

meet I think it most important we should meet on Saturday.

The ATTORNEY-GENERAL—I should just like to say it does not seem to be understood what the position of this Bill is. Prior to my return on the 22nd October the Bill was read a first time in the Legislative Council and published in the *Gazette*. Now, I have worked myself, I may say, very assiduously at that Bill, and in order that there should be no idea that any delay is on my part, I think I am within the mark when I say that Bill has been redrafted by myself and printed six or seven times, each redraft being to try to meet the views of those who have made representations on the subject. I think it must be a month since the Bill in the form it left me then was referred to the Director of Public Works and the Hon. Mr. Chater, the senior unofficial member, in order that they might consider it carefully and that I might have the benefit in redrafting it of their advice. They sent in their report. I considered that report very carefully, I considered the recommendations of the Permanent Committee of the Sanitary Board, I considered the whole of the recommendations of the Housing Committee, which sat and considered this matter very carefully and I then redrafted the Bill. It was then in the form in which personally I should have thought it might have been brought on, but at that point Mr. Chater desired to take the opinion of his *confreres* the other unofficial members on the Bill. That must have been over a fortnight ago or more. Since then the Bill has been sent back again to the Sanitary Board in order that they might see the shape it is likely to assume on the second read-

ing, and they seem to have had a very animated debate upon it. But if the Bill is to go on in this way, first to please the unofficial members and then the Sanitary Board, and I am to be the unfortunate man to redraft it each time, I venture to say it will never be passed. It is impossible to please every one. The interests are varied. There are men who have property in the place who have more regard to their property than to the health of the community. I am sorry to have to say it, but it is the fact. There are men, on the other hand, who are very anxious for the welfare of the community and the health of the community, and I cannot help saying the Sanitary Board seem at the present time to be doing, according to their lights, the best they can in watching the interests of the public in connection with this Health Bill, and I shall pay every attention to the recommendations they make. But if this Bill is to go on in this way, first going to one man and then to another, and I am to keep on redrafting it, I can assure hon. members it will never be passed at all. The time has come when we should plead for urgency, and I ask the support of the Government in bringing that Bill on and carrying it through. If it has to be amended afterwards let it be amended, but I do not want the reproach to go on that we do not know our own minds. It is three months since the Bill was first brought on, and I deprecate myself any further delay at all. It has been in the hands of every one for a long time and has been published as read a first time more than three months ago.

ADJOURNMENT.

HIS EXCELLENCY adjourned the Council until Saturday at two o'clock.

22ND DECEMBER, 1894.

PRESENT:—

His Excellency the Governor, Sir WILLIAM ROBINSON, K.C.M.G.

Hon. J. H. STEWART LOCKHART, Acting Colonial Secretary.

Hon. W. M. GOODMAN, Attorney-General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

Hon. F. A. COOPER, Director of Public Works.

Hon. R. M. RUMSEY, Harbour Master.

Hon. C. P. CHATER.

Hon. HO KAI.

Hon. J. J. KESKICK.

Hon. E. R. BELLIOS, C.M.G.

Hon. A. McCONACHIE.

Mr. J. G. T. BUCKLE, Acting Clerk of Councils.

THE PUBLIC HEALTH BILL.

The ATTORNEY-GENERAL—I have the honour to move the second reading of the Bill entitled

an Ordinance to make provision with regard to certain houses closed during the prevalence of the bubonic plague and to make further and better provision for the health of the colony. Gentlemen, this Bill was read a first time and published in the *Gazette* on the 15th September; that is to say, three months ago. Since then it has been fully discussed and criticised. It has been discussed by the senior unofficial member in conjunction with the Director of Public Works, and it has been discussed fully by the Sanitary Board. These criticisms have been very carefully considered by the Government and the outcome of all these deliberations is that I shall have in Committee to-day to move certain amendments, some alterations and some additions, to the original Bill as it stood at the first meeting. I shall also have to suggest that some of the clauses may be transposed so as to conduce to greater clearness. For the

convenience of hon members the Bill has been reprinted in the form in which I hope it will pass the Legislative Council after all these amendments have been inserted. But I want specially to point out that it is not a new Bill. It is the same Bill in principle and the main clauses are the same, with some modifications, as the clauses of the Bill as read a first time. Now I trust that this Bill will be passed before the close of the year 1894. Gentlemen, this has been a very trying year. We have had amongst us the plague, which I think may be described as the grim offspring of filth and overcrowding, and, gentlemen, before the year goes to its account surely we shall be able to say that the Legislative Council has done something towards preventing if possible a recurrence of this plague, towards avoiding another such outbreak and has done its best, according to its lights, in a very difficult emergency, to provide for the safety of the colony. There are two schedules to this Bill. The first comprises those houses which were closed partially or wholly by the Sanitary Board or what is the same thing, the Permanent Committee of the Sanitary Board, and these houses are houses that have not been reoccupied or given back to the owners. The second schedule comprises houses which were closed wholly or in part by the Sanitary Board, but which have since been returned to the owners, the owners or occupiers having undertaken to do that which the Sanitary Board considered was an initial preliminary to the houses being occupied without danger to the health of those who occupied them. Now, these houses were closed by the Sanitary Board because they were satisfied that these houses as they then stood were unfit for human habitation. They were closed by the Board, acting in pursuance of the powers conferred by certain by-laws, which by-laws were passed and afterwards had statutory force given to them by this Council by Ordinance 5 of 1894, which was passed on the 13th June, and the first section of which declares that these by-laws as ratified and confirmed should be deemed to be as valid and effectual as if they had been embodied in an Ordinance passed by the Legislative Council. Therefore, as long ago as the 13th June last we have this Council conferring these very powers upon the Sanitary Board which enabled them to take the steps they have taken. It was also enacted in the second section that these by-laws should continue and be deemed to be as valid and effectual as if they had been embodied in an Ordinance passed by this Council. Therefore this Council as long ago as last June confirmed and gave these by-laws statutory force. No doubt that power was a very great power, but the occasion was urgent. And I take it no one will gainsay that this Council has a perfect right in its legislative capacity to say to any man in the colony, "You have no right to use your property in such a

