

14TH JUNE, 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 (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. H. E. POLLOCK, K. C.

Hon. Mr. E. OSBORNE.

Hon. Mr. E. A. HEWETT.

Hon. Mr. W. J. GRESSON.

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

MINUTES.

The minutes of the previous meeting were read and confirmed.

APPOINTMENT TO COMMITTEE.

HIS EXCELLENCY—I appoint the Hon. Mr. Gresson to be a member of the Public Works Committee vice the Hon. Mr. Dickson, resigned.

FINANCIAL MINUTES.

The COLONIAL SECRETARY, by command of H. E. the Governor, laid on the table Financial Minutes Nos. 34 to 38, and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded.

His EXCELLENCY—Financial Minute No. 34 is for a sum of \$2,164 towards the erection of additional quarters for nurses at the Government Civil Hospital. Rather less was spent last year on this work than was anticipated, and consequently rather more had to be spent this year; the work is now completed at a cost of \$23,101 against an estimate of \$26,000, showing a saving of \$2,899. Financial Minute No. 35 includes a sum of \$400 in aid of the vote for the police and prison departments for meals to prisoners in cells. This excess on the sum originally voted is due to the large number of deportees from Singapore and Saigon for whom meals have had to be provided in the police cells. We propose in future to recover such amounts from the Governments of the Straits Settlements and of Indochina. The same minute also includes a sum of \$600 in aid of the item for secret service. It has been brought to my notice that hitherto informers have been paid from fines. That is a somewhat irregular procedure, as fines should go to the revenue and all monies spent in payment of informers should be voted by Council. Financial Minute No. 36 for a sum of \$3,375.79 is for substituting the new pattern for the old pattern rifle of the Volunteers. The work was done and the expenditure incurred last year, but the account was not received in time for the amount to be included in the expenditure of last year. Financial Minute No. 38 is to enable the Post Office to do away with the "hong" system of correspondence with Canton. By that system a private shop here collected letters and posted them to a private shop in Canton paying the P.O. so much an ounce for the packet. It was necessary so long as the Imperial Post Office of China could not undertake to take Chinese letters for delivery in Canton. They are now undertaking to do that, and it is more convenient in every way that this correspondence should pass through the regular post office in the usual way. The small amount of this vote will be more than covered by additional Post Office receipts.

The motion was carried.

FINANCIAL.

The COLONIAL SECRETARY, by command of H.E. the Governor, laid on the table report of the Finance Committee No. 4, and said—In that committee, Sir, the Supplementary Appropriation Bill for 1905 was considered clause by clause, and the committee unanimously recommend that the Bill in question should be dealt with by Council in the same manner as a Bill reported on by a committee of the whole Council. That procedure will enable us to take the third reading without referring the Bill to a committee of the whole Council. I move the adoption of the report.

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

REPORT OF THE LAW COMMITTEE.

The ATTORNEY GENERAL—I have to bring up the report of the Law Committee on the two Bills referred to in it—"An Ordinance to amend the law relating to the property of married women" and "An Ordinance to regulate the qualifications and provide for the registration of dentists." With respect to the first Bill the law committee recommend that it be dealt with by Council in the same way as a Bill reported on by a committee of the whole Council. I, therefore, when the time comes, will move that the Married Women's Property Bill be read a third time without any further reference to the Council. With respect to the Dentists' Bill, the committee have reported the Bill with certain amendments, all of which appear in the report. It will be necessary to move that they be adopted, and if they are then the Bill can be read a third time as if it had gone through a committee of the whole Council clause by clause. The first recommendation of the Law Committee on the Dentists' Bill is that the figures be altered from 1905 to 1906. That is obviously essential. The second is that Clause 5, Sub-section 1, should be amended by deleting all the words following the word "after" in the third line and substituting the words "the 3rd day of May in every year." I think that recommendation will commend itself to the Council. The next is a recommendation that Clause 7 of the Bill be struck out and the following substituted:—"subject to the provisions of Sections 2 and 3 no person shall be entitled to recover in any action any charge for any dental aid rendered after the commencement of this Ordinance, unless or until such person shall have been registered." That carries out the intention of the framer of the Bill but in improved language. It is recommended further that Clause 8 (1) of the Bill be amended by the insertion between the words "dentists" and "who" in the 6th line thereof the words "and any two other fit persons willing to accept the appointment." The object of that recommendation is to provide that the Dentists Board should not be entirely composed of professional men. As originally laid before the Council the Bill provided that the Board should consist of five members, the principal Civil Medical Officer as chairman, two medical practitioners and two dentists. The committee considered that following the precedent of the Medical Board it would be well to have two men not necessarily either dentists or doctors upon that Board. His Excellency the Governor is therefore empowered to appoint any two others he may think fit and who may be willing to serve on the Board. I hope the Council will adopt that recommendation. Sub-section 2 of Clause 8 it is also recommended should be deleted and the following substituted in place thereof, "an appointed member shall hold office for three years." As the Bill originally stood the words

