

28TH 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. W. J. CARRIE (Clerk of Councils).

**Minutes.**

The minutes of the last meeting were approved and signed.

**Tribute to the Late Mr. Montague Ede**

H.E. THE GOVERNOR—Gentlemen,—It will, I think, be the desire of the Council that we should record as a body our deep sympathy with the widow and family of the late Mr. Montague Ede in the terrible loss they have suffered. Mr. Ede was better known to the honourable members of the Council, than to myself, as unfortunately his health had already broken down when I came to the Colony. But I feel that the Colony has lost a

very valuable citizen and the British Empire an ardent patriot. I had the greatest respect and admiration for Mr. Ede's character, and the pluck and courage he showed in carrying on his arduous life in the poor state of health he was in for years, showed a tremendous amount of character and grit. He was, as you know, a prominent figure in the business world here, but what remains most in my memory are the broad-minded views with which he approached every subject. He always struck me as a man whose first idea was to consider what good use he could make of his wealth and influence for the benefit of other people. I may mention one or two things, such as the Kowloon Tong Scheme, to which he devoted much time and a great amount of money for the provision of accommodation for the poorer classes who he considered needed it greatly. He was a man for whom I had great respect, and the Colony is distinctly the poorer to-day by his loss.

HON. MR. P. H. HOLYOAK—Sir, on behalf of the Unofficial Members of the Council I would like to say that we desire to associate ourselves with the remarks which have fallen from your lips. It was my privilege to know the late Mr. Ede for many years as a personal friend. He was a man of extraordinary intellectual power and force, wide vision and deep sympathy, and had great ideals of public service. Long before he came to the Colony he had exhibited these powers in the neighbouring centre, Shanghai, and when he came here he devoted his extraordinary gifts to public service in the same manner. I think, Sir, I may say that it has been the hope and wish of the Colony for several years to see his name either in the New Year Honours, or the King's Birthday Honours List. I am sure I voice the feeling of all the members of the Council in saying that the Colony has lost a great-hearted citizen whose place it will be difficult to fill.

HON. MR. CHOW SHOU-SON—Sir, as senior representative of the Chinese, I respectfully associate myself with the remarks that have fallen from the lips of Your Excellency and the Senior Unofficial Member. The late Mr. Ede was a great friend of the Chinese and he had done much good work for them. My friendship with him extended over a period of 35 years and I know how highly he was regarded by all classes of Chinese for his sterling qualities and sympathy for the poor and needy. His death is a serious loss to the Colony but we, his friends, have the consolation of feeling that though he is no longer with us most of his work will endure. On behalf of the Chinese, I, and my Chinese colleague joins with me, wish to be associated in the expression of sympathy with Mrs. Ede and family.

Members of the Council stood in their places to signify their assent to the motion.

H.E. THE GOVERNOR—I will ask the Clerk of Councils to convey this expression to Mrs. Ede.

### Papers

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

Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, on 14th May, 1925.

Regulation made by the Governor in Council under section 3 of the Licensing Ordinance, 1887, on 19th May, 1925.

Revocation of the Order made by the Governor in Council under section 24 of the Rents Ordinance, 1922, on 3rd April, 1925.

Three Orders made by the Governor in Council under section 24 of the Rents Ordinance, 1922, on 21st May, 1925.

Regulation made by the Governor in Council under section 17 of the Piracy Prevention Ordinance, 1914, on 21st May, 1925.

Resolution passed by the Legislative Council on 21st May, 1925.

Report on the Kowloon-Canton Railway (British Section) for the year 1924.

Report of the Secretary for Chinese Affairs for the year 1924.

### Finance

THE COLONIAL SECRETARY, by command of H.E. The Governor laid on the table Financial Minutes Nos. 21 to 23 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 laid on the table the Report of the proceedings of the Finance Committee (No. 3) and moved that it be adopted.

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

### Resolution

H.E. THE GOVERNOR—I propose with the consent of the Council, that the Resolution on the Assessment should be postponed.

### The Rents Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled An Ordinance to amend the Rents Ordinances, 1922 and 1924.

THE COLONIAL SECRETARY seconded.

HON. MR. CHOW SHOU-SON—Sir, for the protection of the sub-tenants, may I suggest the addition of a proviso to Section 3 of the Bill in order to cover a certain eventually? It has occurred to me that if a landlord, out of generosity or for other reasons, does not increase the standard rent at all, or if he increases it by, say, only five or ten per cent., instead of the full fifteen per cent., as allowed by the Bill, the principal tenant should not charge his sub-tenants more than what the landlord actually charges him. I submit that a principal tenant should not make any profit out of the sub-tenants under cover of the Rents Ordinance. A principal tenant comes within the meaning of a "lessor," and unless a proviso is added in the sense suggested by me, he will under the Bill have the right and power to charge his sub-tenants increased rents up to fifteen per cent. of the amount of the standard rents even though the landlord has not taken advantage of the new law. I also

think that it cannot be too widely made known that the Bill affects the principal tenant in his relation to his sub-tenants, as well as the landlord in his relation to him, and that therefore, before increasing the rent, he must give his sub-tenants two weeks' notice and state in such notice the standard rent, and also the percentage by which he proposes to increase such standard rent. I am glad to say that my Chinese colleague concurs in these views.

