

***16th June, 1927.***

**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR (SIR CECIL CLEMENTI, K.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL C. C. LUARD, C.B., C.M.G.).

THE COLONIAL SECRETARY (HON. MR. W. T. SOUTHORN, C.M.G.).

THE ATTORNEY-GENERAL (HON. SIR JOSEPH HORSFORD KEMP, KT., K.C., C.B.E.).

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

HON. MR. E. R. HALLIFAX, C.M.G., C.B.E. (Secretary for Chinese Affairs).

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

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

HON. SIR SHOU-SON CHOW, KT.

HON. MR. D. G. M. BERNARD.

HON. MR. A. C. HYNES.

HON. MR. J. OWEN HUGHES.

HON. MR. W. E. L. SHENTON.

MR. E. W. HAMILTON (Deputy Clerk of Councils).

**ABSENT:—**

HON. MR. R. H. KOTEWALL, C.M.G., LL.D.

**NEW MEMBERS.**

Hon. Mr. A. C. HYNES, Hon. Mr. J. OWEN HUGHES and Hon. Mr. W. E. L. SHENTON took the oath of allegiance upon taking their seats for the first time as members of the Council.

**MINUTES.**

The minutes of the previous meeting of the Council were confirmed.

**PAPERS.**

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

Regulation made under section 2 of the Emergency Regulations Ordinance, 1922, on 31st March, 1927.

Rule made under section 16 of the Gunpowder and Fireworks Ordinance, 1901, on 31st March, 1927.

- Order made under the Regulations relating to the Prevention of Disorder on 31st March, 1927.
- Notification made under section 6 of the Gunpowder and Fireworks Ordinance, 1901, on 31st March, 1927.
- Rescission of the Order of 11th February, 1927, proclaiming Vladivostock to be an infected place on 7th April, 1927.
- Proclamation under the Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations, on 7th April, 1927.
- Regulation made under section 2 of the Emergency Regulations Ordinance, 1922, on 7th April, 1927.
- The Judicial Committee Rules, 1925.
- Regulations made under the Factory (Accidents) Ordinance, 1927, on 14th April, 1927.
- Regulations made under section 2 of the Emergency Regulations Ordinance, 1922, on 28th April, 1927.
- Proclamation under the Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations, on 4th May, 1927.
- Proclamation under the Merchant Shipping Ordinance, 1899, Table L, Quarantine Regulations, on 10th May, 1927.
- Rules made under section 6 of the New Territories Regulations Ordinance, 1910, on 12th May, 1927.
- Notification under section 90 of the Public Health and Buildings Ordinance, 1903, on 20th May, 1927.
- Order made under section 4 of the Societies Ordinance, 1920, on 6th May, 1927.
- Appointment under section 4 of the Merchant Shipping Act, 1894, on 26th May, 1927.
- Formation under the Hong Kong Police Reserve Ordinance, 1914, on 27th May, 1927.
- Extract from the Victoria Government Gazette, on 27th May, 1927.
- Regulations made under section 3 of the Post Office Ordinance, 1926, on 30th May, 1927.
- Regulations made under section 3 of the Vehicles and Traffic Regulations Ordinance, 1912, on 2nd June, 1927.
- Regulations made under section 23 of the Waterworks Ordinance, 1903, on 1st June, 1927.
- Report from the Director, Royal Observatory for 1926.
- Report from the Post Master General for 1926.
- Report from the Police Magistrates for 1926.
- Report from the Harbour Master for 1926.
- Report from the Land Officer for 1926.
- Report from the Superintendent, Imports and Exports for 1926.

Report from the Superintendent of Prisons for 1926.

Report of the "Sunning" Piracy Commission (Sessional Paper No. 3 of 1927).

### QUESTIONS.

HON. MR. W. E. L. SHENTON—I beg to ask the questions standing in the name of the Hon. Sir H. E. POLLOCK.

The questions were:—

1.—With reference to the inclosed article, headed "Taiwan Bay Thing," from the Hong Kong Telegraph of Wednesday last, the 4th May, will the Government state whether they are taking any, and if so what, steps to remedy the matters connected with Public Bathing in Taiwan Bay, which are referred to in that article, and when such steps will be completed?

2.—With reference to the Report of the Bathing Beaches Committee of the 17th July last, will the Government state, for the information of the public, what steps are being taken to carry out the recommendations of that Committee, and when such steps will be completed?

THE COLONIAL SECRETARY replied—

1.—The article in the Hong Kong Telegraph of 4th May, 1927, referred to in the Hon. Member's first question was published some days prior to the date fixed for the opening of this beach, viz., 7th May, and therefore may be regarded as somewhat premature.

The amount of accommodation provided is precisely similar to that provided in recent years at Stonecutters, which Taiwan beach is intended to replace for this year.

The matsheds and latrine could not, at the date of the article, be removed as they were let upon permit the terms of which entitled the permittee to one month's notice. This permit expired on 20th May and the sheds and latrine have now been removed, and the work of cleaning up their sites has been taken in hand.

The only funds at the disposal of Government were those provided originally for the beach at Stonecutters' and, in the present financial circumstances, it was not considered possible to provide a supplementary allotment.

