

28TH FEBRUARY, 1924.

PRESENT:—

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

HIS EXCELLENCY THE GENERAL OFFICER IN COMMAND OF THE TROOPS, MAJOR-GENERAL SIR JOHN FOWLER, K.C.M.G., C.B., D.S.O.

HON. SIR CLAUD SEVERN, K.B.E., C.M.G. (Colonial Secretary).

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

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

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

HON. MR. A. E. WOOD (Secretary for Chinese Affairs).

HON. MR. E. D. C. WOLFE (Captain Superintendent of Police).

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

HON. MR. P. H. HOLYOAK.

HON. MR. A. O. LANG.

HON. MR. CHOW SHOU-SON.

HON. MR. A. R. LOWE.

HON. MR. R. H. KOTEWALL.

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

Presentation of Royal Humane Society's Medal

H.E. THE GOVERNOR taking his seat said: Before we proceed to business, gentlemen, I have a presentation to make. The following are the circumstances: During the typhoon weather on the 27th July, 1923, in the forenoon there was a heavy sea running in the harbour, when a Chinese man and woman attempted to commit suicide by jumping from the Canton Wharf. Mr. Clarke, the Chief Preventive Officer, discarding his sea-boots and

mackintosh, jumped in and swam towards the man, who clutched him. Mr. Clarke, while being rapidly washed seawards, held up both the man and woman until help was afforded by Mr. Edley, the wharfinger, who reached them with a long bamboo with a hook on it. The sea was so rough that Mr. Clarke could not have reached the praya wall or the pier except for the very prompt action of Mr. Edley. Mr. Clark was buffeted against the iron girders of the pier but eventually all were landed. Unfortunately, the woman died afterwards. The facts having been represented to the Royal Humane Society they have authorised me to present to Mr. Clarke on their behalf their bronze medal.—(Applause.)

HIS EXCELLENCY, congratulating Mr. Clarke, pinned the medal on his breast, the members of Council standing during the ceremony.

New Member

Mr. E. D. C. WOLFE, Captain Superintendent of Police, took the oath and a seat on the Council, filling the vacancy created by the departure from the Colony of the Hon. Mr. IRVING, Director of Education.

Minutes

The minutes of the last meeting were approved and signed.

Rents Ordinance to be Renewed

On His EXCELLENCY asking whether there were any notices of questions or motions,

HON. MR. POLLOCK, K.C., said—I beg, Sir, to give notice of a motion which has the unanimous support of my unofficial colleagues, namely, that the Rents Ordinance be continued for a further period of one year from the end of June, 1924.

H.E. THE GOVERNOR—It was my intention to bring forward, on behalf of the Government, a motion to that effect at a suitable time before the ordinance expires. In the circumstances, perhaps you would not wish to put forward your motion?

HON. MR. POLLOCK agreed.

HIS EXCELLENCY—The suggestion of the Government is that the ordinance should be renewed. I propose to leave the matter entirely to the discretion of the Council.

Finance

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid on the table Financial Minutes Nos. 6 to 12 and moved that they 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, then laid on the table the Report of the Finance Committee (No. 1) and moved that it be approved by the Council.

THE COLONIAL TREASURER seconded, and the motion was agreed to

Papers

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

Rule under section 36 of the Tramway Ordinance, 1902, on the 7th February, 1924.

Table L. of the Merchant Shipping Ordinance, 1899.

Regulations under section 37 of the Merchant Shipping Ordinance, 1899, on the 12th February, 1924.

Quarterly return of Excesses on Subheads met by Savings under Heads of Expenditure (Sessional paper, No. 2 of 1924).

Jurors List for 1924

THE COLONIAL SECRETARY, by command of H.E. The Governor laid on the table the Jurors List for

1924 and moved that it be considered by the Council in Committee.

THE ATTORNEY-GENERAL seconded, and the motion was agreed to.

The Military Lands Award

The resolution to approve the acceptance of the award of Sir John H. Oakley in respect of the Military lands was on the agenda, but not proceeded with at this meeting.

