hon. T. H. WHITEHEAD suggested that in the line "No building erected on land acquired from the Crown" the word "domestic" should be inserted before building, on the ground that it might be unfair to apply this provision to a godown.

HIS EXCELLENCY THE GOVERNOR said he took it that the object of this clause was to secure from interference the light of the buildings on the opposite side of the plot on which the high building was to be erected. Therefore it did not matter whether that building was a godown or a domestic house, because it would keep out the light from the building opposite just the same. He found from the report that of the plague infected houses during the last epidemic 9.45 per cent. were two-storey houses, 9.80 three storey houses, and 8.6 four-storey houses. He found that the cases per 100 houses in the different districts were 102.6 per cent, in two-storey houses, 103.4 in three storey houses, and 107.7/10 in four-storey houses, so that they saw when they came to look into it that there was not that tremendous preponderance of plague cases in high house which they had been led to expect.

THE CAPTAIN SUPERINTENDENT OF POLICE—How many four-storey houses were there?

HIS EXCELLENCY THE GOVERNOR—only 78.

THE ACTING ATTORNEY-GENERAL observed that there were many cubicles on the first floor.

HIS EXCELLENCY THE GOVERNOR—The proportion of cubicles on the first floor is somewhat great, but we have settled the cubicle question.

THE ACTING ATTORNEY-GENERAL—I find that in districts Nos. 1 to 19 there were 1,087 cubicles on the first floor.

HIS EXCELLENCY THE GOVERNOR—In all the houses infected there were 378 cases on the ground floor, 940 on the first floor, 359 on the second, and 28 on the third. As far as one can see, the majority of cases took place on the first

and ground floors, taking into consideration the customs of the Chinese I should think it probable the cases found in the streets would be cases from the ground floor and not from the top floor.

The Hon. T. H. WHITEHEAD—I would propose with regard to the first paragraph of clause 6—which reads, "No building erected on land acquired from the Crown after the passing of this Ordinance shall exceed in height one and half times the width of the street upon which such building fronts"—the words "on land acquired from the Crown" be deleted, and the following words added after "fronts":—"Unless such building is provided, throughout its entire depth, with a lane along one of its lateral sides, of a width of at least one fourth of the height of such building; a window or windows having a total area clear of the window frames of at least one tenth of the floor area of each room shall be provided opening into such lane in addition to the window area required by section 8 (a) of Ordinance No. 15 of 1894." In connection with this suggestion I wrote to the honourable the Attorney General on the subject some days ago giving my reasons in support. I should like my letter to be read.

HIS EXCELLENCY THE GOVERNOR—I think that is not necessary. No doubt every member has read it because a copy of it appeared in the public press. I have no doubt we all read it; I did I know.

The COLONIAL TREASURER—Has the hon. member considered the expense?

The Hon. T. H. WHITEHEAD said he certainly thought that the Government, now they were beginning to deal with this question, of surface crowding, should do as had been done elsewhere and limit the height of buildings. The question of compensation was one which could be grappled with and would be an economy in the end. It was all important that Hongkong should be maintained a clean port.

HIS EXCELLENCY THE GOVERNOR said that if they were satisfied that it was necessary that the street should be widened and that plague was the result of the narrowness of the streets they would have to go a step further and face a much larger question of expense. If they could prevent a recurrence of plague it would be worth any expense to the colony, but if they spent some ten million dollars without effect they would find themselves in rather a difficult position. The aggregate value of property in Victoria was about \$40,000,000 and if the provisions of this Bill were to apply, it was stated that about three-fifths of the property would be affected.