manner as to endanger the lives and safety of your fellow-colonists. You have no right so to use your house as to make it a hot-bed in which the germs of disease and plague which may be brought in from another place may thrive until they become a very dangerous thing to the colony, and until we have the plague rampant in our midst. And this Council has a right, in its legislative capacity, to say, "We will take that property away from you temporarily until it has been restored to a proper condition and that it shall be handed back to you in such a state that it will not be a public danger." For any man to say, "Compensate me for having done so" is absurd. There is an old maxim—a maxim in Roman law, in fact—which is still recognised in law to the present day—*sic utere tuo ut alienam non lœdas*; and when a man uses his property improperly the state has a right to say, "We will stop you from being a danger to the community." That is the power you conferred upon the Sanitary Board. It is possible that in some instances the Sanitary Board may have gone—I do not know that it has done so—a little beyond what they would have done if they had had more time. But without emolument, in a time of great danger, the Sanitary Board, after being lethargic for I do not know how long, suddenly awoke and rose to a sense of its duty and did some admirable work, and closed all the houses which are in the schedules; and I shall ask you when the Bill comes before the Committee to say that having done their best for the benefit of the community in a time of great emergency they should be prevented from being attacked by the lawyers on every legal or technical point it is possible for lawyers to take in regard to their conduct, and I shall have to point out to you the clauses which will protect the Sanitary Board later on. It will probably be said by some of the opponents of this Bill, "You are driving away the Chinese from the colony." It is our policy to encourage them to come here, but if any particular Chinaman comes to us and says "I have very dirty habits; I like to be in insanitary places; I like to live in a house where if the plague comes it will be pretty sure to stay, and it gives me less trouble to leave it as it is than to put it in order"—if I met such a man I would say, "We part with you with sorrow, but go to another land where you may live in a house that suits your notions, but I trust in course of time you will learn to repent your folly and I trust you will repent before the plague overtakes you." That is my answer to those who say we are frightening away the Chinese by insisting upon proper sanitary arrangements in this colony. I will now call attention to the report of the Permanent Committee of the Sanitary Board, which is the original basis upon which this Bill was framed—that coupled with the report of the Housing Committee, which also did good work. Now, that Permanent Committee

makes some recommendations and their memorandum was dated 29th June; and they specially called attention to the necessity for special legislation in regard to basements; they proposed that ground floors should be rendered impervious to gas and water; they called special attention to overcrowding and its terrible results. They pointed out that the system of mezzanine floors which made three storeyed houses into six storeyed houses was exceedingly dangerous because it conduced to overcrowding, and they pointed out cases where rooms in addition to having mezzanine floors had cubicles or divisions which turned an ordinary sized room into four or five under-sized rooms and produced a state of things under which it was impossible to prevent overcrowding. If you had a man here who could inspect these houses and stop this state of matters it would be a different thing. But there is no such being in existence, and as long as you give an opportunity of overcrowding by means of these mezzanine floors and cubicles so long will you have overcrowding, because human nature is a strange thing, and if a man can get more money by having twenty-five people in his house instead of twenty he will say he does not know why we should interfere. These are the main things dealt with by this Bill. There were other recommendations which I have no doubt were very good, but you cannot carry everything out by Act of Parliament. There are different conflicting interests and people take different views of things. In passing legislation you have got to legislate in such a way as to get the Act through. You have to give a certain amount of compromise, and if there are some things in the Bill not entirely satisfactory it is more with the idea of having something thoroughly good in its way passed than to have a perfect Bill going from person to person and from Committee to Committee and never coming into operation. I would like to point out in order that you may see that this is not a new Bill that section 2 is simply section 17 of the old Bill enlarged. Section 3 is section 1 of the old Bill; section 4 is section 2 of the old Bill; section 5 is section 5 of the old Bill; section 6 is section 6 of the old Bill. I will not say there are not slight modifications, but substantially they are the same. Section 7 is section 7, section 8 is section 8, section 9 is section 10 in the old Bill, and sections 10 and 11 are sections 11 and 12 of the old Bill. Now, section 12, which deals with the height of buildings, which will not be much disputed, is a new section. Section 13 is the old section 13 with some added matter. You will see that I have placed in that section the sub-section 7; that is new, but it is taken from the old powers conferred on the Sanitary Board by the Public Health Act where plague exists and a proclamation is needed. It will occur to hon. members that there are times when you do not want to proclaim the place infected until absolutely

certain that the plague is here and if you do not proclaim you may not be doing what is right, and it is a matter of evidence before you whether the urgency is so great that you should issue a proclamation. Sub-section 7 gives to the Sanitary Board much the same powers as they would have if the proclamation had been issued and it provides "for the prevention as far as possible or mitigation of any epidemic, endemic, or contagious disease including inter alia," &c. I do not see why the Sanitary Board should not have power to deal with a case of emergency when it arises without waiting till a lot of correspondence has taken place and a lot of delay which may result in a considerable spread of the disease. Section 14 is section 14 of the old Bill, section 15 is section 4, only transposed for convenience, and section 16 is section 15 of the old Bill. Section 17 is new; it gives power to deal with polluted wells. I do not think anyone will object to that. It is a good thing that all wells in an insanitary condition should be closed; that is a subsequent recommendation of the Sanitary Board. Section 18 is new. It is there stated that it shall not be lawful to erect any balcony or verandah projecting over any street, lane, or alley way where such street is of less width than 20 feet. Section 19 is the old section 9. Section 20 is new. It says the provisions of this Ordinance shall not apply to buildings or wells belonging to the Colonial Government or to buildings or wells upon any land vested in any person on behalf of the naval or military departments of Her Majesty's service. Those are the main features of the Bill, and although I may have been rather long this explanation may shorten things in the end if I explain one or two slight points in the alterations. In section 3, which is the old section 1, there is a slight alteration. You will find if you look at the schedules that some of the buildings are closed wholly and some only partially. I noticed that, and I thought it was intended where a building was only partially closed you should not require the inhabitants of the other parts to be turned out to render the floors impervious. Then when we come to cellars, section 6, there is no doubt we have to deal with a very difficult problem, and anyone who tries to word the clause in a satisfactory manner will find he has a very difficult task. After some trouble it has taken its present shape. We thought it would be well to give three months' notice and it is provided that on and after 1st April, 1895, it will not be lawful without the written permission of the Sanitary Board, to live in, occupy or use, or to let or sublet, or to suffer or permit to be used for habitation or for occupation as a shop, any cellar, vault, underground room, basement, or room any side of which abuts on or against the earth or soil. You will find later on it is provided in the Bill that the Sanitary Board shall have power to make by-laws regulating

the conditions under which basements or cellars may or may not be inhabited. I do not know that I need detain you any longer. I thank you for the patience with which you have listened to me, and I shall be happy to explain, with the assistance of the Director of Public Works, any points that occur to hon. members on looking at the alterations we have made. (Applause).

