

20TH NOVEMBER. 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. C. P. CHATER, C.M.G.

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).

FINANCIAL MINUTES.

The COLONIAL SECRETARY laid on the table financial minutes Nos. 20 to 24 and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded and the motion was carried.

A CORRECTED STATEMENT.

The COLONIAL TREASURER (in laying on the table "Financial returns accompanying the draft estimates for 1900") said—I have to request honourable members to accept this amended statement in place of one laid on the table some weeks ago. There was an unfortunate clerical error which made the estimated balance of assets at the end of this year larger than it should have been. I may say however, that since this statement was made out indications show that the original balance of \$413,000 odd will be more than exceeded at the end of the year.

The Hon. T. H. WHITEHEAD—In connection with the corrected statement laid on the table, it appears from the statement dated 13th March that the balance of assets on the 31st December last year was \$213,000 odd, but I see that in the statement dated 29th September the balance of assets at 31st December 1898 had increased to \$251,000 odd. The statement as it stands is incomprehensible and unintelligible without some explanation. There cannot be two different balances of assets on the same date. Either one or the other must be wrong. An explanation should have been given in the statement. There can only be one balance of assets on a fixed date.

The COLONIAL TREASURER—This is the form in which it has been published before. However, I will have the matter looked into.

The Hon. T. H. WHITEHEAD—In the statement dated 13th March there is an item "Less balance of 1893 loans \$123,000." It would be a matter of very great interest to members of the Council if in connection with the estimates for next year a statement were provided giving details of the expenditure on each public work for which the money was borrowed, and whether there is any balance of the loan remaining.

The COLONIAL TREASURER—That can be given.

QUESTIONS.

The Hon. T. H. WHITEHEAD—I rise to ask the questions of which I have given notice and which stand in my name.

The questions were as follow:—

(1.) With reference to the report dated 9th May last of the Principal Civil Medical Officer, which gives the number of first class private paying patients as 65 for 1896, 53 for 1897, and 58 for 1898, will the Honourable the Colonial Secretary lay on the table a statement shewing the average number of days the said patients occupied the Hospital in each of those years, the aggregate amount of money received in each of those years from first class private paying patients, and the estimated actual cost to Government of each of the said first class patients?

(2.) Will the Honourable the Director of Public Works lay on the table a statement shewing the area and the estimated value of the land at "Mountain Lodge" on which it is proposed to erect a summer residence for His Excellency the Governor?

The COLONIAL SECRETARY, replying to the first question, said—In reply to this question I beg to lay upon the table a statement giving the information desired, with the exception of that asked for in the last portion of the question. With regard to this, the Principal Civil Medical officer reports that to obtain the information asked for would entail much labour, and the employment of a special clerk, owing to the fact that the diet, extras, medicines, &c., vary each day with each patient, and to the difficulty of determining in accurate proportions the cost of the medical nursing and clerical staff respectively. The statement now laid on the table will be printed if honourable members so desire.

The Hon. T. H. WHITEHEAD—The items in question are so very limited that I do not think it is necessary to go to the expense of printing them; only I think they might be given to the Press for information of the public.

The DIRECTOR OF PUBLIC WORKS—The reply to the second question is as follows: The area it is proposed to retain round Mountain Lodge is about 14 acres, most if not

all of which was probably considered the policy of the former building. Fully 12 acres is within the Pokfulam drainage area and therefore unsaleable. The remainder is steep and rocky and may be valued at \$5,000.

THE INSANITARY PROPERTIES BILL.

The Council went into Committee on the Bill entitled an Ordinance to make further provision for the sanitation of the Colony and to repeal certain enactments of the Closed Houses and Insanitary Dwellings Ordinance, 1894.

The consideration of clauses 7 and 8 had been left over. Clause 7 as originally printed read as follows:—

(a.) Every existing domestic building must be provided with an open space in the rear, by opening out on each floor one-half of the entire space intervening between the principal room or rooms and the main wall at the back of such building as well as the corresponding portion of roof, unless such building is already provided with an open and unobstructed backyard of at least fifty square feet in area.

(b.) For the purposes of this section any domestic buildings having two main frontages in different streets (other than corner houses) shall be regarded as two domestic buildings.

(c.) The Governor-in-Council shall have power, in special cases, to modify the foregoing requirements where such modification may appear necessary.

(d.) In no case may any obstructions whatever be placed or erected in these open spaces, with the exception of a bridge or covered way on each storey not exceeding three feet six inches in width when such bridges are necessary as a means of access to any part of the domestic building.

The ACTING ATTORNEY-GENERAL—The amendment I have to propose first of all is that the following words be added to sub-section *a* of clause 7:—"A window or windows, having a total area clear of the window frames of at least one-twentieth of the floor area of the principal room or rooms of such building, shall be provided opening into such open space. The area of such window or windows shall not be included in calculating the window area required by sub-section (*a*) of section 8 of Ordinance No. 15 of 1894." That, sir, is the amendment which has been circulated to honourable members. I think, perhaps, it would be improved if after the word "provided" the words "upon every floor" were inserted. I think, sir, that will be a very desirable provision to introduce into this Bill. I understand that there is going to be a good deal of discussion upon it. I understand it is going to be contended that this would be too great a provision to make at the rear of some of these domestic buildings, but I would point out that in cases where there would be any hardship caused by such a provision as this it is open to

the Governor-in-Council, under sub-section *c* of clause 7, to modify the requirements where such modification may appear necessary.