were "A member appointed by the Governor shall hold office for three years." In the draft Bill the fact was overlooked that two of the members were to be appointed by the Medical Board. This suggestion of the committee is to the effect that all appointed members whether by the Governor or by the Board shall hold office for three years. Clause 9 has been recast in committee without in any way changing the intention of the original Bill. The suggested Sub-section (1) runs as follows: "shall prove to the satisfaction of the Board that he was within three years prior to the passing of this Ordinance a *bonâ fide* practitioner of dentistry and dental surgery in this Colony, and shall make application in writing to the Dentists Board for registration within six weeks after the commencement of this Ordinance, or in the case of persons absent from the Colony at the date of the commencement of the Ordinance, shall make such application within six weeks after his return to the Colony; or". The committee had under their consideration the fact that there were, probably are, at this time and will be when the Ordinance comes into operation, persons who have practised dentistry in the Colony but who are temporarily absent. They ought to be permitted to return to the Colony to practice if they desire to do so, The object of this clause is to safeguard the rights of those who are absent and desire to return. The committee after consideration came to the conclusion that three years was a fair and reasonable limit to place on the right of a person who had once practised in Hongkong to return to practice in order to prevent himself from being disqualified. Any person therefore who has practised in Hongkong prior to the passing of this Ordinance and who desires to come back to practice must exercise that privilege within three years from the passing of this Ordinance. Sub-section 3 of Clause 9 is also recommended for amendment by the addition at the end thereof of the words "and, in the case of such diplomas as have been granted after the 1st day of October, 1897, shall in addition produce a Certificate granted by the Dental Council of Pennsylvania, or by the State Board of Massachussets, or by the State Board of Michigan which entitles him to practise dental surgery in any of those States; or". The object of putting in those additional words is to make sure that the privilege which this Council is extending to dentists who do not possess a qualification recognised by the Medical Council of England will not be abused. We are giving by this Bill the dentists who have a qualification by way of a diploma from certain universities in America, namely, the Universities of Pennsylvania, Harvard and Michigan, the right of being placed on the register of persons qualified to practice dentistry in the Colony. If in addition to the possession of a mere academic degree such dentist satisfies the Dentists Board that he possesses a certificate from a State board

or State council of the States mentioned, he will be qualified to practice. That provision was inserted in the Bill under a recommendation by some of the dentists of Hongkong, and I recommend it. The concession is valued by them, and they desire that those persons who hereafter take advantage of it shall have the right to practice in Hongkong. It was pointed out to me that a mere diploma was not sufficient, but in addition it was necessary to pass a further examination of a practical character and thereby obtain a certificate from a State board. That accordingly is made part of the provisions of the Bill, and it will meet with the approval of the Council. Clause 10, Sub-clause I, it is also desired to amend by striking out the words "or as near thereto as circumstances will permit." This clause provides for the form of the diploma or certificate, and the committee came to the conclusion that the form given in the Bill should be adhered to rigidly. The twelfth clause of the Bill it is proposed to amend by striking out the proviso at the end and substituting the following in its place:—"provided that the Governor-in-council shall have power to restore to the Dentists' Register after an interval of not less than twelve months from the date of such removal the name of any person which has been removed under the provisions of this or of the preceding section." That proviso is given in order to prevent any hardship that might arise from the striking off the register of a person's name. The fourteenth clause, Sub-clause 2, it is recommended to amend by adding the word "or." This is necessary to supply a clerical omission. The next recommendation is the rectification of the figures of the year, making 1906 instead of 1905. Then there is a final recommendation that a further clause shall be added, making the Ordinance come into operation on a day thereafter to be fixed by the Governor. That is added to the Bill so as to give persons a reasonable time within which to register. I beg to move that the recommendations of the Law Committee on the Dentists' Bill be adopted by this Council, and that thereafter we proceed to read the Bill a third time.

