

HONGKONG LEGISLATIVE COUNCIL

16TH JANUARY, 1922.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR REGINALD EDWARD STUBBS, K.C.M.G.

H.E. LIEUTENANT GENERAL SIR GEORGE MACAULAY KIRKPATRICK, K.C.B., K.C.S.I. (General Officer Commanding the Troops in China).

HON. MR. CLAUD SEVERN, C.M.G. (Colonial Secretary).

HON. MR. J. H. KEMP, K.C., C.B.E. (Attorney-General).

HON. MR. C. McI. MESSER, O.B.E. (Colonial Treasurer).

HON. MR. E. R. HALLIFAX, O.B.E. (Secretary for Chinese Affairs).

HON. MR. E. A. IRVING (Director of Education).

HON. MR. T. L. PERKINS (Director of Public Works).

HON. MR. H. E. POLLOCK, K.C.

HON. MR. LAU CHU PAK.

HON. MR. H. W. BIRD.

HON. MR. A. G. STEPHEN.

HON. MR. A. O LANG.

HON. MR. CHOW SHOU-SON.

MR. A. G. M. FLETCHER, C.B.E. (Clerk of Councils).

Minutes

The minutes of the last meeting were approved and signed by the President.

The Building on the "Finest Site"

HON. MR. A. O. LANG gave notice of the following questions:—

Will the Government state:—

(1)—What, if any, use is to be made of the Building now under erection, on "The Finest Site" after the visit of His Royal Highness the Prince of Wales?

(2)—What, if any, precautions are being taken to cope with an outbreak of Fire during the erection of such Building?

(3)—Whether the risk of Fire, and, that of damage by Typhoon, has been covered by Insurance?

Standing Committees

H.E. THE GOVERNOR—This being the first meeting of the year it is necessary to appoint the Standing Committees of the Council. In accordance with the standing rules as amended, the Finance and Public Works Committees are constituted as follows:—

Finance Committee: The Colonial Secretary, the Colonial Treasurer, the Director of Public Works and the Unofficial Members.

Public Works Committee: The Director of Public Works, the Colonial Treasurer and the Unofficial Members.

For the Law Committee, I nominate the Attorney-General, the Colonial Treasurer, Hon. Mr. Pollock, Hon. Mr. Lau Chu-pak and Hon. Mr. Lang.

Papers

THE COLONIAL SECRETARY, by command of H. E. the Governor, laid upon the table the following papers:—

Regulations under Section 17 of the Police Force Ordinance, 1900, on the 22nd December, 1921.

Orders under Section 9 of the Post Office Ordinance, 1900, on the 29th December, 1921.

Regulations under Section 5 of the Cremation Ordinance, 1914, on the 5th January, 1922.

Regulation under Section 29 (4) of the Merchant Shipping Ordinance, 1899, on the 5th January, 1922.

Rule under Section 18 of the Prison Ordinance, 1899, on the 12th January, 1922.

Amendment of the Statutes of the University of Hongkong under Section 14 of the University Ordinance, 1911, on the 12th January, 1922.

Exemption under Section 20 of the Piracy Prevention Ordinance, 191 on the 12th January, 1922.

Order under the Merchant Shipping Ordinance, 1899, on the 12th January, 1922.

Recission of Order under the Merchant Shipping Ordinance, 1899, on the 12th January, 1922.

(All the above have been published in the *Government Gazette*).

Finance

The COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Financial Minutes Nos. 1 to 3 and moved that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

Acquisition of Building Sites and Passing of Plans

HON. MR. H. W. BIRD in accordance with notice previously given, asked:

What action does the Government propose to take in connection with the Report of the Committee appointed for the purpose of considering what measures can be best taken

- (i.) To facilitate the prompt acquisition by applicants of sites which they may require.
- (ii.) To facilitate the prompt passing of building plans?

THE COLONIAL SECRETARY gave the following reply:—

Action, in accordance with the instructions of the Government given prior to the appointment of Committee but practically in accordance with its views as expressed in the report referred to, is proceeding as follows:—

- (a) There are now ten students training for Chinese Surveyors and Draughtsmen.
- (b) A European Clerk has been appointed to the Survey Office.
- (c) Extra accommodation will be provided not only for the Survey Staff but for others of the Public Works Department Staff in the New Building to be erected near the present building.
- (d) The erection of these offices will be commenced within the next few days.
- (e) An Acting Clerk of Works has been appointed to the Building Ordinance Office from amongst its existing staff. Also an additional Overseer to fill the vacancy thus created. An additional Assistant Engineer for this office is being indented for.
- (f) It is proposed to leave the other appointments suggested in abeyance until Mr. Wright's return early in March so that they may be considered in connection with other changes pending in the office.
- (g) The Government is not satisfied as to the desirability of creating a Committee to take the place of the Governor-in-Council for the purpose of considering exemptions or modifications asked for in plans, but arrangements are being made on the lines suggested in the report for accelerating consideration of such exemptions and modifications.

