

1ST SEPTEMBER, 1910.

PRESENT:—

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT, HON. SIR F. H. MAY, K.C.M.G.

HIS EXCELLENCY MAJOR GENERAL BROADWOOD, C.B., A.D.C. (General Officer Commanding Troops).

HON. MR. A. M. THOMSON (Colonial Secretary).

HON. MR. W. REES DAVIES, K.C. (Attorney-General).

HON. MR. C. MCL. MESSER (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. F. J. BADELEY (Captain Superintendent of Police).

HON. MR. E. A. IRVING (Registrar-General),

HON. DR. HO KAI, M.B., C.M.G.

HON. MR. WEI YUK, C.M.G.

HON. MR. E. A. HEWETT.

HON. MR. MURRAY STEWART.

HON. MR. E. OSBORNE.

HON. MR. H. KESWICK.

MR. C. CLEMENTI (Clerk of Councils)

Minutes

The minutes of the last meeting were read and confirmed.

Financial Minutes

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table Financial Minutes (Nos. 67 to 72), and moved that they be referred to the Finance Committee.

THE ATTORNEY-GENERAL seconded, and the motion was agreed to.

Financial

THE COLONIAL SECRETARY, by command of His Excellency the Governor, laid on the table the report of the Finance Committee (No. 10), and moved its adoption.

THE ATTORNEY-GENERAL seconded, and the

motion was agreed to.

What Imports are Dutiable

HON. MR. STEWART, pursuant to notice, asked the following questions:—

1. Is it the case that, on the 16th instant, a respectable Chinese, in possession of a small quantity of a certain medicated malt-extract, was arrested, and taken to the Harbour Office, and there detained until the importing firm, from whom he had purchased it, was able to produce a letter from the Superintendent of Imports and Exports, saying that the said extract was not dutiable?

2. Will the Government direct that all revenue officers armed with powers of arrest shall be kept informed of the decisions of the Superintendent of Imports and Exports as to what liquors are dutiable and what are not?

3. Will the Government direct that in the event of any new decision to impose duty, or in case of a decision to exempt being reversed, commitments entered into previously shall be unaffected?

The COLONIAL SECRETARY replied as follows:

1.—A Chinaman, in possession of two dozen bottles of a liquor, resembling a European dutiable liquor, without any permit for the same, was stopped on the water front by a Revenue Officer and taken to the Imports and Exports Office. He was detained till the letter referred to in the question was produced and then allowed to go. Government is now advised that the liquor in question is dutiable and is taking necessary steps in the matter.

2.—Yes.

3. This is covered already by Sub-section 3 (b) of Section 2 of Ordinance 30 of 1909, which provides for contracts for sale of goods duty paid when duties are altered or repealed.

HON. MR. STEWART — May I ask, as a supplementary question, whether the decision of the analyst in a case of this kind is based upon the percentage of alcohol found in the wines which are questioned? If not, upon what principle does he proceed in arriving at his decisions?

HIS EXCELLENCY—In order to get an accurate answer to that question you will need to give notice.

Volunteer Reserve Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to provide for the formation of a Volunteer Reserve."

THE COLONIAL SECRETARY seconded.

