

31ST MAY, 1923.

PRESENT:—

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

COLONEL C. W. DAVY, C.M.G., D.S.O.
(temporarily Commanding the Troops).

HON. MR. A. G. M. FLETCHER, C.M.G., C.B.E.
(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, C.B.E.
(Secretary for Chinese Affairs).

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

HON. MR. H. T. JACKMAN (Director of
Public Works).

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

HON. MR. P. H. HOLYOAK.

HON. MR. E. V. D. PARR.

HON. MR. R. H. KOTEWALL.

HON. MR. CHAU SIU-KI.

MR. S. B. B. MCELDERRY (Clerk of
Councils).

ABSENT:—

HON. MR. A. G. STEPHEN.

An Investiture

H.E. THE GOVERNOR — I have been
asked by the Lords Commissioners of the
Admiralty to present an R.N.R. decoration to
Lieut.-Commander Henry James.

Lieut.-Commander HENRY JAMES
attended and H.E. the GOVERNOR invested him
with the decoration and shook hands.

New Members

Hon. Mr. CHAU SIU-KI and the Hon. Mr. H. T.
JACKMAN took the oath and signed the roll on

taking their seats as members of the Council.

Minutes

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

A Petition

H.E. THE GOVERNOR — Are there any
petitions?

HON. MR. H. E. POLLOCK — Your
Excellency, I beg leave to lay upon the table a
petition which has been presented by the
occupants of Belilios Terrace to this Council in
connection with the pending Bill for the
amendment of the Rents Ordinance, 1922. A
copy of this petition has been circulated to
honourable members and the original has been
forwarded by me to the Clerk of Councils.

The petition read as follows:—

We, the undersigned occupants of Belilios
Terrace, being together with our families
over 200 persons, beg leave to petition the
Honourable Members of the Legislative
Council that some law may be passed to
prevent us from being turned out of our
present houses until we are able to obtain
suitable accommodation elsewhere at
reasonable rates.

Such a legislative provision ought, we
submit, to be inserted in the pending Bill to
amend the Rents Ordinance, 1922, for the
relief not only of your Petitioners but also of
others in similar circumstances.

Your Petitioners, have received notice to
quit expiring on the 1st August, 1923.

We pray, therefore, that the Honourable
Members of the Legislative Council will
kindly grant to your Petitioners and to
others in the like case, the relief aforesaid.

And your Petitioners will ever pray, etc.
(40 signatures.)

Papers

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

Order made by the Governor in Council under the Highways Ordinance, 1910, made on April 26th, 1923.

Order made by the Governor in Council under section 13 of the Summary Offences Ordinance 1845, made on May 10th, 1923.

Resolution made by the Legislative Council on May 10th under the provisions of section 7 of the Tobacco Ordinance, 1916.

Resolution made by the Legislative Council on May 10th under the provisions of section 38 of the Liquors Consolidation Ordinance, 1911.

Regulation relating to Hawkers, made by the Governor in Council under section 5 of the Summary Offences Ordinance, 1845.

Regulations, affecting Hawkers, made by the Governor in Council under section 3 of the Licensing Ordinance, 1887.

*All the foregoing orders and regulations have been published in the *Government Gazette*.

Report of the Finances for the year 1922.

Report on the Assessment for the year 1923-1924.

Report on the Botanical and Forestry Department for the year 1922.

Report of the Land Officer for the year 1922.

Report of the Harbour Master for the year 1922.

Report of the Superintendent of Imports and Exports for the year 1922.

Report of the Police Magistrates' Courts for the year 1922.

Report on the New Territories for the year 1922.

Comparative Statement of the Revenue and Expenditure for the year 1922.

Quarterly return of excesses on subheads met by savings under heads of expenditure.

Finance

THE COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table Finance Minutes Nos. 27 to 33 and moved that they be referred to the Finance Committee.

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

THE COLONIAL SECRETARY, by command of H.E. the Governor, also laid on the table the Report of the Finance Committee No. 3 and moved its adoption.

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

The Rents' Ordinance Amendment Bill

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Rents Ordinance, 1922. He said: The guiding principle adopted in this Bill is a negative one, namely, not to extend the Rents Ordinance to any new class of cases. The amendments proposed to be made by this Bill are, therefore, details intended to carry out better the intentions of the principal Ordinance. The three chief amendments are contained in paragraph (d) of clause 6, in clause 8 and in clause 9. Those three amendments all deal with the reconstruction notice to quit: that is, a notice given by a landlord who intends to reconstruct his house to such an extent as to make it a new building within the meaning of the Public Health and Buildings Ordinance, 1903. The paragraph dealing with the notice is paragraph (f) of sub-section 1 of section 4. That paragraph provides that the owner can turn his tenant out only if the reconstruction intended is such as to make the reconstructed building technically a new building within the definition of that term in Ordinance No. 1 of 1903. That definition is a technical one and it is often very difficult for a tenant to ascertain whether the intended reconstruction will or will not have the effect of making the building a new building. Undoubtedly some landlords have improperly used this notice. They have, in some cases, served notices to quit when the reconstruction intended

was not such as to make the building a new building. Paragraph (d) of clause 6 is an attempt to safeguard the tenants in respect of this notice and proposes to provide that with the reconstruction notice to quit the landlord must also serve a copy of a certificate obtained from the Building Authority to the effect that the reconstruction intended will have the effect of making the building technically a new building. The tenant will therefore know that at all events the reconstruction which the landlord declares it is his intention to carry out, will have that effect. It is hoped that this will check a certain number of either careless or *malafide* notices to quit given under section 4 (1) (f) of the principal Ordinance.