**THE DIRECTOR OF PUBLIC WORKS**—I have the honour to second the second reading of this Bill. It is unnecessary for me to go into the various technical details which occur in the provisions of the Bill. Many of them have previously been before the Council in connection with the passing of the Public Health Ordinance in 1887 and the Building Ordinance in 1889. Further, my predecessor Mr. Price and myself while dealing with the project of the Praya Reclamation pointed out the danger which existed to the public health owing to the insanitary conditions which then existed in a large portion of native parts of this city, but that danger is no longer a subject of speculation, as has only too forcibly been brought before us all during the present year. I think you must all be agreed that sanitary reforms are most urgent, and that the public health of this colony and its prosperity in the future to a large extent depend upon them. This Ordinance contains little but what is in force now in many towns and cities in England and on the Continent and has repeatedly been considered necessary by various sanitary experts of late years in all places where people congregate, and especially amongst the working population. I think, therefore, the time has arrived—I might say arrived long ago—when the hon. members of this Council should no longer hang back, for however unpleasant the duty may be of enforcing what at first may appear stringent measures it is absolutely necessary in the interests of the public health and prosperity of the colony. This Ordinance has been carefully considered by the members of the Sanitary Board, and those members who were present unanimously agreed in urging upon your Excellency the putting in force of the provisions of this Bill without delay. With these few remarks I beg to second the second reading of this bill.

**HON. HO KAI**—I am not going to oppose the second reading of the Bill, but a few remarks are necessary from me to explain a few things and also to answer one or two of the observations of the hon. and learned Attorney-General. Now, sir, on Thursday last the hon. and learned Attorney-General seemed to imply by his remarks that the unofficial members had more or less delayed this Bill. The unofficial members have not done so. The Bill no doubt was published on the 15th September last, and then the unofficial members set to work on the Bill and had several sittings over it, and if your

Excellency will remember they communicated the result of their deliberations to your Excellency in the form of a minute. But since then the Bill has gone through quite a number of alterations, and the Sanitary Board has sat on the Bill, and the unofficial members only wished to consider the Bill with the remarks of the Sanitary Board before them, so that they might in one or two sittings have time to consider the Bill as altered or with the new amendments sent back by the Sanitary Board. Since your Excellency fixed this day for the meeting of Council we have met. We, the unofficial members, sat yesterday for two or three hours to consider the Bill and our impression is this, that while all of us are agreed that some sanitary reforms are needed and should be introduced into this colony we are all desirous to ask your Excellency to bear this in mind, that there is such a thing as too much sanitation for the people. The Bill as it stood was grandmotherly enough and some of the amendments introduced into it have the undoubted effect of decreasing the value of property to a very considerable extent, and although I am not a large landowner in any sense of the word—I am not blessed I am sorry to say with many houses in the colony—still I feel it is fair to those who have acquired by industry, by success in business, or otherwise large sums of money which they have invested in this colony, that they should receive due consideration and not be treated with utter disregard to their interests. Now, the hon. and learned Attorney-General seems to think that the colony exists for a certain class of people. Those who have made the colony what it is, those who have assisted—namely, the Chinese community—the English of former days in raising the position of the colony and promoting the prosperity of the colony and in making Hongkong what it is now, the third port in the world, surely they deserve some more consideration. (Hear, hear). Now, if I were in the place of that Chinaman the hon. and learned Attorney-General spoke of I would have answered differently; I would have answered, "This colony has been made to prosper with my aid and that of my fellow-countrymen. It is through our help that it has gained such a position among the ports of the world, and even if I have some dirty habits I expect the Government to remedy them for me in a considerate way, and I am quite prepared to change with the times, but still I should protest against any sweeping measure which may touch my family and touch my property. If the colony is to gain by the sacrifice of my property in any particular way, I expect the colony as a whole will bear with me the burden imposed upon me. Also, I am not the man whom you can dispense with; there are many other men who have no fixed interests in the colony, who are like birds of passage, who may be here two or three years and are then

gone elsewhere. I am not such a man, but my interests are in the colony and are of such a nature that it is for me to say I don't want you and not for you to say you don't want me." Now, sir, there are in this Bill many sections which I think might be done away with and more moderate measures secured. I think that the Chinese if you understand them can be led very easily, and if you were to do a certain thing according to their notion of the fitness of things they would obey and be led by you like so many lambs; but if you are to pass laws to interfere too much with their domestic peace, to allow their enjoyment of their properties to be interfered with, in fact to handle them roughly and with a high hand, they will resent it, not in any very quarrelsome way, not by strikes as people do in England and other European countries, but they would quietly leave the colony, and will leave us, in fact, like Robinson Crusoe on the desert island, lords of all we survey. I am sure none of us here would like to force the Chinese to act in that way. But at the same time I fully endorse the words of the Attorney-General that we must of course do something to prevent a recurrence of the plague, and with that in view, and also what I have urged upon you—and also as I hope we will be able to pass the Bill to-day with some degree of unanimity—I hope we may be able to arrive at a measure which will secure the health of the colony without interfering too much with the holders of property and with their interests. With these few remarks I to a certain extent support the second reading of the Bill.

The Bill was then read a second time and the Council went into Committee upon it.

Section 1.—Short title.

Section passed.

Section 2.—Definition clause.

Hon. C. P. CHATER—I would draw attention to the definition of "street," which runs:—"Any square, court, or alley, highway, house, road, or passage, whether a thoroughfare or not." There are a great many streets running from the Queen's Road to the Prava which are composed of private houses, but in defining the word "street" these are all brought in.

The ATTORNEY-GENERAL—I think if the hon. member waits till we get to the clause where the word "street" is used he will find there is nothing very oppressive in it. The height of a building is regulated according to the width of the street.

Hon. C. P. CHATER—Yes, that is just the point.

The ATTORNEY-GENERAL—The object of that provision is to prevent the absence of light and air and to permit ventilation, and whether in private lanes or thoroughfares houses without sufficient light and ventilation should not be allowed.

The section was passed subject to the word "street" being redefined if necessary.

Section 3—Prohibition of inhabitation of scheduled houses until impermeable floors provided.

Passed without discussion.

Section 4—Prohibition after 1st July, 1895, of inhabitation of domestic buildings until impermeable floors provided.

The ATTORNEY-GENERAL—The difference between sections 3 and 4 is this. Section 3 applies to property the owners of which have refused to do anything. They say, "The Sanitary Board is holding our property and we will not do anything." They are made by Ordinance to put it into a state fit for habitation before people can occupy it. Those are in the first schedule. The second schedule covers those who have had their property handed back to them on condition that they put it into a proper state, and they are given to the 1st July, because it takes some time to execute the work; provided always that where the property has already been paved to the satisfaction of the Sanitary Board the owner shall not be required to do it over again.

Section adopted.

Section 5—Where impermeable material over ground surface has been broken, landlord or owner to make good the same to the satisfaction of the Sanitary Board.

The ATTORNEY-GENERAL explained that this clause had been altered from the form in which it stood when the Bill was introduced. He was indebted for the substitution to the hon. the senior unofficial member in conjunction with Mr. Cooper. He thought that though the other looked very well on paper there would have been difficulties in carrying it out.

Section passed.

Section 6.—Basements any side of which abuts on or against the earth or soil not to be occupied without permission of the Sanitary Board.

Section passed.

Section 7.—Mezzanine floors.

Section passed.

Section 8.—Requires windows in rooms and limitation of cubicles.