THE ATTORNEY-GENERAL—I am much obliged to the Hon. Senior Chinese Unofficial Member for having given me notice of his intention to bring forward the motion he has made that the principal tenant should not be permitted to increase the rent of the sub-tenant to a greater degree of percentage than it is increased by the principal landlord to the principal tenant. But this matter has been considered by the Government and with regret we have come to the conclusion that if such a provision were inserted in this Bill it would be impracticable. The whole scheme of the amendment allowing the 15 per cent. increase proposed by this Bill is to leave it entirely free to any lessor (and as my hon. friend has pointed out, such a lessor, of course, includes the lessor not only of a whole building but the lessor of any part of a building, even down to a bed space) to increase the rent provided he does not increase it to an extent beyond 15 per cent. of the standard rent. I think, Sir, that being the general principle adopted by this Bill it would only introduce difficulties if we told a principal tenant that he must not have the liberty of increasing his rent up to the full amount of 15 per cent. allowed for by this amending Bill, for the reason that his own principal landlord would only increase the rent up to say five or ten per cent. I think, Sir, that if we put any such proviso in this Bill it would probably cause a good deal of confusion because the principal tenant might not unjustly claim the right to increase his rent up to 15 per cent., and might find himself in a difficulty. Further, Sir, there is the point that if you introduce into the Bill a proviso such as the Hon. Senior Chinese Member suggests there would be these obvious difficulties; namely, that the sub-tenant of a domestic tenement would not be aware probably in any case whether his particular

lessor, the principal tenant, had, or had not, had his rent increased to the full amount of 15 per cent. I, Sir, am not in favour and the Government is not in favour of the suggestion put forward by the Chinese member being incorporated in this Bill. With regard to the latter part of the Hon. Member's remarks, I may say I fully and cordially agree with him. It cannot be too widely known that this amending Bill affects the principal tenant in his relation to the sub-tenant as well as it affects the landlord in relation to the principal tenant, and therefore before increasing the rent the lessor must give his sub-tenants two weeks' notice and state in such notice the standard rent and the percentage by which he proposes to increase such standard rent. That, Sir, as the Hon. Member has pointed out, is an obligation which rests on the lessor, and the lessor includes every person who lets any tenement and any person occupying any subdivision of the building. I would add, Sir, on that point that I trust that the Government will do all in its power to have explained to the Chinese the provisions of this Bill, and I would suggest, if I might do so, to the hon. Chinese members of this Council, that they should do their best in this respect to inform all the parties affected by this Bill of the provision it contains and see, so far as they can, that these provisions are fully understood by the Chinese members of the community.

HON. MR. P. H. HOLYOAK — Sir, In discussing with my honourable friend the preliminary notice which I had, of this amendment I did not quite realise the full import of it. Personally, I must say that I am inclined to agree with him. The lessor under the principal tenant has, in my opinion, no right to increase his rental charge to the sub-tenants if his own principal rent has not been increased by the owner himself. I did not quite realize before that this was what my hon. friend claims. In equity I think it is right.

H.E. THE GOVERNOR—Personally I heartily sympathise with the object the honourable member has in view, but I am constrained to say that I very much

doubt whether it is practicable, and whether the actual result of inserting the words would be anything at all. I think that it is almost impossible to expect sub-tenants to know whether the principal tenant has been affected by the increase. I think you will find that the law would remain to a large extent a dead letter. But there is a further point. I am glad to hear that the hon. senior Chinese member considers there are landlords who out of generosity or for other reasons will not increase the standard rent; but I take another view of human nature. The real objection to the amendment, I think, is the overloading of the ordinance. My main desire has been to keep the ordinance as clear as possible and to refrain from overloading it with details all of which are liable to produce suits in Court which may be to the advantage of the legal profession, but not to the advantage of any other section of the community. If the hon. member presses the proviso, I will leave it to the Council and accept anything it decides.

There being no further discussion at this stage, the motion that the Bill be read a second time was put and carried.

On the motion of the ATTORNEY-GENERAL the Council went into Committee to consider the Bill clause by clause.

On Clause 2 a drafting amendment was made in section 4, 1a.

On Clause 3, the HON. MR. CHOW SHOU-SON suggested that a proviso should be inserted such as he had suggested in his speech in Council.

H.E. THE GOVERNOR—I am afraid we shall have to ask you to suggest the actual wording.