Small-Pox Returns

HON. MR. H. W. BIRD also asked:
With reference to the statement published in the Press relating to

cases of communicable disease, are all cases of small-pox included therein; if not, why not?

THE COLONIAL SECRETARY replied—All cases of small-pox are included in the return which is sent to the Press.

A Housing Question

HON. MR. H. E. POLLOCK, K.C., asked the following questions:—

In view of the following statement, which occurs at the end of section 1 of the recently published Census Report:—

"The number of floors in Hongkong and Kowloon occupied by Chinese has increased, in the last 10 years, by 7,117, which at 15 persons per floor, a fairly high average, affords accommodation for 106,755 out of a total increase of 157,398 in the Chinese urban population, thus leaving a large portion of the increases to find accommodation in houses already fully occupied in 1911";

will the Government state how many floors in Chinese tenement houses have been made available for occupation

- (i) in Hongkong;
- (ii) in Kowloon

since the Census was taken?

Will the Government also state to what extent further floors in tenement houses are likely to be available for occupation during the first half of 1922?

THE COLONIAL SECRETARY replied—The floors made available in Chinese tenements between 24th April, 1921, and 10th January, 1922:

- (i.) Hongkong 140
- (ii.) Kowloon 930

It is anticipated that the following additional floors will be available by 30th June, 1922:—

- Hongkong..... 290
- Kowloon..... 680

These latter figures can, however, only be regarded as an approximation.

The Military Establishments

HON. MR. POLLOCK also asked—

Will the Government give the Council information as to the progress which is being made with the financial negotiations for the transfer of the Military Establishments to the mainland?

THE COLONIAL SECRETARY replied—Negotiations are in progress, but it is impossible at present to furnish any useful information.

Crown Lands Resumption Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Crown Lands Resumption Ordinance, 1921.

The "Objects and Reasons" state:—

1.—The object of this Ordinance is to make it clear that in resumptions under the Crown Lands Resumptions Ordinances no compensation is to be awarded in respect of mere expectancies or probabilities. For example, the owner of agricultural land held under a Crown lease which prohibits the erection of buildings except with the licence of the Crown is not to receive any compensation with respect to the possibility that such a licence might at some time have been obtained if the land had not been resumed. This principle is not new as it is in force under the Lands Clauses Consolidation Acts in England, and it seems only reasonable that the community should not have to pay for a mere possibility of this kind which the claimant could never have enforced.

2.—The reason for the amendment of Ordinance No. 14 of 1921 on this point is that that Ordinance laid down as a general rule that the basis of compensation should be the market value of the land, and it appears to be the case that speculators, in the case of agricultural land for instance, are often prepared to pay more than the value of land for agricultural purposes in the hope that they may be allowed to convert it into building land. The claimant in such a case would no doubt argue that the speculator's price formed or was evidence of a market price above the real value of the land as agricultural land. This position is all the more likely to arise in a district which is about to be developed by

the Government for building purposes, and if the above argument were to prevail the result would be that the community would have to pay a very much increased price for the land, although this increased price was based solely on the mere possibility of conversion which the Government have absolute discretion to refuse. The effect would be to make development more expensive and to raise the rents on the developed property, and it might even have the effect of checking development altogether in a particular district.

3.—The intention of this bill, therefore, is to provide that the rule of taking the market price as the basis of compensation is to be subject to the further rule that no compensation is to be given in respect of such mere probabilities.

4.—For convenience, the whole of Section 2 of Ordinance No. 14 of 1921 is to be repealed and re-enacted, but practically the only part of the substituted section which is new is paragraph (c).

THE ATTORNEY-GENERAL said—The Bill proposes to repeal section 2 of the Crown Lands Resumption Ordinance, 1921, and to substitute a new section, but the only new provision in the proposed new section is that contained in paragraph (c). The object of paragraph (c) is to provide that, on resumption of land under the principal Ordinance, no compensation shall be paid for any mere expectancy or probability. For example, the owner of land held under an agricultural lease which prohibits the erection of buildings is not to receive any compensation on resumption based on the argument that, at some time or other, the land might have been converted into building land (with the consent of the Government) if the resumption had not taken place. Similarly, a holder of land who holds on a permit from year to year is not to be heard to say that the permit had been renewed annually for several years and might have been renewed indefinitely, and therefore, that he is entitled to compensation as if he were the holder of the land under a long lease. In both these cases, and in similar cases, the owner of the land resumed will only be entitled to compensation for what his actual rights are and not for any possibility of increased rights which he might have obtained from the Government at some future time. The Government, of course,

