

31ST MAY, 1906.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR MATTHEW NATHAN, K.C.M.G.

HIS EXCELLENCY MAJOR-GENERAL VILLIERS HATTON, C.B. (Commanding the Troops).

Hon. Mr. T. SERCOMBE SMITH (Colonial Secretary).

Hon. SIR H. S. BERKELEY, K.C. (Attorney-general).

Hon. Mr. A. M. THOMSON (Colonial Treasurer).

Hon. Mr. A. W. BREWIN (Registrar-general).

Hon. Captain L. A. W. BARNES-LAWRENCE, R.N. (Harbour Master).

Hon. Mr. W. CHATHAM (Director of Public Works).

Hon. Dr. Ho KAI, M.B., C.M., C.M.G.

Hon. MR. WEI YUK.

Hon. Mr. E. A. HEWETT.

Hon. Mr. E. OSBORNE.

Mr. A. G. M. FLETCHER (Clerk of Councils).

MINUTES.

The minutes of the previous meeting were read and confirmed.

PAPERS.

The COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the following papers:—Returns of the Police Magistrates Courts for the year 1905; report of the Post Office department for the year 1905; report of the Captain Superintendent of Police and of the Superintendent of the Fire Brigade for the year 1905.

FINANCIAL MINUTES.

The COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes (Nos. 28 to 33) and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded and the motion was agreed to.

HIS EXCELLENCY—Financial Minute No. 28 is for a sum of \$350 in aid of the vote Public Works Extraordinary, Buildings: quarters for signalmen, Green Island. This is really for additional quarters for the assistant lighthouse keeper. When I inspected at Green Island on May 1st, my attention was called to the insufficient quarters provided for this officer, and as it is more economical to do the work now when a contractor is working on the site than to postpone it until later, I decided after consultation with the Director of Public Works that the small addition should be made. Financial Minute No. 29 is in aid of the vote Public Works Extraordinary, Buildings: re-arrangement of outbuildings at the Supreme Court. Last month the Crown Solicitor, through the Registrar of the Supreme Court, brought to my notice the overcrowding of the basement of that building. I visited the building and was satisfied that better arrangements could be made. The plan for these arrangements has been prepared by the Director of Public Works in consultation with the Registrar of the Supreme Court, and to carry out the alterations in accordance with this plan \$1,000 is required. Financial minute No. 30 is for a sum of \$7,800 in aid of the vote Public Works Extraordinary, Buildings: Time Ball tower on Blackhead's Hill, Kowloon. The origin of the proposal to build a new time-ball tower was a complaint which appeared in the Press some time ago that the existing time-ball was not visible from all parts of the harbour. The matter was referred to the Chamber of Commerce, and in consultation with them a new site was selected on Black-head's Hill. This site is within War Department property, but the honourable and gallant member on my right has consented to the time-ball being erected on that property. Plans have been prepared, and have been concurred in by the Director of the Observatory; as the matter affects shipping it is considered to be of some urgency, and it is proposed to put it in hand without waiting for next year's estimates. Financial minute No. 31 is for \$28,275.36 in aid of the vote Public Works Extraordinary, Miscellaneous: reconstruction of Government piers. This sum is due to the final

closing of the Praya Reclamation account in accordance with notices which appeared in the Government *Gazette* on March 2nd. The closing of that account involves certain credits to the Treasury due to sums having been paid in excess of what was due by Government for their part of the reclamation, and from other causes. These credits will more than cover the debit a vote for which you are now asked to refer to the Finance Committee. Financial minute No. 32 is for \$217.80 in aid of the vote for the school at Yaumati. This is a small excess on the estimate of \$25,500 for the building. The school is now completed. Honourable members will remember it has been erected in fulfilment of a promise made to Mr. Ho Tung when the present Kowloon School was converted from a general into a British school. Honourable members who have visited the building will be satisfied that the promise of the Government to provide a suitable school house for Chinese children has been amply met. Financial minute No. 33 for \$100 is in aid of the vote Education, Department of Inspector of Schools, Other charges: Remuneration to assistant examiners of grant schools. This remuneration in past years has been paid somewhat irregularly from the grant in aid of schools. We now propose to regularise the matter by taking a special vote for it. This will not involve any excess on the whole vote for the department.

The motion was agreed to.

FINANCIAL.

The COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table report of the Finance Committee, No. 2, and moved that it be adopted.

The COLONIAL TREASURER seconded and the motion was carried.

