

14TH MAY, 1925.

**PRESENT:—**

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

HIS EXCELLENCY THE OFFICER COMMANDING THE TROOPS (COLONEL F.S. MONTAGUE BATES, C.B., C.M.G., D.S.O.).

THE COLONIAL SECRETARY (HON. SIR CLAUD SEVERN, K.B.E., C.M.G.).

THE ATTORNEY-GENERAL (HON. SIR HENRY POLLOCK, K.C.).

THE COLONIAL TREASURER (HON. MR. C. MCI. MESSER, O.B.E.).

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

HON. MR. D. W. TRATMAN (Secretary for Chinese Affairs).

HON. DR. J. B. ADDISON, M.B.E. (Principal Civil Medical Officer).

HON. MR. P. H. HOLYOAK.

HON. MR. A. O. LANG.

HON. MR. CHOW SHOU-SON.

HON. MR. H. W. BIRD.

HON. MR. R. H. KOTEWALL.

HON. MR. C. G. ALABASTER, K.C., O.B.E.

MR. A. G. M. FLETCHER (Clerk of Councils).

**New Members**

The Hon. Col. MONTAGUE BATES, the Hon. Mr. C. G. ALABASTER, and the Hon. Dr. J. B. ADDISON took the oath and their seats as members of the Council.

**Minutes**

The minutes of the last meeting of the Council were approved and signed.

**Presentation of a Silver Medal for Gallantry**

H.E. THE GOVERNOR — Before we proceed to the business of the day I have a presentation to make. The circumstances of the foundering of the s.s. *Loong Sang* in the typhoon of the 15th August, 1923, are within the memory of Honourable Members. The services rendered by officers and men of the s.s. *Bowes Castle*, *Egremont Castle* and *Hwah Ping* in their endeavours to render assistance and save life have already been publicly acknowledged. His Majesty the King has been pleased to confer silver medals for gallantry on a number of the officers and men of these vessels and I have been asked to present them on his behalf. The only recipient who is at present in the Colony is one of the crew of the *Bowes Castle*, Hong Kam.

The Master of the s.s. *Bowes Castle*, Lieut.-Comdr. W. J. Donohue, R.N.R., O.B.E., had anchored his ship to the west of Stonecutters Island and seeing wreckage and men passing by, driven before the wind and the sea he organised a Rocket Bridge and endeavoured to reach some of the derelicts by means of lines thrown by rocket, life buoys and towing lines from the ship. When the height of the storm had passed, at about 10.50 a.m. the master decided to put out a boat and called for volunteers. The Chief Officer, Third Officer and a Cadet volunteered and four of the Chinese crew. The boat was launched successfully, was away from the ship for  $\frac{1}{2}$  hours and was able to save three lives. The gallant conduct of these officers and men in leaving a place of safety and embarking in a small boat with the wind blowing at hurricane force and a confused high sea running was in accordance with the

best traditions of the mercantile marine. Hong Kam, who is here to-day was one of these four seamen having joined the ship only on the previous day.

I have pleasure in presenting on behalf of His Majesty the King the silver medal for Gallantry in Saving Life at Sea to Hong Kam.

His EXCELLENCY then pinned the silver medal on the seaman's coat and shook him warmly by the hand, while the honourable members applauded. The elated and smiling recipient also clapped his hands.

### Papers

THE COLONIAL SECRETARY — By command of H.E. the Governor, I beg to lay on the table documents 1-29, which are now in the hands of honourable members.

The following papers were laid on the table:

Report of the Director of the Royal Observatory, for the year 1924.

Report of the Registrar of the Supreme Court, for the year 1924.

Report of the Land Officer, for the year 1924.

Report on the General Post Office, Hongkong, for the year 1924.

Report of the Harbour Master, for the year 1924.

Report of the Superintendent of Imports and Exports, for the year 1924.

Quarterly Return of Excesses on sub-heads met by savings under heads of expenditure.

Quarterly Progress Reports on Public Works (Fire Station, Queen's Pier and new Saiyingpun School).

3 Orders made by the Governor in Council under section 24 of the Rents Ordinance, 1922, dated 26th February, 1925.

Order made by the Governor in Council, under section 24 of the Rents Ordinance 1922, dated 12th March, 1925.

Proclamation under the Merchant Shipping Ordinance 1899, Ordinance No. 10 of 1899, Table L, Quarantine Regulations, dated 18th March, 1925.

Order made by the Officer Administering the Government in Council under

section 24 of the Rents Ordinance, 1922, dated 19th March, 1925.

Order made by the Officer Administering the Government in Council under section 9 of the Post Office Ordinance, 1900, dated 19th March, 1925.

