

## GOVERNMENT NOTIFICATION.—No. 346.

The following Minutes are published for general information.

By Command,

FREDERICK STEWART,  
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 28th July, 1888.

## SANITARY BOARD, No. 5.

THURSDAY, 19<sup>TH</sup> JULY, 1888.

## PRESENT :

The Colonial Surgeon, (Dr. PHILIP BERNARD CHENERY AYRES), President.  
The Captain Superintendent of Police, (The Honourable WALTER MEREDITH DEANE), Vice-President.  
The Surveyor General, (The Honourable JOHN MACNEILE PRICE).  
The Registrar General, (JAMES HALDANE STEWART LOCKHART, Esquire).  
JOHN DAVID HUMPHREYS, Esquire.  
JOHN JOSEPH FRANCIS, Esquire, Q.C.  
The Honourable WONG SHING.  
Dr. JAMES CANTLIE.  
NATHANIEL JOSEPH EDE, Esquire.  
Dr. HO KAI.

The Board met pursuant to adjournment.

The Minutes of the last Meeting, held on the 12th July, were read and confirmed.

No. 987,  
19th July,  
1888. SLAUGHTER-HOUSE AND CATTLE DEPÔT AT YAUMATI.—Read a letter from the Colonial Secretary stating that provision would be made in the Estimates for 1889, for the erection of these buildings.

No. 990,  
19th July,  
1888. MINUTES.—Read a letter from the Colonial Secretary conveying approval of the Government for the publication in the *Gazette* of the Minutes of the Board's proceedings.

DISTRIBUTION OF MEDICINES.—Laid on the table a return by the Registrar General showing the quantity of Medicines issued by the native druggists for the treatment of persons suffering from diseases of a choleraic nature.

BUSINESS OF THE BOARD.—Mr. FRANCIS, pursuant to notice, moved :—

*That the Secretary be directed to lay on the table at each Meeting of the Board a summary of the business disposed of by the President, and of the work done by the Officers of the Board during the interval since the last Meeting.*

Not seconded.

By-LAWS.—The Surveyor General moved :—

*That the Board go into Committee for the consideration of the By-Laws, (Sub-sections 1, 2, and 3 of Section 13 of the Public Health Ordinance) framed by the Sub-Committee appointed on the 21st ultimo.*

The Registrar General seconded.

Mr. FRANCIS moved, as an amendment :—

*That the consideration of the By-Laws under Sub-sections 1, 2, and 3 be postponed until the Board has fuller information before it as to the defects in the existing system of drainage, and the proposed system of main drainage about to be inaugurated by the Government.*

Dr. HO KAI seconded.

The Board divided :—

*For*  
Mr. FRANCIS.  
Mr. WONG SHING.  
Dr. HO KAI.

*Against*  
The President.  
Vice-President.  
The Surveyor General.  
The Registrar General.  
Mr. HUMPHREYS.  
Mr. EDE.

Amendment lost by a majority of three.

Original motion carried.

Mr. FRANCIS and Dr. HO KAI respectively gave notice that they would record in writing the reasons of their dissent, which are as follows :—

Protest of Dr. HO KAI and of Mr. J. J. FRANCIS, Q.C., Members of the Sanitary Board, against the decision of the Board to proceed with the consideration of the Bye-Laws prepared and submitted by a select Committee appointed by the Board to prepare Bye-Laws under Sub-sections 1, 2, and 3 of Section 13 of the Health Ordinance.

1. We object to the Board proceeding with the consideration of the Bye-Laws until it has before it in writing the evidence on which the Select Committee acted in framing them and the Report of the Sanitary Engineer referred to by the Honourable the Surveyor General.

2. We object to the Board proceeding to legislate on the subject of house-drainage until it has before it some definite information on the main drainage of the Colony, and as to any proposed new drainage scheme.

3. We object to the Board proceeding with the consideration of the present draft Bye-Laws, because they fail to distinguish between old buildings and new and muddle together several matters that ought to be separately and distinctly provided for.

The Board has full power to deal with new buildings as defined by the Ordinance. It has *no power whatever* to deal with *old buildings* and the drains of such buildings *until*, in the words of Section 50 of the Ordinance, they are found "defective and insanitary." To pass the first Bye-Law would be to enable the Officers of the Board to interfere with the drains in existing buildings whether in an insanitary state or not, and compel, within a very short time, the entire reconstruction of the existing drainage according to the new scheme, whether it needed reconstruction or not, the Health Ordinance having been specially framed to minimise, as much as possible, interference with existing arrangements and vested interests.

4. We object and protest in the strongest possible terms against the hasty and inconsiderate way in which the Board is proceeding, under pressure from the Surveyor General, to frame important Bye-Laws affecting large interests, without making itself acquainted with its powers under the Health Ordinance and the limitations of those powers and without having before it as a Board any evidence, any information as to the evils it desires to remedy.

5. We protest against the theory that it is a matter of indifference how we frame our Bye-Laws, as they must be confirmed by the Legislative Council and the Council will correct our defective work. The duty has been imposed upon us by law of working out these Bye-Laws conscientiously and thoroughly with a due regard to our powers and responsibilities and we cannot shift the burden from our own shoulders without disgrace.

Hongkong, 26th July, 1888.

HO KAI,  
JNO. J. FRANCIS.

The Board then went into Committee.

Clause 1 passed and progress reported.

ADJOURNMENT.—The Board then adjourned until Thursday, the 26th instant, at 4.30 P.M.

PH. B. C. AYRES,  
*President.*

Read and confirmed this 26th day of July, 1888.

WM. EDWARD CROW,  
*Acting Secretary.*