

EXECUTIVE COUNCIL.

No. 373.

Regulation made by the Governor in Council under section 23 (1) of the Waterworks Ordinance, 1903, Ordinance No. 16 of 1903, this 1st day of September, 1921.

The Regulation No. 1 of the Regulations made by the Governor in Council under section 23 of the Waterworks Ordinance, 1903, Ordinance No. 16 of 1903, on the 29th day of September, 1903, and published on page 914 of the Regulations of Hongkong, 1914, as amended by the Regulation made by the Governor in Council under the said Ordinance on the 19th day of May, 1921, and published in the *Gazette* on the 20th day of May, 1921, as Government Notification No. 230, is hereby further amended by adding at the beginning of regulation No. 1 the words "Except as otherwise provided" and by adding at the end of the said regulation No. 1 the words and figures "The price of water, whether filtered or unfiltered, supplied by meter from the Waterworks at Fanling and charged for as 'excess consumption' will be, until further notice, at the rate of one dollar (\$1) per one thousand (1,000) gallons. Provided that the special rate charged for water supplied to the Royal Hongkong Golf Club shall remain in force".

S. B. B. McELDERRY,
Clerk of Councils.

COUNCIL CHAMBER,
1st September, 1921.

LEGISLATIVE COUNCIL.

No. 374.

LEGISLATIVE COUNCIL, No II.

MONDAY, 18TH JULY, 1921.

PRESENT:

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

His Excellency the General Officer Commanding the Troops, (Major-General Sir GEORGE MACAULAY KIRKPATRICK, K.C.B., K.C.S.I.).

The Honourable the Colonial Secretary, (CLAUD SEVERN, C.M.G.).

„ the Attorney General, (JOSEPH HORSFORD KEMP, C.B.E., K.C.).

„ the Colonial Treasurer, (CHARLES McILVAINE MESSER, O.B.E.).

„ the Director of Education, (EDWARD ALEXANDER IRVING).

„ the Secretary for Chinese Affairs, (STEWART BUCKLE CARNE ROSS, O.B.E.).

„ the Director of Public Works, (THOMAS LUFF PERKINS).

„ Mr. HENRY EDWARD POLLOCK, K.C.

„ Mr. LAU CHÜ-PAK.

„ Mr. PERCY HOBSON HOLYOAK.

„ Mr. HO FOOK.

„ Mr. HERBERT WILLIAM BIRD.

„ Mr. ALEXANDER GORDON STEPHEN.

The Council met pursuant to summons.

MINUTES.—The Minutes of the last Meeting held on the 30th June, 1921, were confirmed.

FINANCIAL MINUTES.—The Colonial Secretary laid on the table Financial Minutes Nos. 53 and 54, and moved that they be referred to the Finance Committee :—

No. 53.—Public Works, Recurrent, Communications, (8) Maintenance of telephones including all cables,	\$19,616.00
No. 54.—Public Works, Recurrent, Kowloon, Communica- tions, (27), Maintenance of Telephones,	6,500.00

The Colonial Treasurer seconded.

Question—put and agreed to.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary laid on the table the Report of the Finance Committee (No. 8), dated the 30th June, 1921, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

PAPERS.—The Colonial Secretary laid on the table the following papers :—

Report on the General Post Office, for the year 1920.

Report of the Director of Education for the year 1920.

Return of Excesses on Sub-Heads met by Savings under Heads of Expenditure for the 2nd Quarter of 1921.

Report on the Fire Brigade and Proposals for increasing its Efficiency.

RENTS BILL.—The Colonial Secretary presented to the Council the following petitions :—From Mr. MOK LAI CHI representing Chinese tenants of the Colony ; and a further petition asking that they might be represented by Counsel ; from certain proprietors of boarding houses ; from the proprietors of domestic tenements praying to be represented by counsel on the second reading ; and a petition from Chinese domestic tenants in Hongkong which he asked the Secretary for Chinese Affairs to explain.

The Secretary for Chinese Affairs addressed the Council.

The Attorney General addressed the Council and moved the Second reading of the Bill intituled An Ordinance to amend the law relating to the recovery of possession in certain cases and to restrict the rents of certain domestic tenements.

The Colonial Secretary seconded.

The Attorney General moved that counsel who were present to support petitions for and against the Bill, should be heard by the Council.

The Colonial Secretary seconded.

Question—put and agreed to.

Mr. ALABASTER addressed the Council on behalf of 31 proprietors of domestic tenements presenting their petition opposing the Bill.