Section passed.

Section 9.—Requires for each occupant of a house 30 square feet of floor space and 400 cubic feet of air space.

The ATTORNEY-GENERAL—I am quite aware that in moving these figures I am entering on very debatable ground. At the present time every prisoner in Victoria Gaol, by direction of the Secretary of State, has to have 1,500 cubic feet of air space, and the effect is seen in the excellent health that prevails there; while with regard to the military, I think I am right in saying that in England the requirement is 600 feet and here 800 feet of air space for each soldier. Now I trust my hon. friend opposite (Hon. Ho Kai) will not think I am making any attack on the Chinese in what I say or suggesting that the better class of Chinese

would desire to have these dirty places about them, but the Chinese are no doubt differently constituted from ourselves, and we are all more or less the creatures of habit, and there is no doubt a coolie can thrive under conditions in which a European would sicken and die. You have only to go to Canton to see the terrible condition of overcrowding which prevails there. There is no desire on the part of this Council to deal unduly harshly with the Chinese, but as overcrowding has resulted in plague that is a matter that must be dealt with. They may say, "Let us have our own way and there will be no sickness," well and good; but they have had their own way, and we have had plague, and 2,500 deaths from it, and it is therefore essential we should insist on some greater air space being provided. Now, with reference to these figures, I would be only too glad to meet the views of all if I could. I have redrafted the Bill several times and have put in different figures, and now the Sanitary Board has put these figures down as the minimum. There were members who desired to have larger figures put in, but these are the figures they inserted the other day, and I should be very sorry personally to take upon myself the responsibility, having found the smaller figures in the present Health Ordinance did not keep the plague away, of not accepting the figures they have put in, when their position is backed up by the fact that the air space required in barracks is 800 cubic feet and in the gaol 1,500 cubic feet. I move that the section stand part of the Bill.

The DIRECTOR OF PUBLIC WORKS seconded.

HON. E. R. BELLIOS—Sir, I would propose as an amendment to this section that the floor space should be 21 square feet and the air space 300 cubic feet. I believe, sir, this question has been before the Government on several occasions during the last few years. If I remember rightly, it was first mooted in Mr. Price's time, when he was in charge of the Public Works Department, and lastly it has been considered by the Housing Committee which your Excellency kindly appointed to look into the matter of house accommodation, and I understand that Committee advised the Government the space should be 21 feet of floor space and 300 feet of air space, which figures I now propose should be adopted. We know, sir, that the Chinese are fond of flocking together like sheep, and any extension or enlargement of the space suggested by the Housing Committee will not be appreciated by them. Secondly, any enlargement of this space would, I maintain, go a great way to reduce the capacity of this colony to receive and hold inhabitants. Thirdly, it will lead to enhancement of rent for the poorer classes. Unless therefore the Government are prepared to put a girdle of railroad round the island, to open new sites for the accommodation of the working classes, and to transport them to and fro with as little cost as possible both of time and money it will

be like shutting our door to the influx of the labouring class from the mainland.

HON. HO KAI—Sir, I have much pleasure in seconding the amendment. In doing so I wish to point out that the subject of superficial area is a new one. The hon. and learned Attorney-General says we have tried 300 cubic feet and we have found it did not prevent the plague visiting us. Now, I may point out that though we have tried 300 cubic feet of air space we have not tried the superficial area or floor space. That was not in the Health Bill. Of course it may be easily understood by any gentleman of this Council that without the superficial area overcrowding might still exist to a very great extent, although you may allow 300 cubic feet of air space, or 400 feet, or even 800 feet, and consequently the question of superficial area has been introduced with a view of preventing overcrowding. Now the figures proposed by my hon. friend opposite (Hon. E. R. Bellios) are 21 feet of superficial area and 300 cubic feet of clear internal air space. These figures were recommended first by the Permanent Committee of the Sanitary Board and the subject then passed into the hands of the Housing Committee, of which I had the honour to be a member, and we discussed it thoroughly and confirmed the recommendation of the Permanent Committee. Now the Sanitary Board have got hold of it a second time and they have increased the figures. I need scarcely say the Permanent Committee and the Housing Committee, having heard the medical evidence, did not arrive at the conclusion they did, 300 cubic feet and 21 square feet, without a great deal of thought and deliberation, and I do not know why the matter has been re-opened, but, as the hon. and learned Attorney-General has remarked, so far as the Chinaman is concerned, he does not want that large amount of air space, nor the superficial area. I take it it will meet the case very well if it stands at the figures recommended by the Permanent Committee and the Housing Committee. It is a very serious thing for the Chinese labourer even not to get enough money to pay for his high rental every month. It is difficult for him to find a place to sleep in at night without paying an enormous price for it, and if you now require a large space he will have to stint him in other directions, it may be in food or raiment, to pay this exorbitant charge. Plague is not only by filth, but by starvation. We must recognise the importance of providing people with cheap lodging in order that they may be able to spare cash to buy food for themselves, and also that we should not drive away the labouring class on account of high rents. For these reasons I support the amendment.

The COLONIAL TREASURER.—I understand the Housing Committee has been named three times and as I was chairman of the committee I ought to explain that the

21 feet floor space and 300 feet of air space was not originally drafted by the Housing Committee but was suggested by the Permanent Committee. I may say for myself and the other members of the Housing Committee that they accepted the suggestions of the Permanent Committee of the Sanitary Board as being a step in the right direction and an improvement on the existing state of things, although I am not at all prepared to say that had the question been referred to us what was the proper amount of space to be allowed we should have hit on the same figures as the Permanent Committee of the Sanitary Board hit on, nor am I prepared to say that any discussion took place as to whether it would not be better to raise them to something else. All the Housing Committee did was to accept these figures as some improvement on the existing state of things without going into the question whether it might not be well to raise them to something higher. I was myself under the impression that the figures had probably been worked out from schedules in the possession of the Permanent Committee or that they had some means at their disposal of finding out the proper minimum of air space, and seeing that a superficial area had been added I agreed with the rest of the Housing Committee in recommending the proposal, but I am not prepared to say that having done so I am not prepared to agree in the views of medical men and others, that that would be too little. I am very much in favour of giving too much rather than too little, and I shall have no hesitation in supporting this section as it now stands in spite of my agreement in the previous figures, which were smaller than the present ones.

The ACTING COLONIAL SECRETARY—The hon. member who has moved this amendment has given the third place to that which I think may place first, that is, the question of rent. There is no doubt the objection in certain quarters to any increase of space is the fear that rent will be raised. There is no doubt about it that in considering this matter of cubic space that has taken the principal place. I myself was a member of the Sanitary Board in the early days and I remember this subject was threshed out and we almost heard almost more about rent than about air space. It must be remembered that the rents in Hong-kong are enormous, that the poor labouring classes are rack-rented. That is a fact that must be within the knowledge of every hon. member of this Council. Houses are let out and divided into cubicles, which are sub-let at exorbitant figures. The remedy therefore is to see that the rents are not raised in this manner and to take care that poor people have the consideration the hon. member refers to and are not squeezed in space and rent. I say the poor classes should receive our consideration, and we should use every endeavour to protect their interests, and see that their

money does not go to the rack-renter and that they are allowed ample space. I oppose the amendment.