HON. MR. ALABASTER said it seemed to him that as the Clause was now drafted a tenant who did not wish to pay any higher rent was not given the option of leaving the premises. He could give notice to quit but would his rent during the period of notice be on the original or the higher basis? The language of the clause was at present obscure, and it seemed to him that there ought to be some words in the ordinance entitling the tenant, if he objected to the higher rent, to leave on giving proper notice and not be required to pay more than the original rent during the currency of that notice.

THE ATTORNEY-GENERAL said the hon.-and learned member had mentioned the point to him a few days ago, but he was unable to see that there was any real necessity to make the amendment suggested because in 999 cases out of the 1,000 the tenant would be able to leave on giving a month's notice.

H.E. THE GOVERNOR — I think Mr. Alabaster's point is that if the tenant gives notice he would be stuck for the higher rent while the notice was running.

HON. MR. ALABASTER — That is the point.

H.E. THE GOVERNOR remarked that the clause as it stood contained what was probably one of the longest sentences in the English language, and there would be considerable difficulty in altering the form of words so as to cover the point raised.

HON. MR. ALABASTER suggested that a paragraph might be added to this effect: "Provided nothing herein entitles the landlord to recover more than the standard rent from any tenant who on receiving the notice aforesaid, gives proper notice to terminate his tenancy." The hon. member added that he would hesitate to propose that exact wording without further consideration.

HON. MR. HOLYOAK suggested that the clause might read: "Provided that no increase of rent shall be demanded from any sub-lessee by a principal lessor except in cases where the owner has exercised his right under the Ordinance." There was absolutely no just cause whatever, he added, why a sub-tenant should be squeezed by a lessor when the lessor himself had not had his rent raised.

HON. MR. ALABASTER suggested that the clause should be referred to the Law Committee.

HON. MR. KOTEWALL—I am strongly in favour of this proviso. I agree with your Excellency that it would be unwise to overload the Bill with details, but this is not a question of detail but of principle. The Rents Ordinance was not

intended to profit the principal tenant and we are most anxious to do what we can to protect the sub-tenants who are not able to protect themselves. I would urge that the proviso be introduced.

After further efforts to get a suitable form of words, the HON. MR. ALABASTER said he really hoped the Government would adopt the suggestion he had made to refer the matter to the Law Committee.

H.E. THE GOVERNOR — What I particularly wanted was to get the thing settled, but I feel I cannot resist the suggestion.

THE ATTORNEY-GENERAL asked how long a period would his hon. and learned friend suggest that the lessee should have after the receipt of the notice.

HON. MR. ALABASTER—He should be entitled to terminate his tenancy then and there or on proper notice to quit.

After further discussion H.E. THE GOVERNOR said — The suggestion that holds the field now is that the proposal should be referred to the Law Committee in order that it may be able to fit into the verbal mosaic now on the table the suggestion that has been made by the Senior Chinese member.

This suggestion was adopted.

HON. MR. ALABASTER—I think when I first received the Bill, it was the policy of the Government to put an end to the measure next year. Speaking for himself the hon. and learned member (the Attorney-General) thought it unlikely. I wonder whether it was a definite policy to put an end to it at the end of the year?

H.E. THE GOVERNOR—I fear that the matter will be beyond my control when it comes up again. If it were not I should hesitate to make a definite assertion one way or the other. The ordinance has lasted longer than I expected. I think the circumstances which made the Bill necessary will cease to exist in another year. I deliberately left the whole question to the decision of the Council and if the Council had decided that it should come to an end next month I would have accepted their decision. So far as I myself am

concerned I would not advocate an extension beyond 1926, but on the other hand, if the Council decided otherwise I have no doubt that I should follow the policy I have adopted in the past four years and bow to their decision. I should decline in any case to commit myself and of course I cannot commit my successor.

HON. MR. ALABASTER—That is all I could expect.

The Bill was left in Committee.

### Adjournment

H.E. THE GOVERNOR — I propose, Gentlemen, that we adjourn till this day week.

### FINANCE COMMITTEE

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

### Harbour Master's Department

The Governor recommended the Council to vote a sum of \$5,330 in aid of the vote Harbour Master's Department, personal emoluments.

THE CHAIRMAN said this sum of \$5,330 is made up of several items of which there are only two large ones. Included among them was an allowance of \$50 a month made to Mr. R. Hall, Assistant Government Marine Surveyor, for the first six months of this year. It was a special allowance for work done on Sundays and holidays.

HON. MR. H. W. BIRD—Why is that necessary, Sir?

THE CHAIRMAN—Mr. Hall has taken over the charge of the Government slipway and yard at Yaumati and it is essential to work at that place on Sundays and holidays. It is a temporary measure and should the new system of work and the slip for the repair of police launches prove a success it is proposed to bring all Government craft in the harbour under one direction. At present it is necessary that whoever has charge of the Government slip at Yaumati should work on Sundays and holidays.