Site for a Public Latrine

THE COLONIAL SECRETARY moved the following resolution:—

"Whereas application has been duly made by the Sanitary Board to the Governor under section 167 of the Public Health and Buildings Ordinances, 1903-1923, for the erection of a Public Latrine at Mongkoktsui on the area situated immediately North of Mongkok Road and immediately West of Shanghai Street:

"And whereas such application having been duly approved by the Governor and a notification of the intention to erect a Public Latrine at such site having been published in three successive numbers of the *Gazette*, certain owners and occupiers of property in the vicinity have objected to such erection:

"And whereas such objections have been duly considered:

"It is hereby resolved by this Council that the above mentioned site and the erection thereat of a Public Latrine be and the same are hereby approved."

He said: With regard to the motion standing in my name, the erection of a public latrine at this place was recommended by the Town Planning Committee. The site was approved by the Sanitary Board on the 19th June last, and the necessary intimation was published in the Government *Gazette* of 7th December. An objection dated the 11th December was received from the architects of the owners of Kowloon Inland Lots Nos. 1287 and 1353, on which there is a factory said to employ between 50 and 60 workmen. This factory is on the

other side of Shanghai Street. The objection to the erection of a latrine was based on the unsightliness of the building and also on the probability that, in the summer time, odours would pervade their premises. They suggested that a better site than the junction of two main roads would be a site at the corner of Mongkok Road, which is a short distance away. As it is proposed to set the building back from the roadway, and as the land on which it abuts is an open space, it is possible to provide shrubs to hide the building. It is intended that the premises shall be water flushed, so there is not much likelihood of any nuisance arising. According to the usual custom, when the objection was received, it was referred again to the Sanitary Board, and the Sanitary Board confirmed its previous approval. I, therefore, beg to move the resolution standing in my name.

The motion was then put to the Council and approved.

Memorials of Re-Entry

HON. MR. H. E. POLLOCK, K.C., in accordance with notice previously given, asked:—What is the policy of the Government in regard to cancellation of Memorials of re-entry which has taken place in consequence of the breach of a Covenant for building before a certain date?

THE COLONIAL SECRETARY replied:—In practically every case in which the Government re-enters on land for breach of the building covenant an application is received from the lessee to have the memorial of re-entry cancelled. Every such application is carefully considered on its merits. The policy of the Government is not to cancel the re-entry unless the lessee can show either that he has been unable to fulfil the building covenant owing to circumstances over which he had no control, or that there are peculiar difficulties involved in preparing the land for building and that it is in the public interest to allow the lessee an extension of time. In either case it is the usual practice to make it a condition of the cancellation of the memorial of re-entry that the lessee shall pay a sum of money by way of fine, or that he shall pay penal rates assessed according to the circumstances.

The Rents Ordinance Amendment Bill

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend further the Rents' Ordinance, 1922. He said: The main Rents Ordinance laid reading of a Bill intituled An

Ordinance to down two rules—that rents should not be raised and that tenants should not be turned out. There is one main exception to the second rule, namely, that the tenant can be obliged to quit if the owner intends to reconstruct the house to such an extent as to make it a new building within the meaning of the Public Health and Buildings Ordinance, 1903. Unfortunately, some landlords have used that exception for the purpose of reconstructing their houses, not for reconstruction's sake, but for the sake of the increased rent they can obtain from the new house which is not subject to the Rents Ordinance. That practice, apparently, has been growing, and the object of this Bill is to check it. The Bill will not in any way prevent reconstruction in proper cases, but it is intended to check reconstruction solely for the purpose of evading the Rents Ordinance, in cases where the house is in substantially good condition. About the middle of January there were 126 houses, I understand, then being reconstructed which, before the commencement of reconstruction, were comparatively new and sound. These figures were only about five per cent. of the total number of houses under construction and reconstruction at the time; still the number is in itself a substantial one, and seems to call for some legislative interference. The proposal of the Bill is that future notices to quit given on the ground of intended reconstruction will not be valid unless there is served with them a certificate from the Building Authority that in his opinion the condition of the tenement in question is such as to make the intended reconstruction desirable. Appeal is provided from the decision of the Building Authority to the Governor in Council, and on that appeal the discretion of the Governor in Council is unfettered. The Building Authority will consider merely the condition of the tenement; the Governor in Council will be entitled to consider any facts that may appear to him to be relevant. That wider discretion is given in order that the Governor in Council may allow reconstruction in special cases, such as the

erection of a large modern building on the site of several small and old houses, or the fresh development and laying out of an entire block. This may very well be desirable in the public interest though the houses in the block may be in such a condition that they could stand for a considerable time.