The DIRECTOR OF PUBLIC WORKS—I have looked into this question, and I think that what is proposed by the Honourable the Acting Attorney-General would provide for a much larger window than is necessary, and a window which in very many cases it would be impossible to put into the wall. Take a room of quite an average size—30 feet by $13\frac{1}{2}$ feet, or 405 square feet. To provide a window one-twentieth of the floor area would mean a window five feet by four. The wall abutting on to this open space would only be the half of 13 feet six inches. In many cases it would only be six feet or seven feet, and to put a window five by four in such a wall would be scarcely possible. There would not be sufficient wall to hold the window. It would be all window and no wall. In a room 40 by $13\frac{1}{2}$ it would be more difficult still, and there are many rooms in the colony—in places like Bonham Strand—larger than that. I think it is not desirable we should have an immense number of exceptions to this rule and appeals constantly made to the Governor in Council or to the Sanitary Board for exemption. It would be much better to have a general rule. With that in view I have prepared the following amendment:—That at the end of sub-section *a* of clause 7 the following words be added:— "And must be provided on every floor with a window of at least ten square feet superficial area opening into such open space. The area of such window shall not be included in calculating the window area required by sub-section *a* of section 8 of Ordinance 15 of 1894." A window of ten square feet means a window of four feet by two and a half, which is a very respectable window indeed to a bed-room—quite enough to admit light and air into a room. In my opinion it would be quite big enough window in all the cases where such windows are required.

The ACTING ATTORNEY-GENERAL—I would like to hear what the Captain Superintendent of Police thinks about it.

The CAPTAIN SUPERINTENDENT OF POLICE—I think the window proposed by the Director of Public Works would be sufficient.

The Hon. C. P. CHATER—I think a very big window would be a great mistake. If you insist on a very large window the chances are that it would never be opened. It would be permanently closed, and, therefore, would not be the means of admitting more air into the room; whereas if you put in a window of the size suggested by the Director of Public Works the chances are that it would nearly always be kept open.

The amendment suggested by the Director of Public Works was accepted and passed.

The Hon. T. H. WHITEHEAD—I propose that at the end of sub-section *b* of clause 7 these words be added:—"If the entire depth from frontage to frontage exceeds 50 feet." The

provisions of sub-section *b* as it stands would be unreasonable. I think that buildings with a frontage to frontage under 50 ft. should not be regarded as two domestic buildings.

The ACTING ATTORNEY-GENERAL—Would not sub-section *c* meet the case? I presume the houses referred to by the honourable member are the houses between Jervois Street and Queen's Road.

The Hon. T. H. WHITEHEAD—Yes, and any others.

The Hon. C. P. CHATER—If it is laid down in the Ordinance it will be better. Architects will then know what they have to work upon.

HIS EXCELLENCY THE GOVERNOR—Oh yes; I think it will be better to have it in the Ordinance.

The HARBOUR MASTER—Would it not be better to have the words "other than corner houses" after the first "building" instead of where they are?

HIS EXCELLENCY THE GOVERNOR—I think it would be.

The amendments were adopted.

The Hon. T. H. WHITEHEAD—I would suggest that after the word "The" at the commencement of sub-section *b* the words "The Sainitary Board with the consent of the" be inserted.

The COLONIAL SECRETARY—I do not see any objection to the adoption of the proposed amendment. It practically amounts to the same thing.

The Hon. T. H. WHITEHEAD—It is extremely unlikely that the Governor would not approve of what the Sanitary Board had recommended.

The amendment was adopted and also the insertion of the words "of this section" after the word "requirements."

Clause 8 was then considered. As originally printed it reads as follows:—

"(a.) Every domestic building hereafter erected in this Colony (except in cases provided for by section 66 of the Public Health Ordinance, 1887, or coming within the terms of Articles of Agreement under the Praya Reclamation Ordinance, 1889) shall be provided with an open space in the rear in accordance with the following scale:—

- Houses not exceeding 40 feet in depth, for each foot of width ----- 8 square feet.
- Houses exceeding 40 feet but not exceeding 50 feet in depth, for each foot of width ----- 10 square feet.
- Houses exceeding 50 feet but not exceeding 60 feet in depth, for each foot of width ----- 12 square feet.
- Houses exceeding 60 feet in depth, for each foot of width ----- 14 square feet.

"In no casemay any obstructions whatever be placed or erected in these open spaces, with the exception of a bridge or covered way on each storey not exceeding three feet six inches in width when such bridges are necessary as a means of access to any part of the domestic building:

"Provided always that when the owners of a block of buildings agree to make and do make a lane opening at either end upon a public street, and free from obstruction throughout both vertically and horizontally, the foregoing requirements shall be modified as follows:—

Houses not exceeding 40 feet in depth: a lane not less than ----- 6 feet wide.