Mr. JENKIN addressed the Council on behalf of tenants.

His Excellency addressed the Council and put the motion for the Second reading of the Bill to the Council. It was passed without a dissentient vote.

Council in Committee on the Bill.

On the motion of the Attorney General, the following amendments were agreed to :—

1. Amend the long title by the addition of “and to amend the Rating Ordinance, 1901”.

2. Amend paragraph (b) of clause 2 as follows :—

(a.) Insert after “habitation” in the fifth line, “and every hotel and boarding house falling within any one of the classes of boarding houses specified in Rule 1 of the rules made by the Governor in Council under the Asiatic Emigration Ordinance, 1915, and the Boarding House Ordinance, 1917, and published in the *Gazette* of the 19th day of October, 1917,”.

(b.) Amend paragraph (ii) by adding “or their families”.

(c.) Amend paragraph (iii) so as to read :—

(iii) Any hotel or boarding house which does not fall within any one of the classes of boarding houses specified in Rule 1 of the rules made by the Governor in Council under the Asiatic Emigration Ordinance, 1915, and the Boarding House Ordinance, 1917, and published in the *Gazette* of the 19th day of October, 1917.

(d.) Insert the following paragraph :—

(iv) Any part of any hotel or boarding house whatsoever.

(e.) Renumber the present paragraph (iv) as paragraph (v).

(f.) Add the following paragraph :—

(vi) Any building for the time being vested in the Custodian of Enemy Property, or any part of any such building.

3.—(a.) Amend sub-paragraph (ii) of paragraph (f) of clause 2 by substituting “the” for “such” in the first line.

(b.) Amend sub-paragraph (iii) of paragraph (f) of clause 2 by substituting “the” for “such” in the first line.

(c.) Amend sub-paragraph (iii) of paragraph (f) of clause 2 by inserting after “1920,” the words “or shall be first let after the commencement of this Ordinance,”.

(d.) Amend sub-paragraph (iii) of paragraph (f) of clause 2 by substituting “the” for “such” in the fourth line.

4. Amend sub-clause (2) of clause 3 by substituting “due” for “payable” in the second and fourth lines.

5. Amend sub-clause (1) of clause 4 as follows :—

(a.) Substitute “shall have” for “has” in the tenth line (para. (a)).

(b.) Insert “or shall have” immediately after “has” in the thirteenth, sixteenth, eighteenth, twenty-second, twenty-fifth, twenty-sixth and twenty-eighth lines.

(c.) Insert “or has or shall have agreed in writing to quit,” immediately after “quit” in the twenty-fifth line, and “or agreement” immediately after “notice” in the twenty-sixth line.

(d.) Substitute “lessor” for “landlord” in the twenty-sixth line (para. (d)) and in the thirty-third line (para. (e)).

(e.) Insert “or for his family” immediately after “himself” in the thirty-fourth line.

6. Amend sub-clause (1) of clause 4 by the addition of “; or” to the last line thereof and by the addition of the following paragraph after paragraph (e) :—

(f) the lessor *bonâ fide* requires possession of the domestic tenement in order to pull down such domestic tenement or in order to reconstruct such domestic tenement to such an extent as to make such domestic tenement a new building within the meaning of the Public Health and Buildings Ordinance, 1903, and shall have given the tenant three months notice to quit.

7. Amend sub-clause (2) of clause 4 by the insertion of the words “and except as to the agreed period of tenancy,” immediately after the word “Ordinance” in the sixth line thereof.

8. Amend sub-clause (4) of clause 4 by the omission of the words “, for the purpose of giving effect to this Ordinance” in the ninth line.

9. Amend clause 4 by adding the following sub-clauses at the end thereof:—

(5) Where a lessor has obtained an order or judgment for possession or ejection on the ground that he requires a domestic tenement for his own occupation, and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the lessor to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the order or judgment.

(6) Nothing in this Ordinance shall be construed as affecting the operation of sections 205, 206, 207 or 207a of the Public Health and Buildings Ordinance, 1903.

Ordinance No. 1 of 1903.

Section 6 of sub-section (1) is amended by the substitution of "of" for "a" immediately after the word "as" and by the substitution of the word "from" in place of the word "on" in the sixth line thereof.