Hon. Mr. POLLOCK—Sir, I rise to object to the Dentists' Bill being read a third time to-day. It is not, as your Excellency will see, on the orders of the day. The Bill is of some importance, and I do not quite know what effect it will have on Chinese dentists' practice. I do not think, Sir, it should be hurried through until the recommendations made by the Standing Law Committee have been considered. The Bill is important as affecting the qualifications of dentists, and possibly affecting Chinese dentists. I would suggest that the third reading be deferred.

HIS EXCELLENCY—No motion has been made to read the Bill a third time to-day.

Hon. Mr. POLLOCK—The Hon. Attorney-general moved that the Bill be read a third time.

The ATTORNEY -GENERAL—I said "and that thereafter the Bill be read a third time." That does not necessarily mean be read to-day. I will withdraw my motion for the adoption of the report, and will move its adoption at next meeting.

QUESTIONS.

Hon. Mr. HEWETT asked the following questions standing in his name:—

1. With reference to the Draft Supplementary Colonial Estimates giving a comparative statement of the Estimated and Actual Expenditure of the Colony for the year 1905 as presented to the Legislative Council at the last meeting, will the Honourable the Colonial Secretary state what saving, if any, has been effected in the personal emoluments of the Civil Service during that period?

2. Is the saving entirely due to the difference in the rate of exchange between that calculated on in the Estimates and the rate at which payment was made, or if to other causes, what causes?

3. On what rate were the Estimates based, and at what rate or rates were payments made?

The COLONIAL TREASURER replied as follows:—

1. The saving effected in Personal Emoluments during 1905 amounts to \$262,385.

2. Practically this saving is due to the difference between the rate of exchange fixed for the Estimates and that at which payment was made.

3. The average rate for the year at which payment was made was 1s. 11d. The Estimates were framed at the rate of 1s. 8d.

NAVAL AND MILITARY WORKS.

The ATTORNEY GENERAL moved the first reading of a Bill entitled "An Ordinance to authorize the construction and maintenance of certain Naval and Military Works upon and over certain portions of the Crown foreshore and sea bed situate upon the harbour frontage of the City of Victoria, in this Colony."

The COLONIAL SECRETARY seconded, and this was agreed to.

ASYLUMS BILL.

The ATTORNEY -GENERAL moved the second reading of the Bill entitled "An Ordinance to provide for the establishment of asylums for the custody and care of persons of unsound mind, and others." He said—The object of this Ordinance is to provide for the establishment of asylums and authorise and legalise the retention therein of persons whose state of mind renders them unable to take care of themselves. At present and for some time persons of unsound mind, commonly called lunatics, have been detained under the Common Law power which provides for the detention of any person who is unable to take care of himself and prevent him from doing mischief to others. It has now been considered better to get legislative

authority to do that which has been done under Common Law authority. The Bill authorises the Governor to establish from time to time asylums in which persons of unsound mind can be taken care of. The Bill provides that the Governor shall appoint visitors to the asylums who are to make reports from time to time as may be necessary concerning the asylums. It will be observed that the Bill contains a useful provision by which a person can be detained for observation for a short time, seven days, and if necessary he can be detained for a further period to prolong the observation. Under the provisions of the Bill a person can only be detained under the authority of a magistrate or under the authority in certain cases of a judge of the Supreme Court. The Bill further contains provisions unusual but I think useful which will be approved of by the Council, that a person taken to the Government Civil Hospital suffering from delirium tremens or should he develop delirium tremens in the hospital may be taken and placed in the asylum for observation. I think the Bill will be found useful and effect the object we have in view.