The ATTORNEY-GENERAL—I should just like to point out what the difficulty would be. Suppose a floor covered by a number of coolies going to sleep on their backs; they are perhaps two feet across; however, I want to point out that if you cover the floor, according to the old figures a man's head would be within 6 inches of the feet of the man sleeping next to him; there would be only 6 inches of space around him. I don't think that is healthy. I think there ought to be more than 6 inches of space between men sleeping on the floor. I think that to give him 18 inches would be much better than to give him only 6 inches.

A division was then taken, when the unofficial members voted for the amendment and the official members against. The amendment was therefore lost, and the section as it stood was passed.

Section 10.—Gives power of inspection to ascertain breaches of sections against overcrowding.

The ATTORNEY-GENERAL moved that the section stand part of the Bill and mentioned that the words "at any time" had been substituted for "by night or day."

The DIRECTOR OF PUBLIC WORKS seconded.

Hon. HO KAI—I beg to move as an amendment that instead of the words "domestic building" there be inserted the words "coolie house or common lodging house." This is a section which as it stands every Chinese in Hong-kong will strongly oppose. The Chinese do not care to have their domestic abode invaded at any time of the day or night without notice, and as there is an English saying that every man's house is his castle, so the Chinaman thinks also his house should be his castle. There would be no objection to inspection of domestic buildings if notice were given, and that would be an advantage, because if notice were given the occupants or owners of the house would see that everything was put in order before the inspector came round, and the Government or Sanitary Board would then have their wishes carried out without any trouble. I take it both the Government and the Sanitary Board wish not to put any one in gaol for breach of sanitary laws but by any means in their power to induce the observance of sanitary laws. They would take no delight in the death of the sinner, and if we have a way of inducing the Chinese to do the very thing required we should adopt it. But as regards coolie and common lodging houses, there night inspection might be carried out. In these houses they let out their accommodation by the bed and the keepers might want to make a few cents more or less for the night. But so far as Chinese domestic houses are concerned, I strongly object to the provision that they can be visited at any time either by day or night.

The ATTORNEY-GENERAL—I will point out to the hon. member that if he looks at the next section notice is required to be given, but if you give notice under section 10 you obviate the very object of the visit. In sub-section 3 of section 6 of the Public Health Ordinance you will see mention is made of overcrowding between the hours of 11 p.m. and 5 a.m. That is the time you want to go and catch them, and if you gave notice then they could overcrowd as much as they liked for another month, or until they received notice of another inspection. If you want to put down overcrowding you must have surprise visits, subject as the section provides to such directions as the Sanitary Board may impose. The Board, of which my hon. friend is a member, would impose such conditions as would prevent hardship. As the law stands they might come and inspect my house, but if the inspector came once he probably would not want to come again (laughter), because he would find it clean. This is one of those cases where you must give large powers, and if cases of hardship are brought to the notice of the Government, no doubt sufficient pressure would be brought to bear to prevent their recurrence.

HIS EXCELLENCY—The officer has to be specially authorised by the Board and that authorisation would not be given unless under proper conditions.

The ACTING COLONIAL SECRETARY—During the plague there were many surprise visits made, and I have been told by leading Chinese that they were generally conducted in such a way as caused no annoyance. They specially mentioned that Inspector Germain and Sergeant McIvor had performed their duties in this connection with great tact and might be entrusted with this duty without causing any discontent. Those visits revealed the fact that the places most overcrowded were not the houses of the poor coolies, but those very domestic buildings which the rack-renter had divided into as many cubicles as he could in order to get as much rent as possible. I quite agree with the Attorney-General that this class of houses should be visited, on the understanding that discretion will be observed in carrying out the inspection.

Hon. J. J. KESWICK—I have much pleasure in seconding the amendment. I have heard the remarks of the Acting Colonial Secretary and I am not in a position to state of my personal knowledge that what he has said about the absence of annoyance in connection with inspections made during the plague is not correct, but at the time the inspections were going on I heard there was much ill-feeling in consequence of the visits. I have no personal knowledge of the matter, but it was a matter of notoriety at the time. It is a very great power to place in the hands of any officer, and even the Sanitary Board is capable of making mistakes. It is

dangerous to place in the hands of any officer the power to invade the privacy of a house.

A division was then taken, when all the unofficial members voted in favour of the amendment and the official members against. The amendment was therefore lost, and the section as it stood was passed.

Section 11, giving general power to inspect, was passed without discussion.

Section 12—Height of buildings.

The ATTORNEY-GENERAL—This is a new section. It regulates the height of buildings, and of course with a view to sanitation, that there should be sufficient ventilation in the streets. You will see that we have put in, in order to meet any cases where great hardship might be worked, a provision that in any special case in which in the opinion of the Board a departure from these rules may be permitted without detriment to public health, the Board may authorise such departure; so that should it be necessary to put up some very high building, a factory or something of that kind, a departure from the rules may be sanctioned. In that case it would be for the Board to sanction it. In the absence of such sanction the requirements of this section apply. I move that the section stand part of the Bill.

The DIRECTOR OF PUBLIC WORKS seconded.

Hon. E. R. BELLIOS—Sir, I beg to propose that section 12 be deleted from the Bill. Hon. members of Council who have travelled in the United States will remember that during their peregrinations they have come across buildings twelve and thirteen storeys high, in several cases overtopping the highest church steeples. These houses have been constructed regardless of the width of streets and roads. Hon. members who have visited Verona and Venice will remember the high houses and the narrow lanes, yet, sir, these cities are not lacking in health. In Hongkong, where land is valuable, where the number of building sites is limited, where houses are built on a slope, almost every house having a glimpse of the harbour—in Hongkong, which is expected to be the great emporium of China, with Kowloon as the terminus of a grand trunk railway to Peking, to restrict us in building high houses is a mistake and a folly, and I think, sir, it will retard and prevent the progress of the colony.

Hon. C. P. CHATER seconded.

The DIRECTOR OF PUBLIC WORKS—I should like to make a few remarks with regard to what has just fallen from the hon. member on my left (Hon. E. R. Bellios), who has referred to the high buildings of the United States. There are also high buildings in London, and the serious effect they have had on the public health, especially in the case of workmen's dwellings, has induced the London County Council to bring in a bill prohibiting their future construction. If we have the big trade and this colony becomes the important place the hon. member anticipates,



the more incumbent upon us is it now that we should take no steps that would lead us to regret what had been done and necessitate our passing in the future a law like this when the expense entailed by its operation would be very great as compared with what it will be at the present time.