Regulation made by the Officer Administering the Government in Council under section 2 of the Advertisements Regulation Ordinance, 1912, dated 23rd March, 1925.

Order made by the Officer Administering the Government in Council under section 230 (1) of the Public Health and Buildings Ordinance, 1903, dated 23rd March, 1925.

Order made by the Officer Administering the Government in Council under section 24 of the Rents Ordinance, 1922, dated 26th March, 1925.

Order made by the Officer Administering the Government in Council under section 24 of the Rents Ordinance, 1922, dated 30th March, 1925.

Order made by the Officer Administering the Government in Council under section 24 of the Rents Ordinance, 1922, dated 3rd April, 1925.

Resolution made by the Governor in Council under section 2 (i) of the Waterworks Ordinance, 1903, dated 16th April, 1925.

Regulation made by the Governor in Council under section 3 of the Licensing Ordinance, 1887, dated 16th April, 1925.

Notification rescinding Order of 19th August, 1924, proclaiming the Dutch East Indies to be a place at which an infectious or contagious disease prevailed.

Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, dated 23rd April, 1925.

Notification revoking Order made on 30th March, 1925, under the provisions of the Rents Ordinance, 1922.

Regulation and Order made by the Governor in Council under section 3 of the Licensing Ordinance, 1887, dated 7th May, 1925.

Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, dated 7th May, 1925.

### Finance

THE COLONIAL SECRETARY — By command of H.E. the Governor I beg to lay on the table Financial Minutes 10 to 17, and move that they be referred to the Finance Committee.

THE COLONIAL TREASURER seconded, and it was agreed to.

### Aberdeen and Aplichau Assessments

THE COLONIAL SECRETARY moved the following resolution:—

"Resolved by the Legislative Council that the percentages on the valuation of tenements payable as rates for tenements in Aberdeen and Aplichau shall be 12 per cent."

THE COLONIAL SECRETARY — The villages of Aberdeen and Aplichau, which have hitherto been rated at a percentage of 9 and 7 respectively have recently been given lighting and it is proposed to raise this assessment therefore to 12 per cent. I beg to move the resolution.

THE COLONIAL TREASURER seconded, and the motion was passed.

### Government's Policy Regarding Crown Leases

HON. MR. H. W. BIRD—I beg to ask the question standing in my name, viz.: — "Whether, in view of the fact that many Crown Leases (particularly in Kowloon) which are for 75 years only, with no right of renewal, are now rapidly running out and have either already reached or soon will reach a point at which they can no longer be satisfactorily dealt with either by sale or mortgage for the purpose of schemes of improvement or development which are not only desirable, but from a public point of view advantageous,—the Government will at an early date indicate its policy with regard to the terms on which it will be prepared to renew such leases either at or before the date of expiry?"

THE COLONIAL SECRETARY replied—

Except in cases where there is reason to anticipate that land will be required for a public purpose, it is proposed to grant to applicants a new lease for seventy-five years at the current rate of Crown rent for the particular locality, renewable for a further period of seventy-five years at a re-assessed Crown rent, subject to a guarantee that the land will be developed in a manner approved by the Government, and subject also to a renewal fine. As regards the renewal fine, the Government will offer such terms to individual applicants as it may think fit, having regard to the circumstances of each case. The fine will be heavier in the case of land which has never been developed than it will be in the case of land which is fully built upon. The intention is to secure the development of the land to the best possible advantage and at the same time to obtain for the Government an adequate consideration for its reversionary interest in the land under its present tenure.

### Sailors' Home Ordinance

THE ATTORNEY-GENERAL—I beg to move the first reading of a Bill intituled, An Ordinance to provide for the incorporation of the Trustees of the Sailors' Home, Hongkong. The object of this Bill is to incorporate the body known as the Trustees of the Sailors' Home; to appoint the first trustees and to vest in the new trustees the Crown lease under which the present Sailors' Home stands. The present Sailors' Home was provided by the community, the site being given by the Government and the cost of the buildings being defrayed by public subscription. The original Crown lessees, who were practically trustees of the Sailors' Home, have all died and the Home has for many years been conducted by an informal Committee which grew out of the body composed of the original Crown lessees. The present site has become quite unsuitable for the purposes of the Sailors' Home, and it is proposed to transfer the Home to a site in Kowloon, near Signal Hill. The members of the present Committee who will be members of the new incorporation, have agreed informally to surrender the existing site and buildings to the Crown, and the Government have undertaken to grant to the corporation