10. Amend clause 7 by omitting the word "made" in the fourth line.

11. Amend clause 11 by adding ", as regards length of notice," immediately after "been" in the ninth line.

12. Add the following clauses:—

12.—(1.) Notwithstanding anything contained in the Rating Ordinance, 1901, it shall be lawful for the assessor, in his absolute discretion, on the application of the owner or occupier of any tenement, to reduce the valuation of such tenement in any case in which the rent actually paid in respect of such tenement shall have been temporarily reduced in consequence of the operation of this Ordinance.

Assessor to have power to reduce valuations in certain cases.

(2.) Such reduced valuation shall apply to the quarter in which the reduction is made, and, subject to the provisions of the Rating Ordinance, 1901, with regard to interim valuations, shall continue to be in force while this Ordinance is in force and until the coming into effect of the first annual valuation made after this Ordinance shall have ceased to be in force.

Ordinance No. 6 of 1901.

(3.) If the valuation of any tenement is reduced under the provisions of this section, and if the rates in respect of such tenement for the quarter in which the reduction is made shall have been paid to the Treasurer before the making of such reduction, the Treasurer shall refund the sum by which the amount of the rates payable under the former valuation exceeds the amount of the rates payable under the reduced valuation.

13. If the rent recoverable from the tenant in actual occupation of any domestic tenement on the 31st day of December, 1920, either (a) was a rent which had been agreed upon in writing at some date before the 1st day of January, 1918, or (b) was not higher than the rent recoverable from the tenant in actual occupation on the 1st day of January, 1918, it shall be lawful for the lessor of such tenement to apply to the court to fix such other rent than the standard rent as the court shall think fit as the rent to be paid in respect of such tenement during the continuance of this Ordinance, provided that nothing in this section shall affect any rent which became due before the commencement of this Ordinance, and provided that nothing in this section shall entitle any lessor, during the currency of any written lease of any domestic tenement for a definite and unexpired term, to any rent higher than the rent reserved in such lease.

Court may revise the rent in certain cases.

14. In case a lessor of any domestic tenement has expended or shall expend after the 31st day of December, 1920, the sum of five hundred dollars or upwards on additions or improvements thereto by which in the opinion of the court the rateable value thereof shall have been or shall be increased, the court may on application by the lessor for such purpose order that the rent of such tenement shall be increased beyond the standard rent by an annual sum equal to 8 per cent. on the amount so expended by the lessor on such additions or improvements, provided that nothing in this section shall affect any rent which became due before the commencement of this Ordinance.

Court may increase rent in case of certain rateable improvements.

15. If any lease of any domestic tenement, a portion of which is occupied by the lessee himself or by his family or servants, shall expire after the commencement of this Ordinance, nothing in this Ordinance shall be construed as enabling such lessee to retain possession of any portion of such domestic tenement which he does not occupy himself or by his family or servants.

Tenancies to be extended only as regards premises actually occupied by the lessee.

16.—(1.) No person shall, as a condition or pretended condition of the grant, renewal, or continuance, by himself or by any other person of a tenancy of any domestic tenement, demand payment of any sum of money whatsoever, in addition to the rent.

Money not to be demanded for the grant, renewal or continuance of tenancies. 10 & 11 Geo. 5, c. 17, s. 8.

(2.) Every person demanding any payment in contravention of this section shall be liable upon summary conviction to a fine not exceeding one thousand dollars, and the magistrate by whom such person is convicted may order the amount paid to be repaid to the person by whom the same was paid.

(3.) This section shall not apply to any fine, premium, or other like sum, which any person, before the commencement of this Ordinance, shall have agreed in writing to pay.

17. Where any sum shall, after the commencement of this Ordinance, have been paid on account of any rent, being a sum which is by virtue of this Ordinance irrecoverable by the lessor, the sum so paid shall be recoverable from the lessor who received the payment or his legal personal representative by the lessee by whom it was paid, and any such sum may, without prejudice to any other method of recovery, be deducted by the lessee from any rent payable by him to the lessor.

Recovery of rent by lessee. 10 & 11 Geo. 5, c. 17, s. 11 (1).

His Excellency the Governor moved the suspension of the Standing Orders so as to enable the Bill to be carried through its remaining stages at this sitting of the Council.

The Colonial Secretary seconded.

Question—put and agreed to.

The Attorney General then addressed the Council and moved the Third reading of the Bill.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.—The Council then adjourned *sine die*.

R. E. STUBBS,
Governor.

Confirmed this 1st day of September, 1921.

S. B. B. McELDERRY,
Clerk of Councils.

No. 375.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 14 of 1921.—An Ordinance to amend the Crown Lands Resumption Ordinance, 1900.