A division was then taken, when the unofficial members voted in favour of the amendment and the official members against it. The amendment was consequently lost.

Hon. C. P. CHATER—I now beg to propose another amendment and I would ask your Excellency's kind attention to it. Sir, if this clause as it now stands is passed I am of opinion there will be an uproar in the colony the like of which has never been known before. Probably hon. members have not gone into the question so thoroughly as I have done. I dare say my hon. friend opposite, the Director of Public Works, will understand me better than most of the hon. members present. We have, sir, in this part of the town, the most expensive part of the town, about fourteen private lanes running from Queen's Road to the Praya. They are all owned by private people. According to the definition of the word "street" these lanes now come within the scope of the clause. Should there be a fire in any of these lanes, and the buildings now standing be burnt down and new ones have to be erected, this Ordinance would be in force. What would be the consequence? A house now of three stories would have to be lowered to 25 feet. I am of opinion, sir, that to limit a house there to 25 feet in height would diminish the value of the property by one half. With a limit in height of 25 feet, what do you get, sir? You get a ground floor, a shop of 18 feet, and 7 feet of an attic above. In my opinion a more absurd thing has not yet been proposed by the Permanent Committee. You will either get a godown on land worth about \$15 to \$20 a foot, or a shop with an attic. In the draft sent to us before the one we got this morning the Government had put down 35 feet as the minimum. It is now put at 25 feet. I contend that the lowest height that could be fixed for buildings in these lanes is about 46 feet. The houses now abutting on these lanes—hundreds of them are 46 feet in height, representing probably four to five million dollars—will, if this is carried, be placed in a very different position. It would mean simply halving their values. I would therefore ask your Excellency not to allow this clause to go through, as the others have done, by the official majority, and I would urge on your Excellency to ask hon. members to be very careful in considering the consequences. It is the most serious clause in the whole Bill. I am agreeable to most of the suggestions as to the other heights with the exception of the first. These lanes, about fourteen in number, are 15 feet in width, and they have all most valuable property on them. I would therefore suggest that where the width of a lane is 15

feet and does not exceed 25 feet, the limit of height of buildings should be 46 feet. On all the other clauses in this section I am prepared to give way to the Government.

The DIRECTOR OF PUBLIC WORKS—This clause will certainly, as Mr. Chater has pointed out, to some extent affect the buildings in the streets between Queen's Road and the Praya, but I am not prepared to go the length he has gone in the matter. There is not the slightest doubt many of the narrowest streets of the colony have buildings on them too high for sanitation and I have no doubt a great deal of the insanitary condition of the Chinese quarter has been brought about by this circumstance. Where persons construct private lanes they must be prepared to increase the width of the street or be content with lower buildings; it rests with the owner to say which. There are similar regulations affecting the height of buildings in England. If a fire does occur amongst these buildings then is the time for the owner to set back the building frontage. I may say this section was considered by the Sanitary Board, which thought the heights therein mentioned should not be exceeded, with the proviso, however, that where in the opinion of the Board a departure from the rules may be permitted without detriment to the public health the Board may authorise such departure. I am sorry to say I cannot agree with the amendment proposed by the hon. member.

Hon. C. P. CHATER—Remember that this is not Crown land, but land that you have parted with long ago, and now you impose this obligation on the innocent landholder, a man who has perhaps purchased the property only a week ago and had no idea such a thing was in contemplation. He buys it in good faith on the basis of the rental it is producing to-day. I say it is not right, I say it is not just, and I say that as far as sanitary arrangements are concerned, I think hon. members will bear me out that there is no overcrowding in that part of the town. This property contains the most expensive and most respectable houses. Land there is worth about \$15 to \$20 a foot. The hon. the Director of Public Works said a landlord could put back his house and make the street wider. By doing so he would make the street irregular; besides in my opinion he could not do it. The lots sold originally were 100 feet lots. They have two houses built on them and the houses are 45 feet deep. Take a cook-house off that and there is only 35 feet left; take another 15 feet off and there is nothing left. It means making the Government a present of a street, paying Crown rent on it, and getting a house 30 feet in depth.

Hon. E. E. BELLIOS—Suppose we say "except private lanes."

Hon. C. P. CHATER—That is what I said about the definition of "street." At present it includes private lanes.

It was agreed to leave the section over until Monday.

Section 13.—Sanitary Board empowered to make by-laws.

The ATTORNEY-GENERAL—By sub-section, 3 all by-laws are to be subject to the provisions of section 15 of the Public Health Ordinance and under that section such by-laws cannot become operative until they have been approved by this Council.

Section passed.

Sections 14 and 15 were passed without discussion.

Section 16.—Suits not to lie against the Sanitary Board.

The ATTORNEY-GENERAL—I move that this section stand part of the Bill. I think that if this section is not passed we are not giving that aid and protection to persons who have acted according to the best of their ability in a great crisis and that is usually given to persons so acting. I recollect that in the case of Governor Eyre, for instance, there was a bill of indemnity passed. That was an extreme case. But where you come to the case of a Sanitary Board, or its Permanent Committee, which is the same thing, who are not paid men, who are giving their time in a great emergency to the colony; after they have done their best, even if they have made a slip, which I am far from saying they have, I think it only right they should be indemnified. If you do not do that you may be very sure nobody will be willing to act on another occasion when a great crisis arises and great powers have to be given. The Permanent Committee, in what they have done, have been acting under by-laws sanctioned by this Council and made permanent until they are revoked by proclamation, and which, as I said in my opening address, had equal validity given to them as if they had been embodied in an Ordinance. Therefore it seems to me the Permanent Committee had statutory authority for what they did. I do not know whether they have done anything outside that statutory authority. I have not heard of any instance. I am inclined to think that what they did was entirely within the law and within the powers conferred upon them by this Council; but lest there should be any slip that I do not know of it is only right they should have a clause put in this Bill which would prevent them from being harassed by any man who insisted on going to law with reference to what they did in the crisis. Whether it will be of any use to the Board I do not know, but in any case I think it only right and proper to extend proper protection.

Hon. J. J. KESWICK—I have heard of no mistakes having been made by the Sanitary Board in the recent crisis for which they are likely to be held accountable, yet it is possible such mistakes may have been made. There is, however, no guarantee that at some time or other the Sanitary Board may not have made mistakes

and it appears to me desirable this clause with all its sub-sections should be deleted from the Bill. Supposing a mistake has been made, it would be contrary to both reason and justice that those who had suffered by that mistake should have no redress. I propose as an amendment that the clause be struck out.

