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LEGISLATIVE COUNCIL, No. 11.

TUESDAY, 27<sup>TH</sup> MARCH, 1888.

PRESENT :

HIS EXCELLENCY THE GOVERNOR

(SIR G. WILLIAM DES VŒUX, K.C.M.G.)

His Honour the Acting Chief Justice (JAMES RUSSELL, C.M.G.), *vice* His Honour SIR GEORGE PHILIPPO, Knt., on leave.

The Honourable the Colonial Secretary, (FREDERICK STEWART).

„ the Attorney General, (EDWARD LOUGHLIN O'MALLEY).

„ the Colonial Treasurer, (ALFRED LISTER).

„ the Surveyor General, (JOHN MACNEILE PRICE).

„ PHINEAS RYRIE.

„ WONG SHING.

„ ALEXANDER PALMER MAC EWEN.

„ JOHN BELL-IRVING.

„ CATCHICK PAUL CHATER.

The Council met pursuant to notice. •

The Minutes of the last Meeting, held on the 5th instant, were read and confirmed.

SWEARING IN OF MEMBER.—Mr. WALTER MEREDITH DEANE, Captain Superintendent of Police, was sworn in to act, provisionally, as an Official Member of the Council.

BILL ENTITLED THE EUROPEAN DISTRICT RESERVATION ORDINANCE, 1888.—Read the following Message from His Excellency the Governor :—

The Governor has directed to be introduced to the Legislative Council an Ordinance for the reservation of a European district in the town of Victoria. The object of this proposed law is fully stated in the preamble, which has been inserted in the Ordinance, as follows :—  
“Whereas the health and comfort of Europeans in a tropical climate demand conditions which are inconsistent with the neighbourhood of houses crowded with occupants and otherwise used after the manner customary with the Chinese inhabitants, and whereas the influx of Chinese into the Colony tends constantly to narrow the area of the City of Victoria where such conditions are attainable, and it is desirable to reserve by law a district wherein such conditions may be secured: Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof.” The correctness of these statements is too well known to need further elucidation. The rapid influx of Chinese into this Colony, where they find facilities of acquiring, and especially of *retaining* property, which are, to say the least, not universally present in their own country, creates an increasing temptation to land-owners to pull down houses adapted for European habitation, and to erect Chinese houses in their place, which, as providing for a far larger number of people within the same area, offer the prospect of greater profits from rent. This substitution is now going on at such

a rate that, in the absence of some effective check, the time is being brought within measurable distance when all but the richer European who can afford the occupation of land of exceptionally high value, will be driven altogether out of the town of Victoria, or compelled to live there under conditions far more prejudicial to their health than those already presented by the tropical climate. In view of the fact that a large leaven of Europeans is, and (in so far as can be foreseen) for a very long time will be, necessary to the well-being of the Chinese themselves, the practical exclusion from the principal town of Hongkong of those whose liberal institutions and whose indomitable energy and perseverance has transformed a bare uninhabited rock into a beautiful city and an emporium of trade second to very few others in the world, would be not merely a sentimental grievance, but a real calamity to all persons without exception who are concerned in the welfare of the Colony. With a view to prevent this undesirable result the Ordinance in question has been drafted for the reservation of a European district in Victoria. The district indicated (the actual limits of which will of course be subject to modification in Council, even if the general principle of the law be approved) is one which has always been occupied by European houses, almost without exception, so that there will be no disturbance of present conditions; and the only change proposed is the prohibition for the future of what has not actually taken place in the past, viz., the erection there of what are known as Chinese houses by large numbers of people after the manner usual with Chinese. Under ordinary circumstances this limitation of the rights of ownership would probably be held to involve the obligation of granting compensation. There are, however, reasons which seem to remove this obligation in the present case. A certain clause in the leases under which property in this and other districts is held, has in the past been construed both by the leaseholders and by the Government as leaving to the Crown a discretion to grant, or refuse, permission for the building of houses of a different character from those previously erected; and as a matter of fact when the substitution of Chinese for European houses was in contemplation the permission of the Government has again and again been asked and has even occasionally been refused. As there has never been any legal decision on the point, this meaning of the clause may, or may not, be correct; but at all events it is one which has been generally accepted; and there is even an opening for doubt whether a single one of the leaseholders acquired his property in the belief that it had attached to it the right which, if it ever existed at all it is now proposed to withdraw. Another objection which may possibly be raised to the Ordinance is that it is what is commonly called "class-legislation." But apart from the improbability that the Governor would give his sanction to any measure involving this reproach, a very slight consideration will show that it is in no way open to it. A certain district is to be preserved in a condition such as to render it possible for Europeans to continue to live there in health; but there is nothing in the law to prevent Chinese from living there also so long as their habitation is of a character consistent with that condition. The rights of all races will thus be not less equal in this district than elsewhere, and this law so far from injuriously affecting Chinese, will as a matter of fact, be a benefit to them in common with the rest of the community, for the prevention within the prescribed district of the overcrowding which is prevalent elsewhere secures in permanence a comparatively open space, or what is commonly called a "lung," for the densely-populated town of Victoria, and is thus more or less beneficial to the health of all the inhabitants.