HIS EXCELLENCY—It will be useful if I state briefly the origin of this Bill. It will be within the recollection of members present that towards the close of the year 1904 Sir Matthew Nathan established the Volunteer Reserve Association. His object was to make an addition to the defence of the Colony by establishing a reserve which would be in time a reserve of men who had served in the Volunteers; and in the meantime he hoped men who had already served in British Volunteer Forces or in the British Army would avail themselves of the Association to keep up their rifle shooting, and that men above the age of 35 (which was the age limit for entering the Association) who had not already undergone any military training might have the opportunity of learning the use of the rifle. His last two objects were attained by the establishment of the Volunteer Reserve Association. About 80 per cent. of the members of that Association are at the present time either ex-volunteers or ex-soldiers and a large number of members who never handled a rifle before have learned to become proficient shots. However, there was an objection to the Volunteer Reserve Association. It lacked organisation. There were no provisions for a qualifying standard in musketry or for any sort of drill. This in the case of untrained men is absolutely essential, and therefore it is impossible for the military authorities to afford to the members of the Volunteer Reserve Association a place in the defence scheme of the Colony. Sir Frederick Lugard noticed these deficiencies and he sought a remedy by inviting members of the Volunteer Reserve Association to voluntarily undergo a certain amount of drill. The proposal did not find acceptance at the time with the members of the Association. That was over a year ago. Since the proposal was made further experience has convinced the members of the Association that it is in the best interests of the Association that it should be organised under an Ordinance such as the Bill before you. The organisation is very simple. It requires the members of the Association to undergo a regular course of musketry every year, the same course as is laid down for the Volunteers. It also requires of them a knowledge of elementary drill. In return they will each receive the loan of a rifle; they will be given the use of rifle ranges; they will receive free ammunition in respect of their annual musketry course, if they qualify in that course; and they will obtain ammunition at

favourable rates for practice. But, above all, I believe that so organised the members of the Association will be accepted by the Military authorities and will be given a place in the defence scheme of the Colony, and I don't know any more honourable position that any man could wish to obtain than that. I believe, gentlemen, if this Bill goes through that a very large number of men who are already trained as Volunteers or in the regular army will join this Association. Indeed it is the earnest hope of this Government that every man in the Colony who is an ex-Volunteer or an ex-soldier will join this reserve, and if that becomes an accomplished fact I think the Colony will find that it has got a very valuable body of men whom I am quite sure the distinguished and gallant officer who sits on my right will be glad to welcome as some small addition to the defence force of the Colony.

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING — Your Excellency, it might be useful if I said a few words from the military point of view. The time when Hongkong would be liable to attack would be at the outbreak of hostilities, and then time would not permit, war having been declared, of starting to enrol men. A defence scheme has to be drawn out and perfected in all its details beforehand, and every man who has to take part in the defence must be allotted to his place. We can find lots of work for any able-bodied men who can shoot and who can be moved about in regular formations. There are plenty of men who have the good will to assist in the defence, but not having served in the regular army, the volunteers or the militia their lack of training disqualifies them from taking part in defensive measures. To such men who have the will this Ordinance provides the way. Hear,)

hear.) Therefore I strongly recommend to the gentlemen of the Legislative Council the passing of this Ordinance. (Applause.)

The Bill was then read a first time.

The memorandum attached to the measure states:— This Bill provides for the formation of a Volunteer Reserve. It is based on a precedent existent in a West Indian Crown Colony.

Pharmacy Further Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Pharmacy Amendment Ordinance, 1910."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

According to the memorandum attached the Pharmacy Amendment Ordinance, 1910, authorises searches with warrants by Police Officers. The Bill proposes to include in the power of search Revenue Officers who hold a warrant under the Liquors Ordinance, 1909.

Malicious Damage Further Amendment Ordinance

THE ATTORNEY-GENERAL moved the first reading of a Bill entitled, "An Ordinance to amend the Malicious Damage Amendment Ordinance, 1910."

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

This Bill amends the Malicious Damage Amendment Ordinance, 1910, so as to give the officers holding an inquiry under section 5 sufficient powers, including, *e.g.*, the power to enforce the attendance of witnesses, to examine them upon oath, &c.

Dangerous Goods Amendment Ordinance

THE ATTORNEY - GENERAL moved the first reading of a Bill entitled, "An Ordinance to further amend the Law relating to Dangerous Goods"

THE COLONIAL SECRETARY seconded, and the Bill was read a first time.

This Bill amends the provision of the Dangerous Goods Ordinances by giving a more extended meaning to the "keeping" of dangerous goods, *e.g.*, dynamite, and it provides for the keeping of books being included in the conditions of a licence to store dangerous goods.