2.—It has been estimated that to carry out the recommendations of the Bathing Beach Committee in their entirety an expenditure of upwards of \$52,000 will be required, a small portion of which will prove to be a recurrent charge. It is not considered practicable at present to expend this amount, but it is intended to spread the work over some years. In 1927, a programme of work costing in all \$10,230 has been approved by the Finance Committee of Legislative Council (subject, as regards one item of \$6,500 to sub-sequent approval of plans by the Finance Committee) and the work is in hand and will be completed as rapidly as possible.

The details of this year's programme are as follows:—

**Kennedy Town.**

Fresh water service .....	\$ 50.00
Extension to bathing shed .....	900.00

**Repulse Bay.**

Clearing passage through rocks.....	60.00
Fresh water supply.....	300.00
Removal of undergrowth.....	450.00
Hiring matsheds for public use.....	500.00
Sanitary conveniences (only after plans have been submitted and approved).....	6,500.00
Wages:	
Sanitary coolies.....	120.00
Public shed staff, up to .....	500.00

**Castle Peak.**

Fresh water supply.....	500.00
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**Stanley.**

Removal of undergrowth.....	250.00
Training stream to drain stagnant pool.....	100.00

**Shek O.**

*Nil.*

**Cheung Sha.**

*Nil.*

Total .....	\$ 10,230.00
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**COMMITTEE REPORT.**

THE COLONIAL SECRETARY—By command of H.E. The Governor, I lay upon the table Reports of the Finance Committee, Nos. 2-5 of 1927 and move that they be adopted.

THE COLONIAL TREASURER seconded, and the reports were adopted.

**UNIVERSITY ORDINANCE.**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to amend the University Ordinance, 1911.

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

Council then went into Committee to consider the Bill clause by clause. No alterations were made in the Bill in Committee and upon Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

### **BASEL EVANGELICAL MISSION.**

THE ATTORNEY-GENERAL moved the second reading of the Bill intituled, An Ordinance to provide for the incorporation of the President in Hong Kong of the Basel Evangelical Missionary Society.

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

Council then went into Committee to consider the Bill clause by clause. No alteration was made in the Bill in Committee and upon Council resuming,

THE ATTORNEY-GENERAL moved the third reading of the Bill.

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

### **PUBLIC HEALTH AND BUILDINGS ORDINANCE.**

THE ATTORNEY-GENERAL moved the first reading of a Bill intituled, An Ordinance to amend the Public Health and Buildings Ordinance, 1903. He said—

The Bill deals with three subjects—Sanitary Board elections, reinforced concrete buildings and certain features of the water-carriage system. The Bill is described and explained in such great detail in the "Objects and Reasons," in more detail than usual I think, that I propose, Sir, to refer only to certain main points.

First of all with regard to Sanitary Board elections it is common knowledge that there was a great deal of discussion about the law relating to Sanitary Board elections after the election which took place last year. That election disclosed various defects both in the Ordinance and in the Regulations, and the present Bill, in the section which relates to Sanitary Board elections, proposed to deal with the defects in the Ordinance. The Regulations are contained in a schedule attached to the Public Health and Buildings Ordinance and it is proposed to amend those Regulations so as to deal with the defects in the Regulations also. The draft Order-in-Council, which it is proposed to make when this Ordinance becomes law was published in the *Government Gazette* at the same time as the Bill.

The two main criticisms which were levelled against the present state of the law relating to Sanitary Board elections were: (1) that there was no register of names, no complete register of names of persons entitled to vote. The electorate of the Sanitary Board consists of two parts, the first part being those persons who are on the Jury List and the second part those persons who are exempt under the Jurors Ordinance from jury service. The persons exempt from jury service are described under various heads in the Jurors Ordinance but there is no list of them and the result under the present law is that, in the course of an election when great crowds of

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to vote, it is necessary, in the case of those persons who are entitled to vote and are exempt from jury service, to investigate their claims and to come to some decision in the bustle of the moment. That is extremely inconvenient and the proposal of the present Bill is to form a register of the actual names of persons who are entitled to vote on the ground that they are exempt from jury service. The obligation will be on each qualified person to apply to have his name entered in the register. Putting it generally that is the effect of one of the two main amendments proposed by this Bill on the subject of Sanitary Board elections. There are various amendments of detail but that is one of the two main alterations.

The other main amendment is concerned with the particular classes of persons who are exempt from jury service under the Jurors Ordinance and are, therefore, entitled to vote in the Sanitary Board elections. One class of persons exempt from jury service consists of masters of schools other than Vernacular schools. It was found at the last election that there was great difficulty in ascertaining whether any particular school was a Vernacular school or not. There is no statutory definition of the term. There is a definition in the Grant Code which has statutory effect but in all cases it relates only to Grant schools. The proposal in the present Bill is that the question of what is or what is not a Vernacular school shall be decided by the Director of Education who for the purposes of the Education Department already classifies all schools into Vernacular or non-Vernacular schools. Speaking broadly a Vernacular school is a school where the Chinese language is the principal medium of instruction. It was necessary to discover some means of finding out which schools were Vernacular schools and which were not and this proposal is perhaps the best that has been made for dealing with this difficulty.