The only other thing which I have to say will disappoint some of the tenants. The draft of the Bill published in the *Gazette* provided that the provisions of the Bill should apply to current notices to quit, that is, notices which had been given before the passing of the Ordinance and which were still unexpired. Further consideration of that proposal has disclosed difficulties as to procedure, and difficulties as the date to which retrospective action would date back. Of course, there is also the general objection to all retrospective legislation, which is admittedly unsound and undesirable unless some strong reason can be found for it in particular cases. Consideration of these points, Sir, has led the Government to come to a decision to abandon this proposal in Clause 4, and therefore a motion to that end will be moved in Committee. I beg to move the first reading.

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

FINANCE COMMITTEE

A meeting of the Finance Committee was afterwards held, the COLONIAL SECRETARY presiding.

Railway Siding for Fu Tai Au Brickworks

The Governor recommended the Council to vote a sum of \$7,000 on account of Kowloon-Canton Railway, Special Expenditure, Siding at Mile 21 to serve the Fu Ti Au Brickworks.

THE CHAIRMAN — This has been already approved by hon. members.

Temporary School at Kowloon

The Officer Administering the Government recommended the Council to vote a sum of \$18,000 on account of Public Works, Extraordinary, Kowloon, Buildings, Temporary School, Kowloon.

THE CHAIRMAN—The amount of the contract is \$16,500 but with architects fees and extras it will be \$17,967. A special vote of \$15,000 was approved towards the end of last year, but nothing was paid.

Approved.

Motor Launch for Harbour Soundings

THE Officer Administering the Government recommended the Council to vote a sum of \$450 on account of Public Works, Extraordinary, Hongkong, Miscellaneous, Motor launch for taking soundings and making current observations.

THE CHAIRMAN—This is a revote on a contract sum of \$3,000, voted in 1923. It is 15 per cent. detention money on the contract.

Approved.

Railway Accounts

The Officer Administering the Government recommended the Council to vote a sum of \$6,000 on account of Kowloon-Canton Railway, Special Expenditure, Recasting accounts of the Kowloon-Canton Railway, British Section.

THE CHAIRMAN—This sum is required to pay the expenses of the Chief Accountants of the Chinese Section and Chinese clerk who are engaged in recasting the accounts of the British section to correspond with those of other Chinese railways.

Approved.

Compensation for Resumptions

The Governor recommended the Council to vote a sum of \$200,000 in aid of the vote Public Works, Extraordinary, Kowloon, Public Health and Buildings Ordinance, 1903, (104) Compensation and Resumptions.

The Governor also recommended the Council to vote a sum of \$20,000 in aid of the vote Public Works, Extraordinary, New Territories, Public Health and Buildings Ordinance, 1903, (135) Compensation and Resumptions.

THE CHAIRMAN—A sum of \$30,000 was provided in this year's estimates of the P.W.D. but owing to the large number of exchanges of land and resumptions that are being effected in Kowloon City and Sham Shui Po to fall in with the Town Planning scheme, it was necessary to supplement the vote by this large sum. It is probable that further sums will be required. There are two financial minutes, one recommending \$200,000 and the other \$20,000. There was one large resumption to make a 75 ft. street south

of the Mongkoktsui typhoon refuge. The cost of this was over \$160,000.

Approved.

Bullet-Proof Waistcoats for Police

The Governor recommended the Council to vote a sum of \$1,901 on account of Police Department, Special Expenditure, Bullet Proof Waistcoats.

Approved.