The DIRECTOR OF PUBLIC WORKS said that the clause as it now stood did not touch any property owned in Hongkong, but it would effect the sale of land in Taipingshan. They had sold all the land in the city almost except a few acres. The ground on the Praya Reclamation was already in private hands, and as they reclaimed land it went over to private hands, so that although the Government would be paid a lower price for land not yet sold if the law was altered as was proposed the change would be extremely slow. When

a house was pulled down or reconstructed—which did not happen very often—the street on which it faced would not be widened, but would remain a 10 or 15 feet street, and the owner instead of rebuilding his house three storeys high would only be able to build a smaller house, and it seemed to him he would have a claim for compensation against the Government. The man bought the land years ago at a certain price, having calculated what return he would get, and if they altered this clause as proposed by the honourable member opposite he would find his land of very much less value. He quite agreed that if they had to improve the town it would be on the line of resuming property as they had done in Taipingshan, but he thought the time had not come yet for touching that question.

HIS EXCELLENCY THE GOVERNOR (to the the Hon. T. H. Whitehead)—What do you say to that?

The Hon. T. H. WHITEHEAD—I do not press the suggestion.

The clause was passed as it stood

With regard to clause 7 the ACTING ATTORNEY-GENERAL proposed an amendment to sub-section *a* providing for a window overlooking the open space in the rear of a building, remarking that it was no use having such open space unless they provided some window to open out into that open space.

The Hon. Dr. HO KAI suggested that they should be allowed time to consider the amendment.

HIS EXCELLENCY THE GOVERNOR—Are there any other suggestions?

The Hon. T. H. WHITEHEAD—I propose to add to sub-section *b* the words "If the entire depth from frontage to frontage exceeds 50 feet."

HIS EXCELLENCY THE GOVERNOR—These two amendments require a little consideration so we will let this clause stand over. The amendments can be handed in to the clerk and then members will have the opportunity of thinking them out and making suggestions at the next meeting of the Council.

The Hon. Dr. HO KAI—At the moment it would be impossible to say whether they would be possible or not.

The ACTING ATTORNEY-GENERAL mentioned one or two other amendments which he proposed bringing forward in the clause.

Clause 8 was also held over.

A small alteration was made in Clause 9, the words, "May if the Director of Public Work thinks fit be." being inserted after the words "and" and before the word " p r o v i d e d " i n t h e

third line, The clause deals with the maintenance and lighting of private back streets.

The DIRECTOR OF PUBLIC WORKS asked the Acting Attorney-General if there was anything in the Bill to prevent the owner of a private street or lane building over it in order to evade this clause entirely. He found that there was nothing in the Ordinance to prevent him from doing it. A bye-law had been passed by the Sanitary Board with the view of meeting such cases, under section 13 of Ordinance 15 of 1894, but was held to be *ultra vires*. It seemed to him, therefore, that it should really be provided for in the Ordinance. There were many private lanes in the city, and a man wishing to avoid all this trouble might cover over his lane.

The CAPTAIN SUPERINTENDENT OF POLICE said such a case had actually occurred. There was a block of property in Wanchai with a lane down the back, and this lane was now completely covered. The Sanitary Board tried to stop it under a bye-law but they did not succeed.

His EXCELLENCY THE GOVERNOR—Were there no windows opening on the lane?

The CAPTAIN SUPERINTENDENT OF POLICE —He has got what he pleases to call backyards, and this complies with the Ordinance.

The DIRECTOR OF PUBLIC WORKS—What I suggest is that it be provided that all existing lights be left as they are.

The COLONIAL TREASURER—The question of compensation would come in.

His EXCELLENCY THE GOVERNOR—Certainly.

The CAPTAIN SUPERINTENDENT OF POLICE —If this Bill is passed I do not think a similar case would be likely to occur again as an owner in rebuilding a block of houses would be tempted to economise space by putting in a lane instead of backyards.

The remaining clauses 10, 11, 12, 13, 14, and 15 were passed as they stood without comment.

His EXCELLENCY the GOVERNOR—Clauses 7 and 8 will stand over till our next meeting, and I shall be glad if honourable members who have the amendments—the Hon. Attorney-General and the Hon. T. H. Whitehead—will let the clerk have them so that members may consider them fully.

The Council then resumed.

THE RATING BILL.

The Bill entitled an Ordinance to amend the Rating Ordinance, 1888, was read a third time and passed.

The Council adjourned until Monday week.

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