The COLONIAL SECRETARY seconded, and this was agreed to.

The ATTORNEY GENERAL, moved that the Council resolve itself into committee.

The COLONIAL SECRETARY seconded, and this was agreed to.

On the Council resuming,

His EXCELLENCY reported that the Bill had passed through committee with certain amendments.

THE APPROPRIATION BILL

The COLONIAL SECRETARY moved the third reading of the 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." He said—This Bill has passed through the Finance Committee and I have reported that that Committee recommended that the Bill may be dealt with in the same manner as a Bill recommended by a committee of the whole Council. There has been no material alteration in the Bill and in these circumstances it may be read a third time and passed if no member objects.

There being no objection,

The COLONIAL TREASURER seconded and the Bill was passed.

THE MARRIED WOMEN'S PROPERTY BILL.

The ATTORNEY GENERAL moved the third reading of the Bill entitled "An Ordinance to amend the law relating to the property of married women." He said—The Council will remember I recently brought up the report of the Law Committee to which this Bill had been referred. It was recommended that it be dealt with as a Bill that had been

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whole Council as a committee. The Bill not having been amended or altered in committee may be read a third time by title.

The COLONIAL SECRETARY seconded, and the Bill was passed.

His EXCELLENCY—The Council stands adjourned till Thursday, June 21st.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held afterwards — the Colonial Secretary presiding. The following votes were passed:

GOVERNMENT CIVIL HOSPITAL.

The Governor recommended the Council to re-vote a sum of two thousand one hundred and sixty-four dollars (\$2,164) in aid of the vote Public Works Extraordinary, Buildings:—1 Government Civil Hospital—Extension to Staff Quarters.

POLICE AND PRISON DEPARTMENTS.

The Governor recommended the Council to vote a sum of one thousand dollars (\$1,000) in aid of the vote Police and Prison Departments, A—Police—Other Charges, for the following items:—

Meals for Prisoners in Cells,-----	\$400
Secret Service,-----	600

Total -----	\$1,000

VOLUNTEERS.

The Governor recommended the Council to vote a sum of three thousand three hundred and seventy-five dollars and seventy-nine cents (\$3 375.79) in aid of the vote Military Expenditure, B.—Volunteers—Other Charges, Rifles and Equipment.

MEDICAL DEPARTMENTS.

The Governor recommended the Council to vote a sum of one thousand six hundred dollars, (\$1 600) in aid of the vote Medical Departments, Other Charges, B.—Hospitals and Asylums, Civil Hospital: Washing.

POST OFFICE.

The Governor recommended the Council to vote a sum of four hundred and seventy dollars (\$470) in aid of the vote Post Office, A.—Hongkong Post Office, Other Charges, for the following items:—

Contingencies -----	\$ 50
Rent of a floor -----	420

Total ----- \$470

Hon. Mr. POLLOCK—What does the rent of a floor refer to?

The COLONIAL SECRETARY—The floor of a house at the Canton wharf to be used as a branch post office to facilitate the despatch of the Canton correspondence.

Hon. DR. HO KAI—Do I understand that the Chinese post office in Hongkong will be done away with?

The COLONIAL SECRETARY—It is the intention to deal with the Canton correspondence direct from the post office.

Hon. DR. HO KAI—Certain arrangements made with the China hong have been acted on. Have the hong been informed of the change?

The COLONIAL SECRETARY—I presume the Postmaster General has informed them; I have not informed them. The new regulations have been in the *Gazette*.

Hon. DR. HO KAI—Has their attention been called to it? We have made certain arrangements with the hong and they may go on as before. The *Government Gazette* is not read by them.

The ATTORNEY GENERAL—The new rules have been in force for some time.

The COLONIAL SECRETARY—I think you may take it that the Postmaster General will see that the arrangements affecting the hong have been notified. The matter has been on since March.

Carried.