Magistrates' Ordinance Amendment

THE ATTORNEY - GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Magistrates' Amendment Ordinance, 1903."

In doing so he said—This Bill proposes to amend the Ordinance of 1903. That Ordinance created an offence punishable by three months' imprisonment of knowingly harbouring a Chinese married woman who had left her husband. Difficulties have arisen in the courts from time to time in proving to the satisfaction of the magistrate that the man charged knows the woman to be a married woman: the whole gist of the offence is harbouring a married woman knowing her to be such. The Bill proposes to amend the Ordinance of 1903 by placing on the man the onus of ascertaining other than on the information received from the woman whether she is a married woman or not. This appears to be quite reasonable. The ordinary defence is that the accused conceived her to be an unmarried woman. She told him she was a spinster, and so forth. This Ordinance makes it more stringent and requires a man to put forward a stronger defence than the mere assurance of the woman concerned. It also empowers the awarding of damages of not more than \$200 to the aggrieved husband in addition to the penalty prescribed. The Government, Sir, are of opinion that this may strengthen the position of married women out here by securing that if a man intentionally takes a married woman under his care he shall account for it and pay some measure of damages. I may state that on going into committee I will move a few formal amendments which elaborate somewhat the machinery which is regarded by the Police magistrates as necessary to carry out the warrant for distress.

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

Council then resolved itself into committee to consider the Bill clause by clause.

On the new sub-section 3 introduced by the Attorney-General with regard to the execution of a distress warrant,

HON. MR. KESWICK asked if \$200 was the maximum price for a wife. It seemed rather a peculiar sum to settle on.

THE ATTORNEY-GENERAL—Yes, it is the maximum.

HON. MR. KESWICK—Do you consider that adequate?

THE ATTORNEY - GENERAL—\$200 is the maximum that can be awarded under the New Territories Small Debts Ordinance.

HON. MR. KESWICK—It appears to me an inadequate price.

THE ATTORNEY-GENERAL—If it is more the magistrates who are now appointed under the Small Debts Ordinance for the New Territory would have no power to deal with it. That would involve giving express powers to or sending a magistrate over there on purpose.

HON. MR. KESWICK—If you are satisfied I raise no objection.

HON. MR. HEWETT—Can magistrates only deal with a case up to \$200?

THE ATTORNEY-GENERAL then submitted a proviso with regard to an action for criminal conversation being barred by such proceeding before the magistrate.

HON. MR. OSBORNE—Can a man be prosecuted for the same offence twice, supposing he pays \$200?

CAPT. SUPT. OF POLICE—If he harbours the woman after.

HON. MR. OSBORNE—If he harbours her he can be prosecuted again?

THE ATTORNEY-GENERAL—If a corespondent at home is mulcted in damages he has to pay the damages, but the lady may be his own property thereafter, but this is not a question of divorce.

The Bill was left in committee, and Council resumed.

Kellet Island Amendment Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to amend the Kellet Island Ordinance, 1898."

In doing so he said—This is purely a formal matter. The occupation and control of Kellet Island has been recently transferred to the Admiralty by arrangement with the War Office, so the terms contained in the existing Ordinance are inoperative.

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

Council then resolved itself into committee to consider the Bill clause by clause.

On resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through committee without amendment, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

Midwives Ordinance

THE ATTORNEY-GENERAL moved the second reading of the Bill entitled, "An Ordinance to secure the better training of Midwives and to regulate their practice."

In doing so he said—This Bill is based, I think I may say almost entirely, on the Imperial Midwives Act of 1902. It has been considered that medical science is sufficiently in advance now in Hongkong to ensure that midwives here shall be placed under proper safeguard. The Bill was very fully considered and received the consideration of my hon. and learned friend opposite (Dr. Ho Kai). Section 13 has been inserted stating that this measure does not apply to Chinese unless they use the name and title in English. It was decided at first on consideration that we had better go by easy stages, as it would be undesirable to impose on the whole Chinese community the formalities required by the Bill.