has to hold the balance between the owner on the one hand and the community on the other, for it is the money of the community that is spent on these resumptions. What happens, very often, is that speculators in the case of agricultural land are prepared to pay a good deal more than the value of the land for agricultural purposes in the hope that they, or the purchasers from them, may be allowed to convert that land into building land. The operation of these speculators, of course, creates a fictitious market price, and when land is resumed the arbitrators are asked to give compensation on the basis of that fictitious market price. That happens particularly in the case where the Government is about to lay out and develop land for building purposes, and the effect on the community is that the cost of developing that land is very much increased; rents have to be raised and possibly such operations may even have the effect of checking the development of that district altogether. I only wish to add that this principle of not receiving compensation for a mere probability or expectancy is not a principle invented here but is already in force in England under the Lands Clauses Consolidation Acts. I beg to move the first reading.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was read a first time.

Volunteer Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend further the Volunteer Ordinance, 1920.

The "Objects and Reasons" state:—

The object of this bill is to secure a greater percentage of efficiency in the Hongkong Volunteer Defence Corps. At present there is no penalty provided for inefficiency, and some members of the corps have failed to carry out the minimum of training which they undertook to do on enrolment.

THE ATTORNEY-GENERAL said—Under the present Volunteer Ordinances there is no sanction for inefficiency except the rather drastic one of dismissal, and the fact

that a volunteer, if dismissed in his first year of service, forfeits \$60, if in his second year, \$40, and if in his third year, \$20. Apart from that remedy — which is not always available or desirable—the only sanction is the man's own conscience and the disgrace, if any, attaching to inefficiency. Unfortunately those sanctions have not proved sufficient in the case of some members of the Volunteer Corps, and it is now proposed to go back to the system in force for many years under the old Volunteer Ordinance. Under that there was a fine of \$25 for inefficiency. The reason it was not embodied in the present Ordinance was this: Under the old scheme the Government used to pay a capitation grant of \$25 for each efficient volunteer, and if a man failed to become efficient, of course the funds of the Corps lost \$25 for that year and the man was obliged, under the Ordinance, to make up the deficiency. There is no such system of capitation grants now and it was hoped when the present Volunteer Ordinance of 1920 was drafted that the individual and social sanctions I have referred to would be enough to ensure that volunteers would make themselves efficient every year. Those sanctions have proved insufficient and it is now proposed to return to the old system of a penalty of \$25 for inefficiency.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was read a first time.

Treaties of Peace Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to modify certain provisions of the Treaty of Peace Order, 1919, the Treaty of Peace (Austria) Order, 1920, the Treaty of Peace (Bulgaria) Order, 1920, and the Treaty of Peace (Hungary) Order, 1921, as amended, for the purpose of adapting the provisions of the said Orders to the circumstances of the Colony of Hongkong.

The "Objects and Reasons" state:—

1.—The object of this bill is to adapt certain provisions of the Treaty of Peace (Austria) (No. 2) Amendment Order, 1921, the Treaty of Peace (Bulgaria) (No. 2) Amendment Order, 1921, and the Treaties of Peace Orders (Amendment) Order, 1921, to the circumstances of this Colony. These Orders were published as Government Notifications 326, 327 and 552 in the *Gazettes* of the 29th July and the 23rd December, 1921. The method adopted in the bill is the same as that of

previous Treaty of Peace Order Ordinances.

2.—The opportunity has also been taken in Serial No. 1 of Part II of the schedule to remedy an omission from the Schedule to Ordinance No. 16 of 1920.

3.—The words "as amended" in the title of the bill, and in clause 2 and the schedule will be clear from a reference to the following table (attached to the Bill) which shows the dates of publication in the *Gazette* of the various Orders and amending Orders, and the Ordinance by which each was modified, where necessary.

THE ATTORNEY-GENERAL said—This is one of a series of Ordinances necessary for the purpose of adapting to the Colony certain Imperial Orders issued in England for the purpose of carrying out the various Treaties of Peace. This particular Bill proposes to adapt the Treaty of Peace (Austria) (No. 2) Order, and the Treaty of Peace (Bulgaria) (No. 2) Order, and the general Treaties of Peace Orders, 1921. I beg to move the first reading.

THE COLONIAL SECRETARY seconded and the motion was carried.

The Bill was read a first time.

Maintenance Orders (Facilities for Enforcement) Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, 1621.

The "Objects and Reasons" state:—The object of this bill is to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, 1921, so as to provide for its extension to maintenance orders made in another Colony or Protectorate or Dominion, which may hereafter be willing to enter into reciprocal relations with this Colony. In view of the numerous British-administered territories in the Far East, it seems desirable to establish such reciprocity. The bill is introduced on instructions from the Secretary of State for the Colonies.