Hon. C. P. CHATER—I beg to second that, and in doing so I would like to make a few remarks. The hon. and learned Attorney-General says the powers were conferred upon the Sanitary Board by us to do what they did. At the time they were conferred the plague was rampant and unless energetic steps had been taken, we would never have got rid of it as we did; therefore every praise is due to the Sanitary Board. In seconding the amendment of my hon. friend opposite, I do so, not because I am of the opinion that in anything they have done they have acted wrongly; but, after all, the acts of the Sanitary Board as a Board are really indirectly the acts of the Government and at the time we were asked to give them the powers by which they did those acts we were told a Bill would very shortly be brought before us, giving compensation to those who suffered by those acts.

HIS EXCELLENCY—No.

The ACTING COLONIAL SECRETARY—There was no promise of compensation.

Hon. C. P. CHATER—If the hon. member had waited he would have seen what I was alluding to. We were told a Bill would be brought before us by which compensation would be given for the resumption of property and the closing up of these houses.

The ACTING COLONIAL SECRETARY—I have no recollection of any such statement having been made in this Council.

Hon. C. P. CHATER—I am coming to that, sir. We conferred those powers, as far as my knowledge goes, on that understanding. That Bill has been before us and has been passed. It enables the Government to resume the Taiping-shan property, and it gives compensation for loss of rental from that date to the date the money is paid over to the owners. That is what I alluded to, and if further evidence is wanted on that point I will be prepared to produce it. I say if the Government treat one set of landlords in one way by closing their houses and paying them seven per cent. for loss of rent, why not give the same compensation to others in other districts? Why treat one set of landlords in one way and another set in a different way? We were told by the gentleman who was then acting for the hon. and learned Attorney-General that compensation would be given.

The ACTING COLONIAL SECRETARY—I should like to make a correction on that point. What the Acting Attorney-General said was that the question of compensation was under consideration.

Hon. C. P. CHATER—Well, at all events, there was mention made of it, and I say, why should one set of men be placed in a different position from another? You are going to give compensation to people who own property in Taipingshan, and that being so I say let this section be deleted and both sets of landlords be treated alike. I know the section will be carried against us, but we cannot be parties to carrying an Ordinance by which you deprive people of rights, as I say, most unjustly, because if you give compensation to one set of landlords you ought to give it to the other. That is the reason why my hon. friend opposite has proposed that this section should be deleted, not because we are of opinion the Permanent Committee acted wrongly, but because we think compensation for the closing of these houses should be given before we can, so to speak, whitewash the Permanent Committee. If people have legal rights against the Permanent Committee, do not let us be parties to depriving them of those rights; if they have no such rights we will hear no more about it; if they have let them fight it out.

The ATTORNEY-GENERAL—There is a great difference between the case of Taipingshan and the action of the Permanent Committee in closing the houses mentioned in the schedules to this Bill. In the case of Taipingshan you take property altogether, while in the other case you take it for a short time only. What the Permanent Committee did was this—where a medical certificate was given that a house was unfit for habitation it was closed until it was made fit. If the owner would make it fit it was offered back. It is astonishing that any man can ask for rent for having a house in a filthy condition taken away from him and put right. A very good plan might be to make those people pay for the damage they have done to other people. I would not have been opposed myself to a Bill which would have enabled the families of those stricken down by the plague to ask for compensation against the owners of the property. Resume the property altogether and you must pay for it. It is another thing altogether if you take it temporarily. When you have a certificate that a house is unfit for habitation and you take possession of it temporarily, put it in order, and hand it back in a better condition than it was before—I say, having done that, the Permanent Committee have no business to be harassed by an action at law. It is an unpleasant thing to be taken into court even if you win; and I do not suppose any one would have much chance of success against the Board; but I think the Board should be protected against people who want to go to law. I shall myself vote in favour of this section. It is only giving that right and protection to which the Board is entitled.

The ACTING COLONIAL SECRETARY—I have turned up the latest copy of Harard and if I

may be permitted, I will just read what the Acting Attorney-General said on the subject of compensation. It is on page 61:—

“It has been suggested that because this Ordinance does not provide for compensation of owners for rents lost, the Government intends to give no such compensation at all. I wish at once to remove that misapprehension. The question whether the Government shall provide compensation or not is under consideration, and if a scheme is hereafter formed it would have to receive the sanction of the Secretary of State, either in the form of a draft scheme sent home and approved previously, or in the form of an Ordinance, with a suspending clause.”

Hon. J. J. KESWICK—I think that confirms the remarks of my hon. friend opposite (Hon. C. P. Chater).

Hon. C. P. CHATER—I think it does.

The ATTORNEY-GENERAL—This has been under my consideration for a long time and I cannot understand how any one can think of compensation. Certainly I am not going to recommend compensation for what is done under this Ordinance.

Hon. C. P. CHATER—The hon. and learned Attorney-General missed the mark in what he said just now. He pointed out that in Taipingshan it was a case of resumption. That is so, but the Bill provides also that seven per cent. interest shall be allowed to the owners from the date their houses were closed to the date the money is paid over to them. That is where I say you are treating one set of landlords differently from the other. If interest is given the Taipingshan owners for three months, why not treat the other landlords in the same way? I know it is said of the unofficial members, “Oh, you are interested in property.” I take this opportunity of saying that in all this property neither I nor the Company in which I have the honour to be interested has any interest whatever. All I say is, all landlords should be treated alike.

The HARBOUR MASTER—I think if we paid the landlords under the other Bill too much it is rather a pity we did it, but I agree with the Attorney-General that because we paid them seven per cent. there is no reason why we should pay these people seven per cent. for bringing on the colony the trouble we had some months ago.

A division was then taken, when there voted in favour of the amendment the Hon. A. McConachie, Hon. E. R. Bellios, Hon. J. J. Keswick, and Hon. C. P. Chater. All the official members voted against it. The Hon. Ho Kai did not vote. The amendment was therefore lost, and the section as it stood was passed.

Section 17.—The Sanitary Board empowered to close wells.

The ATTORNEY-GENERAL moved that this section stand a part of the Bill.

The DIRECTOR OF PUBLIC WORKS seconded.