the proposed new site in Kowloon, and to provide a sum of \$800,000 for the erection, furnishing, and endowment of the new Home. St. Peter's Church was erected in 1871 on a portion of the present site of the Sailors' Home. The cost of the building was defrayed by subscriptions raised in the Colony and elsewhere and by a grant of \$2,500 made by the Government. The site of the Church is now required for public purposes and the authorities of the Church would prefer to have a quieter neighbourhood than the present one. The Government accordingly propose to grant a new site for the Church and to contribute the sum of \$50,000 for the erection of a new Church. This Bill follows the usual form of incorporation ordinances, and by way of compliment to the firm of Messrs. Jardine, Matheson & Co. it has been provided that the person for the time being in charge of the business in Hongkong of Messrs. Jardine, Matheson & Co., Ltd., shall be one of the Trustees. I may mention that Messrs. Jardine, Matheson & Co. have been associated with this Home since the year 1871, when it was first built.

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

**"Petites Soeurs des Pauvres"  
Incorporation Ordinance**

THE ATTORNEY-GENERAL—I beg to move the first reading of the Bill intituled, An Ordinance to provide for the incorporation of the Mother Superior in this Colony of the Society of the "Petites Soeurs des Pauvres St. Pern, Bretagne," commonly known as The Little Sisters of the Poor. The object of this Bill is to incorporate the Little Sisters in order to enable them to hold property in perpetual succession. The Bill follows the usual form of incorporation Ordinances with the exception of Clause 4. This is similar to Clause 4 in the Bishop of Victoria Ordinance, 1925. It is a recent form of precedent which was drafted by Mr. Kemp, and I think it is desirable it should be included in this Bill.

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

**Rents Bill Postponed**

The Bill to amend the Rents Ordinances, 1922 and 1924, was on the agenda for first reading.

THE ATTORNEY-GENERAL—I notice that certain suggested amendments are annexed to the draft Bill in error, and I may inform Honourable members, that I shall bring forward, at the next meeting of the Council, something which is not identical, though it will not exactly be dissimilar. I will ask the gentlemen of the Press not to publish the annexes to the draft of this amendment Bill as they are not authoritative.

**Legal Practitioners' Amendment  
Ordinance**

THE ATTORNEY-GENERAL—I beg to move the first reading of a Bill intituled, An Ordinance to amend the Legal Practitioners Ordinance, 1871. The "objects and reasons" of this Bill are fully set out and have been in the hands of honourable members for the past two days and I do not think it is necessary that I should read them out. I therefore beg to move the first reading.

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

The Objects and Reasons state:—

1.—The object of this Bill is to repeal section 29 of the Legal Practitioners Ordinance, 1871.

2.—The history of section 29 is shortly this. In 1873, Mr. Rowett, an unofficial member of the Legislative Council, brought forward a motion to the effect that it was desirable that barristers should be permitted to take business from clients direct in all cases except those in which litigation had been actually commenced. This motion did not go so far as the section goes, but the official view of the motion seems to have been that it practically amounted to a motion for amalgamation. There is some doubt as to whether Mr. Rowett did intend amalgamation. He made it clear that his object was to reduce costs. The Attorney-General proposed an amendment to the effect that it was expedient to modify to a certain extent the rules of the legal profession which restricted barristers from giving consultations and transacting other business, in certain cases, without the intervention of an attorney, but that such modifications should be expressly

defined and limited so as to meet the public wishes without effecting an amalgamation. The amendment was carried, and the resulting legislation was what now appears as section 29 of Ordinance No. 1 of 1871. The result was a curious one, but it seems clear that amalgamation was not intended. On the other hand, a one-sided and partial amalgamation was in fact effected.

3.—This is one objection to the section in question, *i.e.*, that it effects a one-sided and partial amalgamation. There seems to be no good reason now for the peculiar provisions of the section in question. It may have been fully justified at the time when it was first introduced, but there seems to be nothing in modern conditions which calls for its retention.

4.—Another objection to the section is that it is very doubtful what exactly it authorises. Opinions differ on this point. Where the law and etiquette of the legal profession are the same as in England it is always possible to get a decision from the Bar Council on any disputed matter of this kind, but the Bar Council would probably refuse to express any opinion as to the etiquette in Hongkong seeing that we have altered the English rules by our local Ordinance. A decision could be obtained from the Supreme Court here but possibly only upon an application to strike a barrister off the roll, a proceeding which anybody would be very slow to institute where there was room for a genuine doubt.

5.—Whatever the limits of section 29 may be the section undoubtedly enables a barrister to do a certain amount of work which is usually done by a solicitor, and on one view, though probably a strained one, it enables a barrister to do almost anything which can be done by a solicitor. An objection to this from the point of view of the public is that while a solicitor is liable to be used for negligence a barrister is not so liable, and it is very doubtful whether the section would make him liable.