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

Council then resolved itself into committee to consider the Bill clause by clause.

HON. MR. OSBORNE — Has the Bill been submitted to the Medical Board for their consideration?

HIS EXCELLENCY—Yes, it has.

HON. MR. KESWICK — With the amendment, Sir, to section 13?

HIS EXCELLENCY—We can discuss this clause when we get down to it. The Medical Board advised on it.

HON. MR. OSBORNE—I am a member of that board and have not seen it.

HON. DR. HO KAI—You were absent at the time.

HON. MR. HEWETT—Clause 13 was submitted to the Medical Board.

THE COLONIAL SECRETARY—And they are divided on the question.

On clause 13,

HON. MR. KESWICK said—It appears to me that section 13 takes the sting out of the Bill altogether. I understood the Bill was put forward in order to put a stop to malpractices known to exist in the Colony, and although this section 13 has been brought in with the assistance of my hon. and learned friend (Hon. Dr. Ho Kai) I still think it takes the sting out of the whole Ordinance and should be left out altogether. There is nothing in a name. You may call yourself a midwife, a nurse, or whatever you like, but to escape responsibility because you do not call yourself a midwife does not seem to be sound. It appears to me to be contrary to the spirit of the Ordinance altogether.

HON. DR. HO KAI—In answer to the objection raised by my hon. friend opposite I may say that this clause was introduced by the unanimous recommendation of the leading Chinese who assembled at the Registrar-General's and discussed this Bill clause by clause. The introduction of this section does not differ in any material respect from the clause in the Medical Ordinance by which Chinese practising medical art among Chinese themselves can do so without being forced to register, and if the argument of my hon. friend opposite holds good then the Medical Ordinance is useless, since the clause exempting practitioners from practising amongst their own people does go against the whole spirit of that Ordinance. On

the contrary, however, the Medical Ordinance has done a lot of good, and will do more when we have more facilities for enabling Chinese to acquire Western medical learning. Until that time exemption of this kind must be introduced into any Ordinance of this type. I may remind the hon. gentleman that there are Chinese residents in this Colony numbering 400,000 souls. A great number of these are married ladies. There is a great probability that most of them will be having children, and the chances are that a great number will at one time require the services of midwives. On the other hand, the number of midwives who are qualified according to Western methods are at present only about fourteen in number. They are quite inadequate to meet the demand, even if we forced the Chinese to utilise their services, and until we have a larger number of midwives trained in Western methods it is impossible to make a sweeping Ordinance of this kind. Again, native midwives charge only a very nominal fee. I think my hon. colleague opposite will support me in saying that the charges vary from fifty cents to a dollar a case.

HON. MR. WEI YUK—That is so.

HON. DR. HO KAI—And in the case of European-trained midwives, I think their charges range from \$5 to \$15. If the Chinese were required to pay \$5 or \$15 a case, the majority would have to go without any assistance whatsoever, and that would be worse than the present circumstances. The Ordinance has been introduced because the Government first of all wished to reduce infantile mortality among the Chinese, and in the next place to prevent illegal practices among a certain class of midwives. The training of Chinese nurses and midwives in accordance with European methods is largely due to the leading Chinese who subscribed to the Maternity Hospital and supported a lady doctor for the training of midwives. The Maternity Hospital has been doing good work, but at the same time it takes a long time to train a midwife. In the circumstances I think my hon. friend opposite will see that it is imperative that we should have

a clause of this kind. In the space of five or ten years we may be able to expunge it, for the Chinese community may then be able to make use of the services of better trained nurses when the number of the latter has largely increased.

HON. MR. KESWICK—I am afraid my hon. friend has rather mistaken my words. I had no intention whatsoever of suggesting that the Chinese community should make use of the services of foreign-trained midwives. My objection to this clause 13 was intended to exclude it from the Bill, because if we are going to put it in, we might as well not have the Bill at all.