HON. MR. LANG — Do Government officials get paid for overtime, Sir?

THE CHAIRMAN—Their pay is not very high, and it is considered that the officer who has to work on Sundays and holidays should receive some additional remuneration.

HON. MR. LANG—In my office we have a great deal of work on Sundays and holidays owing to ships coming and going and none of my assistants expect pay for overtime.

HON. MR. HOLYOAK—It is clearly a case for increasing the remuneration.

THE CHAIRMAN — All these assistants have the same pay, but one is put on the extra duty on Sundays and holidays throughout the year. It is rather technical work and it is better it should be done by one man. If we increased the pay of all the assistants it would be rather a large amount. It would not be necessary because they are not all doing this extra work. It is not a very large amount in question.

HON. MR. LANG—It is the principle Sir.

THE CHAIRMAN—The next item is the salary of Mr. R. Hunter who has been appointed temporarily fifth Government marine surveyor at a salary of \$350 a month. Mr. Russell, the principal marine surveyor, is on leave and owing to the amount of work which has now to be done by this special sub-department of the Harbour Office, it has been necessary to engage another surveyor, and the vote is to provide his salary. The next item is an allowance of \$25, being the difference of salary for a senior clerk from the Post Office transferred to Yaumati slipway, when the work was reorganised. The salary provided in the estimates was for a 6th class clerk. The last item of \$225 is the salary for an assistant sailmaker at Yaumati slipway. These amounts make up the total in the financial minute.

Approved.

#### **Mosquito Proof for New Territory Police Stations**

The Governor recommended the Council to vote a sum of \$7,000 on account of Public

Works, Extraordinary, New Territories, Miscellaneous, Provision of Mosquito Proof for certain Police Stations in the New Territories.

THE CHAIRMAN — Hon. members will remember that there was an outbreak of malaria at Shautokok Police Station, and subsequently it was found the land surrounding Taipo and the new station at Shatin was infested by mosquitos. The Government had two propositions put before them. One was to drain certain areas around the stations and the other was to put gauze in all the windows and doors of the stations to keep mosquitos out. It was thought that the second proposition was the better, and that system has been adopted. The result is that at Taipo \$2,580 was spent, at Taipoling \$800, at Shatin Police Station \$3,200, and at Shautokok \$500, making a total of \$7,000.

HON. MR. HOLYOAK—Is there not an anti-malarial campaign being undertaken?

THE CHAIRMAN—At Shataukok.

HON. MR. ALABASTER—A scheme of drainage would be very much better. I have had some experience of this.

THE CHAIRMAN—It does not mean that the Government is going to cease taking other measures.

HON. MR. HOLYOAK—What we want to know is, what are the other measures? Can we have a statement on the table?

THE CHAIRMAN — Yes. The Principal Civil Medical Officer has considered how we can keep the stations clear of mosquitos.

HON. MR. BIRD—Has this wire netting only recently been put into position?

THE CHAIRMAN—It has been done on one station so far at Shataukok. We had to order the proper sort of gauze from Home.

HON. MR. BIRD — You do not know whether it is effective or not?

THE CHAIRMAN — If the police obey orders and the doors and windows are not left open after hours they should be effective. We can only take other measures over a certain distance. You cannot close up all the padi fields over a large area in the New Territory, but we are going to do a certain area. The report is based on the advice of an expert Military Medical Officer. While padi cultivation continues there is bound to be malaria in the New Territories. There is a vicious circle. The police are called upon to be about in villages. Even if their quarters were free from mosquitos there would be some cases of malaria. As to Taipo, I hardly think any real good could be done, as on the other side of the road there is a great area of padi fields which stretch from the police station.

HON. MR. LANG—The residents of Taipo have a campaign of their own, have they not?

THE CHAIRMAN—Yes, some of them; but it is not carried on in swamps, I understand. I think hon. members would like to have an account of what is being done.

HON. MR. HOLYOAK—Yes, I asked for that.

THE CHAIRMAN — We know that the Weihaiwei police suffered very much.

Approved.

#### **Re-arrangements of Dairy Farm Lots**

The Governor recommended the Council to vote a sum of \$40,000 on account of Public Works, Extraordinary, Re-arrangement of Dairy Farm lots at Pokfulam, compensation towards re-erection of certain buildings.

THE CHAIRMAN—The total sum to be paid to the Dairy Farm Co. under the agreement for removing the buildings in the new limits is \$60,000, of which \$40,000 will be paid this year. They are going on with the work but it will not be completed until next Spring.

HON. MR. BIRD—Have they released any of their land?

THE CHAIRMAN — Yes. The agreement was reached after a great deal of discussion.

Approved.