6.—The present section 28 provides that the rules of the legal profession are to be modified to the extent mentioned in sections 29 and 30. Clause 2 of this Bill substitutes "section 30" for "sections 29 and 30."

7.—Clause 3 of the Bill simply repeals the present section 29.

### **The Adjournment**

H.E. THE GOVERNOR — Council will

adjourn until this day week at 2.30.

### **FINANCE COMMITTEE**

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

#### **Vote to Kwong Wah Hospital**

The Governor recommended the Council to vote a sum of \$10,000 in aid of the vote Charitable Service, local Chinese charities, Kwong Wah Hospital.

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

Agreed.

#### **Police Married Quarters at Mongkok**

The Officer Administering the Government recommended the Council to vote a sum of \$8,000 in aid of the vote Public Works, extraordinary, Kowloon buildings, Police Married Quarters, Mongkok.

THE CHAIRMAN—This, to a large extent, is a revote. Under "Financial Minute No. 60" last year, honourable members approved an expenditure of \$11,000 for these quarters. A tender of \$12,565 was accepted on October 25th, but no expenditure was incurred last year. The sum \$6,000 is provided in the Estimates for this year and it was assumed that a portion of the cost would have been met last year. The sum of \$8,000 is now asked for which will cover any small extras outside the contract.

Approved.

#### **New Architectural Office**

The Officer Administering the Government recommended the Council to vote a sum of \$38,000 in aid of the vote Public Works, extraordinary, Hongkong buildings, 20, new Architectural Office.

THE CHAIRMAN—The revised cost of the building is \$80,442. Up to the end of last year the expenditure was \$52,442, leaving a sum due of \$28,000.

HON. MR. A. O. LANG—What was the original estimate, Sir?

THE CHAIRMAN said the original estimate in 1923 was \$68,000. Prices tended to increase during the months that elapsed after the estimate was prepared and, in addition, it might have been under-estimated. Sang Lee's tender of \$59,980.91 must be considered a reasonable one, but that tender, he took it was not for the whole of the work; there were a number of other items.

THE DIRECTOR OF PUBLIC WORKS, being asked what the other items were, mentioned the item of furniture.

THE CHAIRMAN mentioned that there was \$20,000 for furniture. That, he added, would make up a total of \$80,000.

THE DIRECTOR OF PUBLIC WORKS—In addition to that there were a lot of items.

HON. MR. LANG—\$80,000 is the revised estimate for building?

THE CHAIRMAN—Including furniture?

HON. MR. CREASY—No, not including furniture. There were other works besides those included in Sang Lee's tender.

HON. MR. LANG—Will this vote cover the revised estimate?

THE CHAIRMAN said that it would. He mentioned that in addition to the work included in the tender there had to be added site preparation and foundations already executed amounting to about \$13,000. That would bring the figure up to about \$73,000. There was still a matter of \$7,000 of which he had not the details at hand at the moment, but he would get them for Hon. Members.

THE DIRECTOR OF PUBLIC WORKS said the revised estimate was \$80,442, and there was, in addition, \$20,000 for furniture.

The vote was agreed to.

#### **Volunteer Headquarters**

The Governor recommended the Council to vote a sum of \$10,300 on account of Public Works, extraordinary, Hongkong buildings, alterations and additions to the Hongkong Volunteer Defence Corps Headquarters.

THE CHAIRMAN—Honourable members last October approved of certain alterations and additions to the headquarters of the Hongkong Volunteer Defence Corps at a cost of about \$10,000. The work has been completed at a cost of \$10,274 which included \$600 for furniture and \$730 for electric light and wires and fittings. A sum of \$10,300 is now asked for to be on the safe side.

Approved.

#### **Railway Staff Quarters**

The Governor recommended the Council to vote a sum of \$8,000 in aid of the vote Kowloon-Canton Railway, special expenditure, quarters for traffic staff.

THE CHAIRMAN—These buildings cost \$7,707 more than estimated. The estimate was \$58,776, and the last figure is \$66,483. A sum of \$8,000 is asked for, for the following items: reinforced concrete stairs, partitions, balustrades, etc. The contractor's final bill was \$4,204 above the estimate. The balance is due to the extra cost of British glass and putty over local prices. This building took longer to complete than was expected.

Approved.

#### **Widening Shaukiwan Road**

The Governor recommended the Council to vote a sum of \$15,000 in aid of the vote Public Works Extraordinary, Hongkong communications, 28, Roads: (v) Shaukiwan Road, Widening near Taikoo Dock.