The Attorney General then moved that the Bill be read a first time.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a first time.

AUDITING OF DEFENCES ACCOUNTS.—Mr. MAC EWEN, pursuant to notice, asked:—

*Whether any local audit is made of the sums contributed to the Military Authorities for the defence works of the Colony?*

The Colonial Secretary replied

PAPERS.—The Colonial Secretary, by direction of His Excellency the Governor, laid upon the table the following papers:—

Report of the Superintendent of Victoria Gaol for 1887. (No.  $\frac{6}{88}$ ).

Statement showing the total Receipts and Payments in the Year 1887. (No.  $\frac{7}{88}$ ).

BILL ENTITLED THE RATING ORDINANCE, 1888.—The Treasurer moved that the Council go into Committee on this Bill.

The Colonial Secretary seconded.

Question—put and passed.

The Council then went into Committee on the Bill.

Progress reported.

BILL ENTITLED THE TREES PRESERVATION ORDINANCE, 1888.—The Attorney General moved the third reading of this Bill.

The Colonial Secretary seconded.

Question—put and passed.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed and numbered as Ordinance No 14 of 1888.

ADJOURNMENT.—The Council then adjourned to Wednesday, the 4th proximo, at 4 P.M.

G. WILLIAM DES VŒUX,  
Governor.

Read and confirmed, this 4th day of April, 1888.

ARATHOON SETH,  
Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 141.

His Excellency the Governor has given his assent, in the name and on behalf of the Queen, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 14 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled The Trees Preservation Ordinance, 1888.*

By Command,

FREDERICK STEWART,  
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 7th April, 1888.

No. 14 OF 1888.

An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled *The Trees Preservation Ordinance, 1888.*

(LS) G. WILLIAM DES VŒUX.

[4th April, 1888.]

WHEREAS great damage is done to trees and plantations in the neighbourhood of the respective villages of this Colony, and whereas it is frequently difficult or impossible to discover the persons who have committed such damage: Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. Whenever it shall be proved to the satisfaction of the Governor in Council that trees or plantations belonging to Government in the neighbourhood of any village in this Colony have been felled, cut, mutilated, lopped, barked, or otherwise damaged or destroyed, and that there is sufficient reason to believe that such damage or destruction was committed by the inhabitants of the said village or by any of them, it shall be lawful for the Governor in Council, by order under his hand, to levy a special rate assessed upon such village to an amount sufficient to cover the damages done, and such increased assessment shall take effect from the earliest day after such order on which it can be brought into force, and shall continue until the Governor in Council, by a further order under his hand, shall revoke or alter the original order, which the Governor in Council shall do when he is satisfied that the injuries to trees on account of which the original order was issued have ceased, or that they were not committed by the inhabitants of such village.

Village rates may be increased to make good damages to trees.

2. Every such order shall be read as forming part of the Municipal Rates Ordinance No. 21 of 1885, or of any Ordinance which may be substituted for that Ordinance.

Orders to be read with Statute Ordinance.

3. Nothing in this Ordinance shall operate to prevent any person from being prosecuted for injury or cutting down trees or for stealing or for the unlawful possession of wood under any enactment under which, before the passing of this Ordinance, he might have been so prosecuted.

Not to prevent other penalties.

Passed the Legislative Council of Hongkong this 27th day of March, 1888.

ARATHOON SETH,  
Clerk of Councils.

Assented to by His Excellency the Governor, the 4th day of April, 1888.

FREDERICK STEWART,  
Colonial Secretary.