THE ATTORNEY-GENERAL said—The principal Ordinance provided for the enforcement in Hongkong of maintenance orders made in England and Ireland and it gave

facilities with a view to the enforcing in England and Ireland of maintenance orders made here. The present Bill is intended to give power to extend the same system to other parts of H.M. Dominions and to British Protectorates which give as reciprocal facilities for the enforcement of our maintenance orders. I beg to move the first reading.

THE COLONIAL SECRETARY seconded, and the motion was carried.

The Bill was read a first time.

Indemnity Ordinance

The second reading of the Bill intituled, An Ordinance to restrict the taking of legal proceedings in respect of certain acts and matters done during the war and to provide in certain cases remedies in substitution therefor, was again deferred.

The adjournment

H.E. THE GOVERNOR—It is not proposed to proceed with the final item on the paper. I understand it is the wish of certain hon. members that the first Ordinance read to-day should be postponed for a short time in order that they may have further opportunities of studying it. None of the remaining Ordinances are matters of great urgency. It does not appear necessary, therefore, to hold another meeting this week or next and that will take us to China New Year. That being so I propose that we adjourn *sine die*.

Farewell to Lieut.-General Sir G. M. Kirkpatrick

H.E. THE GOVERNOR then added:—

In these circumstance I very much regret to observe that this is the last occasion on which Lieut.-General Sir G. M. Kirkpatrick will assist our deliberations and I wish to put on record on behalf of this Council our appreciation of the services which he has rendered to us as a Council and to the Colony during his term of office here, and to express our best wishes for his future in whatever station he may take when he leaves us.—(Applause).

H.E. THE GENERAL OFFICER COMMANDING—Your Excellency, honourable

colleagues of the Legislative Council: May I be permitted to express my great appreciation of what His Excellency has just said and to say that it has not only been a very pleasant duty but a very instructive experience to have taken part in your discussions here. The Colony of Hongkong has before it a very great future and so far as I personally am concerned, I shall always watch closely for news concerning its development.

H.E. THE GOVERNOR—The Council will adjourn *sine die*.

FINANCE COMMITTEE.

A meeting of the Finance Committee followed, the COLONIAL SECRETARY presiding:—

The Railway Motor Coaches and Trailer

The Governor recommended the Council to vote a sum of \$16,000 on account of Kowloon-Canton Railway, Special Expenditure, Motor Coaches and Trailer.

THE CHAIRMAN—This amount is are vote of the sum required for the motor-coaches and trailer for the Railway. The total expenditure at the end of 1921, against the vote of \$283,000 is \$246,717, and the Manager of the Railway has asked that a sum of \$16,000 should be revoted as there is still a large amount of work to be done before the coaches can be put into service.

The vote was approved.

The Visit of H.R.H. The Prince of Wales

The Governor recommended the Council to vote a sum of \$100,000 on account of Miscellaneous Services, Visit of His Royal Highness the Prince of Wales.

THE CHAIRMAN—The Executive Committee appointed to carry through the arrangements for the visit of H.R.H. the Prince of Wales has submitted estimates which amount, approximately to \$100,000 and it is necessary to take a vote for that sum.

HON. MR. POLLOCK—How is that made up?

THE CHAIRMAN—I could give the hon. member details: I have the list in my office, but it is very approximate. If hon. members would like it, I could send for it: it covers many items.

HON. MR. POLLOCK—What is the figure for the building on the "finest site"?

THE CHAIRMAN—\$50,000.

HON. MR. BIRD (appealed to by the Chairman for confirmation): I expect it will cost that, including the lighting and decorating of it.

HON. MR. POLLOCK—Is it possible to answer, now, the question of which the Hon. Mr. Lang has given notice?

THE CHAIRMAN—I cannot at present: I think, perhaps, I had better say nothing for the moment.

The vote was approved.

The Vaccination Campaign

The Governor recommended the Council to vote a sum of \$10,000 on account of

Sanitary Department, Other Charges, Expenses of Vaccination.

THE CHAIRMAN — This vote is in connection with the vaccination campaign. The campaign is going on vigorously and there are various charges in connection with those who are doing the work, and especially the charge for the purchase of lymph. The campaign is very successful, and in order that our supply of lymph should not run out—which would be disastrous when everything is doing so well—we have to buy lymph as it offers. It costs \$1,000 for 10,000 tubes and the present purchase is for 25,000 tubes. The present offer is 20 per cent. reduction on the price paid in 1916, and we are going to take 50,000 tubes at a reduction of 20 per cent. That will possibly carry us nearly to the end of the present campaign. It is impossible to say how many people will come forward. We had 100,000 tubes in store and the proposed purchase would bring it up to 150,000. In the last campaign 300,000 people were vaccinated. I think one tube is enough for two people. The vaccination is being conducted on very careful principles so that there is no risk of infection.

The vote was approved.