Houses exceeding 40 feet but not exceeding 50 feet in depth: a lane not less than ----- 8 feet wide.

Houses exceeding 50 feet but not exceeding 60 feet in depth: a lane not less than ----- 11 feet wide.

Houses exceeding 60 feet in depth: a lane not less than ----- 13 feet wide.

(b.) In computing the depth of a domestic building for the purposes of this section the depth of the kitchen shall be included in the computation of such depth in every case except when such kitchen is separated from the principal room or rooms of such building by an open backyard of at least six feet in depth extending the entire width of the back of such building and unobstructed except by a bridge on each floor not more than three feet six inches wide."

The ACTING ATTORNEY-GENERAL—After the words "domestic building" at the end of the third paragraph of sub-section (a) intended to insert the words which have been circulated to honourable members and also at the end of clause a. I propose that the words just added to clause 7 on the suggestion of the Director of Public Works he added instead.

This was adopted, and also the suggestions of the ACTING ATTORNEY-GENERAL to substitute "both ends" for "either end" and "thorough-fare" for "streets" in the same sub-section, paragraph 4.

The ACTING ATTORNEY-GENERAL—In clause 14 I think it would be an improvement if after the word "person" in line one the following words were inserted:—"And the secretary or manager for the time being of any." That will involve as consequential amendments that in line 9 instead of "the offender" "such person, secretary, or manager" should be substituted and that in the last line but one of the first paragraph instead of "the offender" "such person, secretary, or manger" should be substituted. Then that paragraph will read:— Every person, and the secretary or manager for the time being of any company, or corporation committing an offence against this Ordinance in respect of which no penalty is otherwise provided by this Ordinance shall be liable, upon summary conviction, to pay a fine not exceeding fifty dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding one month, and in any case where in the opinion

of the Magistrate the offence is likely to be continued, the Magistrate may require such person, secretary, or manager to comply with this Ordinance within such time as he may direct and may inflict a further penalty not exceeding five dollars for every day after such date, during which such person, secretary, or manager shall fail so to comply.

These amendments were agreed to and the Council resumed.

THE ESTIMATES.

The next item on the agenda was:—"Committee on the Bill entitled an Ordinance to apply a sum not exceeding two million six hundred and eighty-one thousand six hundred and fifty-one dollars to the public service of the year 1900."

The COLONIAL SECRETARY proposed that this item be discharged. He added that it had been originally intended to have a meeting of the Finance Committee at half-past two, but it was postponed, and members were not yet ready to proceed with the Bill.

The COLONIAL TREASURER seconded and the motion was carried.

The Council then adjourned until Thursday week, the meeting of the Finance Committee for the consideration of the Bill mentioned by the Colonial Secretary being fixed for the previous day.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held, the Colonial Secretary presiding.

The CHAIRMAN said the first minute was one in which the Governor Recommended the Council to vote a sum of \$1,400 in aid of the following votes:—Provision for Prisoners \$900.00, Fuel and Soap \$500.00, Total \$1,400.00.

Carried.

The CHAIRMAN said the next minute was one in which the Governor recommended the Council to vote a sum of \$4,019.95, in aid of the following votes:—Provisions \$2,800.00, Medical Comforts \$200.00, Fuel and Light \$300.00, Washing \$60.00, Incidental Expenses \$400.00, Coal for Health Officer's Launch \$130.00, Repairs for Launch \$129.95, Total \$4,019.95. He added that the Principal Civil Medical Officer explained that the excess in provisions and medical comforts was caused by the increase in the number of patients, there being 120 more up to the 31st October than in the corresponding period last year. Then more money had had to be paid for milk owing to the outbreak of rinderpest having obliged the Hospital to go to a fresh place for milk.

Carried.

The CHAIRMAN said the next minute was one in which the Governor recommended the Council to vote a sum of \$7,700, in aid of the vote "Telegrams sent and received by Government." This increase had been chiefly caused by telegrams sent in connection with the Kowloon extension, the West River, and other matters.

Carried.

The CHAIRMAN said the next item was one in which the Governor recommended the Council to vote a sum of \$14,000 for the purchase of arms and other stores for the Police Force. It had been considered desirable to re-arm the Police Force with the Martini-Enfield carbine.

Answering the Hon. T. H. WHITEHEAD, the CAPTAIN SUPERINTENDENT OF POLICE said the old carbines were practically worn out and would not realise much if offered for sale.

The CHAIRMAN—I am sure if we can get a good price for them we shall do so.

Carried.

The CHAIRMAN said the next item was one in which the Governor recommended the Council to vote a sum of \$27,000, in aid of the following votes in the Sanitary Department:— Incidental— Conveyance Allowance \$250.00, Uniform for Staff \$650.00 Electric Lighting of Central Market \$1,200.00 Watering Streets, \$600.00, Total \$2,700.00.

Carried.

The was all the business.