Clause 9 is also intended to check an improper use of this same paragraph 4 (1) (f) of the principal Ordinance. It is proposed to insert a new section in the principal Ordinance providing that, if a landlord gives a reconstruction notice to quit under that paragraph which fails to comply with the provisions of the paragraph, he shall be liable to a fine of \$1,000, unless he can prove that failure to comply with the provisions of the paragraph was due to a *bona-fide* mistake and that he was acting *bona-fide*, throughout.

The third amendment which I have referred to is that contained in clause 8. Section 21 of the principal Ordinance provides that a reconstruction notice to quit, served on the tenant of the whole house, binds also the sub-tenants. That seems only reasonable because the landlord does not always know who the sub-tenants are and the sub-tenants may, of course, change from day to day. The section, however, leaves a loophole by which the intention of the Ordinance to give the landlord possession of the building which he intends to reconstruct may be defeated. If the principal tenant, having received his notice, fails to go out at the end of three months the landlord has to bring an action against him before he can obtain possession of the premises. He gets his judgment against the tenant and, of course, on that judgment he may turn the tenant out, and if the tenant does not go the bailiff can turn him out. But it is doubtful whether that judgment against the tenant of the whole house binds the sub-tenants. It is arguable that even after the expiration of the three months' notice, and even after judgment has been obtained

against the tenant of the whole house, the landlord may possibly have to commence separate actions against the whole of the sub-tenants. That seems unreasonable and it might lead to the landlord being kept out of the premises indefinitely. Clause 8 accordingly proposes to provide that any order or judgment given against the principal tenant of a house in consequence of any reconstruction notice to quit shall bind also all the sub-tenants of that principal tenant. In case there may be cases of hardship through sub-tenants not knowing of the proceedings, there is a proviso added that the Court in its discretion may suspend temporarily the execution of any such order or judgment against any particular sub-lessee. Under that, a sub-lessee, if he has not had enough notice, may be given a short time to obtain new premises before he is turned out.

The other amendments are all explained fully in the Objects and Reasons. I beg to move the first reading.

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

Police Supervision

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to provide for police supervision of certain persons.

The COLONIAL SECRETARY seconded, and the motion was agreed to.

The Council resolved itself into Committee to consider the Bill clause by clause.

The Bill passed through Committee without amendment and on the Council resuming the Bill was read a third time and passed.

Fees for Certificates to Chinese Going Abroad

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to authorise the imposition of fees for the issue of certificates to Chinese proceeding to foreign countries.

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

The Council went into Committee to consider the Bill clause by clause. The Bill passed through Committee without amendment and, on Council resuming it was read a third time and passed.

Incorporation of the Directors of the Y.M.C.A.

HON. MR. POLLOCK, K.C., moved the second reading of the Bill intituled, An Ordinance to provide for the incorporation of the Directors of the Young Men's Christian Association of Hongkong.

HON. MR. HOLYOAK seconded, and the motion was agreed to.

When the Bill was considered in Committee a slight amendment was made in clause 3, and, on the Council resuming, the Bill was read a third time and passed.

The Adjournment

H.E. THE GOVERNOR—The Council will adjourn until this day week at 2.30 p.m.

HON. MR. POLLOCK—I do not know whether my honourable friends who represent the Chinese on this Council consider that that is a sufficient adjournment in connection with the Rents Bill.

HON. MR. KOTEWALL — I should like a little longer time. The matter has already been referred to the Chinese Chamber of Commerce and other sections of the Chinese community have been asked to represent their views.

H.E. THE GOVERNOR—How long would you like?

HON. MR. KOTEWALL — I ask for a fortnight.

HIS EXCELLENCY — The Council will adjourn until this day fortnight at 2.30 p.m.

FINANCE COMMITTEE.

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

A Kowloon Cemetery—or Residential Area

The Governor recommended the Council to vote a sum of \$10,000 on account of Public Works, Extraordinary, Kowloon, Buildings, Sextons' Quarters, Kowloon Cemetery.

THE COLONIAL SECRETARY — These are quarters for the sextons in the large new cemetery which is being set aside by the Town Planning Committee at Kowloon.

HON. MR. POLLOCK — In connection with this point, I do not know whether this is the particular cemetery I have in mind, but I understand, Sir, there is a movement on foot to suggest to the Government that the site of this cemetery be removed to a more remote position and to develop this particular site for building purposes. I have been in communication, as Chairman of the Housing Commission, with Mr. E. P. de V. Soares, who has certain plans which he desires to bring before the Council.