The second main subject of the Bill is re-inforced concrete construction. This mode of construction has been developed very largely since the principal Ordinance was passed in 1903. That Ordinance did include re-inforced concrete buildings but it included them only in a very vague and allusive way and it does not give sufficient powers for dealing with that mode of construction which, as I say, has been very largely developed in recent years. Here again there are several amendments of detail, but again there are two main alterations which this Bill proposes to make in the principal Ordinance. The first is to give the Governor-in-Council power to make regulations covering the design, construction and situation of re-inforced concrete buildings. This form of building is included in the Bill under the term "exceptional buildings" but the buildings with which the Bill, to all intents and purposes, deals specifically are re-inforced concrete buildings. The intention is to introduce here the London County Council's Re-inforced Concrete Regulations, but to introduce these regulations will require considerable time and care to adapt them to the circumstances of Hong Kong and in the meantime the Bill will give the Building Authority power to use his discretion with regard to

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buildings. The intention is that, in using that discretion, the Building Authority shall follow the London County Council Regulations as far as possible.

The second main amendment in this branch of the Bill is in connection with section 180 of the principal Ordinance. That section provides that every domestic building erected or re-erected on land leased from the Crown before the commencement of the principal Ordinance must be provided with open space equal in area to not less than one-third of the roofed-over area of the building. The effect of that is that when a building on land leased from the Crown before 1903 is re-erected the owner has in practically all cases to provide an increased amount of open space, the object, of course, being to improve the health conditions of the Colony by the provision of more light and air. There is no definition in the Ordinance of the term "re-erection" but it has always been assumed, when a building has been sufficiently altered to make it technically a "new building," that it has been "re-erected" and that the increased amount of open space must be provided. Now it is possible, by the adoption of the new methods of re-inforced concrete construction, to alter a building very substantially, very materially, and to make it practically a new building, and yet to alter it in such a way that it does not become a new building under the definition of the principal Ordinance. It is, therefore, proposed first of all in this Bill to define "re-erection" as an alteration of a building to such an extent as to make it technically a new building, and secondly to provide in clause 10 of the Bill that re-erection for purposes of Section 180 shall include every alteration of a previously existing building in such a manner as to make the resulting building, or any part thereof, an "exceptional" building.

The third subject of the Bill is the question of the removal of water-closets and urinals. At present the power to remove is restricted in an inconvenient and in a not very logical way. The proposals in this Bill are to give clear power to order removal (*a*) where the construction was unlawful, (*b*) where the maintenance is unlawful, for example where some condition of the permission has been broken, and (*c*) where the use is unsanitary. In case these three clauses might not cover everything there is further power given to order removal at the absolute discretion either of the Sanitary Board or of the Colonial Secretary. This clause is inserted to make removal possible in cases which cannot now be foreseen. For example it might be found that in a certain district the use of these conveniences was leading to very serious pollution, possibly of the water supply, or possibly of some part of the harbour, and it might conceivably be necessary, at all costs, to order removal. Of course, in every case of that kind notice would be given to the owner in time to permit him to remove the convenience. It is not at the moment anticipated that that power will have to be used but it is necessary to take the precaution.

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

### **JAPANESE RESIDENTS' ASSOCIATION.**

HON. MR. D. G. M. BERNARD moved the first reading of a Bill intituled, An Ordinance to provide for the incorporation of the Directors of the Japanese Residents' Association of Hong Kong (Hong Kong Nipponjin Kwai). He said—The purpose of this Bill is to incorporate the Directors of the Japanese Residents' Association so as to enable them to hold immovable property in perpetual succession and the Bill follows the general form of incorporation Ordinances. The appointment of Directors and all matters of internal Management are left to be decided in accordance with the constitution of the Association for the time being.

The Association is for the mutual benefit of the Japanese residents in this Colony and for social and benevolent purposes amongst the Japanese Community. The Association has been in existence some 10 years and has a membership of about 600. At present the properties mentioned in Section 5 are held by Trustees on behalf of the Association. But this is inconvenient owing to the movement of the Trustees from time to time to other ports and incorporation would be of great advantage to them.

I may add that we have a close connection and considerable trade with Japan necessitating the presence of a large number of Japanese residents in Hong Kong to care for their business interests, and there is no more highly respected section of the community. If this Bill be passed it will be of much assistance to them and serve as an indication of our feelings of friendship towards them and our readiness to assist in making their residence in this British Colony as pleasant as possible.

THE ATTORNEY-GENERAL seconded, and the Bill was read a first time.

### **THE CHARGES OF THE YEAR 1926.**

The first reading of a Bill intituled, An Ordinance to authorise the appropriation of a supplementary sum of \$1,083,892.42 to defray the charges of the year 1926 was postponed until the next meeting of Council.

Council adjourned until Thursday, June 23rd.

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### **FINANCE COMMITTEE.**

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A meeting of the Finance Committee was held immediately following the Council meeting. The COLONIAL SECRETARY presided.

H.E. The Governor's message No. 6, containing items of supplementary expenditure Nos. 47 to 55 was considered. The votes totalling a sum of \$78,071 were all approved.