THE CHAIRMAN—The amount provided in the estimates is \$20,000. It was found necessary to improve the grade of the road and erect more retaining walls than was anticipated when the Estimate was drawn up.

Approved.

#### **Compensation and Resumptions**

The Governor recommended the Council to vote a sum of \$62,500 in aid of the vote Public Works, extraordinary, Hongkong, miscellaneous, 40, compensation and resumptions.

THE CHAIRMAN — This question of compensation to various villagers at Tsat Sui Mui, near North Point, has been before honourable members. The lists were circulated to the Finance Committee. One list was of the village lots held by the villagers and the second to people holding under a Squatters' Licence. It has become necessary to remove this village of Tsat Sui Mui, owing to the general lay-out and more especially because of the extension of the Government quarry. There were 49 areas of land occupied by buildings, 35 of which are held under Squatters' Licences, while the remaining 14 are under the village rent roll. Some 25 years ago the titles of the villagers were examined by a Squatters' Board and those who satisfied the Board by means of documents that they had been in occupation for many years, were put on the village rent roll, while later comers who could not prove title received a Squatters' Licence, giving them a tenure of 21 years. These licences at Tsat Sui Mui have expired, but there has never been any intention of turning out the holders of these licences without compensation. There was great difficulty in discriminating between early inhabitants and the later comers. The value of the land is approximately \$2 a square foot and the compensation proposed is to pay for the land actually covered by buildings in respect of which Squatters' licences have been granted. The Government considered the alternative proposal that it should re-house the villagers, but there is no land available in the vicinity. The villagers' livelihood is in the adjoining quarries. A housing scheme would be more expensive. The terms should enable the villagers to transfer themselves to Chinese tenement houses in the neighbourhood. This statement of the position I have made because of the difference of opinion that existed among the honourable members, and I think after what I have just said honourable members may be prepared to re-consider the opinion they gave as to differentiating between the two classes of persons. It is extremely important to get possession of this village, both from the point of view of the extension of the quarries and general lay out of the neighbourhood, and I do not think, having regard to the fact that this is one of the last old villages left in the island which has not been dealt with, that we are paying too much. I think it is only fair

when we displace very old inhabitants that we should compensate them.

HON. MR. BIRD—Is it level ground, Sir?

THE CHAIRMAN—We shall be cutting a hill away not only to extend the quarry, but in order to get the 100 feet road. The actual village is on land which rises only a little. Obviously, when they settled there in the remote ages they chose the easiest place. The houses are terraced up only a few feet. We put the value at \$2 a foot but I should imagine it is worth more.

HON. MR. LANG—It seems a lot of money, Sir.

THE CHAIRMAN—It will give them just enough to live on, in the way Chinese live. I think it works out at \$150 a year if invested. That is what they will receive.

Replying to the Hon. Mr. ALABASTER, the CHAIRMAN said that the same thing had been done at Shaukiwan and Aberdeen.

HON. MR. KOTEWALL—I consider the compensation proposed is reasonable. At the time the papers came to me I went through them very carefully and I came to that conclusion.

THE CHAIRMAN—My own personal view is that we are dealing fairly, and not more than fairly, with these people.

HON. MR. LANG — It is paying compensation to people whose leases have expired.

THE CHAIRMAN — I am told that as regards squatters on 21 years' leases the Government has not formed any definite view as to what is to be done with them. Some of these people are the original inhabitants of the island, and this is one of the last villages on the island which we have to deal with. I do not think we can be said to have been generous, but we have certainly been fair.

Approved.

**Queen's Pier**

The Governor recommended the Council to vote a sum of \$28,000 in aid of the vote Public Works, extraordinary, Hongkong, miscellaneous, 32, Queen's Pier.

THE CHAIRMAN—With regard to Queen's Pier the estimate in 1924 was \$37,000 supplemented by a further sum of \$38,000, making \$75,000. The expenditure in 1924 was \$32,000 leaving an unexpended balance of \$43,000. The amount voted for this year was \$15,000 and the amount required to complete the pier and its facade is \$28,000. The reason why there should have been the necessity for this re-vote was owing to delay in the completion of the contract. Perhaps the Director can tell us when it will be completed.

THE DIRECTOR OF PUBLIC WORKS—At the end of the month.

HON. MR. BIRD—What will it have cost altogether?

THE DIRECTOR OF PUBLIC WORKS—This is only a re-vote. There are no extras on the original estimate.

THE CHAIRMAN said the vote was in respect of the land portion—the masonry.

HON. MR. BIRD—It does not include the pier itself?

THE CHAIRMAN—No.

Approved.