SUPPLEMENTARY ESTIMATES.

The ATTORNEY GENERAL—I ask leave to introduce and read for the first time a bill entitled "An Ordinance to authorize the appropriation of a supplementary sum of two hundred and seventy-eight thousand four hundred and twelve dollars and eight cents, to defray the charges of the year 1905."

His EXCELLENCY—The amounts which it is proposed to provide by this bill have already been covered by financial minutes which came before the Legislature from time to time last year. The total excess on votes exceeded, apart from savings on other votes, appears in the Bill as \$278,412. Honourable members may notice a discrepancy between this figure and the figure of \$301,340, which appears as the total excess over amounts originally voted on page 28 of the Supplementary Colonial Estimates now before them. This is accounted for by the fact that it was not necessary for the Council to vote an excess on the

military contribution, that being already provided for by law—Ordinance No. 1 of 1901. Against the excess over the original estimates of \$301,340, it will be observed from the totals at the foot of the same page that there has been a saving of \$525,257. Thus there was \$223,916 less expenditure during the year than was anticipated. From the returns already laid on the table and published in Sessional Paper No. 5 of this year it will be observed that the revenue was less than the anticipated revenue for the year by \$280,207. Comparing these two figures it will be observed that the working for the year was less favourable than was anticipated when the estimates for 1905 were framed, by a sum of \$56,290. The result of this is that whereas in the original estimates for the year 1905 a surplus of \$23,419 was anticipated, there has actually been a deficit of \$32,871. When I addressed the Council on 7th September last I estimated a deficit of \$78,760, so the final estimates show we are somewhat better off than at the time when the estimates for the current year were introduced.

The COLONIAL TREASURER seconded, and the motion was agreed to.

MARRIED WOMEN'S PROPERTY ACT.

The ATTORNEY GENERAL—Sir, I rise to move the second reading of a bill entitled "An Ordinance to amend the law relating to the Property of Married Women." The object of this Ordinance is to place married women in this Colony on the same footing as they stand in England, and to accord to them the same protection with regard to their own property, separate property, which they enjoy in the mother country and I may say elsewhere in the Empire. The Ordinance is an embodiment, with such slight modifications as are necessary to make it suitable to the slightly varying conditions in this Colony, of the provisions of the Imperial enactment known as the Married Women's Property Act of 1882 and 1893. The 1893 Act merely amended the 1882 Act in minor degree. The original Act in England was passed in 1870, but the 1882 Act extended very much the statutory protection which was in 1870 accorded for the first time in England to married women in respect of their property. The Ordinance will give immediate protection to married women with respect to their savings in the savings banks, in other banks, or otherwise invested. There are many married women here who have such savings and who have property in the shape of shares, property both moveable and immovable. The principle of the bill will, I am sure, commend itself to everybody in the Colony. Exactly why it was not introduced before I am unable to say, but I think it is high time it should be introduced now. The only persons likely to object will be the Sikh and other Indian moneylenders and usurers, also the class who frequently take property of their wives to pay debts incurred. It is proposed to give the Ordinance effect as from the first day of January, 1883, when the English Act of 1882

came into operation. The object in so doing is to place all married women in the Colony, with respect to the power to acquire and dispose of property which they have acquired here, in the same position as in the old country. Instead of moving that the bill be referred to a committee of the whole Council, I think it would be better to refer it to the Law Committee, and so I move that it be referred to the Standing Committee on Law.

The COLONIAL SECRETARY seconded, and the motion was agreed to.

REGISTRATION OF DENTISTS.