HON. DR. HO KAI—Half a loaf's better than no bread.

HON. MR. KESWICK—If you'd ever been hungry you would find half a loaf pretty useful.

HON. DR. HO KAI—When a midwife does not hold herself out as Western-trained her fee is about a dollar.

HON. MR. KESWICK—If you want to stop illegal practices, which I take it is the chief object of this Bill, and insert clause 13, in my opinion the sting is entirely taken out of it.

HON. MR. OSBORNE—What, Sir, has given rise to this Bill?

HIS EXCELLENCY—The matter was brought forward by a case in which a midwife posed as being a European-trained midwife, whereas she was really a Chinese married to an Australian, I think. Anyway, her name was spelt Lam, and she passed herself off as Lamb, taking a European name. She attended the wife of a Portuguese, and owing to her gross ignorance in treating the case the woman under treatment died. This Ordinance would catch a Chinese midwife practising among Chinese and trying to fly a little higher.

HON. MR. OSBORNE — By this Ordinance Chinese can practice among non-Chinese.

THE COLONIAL SECRETARY — But cannot represent themselves as European-trained.

THE ATTORNEY-GENERAL — This is an important British Colony, we are day by day growing, and as far as we can we are endeavouring to follow upon English laws and customs. But it has been pointed out by representatives of the Chinese community that this Ordinance as it stood is a little too

far in advance. Therefore they suggest that it is quite impracticable to apply the Ordinance in existence at Home, and we shall for the time being exempt them and educate them up to Western methods, when they will probably desire this clause to be expunged.

HON. MR. KESWICK—After the remark of my hon. friend on my right, I have no further demur to make.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through committee, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

Segregation of Lepers

THE ATTORNEY-GENERAL moved that the Council go into committee on the Bill entitled, "An Ordinance to provide for the segregation and treatment of Lepers."

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

THE ATTORNEY-GENERAL—Council reported progress on this Bill on the last occasion in order to allow a section to be introduced to provide for the appointment of visiting Justices of the Peace. I have now drafted clause 16, which I hope meets the wishes of hon members. It provides for the appointment of Justices of the Peace with their consent, and gives the power to make enquiries.

On Council resuming,

THE ATTORNEY-GENERAL reported that the Bill had passed through committee, and moved that it be read a third time.

THE COLONIAL SECRETARY seconded, and the Bill was read a third time and passed.

His EXCELLENCY — Council stands adjourned until this day fortnight.

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

New Territory Improvements

The Officer Administering the Government recommended the Council to vote a sum of Forty-five thousand Dollars (\$45,000) in aid of the vote Public Works, Extraordinary, Communications, New Roads, New Territories.

Medical Department

The Officer Administering the Government recommended the Council to vote a sum of One thousand four hundred Dollars (\$1,400) in aid of the vote Medical Departments *A.*—Staff, Other Charges, Health Officer of Port, Repairs to Launch.

Police and Prison Departments

The Officer Administering the Government recommends the Council to vote a sum of four hundred and fifty dollars (\$450) in aid of the vote Police and Prison Departments, *A.*—Police, Other Charges, Language Bonus.

Staff Quarters at Tai Po

The Officer Administering the Government recommends the Council to vote a sum of Three hundred and twenty-one Dollars (\$321) in aid of the vote Public Works, Extraordinary, Buildings, Staff Quarters, Tai Po.

Public Works

The Officer Administering the Government recommended Council to vote a sum of Thirty-one thousand four hundred and seventy-two Dollars and twenty-five Cents (\$31,472.25) in aid of the vote Public Works, Extraordinary, Communications, Raising Chatham Road.

Transport

The Officer Administering the Government recommended the Council to vote a sum of Three thousand Dollars (\$3,000) in aid of the vote Miscellaneous Services, Transport of Government Servants.