Hon. E. R. BELLIOS—Your Excellency, in moving the deletion of clause 17 from the Bill,

I should like to say something on this subject of closing wells in the colony. I think that a decision to close the wells in the city should not be come to hastily. There are many considerations to be taken into account before resorting to such a measure. For my own part I am entirely opposed to it, and for reasons I will give. Our water supply is already limited, and our population is increasing. Before taking steps to reduce the water supply we should see that it is equal to all requirements. I would not for one moment have it supposed that I advocate the use of contaminated water for potable purposes. Far from it, though as a matter of fact the Chinese do not use water until it has been boiled, which precaution practically destroys all germs. What I want to suggest is that the wells afford a valuable adjunct to the reservoirs for purposes of cleansing and for use for suppression of fires. In the early days of the colony they were the sole dependence of the city of Victoria, as they are now of Macao, and, be it remembered, the neighbouring colony, with a supply of well water only, escaped the plague visitation of last summer. Almost every house in the large cities of India has its well, but the water is never used for household consumption; it is reserved for cleansing purposes. The children are taught to avoid drinking such water. It is regarded as a useful addition to the ordinary supply that can be utilized for cleaning and scouring. Foreigners do not use and are not likely to use well water for potable purposes. Many of the wells are not contaminated and may still be used with safety, if not for household purposes, then for the other purposes I have mentioned. I would, however, have them tested and those wells found to be contaminated might be treated according to their value. Those that yield a good supply and are conveniently placed might be cleaned and deepened or rendered proof against future contamination by cementing the sides. In all cases I would have them covered, and in the case of inferior wells which it was decided would not be worth such expense, I would suggest that they might be locked up and the key entrusted to the principal tenant with orders only to allow the well to be used for fire and drain cleansing purposes. A notice should also be painted up that the water was not to be used for drinking or cooking purposes. The water from the wells could further be utilized for the upper roads and for the supply of gardens. So far from closing the existing wells I would advocate the sinking of new wells in any desirable locality not likely to be contaminated by sewage or sullage. I contend that any wholesale closure of wells would be merely flying from the ills we have to others that we know not of. The failure of the water supply last spring was, I believe, one of the primary causes of the plague becoming epidemic. The contamination of the wells certainly had no direct

influence on its development. For the reasons I have given, deal with wells in future as you have done in the past; do not make it compulsory by law to close wells, but leave it to the option of owners to close them or not as they please.

Hon. C. P. CHATER seconded.

The DIRECTOR OF PUBLIC WORKS—I should like to call attention to the manner in which the subject has been dealt with by the Sanitary Board. There is not the slightest doubt wells which are in an insanitary condition are a serious danger to public health and where the ground is so closely built over as in this colony it is practically impossible to sink a well that is not liable to become seriously polluted and a public danger. As to putting in force the various restrictions my hon. friend has alluded to, I may say very considerable difficulty would be found in obtaining compliance with them.

A division was then taken, when there voted in favour of the amendment the Hon. A. McConachie, Hon. E. R. Bellios, Hon. J. J. Keswick, and Hon. C. P. Chater. All the official members voted against. The Hon. Ho Kai did not vote. The amendment was therefore lost.

Hon. Ho Kai—I beg to propose another amendment, that the following words be deleted, "or is likely to prove injurious to health." This has been discussed in the Sanitary Board before and I think the opinions were very much divided on the point. After further consideration, I think it is of course quite proper for the Government or the Sanitary Board to say that all wells in an insanitary condition should be closed for fear of the injury that they may do to the sanitation of the colony, but at the same time it is quite a different thing to close a well simply because it is likely to prove injurious to health. It is easy to say that of any well. I think the right thing to do is to test the well and when we find it contaminated in such a way as to be injurious to health then to close it.

The ATTORNEY-GENERAL—I may point out that a well cannot be closed without a Magistrate's consent and the Board has to show that it is expedient it should be closed and filled up. The defence would be that it is not expedient, and if that succeeds the well would not be closed. I should think that is sufficient to meet the hon. member's objection.

The amendment was not seconded, and the section as it stood was passed.

Section 18.—Prohibits verandahs in narrow streets.

Passed.

Section 19.—Offences and Penalties.—One of the sub-sections provides that where two or more convictions have taken place within three months with respect to the same house, whether the persons so convicted were or were not the same, the house may be closed.

Hon. E. R. BELLIOS—I move that the words "whether the persons so convicted were or were not the same" be deleted.

The ATTORNEY-GENERAL.—You might have two or three cases of overcrowding in the same house with different tenants; the landlord might put in a different man each time. In that case we ask to have the building closed for such time as may be necessary.

Hon. E. R. BELLIOS.—An owner who may have been once convicted may have left the colony and the house have passed into the hands of a second man.

Hon. C. P. CHATER.—It would be unjust to the landlord to close the house under those circumstances. By striking out these words you make it mean that the three offences must be committed by the same man.

The ATTORNEY-GENERAL.—The penalty is against the premises whosoever they belong to.

Hon. A. McCONACHIE.—Supposing a house changes ownership?

The ATTORNEY-GENERAL.—Suppose there were twenty owners. The first is convicted and he goes away. The second is convicted and he goes away. The third is convicted, and then the house may be temporarily closed, if all the convictions have taken place within three months.

Hon. A. McCONACHIE.—I do not think that is at all right. It is possible an owner who bought property to-day might have it closed to-morrow.

THE COLONIAL TREASURER.—We all know the habits of the Chinese. If a man found that his house was convicted he would pass it on to his brother, and so it would go round the circle, and you would never have the house closed at all, unless you had this provision in the Ordinance.

Hon. HO KAI.—Supposing I let a house to one man who allows the premises to be overcrowded for his own advantage. I turn him out and let it to another man, who repeats the same thing. And why should I have my premises closed because by driving away the former tenant I have assisted the Government in doing away with overcrowding? Another man comes in. How do I know he won't overcrowd just the same as the former one? I do not see any justice in it. It is surprising that people for the sake of having the name of sanitarians and doing what they can for the public should want to commit such injustice either

to a landlord or to a poor man. If it is the same tenant you can reason in this way—"This tenant pays you a certain amount of money, he has been convicted, you know what he did and you won't drive him away, because you want to get more money. The penalty is if you allow him to stop on that your house will be closed, and you will lose your rent." That I can understand; it is reasonable. But when I drive a man away and next month another tenant comes in of whom I know nothing and he commits the same offence—

The HARBOUR MASTER.—Drive him out too.

Hon. HO KAI.—But they close the house.

The HARBOUR MASTER.—And a good thing for you, to know what is going on in your house.

Hon. HO KAI.—If you call that justice I don't.

The ACTING COLONIAL SECRETARY.—I would point out to the hon. member who has spoken so warmly for the landlord who is anxious to turn out the overcrowding tenant that the Ordinance says "may," and I feel sure if any landlord convinced the Magistrate he had been showing such great zeal the magistrate would not convict him. The object is to prevent overcrowding and if any landlord showed the zeal the hon. member suggests there would be no object in fining him.

Hon. A. McCONACHIE.—There are so many conditions that property soon won't be worth owning at all.

HIS EXCELLENCY.—Is the amendment seconded?

Hon. C. P. CHATER.—I second it.

A division was then taken, when all the unofficial members voted in favour of the amendment and the official members against; the amendment was therefore lost and the section as it stood was passed.

Section 20.—Exemption of Government buildings from the operation of the Ordinance. The section was passed with the addition of the words "or wells."

The "schedules" were passed, and the Council resumed.

HIS EXCELLENCY.—I will now adjourn the Council until Monday at three o'clock and I hope we shall be able to meet the views of the senior unofficial member with regard to section 12.