The ATTORNEY GENERAL moved the second reading of the Bill entitled "An Ordinance to regulate the qualifications and to provide for the registration of dentists." He said—The intention of this Bill is as far as possible to ensure that for the future persons practising as dentists in this Colony shall be professionally educated as such. At the present moment there is no legal qualification for a person practising as a dentist, and it cannot but obviously be desirable that such a state of things should cease as soon as possible. To effect that object the Bill provides that after the Ordinance is passed into law no one shall practise in this Colony as a dentist unless he is on the register of dentists to be established. In order to get upon that register a person desiring to practise as a dentist will have to satisfy a board to be called the Dentists Board, to be appointed in the manner set forth in the Ordinance and consisting of the Principal Medical Officer of Health as chairman, two medical practitioners and two practising dentists, and he will have to satisfy that Board that he possesses one of the qualifications set forth in Clause 9, or that he is a person who at the date of the Ordinance passing into law, or within a certain limited time to be hereafter fixed in committee, was *bona-fide* practising as a dentist in the Colony. The Ordinance is liberal in its scope, because it is proposed by it to permit persons possessing qualifications as dentists other than those recognised by the Medical Council of England to practise. In other words it is proposed that the large body of American dentists who have been practising here for many years shall continue to do so if they possess the qualifications which the Bill requires—that is to say if they have a degree or diploma or certificate granted by either of the universities of Pennsylvania, Harvard or Michigan entitling them to practise dentistry, and if they have in addition to either of these professional qualifications a certificate of the State Dental Council of Pennsylvania, or a certificate of the State Board of Michigan or Massachusetts which entitles them to practise in those States. It is not necessary to go into details of qualifications. They are set out in Clause 9 of the Bill. If any person coming here after the Act comes into operation desires to practise dentistry he must satisfy the Dentists Board that he has the qualifications required by the Ordinance, but if the Board is not satisfied and the applicant is not satisfied with their dissatisfaction, the Bill provides an appeal to the Governor in Council. In England there is no appeal to any particular body, but any one

dissatisfied with the refusal of the proper authority to register him as a dentist may apply to the High Court for a mandamus to compel registration: but this Bill allows an appeal to the Governor in Council. My own opinion is that we should appoint a board and leave it to their discretion with ultimate recourse if necessary to the Supreme Court, but that can be discussed in committee. The Bill provides penalties upon persons who contravene its provisions. The Bill does not apply to persons who are at present practising dentistry in the Colony or who have practised within a certain time previous to the Ordinance coming into operation to be hereafter fixed except to this extent that every person whether practising before or not must put his name upon the register within a reasonable time. I think, Sir, the principle of the Bill must commend itself to the Council, and I move that the Bill be now read a second time.

The COLONIAL SECRETARY seconded, and the motion was agreed to.

The ATTORNEY GENERAL—I think, Sir, it would be well to send this Bill to the Standing Law Committee, and I move that it be referred to the Law Committee.

The COLONIAL SECRETARY seconded, and the motion was agreed to.

SUMMARY OFFENCES ORDINANCE.

The ATTORNEY GENERAL moved the third reading of the Bill entitled "An Ordinance to amend the Summary Offences (Amendment) Ordinance, 1905."

The COLONIAL SECRETARY seconded, and the Bill was passed.

MAGISTRATES ORDINANCE AMENDMENT.

The ATTORNEY GENERAL moved the third reading of the Bill entitled "An Ordinance to amend the Magistrates Ordinance, 1890."

The COLONIAL SECRETARY seconded, and the bill was passed.

SUPREME COURT JURISDICTION.

The ATTORNEY GENERAL moved the third reading of the Bill entitled "An Ordinance relating to the jurisdiction of the Supreme Court with respect to the care and commitment of the custody of the persons and estates of lunatics."

The COLONIAL SECRETARY seconded, and the Bill was passed.

His EXCELLENCY—The Council stands adjourned till Thursday, June 7th.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held immediately after the Council, the Colonial Secretary (Hon. Mr. T. Sercombe Smith) presiding.

The following votes were passed:—

QUARTERS FOR SIGNALMEN.

The GOVERNOR recommended the Council to vote a sum of \$350 in aid of the vote Public Works Extraordinary, Buildings, 12.—Quarters for Signalmen, Green Island.

RE-ARRANGEMENT OF OUTBUILDINGS.

The GOVERNOR recommended the Council to vote a sum of \$1,000 in aid of the vote Public Works Extraordinary, Buildings, Re-arrange-of Outbuildings at the Supreme Court.

TIME-BALL TOWER.

The GOVERNOR recommended the Council to vote a sum

of \$7,800 in aid of the vote Public Works Extraordinary, Buildings — Time-ball Tower on Blackhead's Hill, Kowloon.

GOVERNMENT PIERS.

The GOVERNOR recommended the Council to vote a sum of \$28,275.36 in aid of the vote Public Works Extraordinary, Miscellaneous, Re-construction of Government Piers.

YAUMATI SCHOOL.

The GOVERNOR recommended the Council to vote a sum of \$217.80 in aid of the vote Public Works Extraordinary, Buildings, 10—School Yaumati.

EDUCATION VOTE.

The GOVERNOR recommended the Council to vote a sum to \$100 in aid of the vote Education, Department of Inspector of Schools— Other Charges, Remuneration to Assistant Examiners of Grant Schools.