THE COLONIAL SECRETARY — Mr. Soares has been in communication with the Government at great length.

HON. MR. POLLOCK — By his letter I understood he was to communicate further on the subject. I should like the question to stand over, if there is no objection.

THE COLONIAL SECRETARY intimated that he had no objection, and consideration of the recommendation was postponed.

Purchase of Filtering Sand

The Governor recommended the Council to vote a sum of \$800 in aid of the vote Public Works, Recurrent Works, Recurrent, Hongkong, Waterworks, (24) Maintenance of Aberdeen.

THE COLONIAL SECRETARY—The vote is \$1,000, which is normally sufficient, but it has been unexpectedly necessary to purchase 110 cubic yards of filtering sand which cost \$759.

Approved.

Light Motor Rollers

The Governor recommended the Council to vote a sum of \$12,200 on account of Public Works, Extraordinary, Hongkong, Miscellaneous, 2 rollers including charges for assembling, etc.

THE COLONIAL SECRETARY — These were approved by the Council and provided for last year. They are two small motor-rollers, weighing about $8\frac{1}{2}$ tons, for the New Territories and country roads. One is now employed in the New Territory and the other on Stubbs Road.

Approved.

Levels of Land at Taipo Market

The Governor recommended the Council to vote a sum of \$2,000 in aid of the vote Public Works, Extraordinary, New Territories, Miscellaneous, (113) Miscellaneous Works.

THE COLONIAL SECRETARY—This is in connection with the reclamation at Taipo Market. A large number of lots on the second reclamation were sold last November at a big price, with the ordinary proviso that they must be raised to the Public Works Department levels. It was anticipated that that would be a matter of a few inches or a foot at the most. In the meantime the Public Works Department have altered the levels considerably. They have raised the level several feet and that, of course, was not anticipated. It is considered fair that the Government should expend money on putting the levels to the new height.

Approved.

Removal of the Chinese Secretariat

The Governor recommended the Council to vote a sum of \$1,000 in aid of the vote Secretariat for Chinese Affairs, Other charges, Incidental Expenses.

THE COLONIAL SECRETARY — There have been a number of expenses in connection with the removal of the Department to Beaconsfield Arcade.

Approved.

A Clerk's Salary

The Governor recommended the Council to vote a sum of \$425 in aid of the vote Land Office, Personal Emoluments.

THE COLONIAL SECRETARY—This is simply a question of a Clerk who has been promoted in the office instead of being transferred. It is really the transfer of a salary from one department to another.

Approved.

Removal Expenses

The Governor recommended the Council to vote a sum of \$1,000 in aid of the vote Imports and Exports Department, Other Charges, Transport.

THE COLONIAL SECRETARY—This is in connection with certain work being carried out for the removal of some of the work of the Opium Factory to Kennedy Town.

Approved.

The British Empire Exhibition

THE COLONIAL SECRETARY—There is one other matter which I wish to put before the Finance Committee. It is the question of the British Empire exhibition. We have been in constant communication with the two Chambers of Commerce, and the Government now has a letter, dated 28th May, which I will read to the Committee. It says:—

"We have the honour to acknowledge receipt of your letter of the 18th May and to state that a further meeting of the Joint Committee of the two Chambers of Commerce was held on May 25th when more definite proposals were shaped for Hongkong's participation in the British Empire Exhibition.

"In the first place, financial aspects were considered with a view to delimiting the nature and extent of Government assistance. It is believed that the method of promoting a Hongkong Section in the Exhibition, which will be most satisfactory and economical from the point of

view of the Government, will be to vote a definite sum and to put up a limited guarantee against loss. After very careful deliberation, the Committee passed the following resolution:

That the Government be asked to undertake the entire cost of the erection of buildings for the Hongkong Section of the Exhibition, to the amount of approximately \$400,000, that, in addition, the Government give the Chinese Chamber or its representative syndicate a vote of \$150,000 towards the cost of freight, passages and maintenance; and that the Government be further asked to put up a guarantee against loss to the amount of \$100,000 against a guarantee fund to be put up by the Chinese Chamber of \$50,000.

"That is to say, the Government is asked to vote \$550,000 in cash and to pay another \$100,000, if need be, in the event of loss—this to be the total extent of the Government's liability.

"The Committee is quite prepared for a stipulation by the Government that provision of instructive and not directly remunerative exhibits, such as demonstrations of manufacturing processes and native industries, is an absolute condition of Government assistance. It is considered that the vote of \$150,000 mentioned in the resolution will be not only a contribution towards freight, passages and maintenance, but towards the cost of non-remunerative but essential features of the Exhibition."

I put these figures before you with the intimation that it is the intention of the Government, subject to any representations that may be made to it, to ask the Council to vote the money accordingly at its next meeting. I do not ask for any special expression of opinion now, but to give members of the Finance Committee time to think over the proposals before the next meeting when the matter will be discussed.

This concluded the proceedings.
