

LEGISLATIVE COUNCIL.

Draft Bills.

No. S. 158.—The following bills, which it is proposed to introduce into the Legislative Council shortly, are published for general information.

C.S.O. 2749/26.

[No. 7 :—19.6.26.—1.]

A B I L L

INTITLED

An Ordinance to amend the Midwives Ordinance, 1910.

Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title. 1. This Ordinance may be cited as the Midwives Amendment Ordinance, 1926.

Amendment of Ordinance No. 22 of 1910, s. 2. 2. Section 2 of the Midwives Ordinance, 1910, is amended as follows:—

- (1) by the substitution of the words “two hundred and fifty” for the word “fifty” in the sixth line of sub-section (1) thereof;
- (2) by the substitution of the words “two hundred and fifty” for the words “one hundred” in the fourth line of sub-section (2) thereof;
- (3) by the repeal of the words “Provided that this section shall not apply to medical practitioners or to anyone rendering assistance in a case of emergency” in sub-section (2) thereof;
- (4) by the insertion of the following sub-section, immediately after sub-section (2) thereof:—
 - (3) Sub-sections (1) and (2) shall not apply to any Chinese woman who uses the title of *wan p'o* (穩婆) only; and
- (5) by the renumbering of sub-sections (3), (4) and (5) as sub-sections (4), (5) and (6) respectively.

Amendment of Ordinance No. 22 of 1910, s. 3. 3. Section 3 of the Midwives Ordinance, 1910, is amended as follows:—

- (1) by the substitution of the word “woman” for the word “person” in the first line thereof;
- (2) by the substitution of the word “holds” for the word “produces” in the second line thereof; and
- (3) by the insertion of the words “or under the Midwives Act, 1902” between the word “Dublin” and the word “or” in the sixth line thereof.

4. Section 4 of the Midwives Ordinance, 1910, is amended by the repeal of sub-section (1) and by the substitution thereof of the following sub-section :—

Amendment
of Ordinance
No. 22 of
1910, s. 4.

- (1) There shall be established a Midwives Board, hereinafter called the Board, which shall consist of the Principal Civil Medical Officer and five other persons appointed by the Governor. The Principal Civil Medical Officer shall be the chairman of the Board. Each of the appointed members shall hold office for such term, or subject to such condition, as the Governor may prescribe: Provided that the Governor may at any time cancel any appointment.

5. Section 6 of the Midwives Ordinance, 1910, is amended by the repeal of the words "The secretary shall have the custody of the roll" and by the substitution thereof of the words "The Principal Civil Medical Officer, or such person as he shall appoint, shall have the custody of the roll".

Amendment
of Ordinance
No. 22 of
1910, s. 6.

6. Section 11 of the Midwives Ordinance, 1910, is repealed.

Repeal of
Ordinance
No. 22 of
1910, s. 11.

7. Section 12 of the Midwives Ordinance, 1910, is amended by the repeal of the words "respecting midwives" in the first line thereof.

Amendment
of Ordinance
No. 22 of
1910, s. 12.

8. Section 13 of the Midwives Ordinance, 1910, is amended by the addition of the following proviso at the end thereof :—

Amendment
of Ordinance
No. 22 of
1910, s. 13.

"Provided that the name, title, addition or description of *wan p'o* (穩婆) in the Chinese language shall not be deemed to be a name, title, addition or description with the implications indicated in this section.

Objects and Reasons.

1. The principal object of this bill is to prevent the use of titles, etc., by uncertified Chinese midwives, which are calculated to deceive the public and convey the impression that the midwife is properly qualified. It has been thought advisable that the use of such titles should be restricted, and the bill therefore, in clauses 2 (4) and 8, amends sections 2 and 13 of the Midwives Ordinance, 1910, so as to provide that the title of *wan p'o* (穩婆) shall be the only title which can be recognised as usable by an uncertified Chinese midwife.

2. The opportunity has also been taken to amend the Ordinance in several other respects where it appears to be necessary. Clause 2 (1) and (2) alter the penalties for the wrongful use of titles implying certification, and for uncertificated practice, to \$250 in each case, in order to conform with the usual fine for summary offences. Clause 2 (3) repeals the proviso to section 2 (2) of the Ordinance, which seems to be of little value. The terms of the section imply clearly that it was not intended to apply to emergency assistance, and s. 12 of the Ordinance provides that the Ordinance shall not apply to medical practitioners. Section 12 is amended by clause 7 of the bill, so as to make this entirely unambiguous.

3. Clause 3 (1) substitutes "woman" for "person" in s. 3; the use of the word "she" in the section shows that "woman" was intended. Clause 3 (2) requires a woman applying for certification to *hold* certain certi-

ificates, and not merely to *produce* them. Clause 3 (3) provides that the holding of a certificate under the Midwives Act, 1902, shall be a qualification for being certified in the Colony.

4. Section 4 of the present Ordinance provides that the Board shall consist of the Principal Civil Medical Officer, the Superintendent of the Alice Memorial Maternity Hospital, the lady doctor attached to the same, and three other persons to be nominated by the Governor. The trouble about sections in this form is that they sometimes become inconvenient when circumstances change. For example, the particular hospital mentioned might close, or might be amalgamated with another hospital, or it might happen that the superintendent of that hospital might be only a subordinate to the superintendent of the general group of Alice hospitals, or there might be more than one lady doctor attached to the hospital in question. Clause 4 of the bill therefore, proposes to substitute a sub-section (1) which will provide that the Board shall consist of the Principal Civil Medical Officer as chairman and five other persons appointed by the Governor. The present intention is to continue to appoint to the Board the superintendent of the Alice Memorial Maternity Hospital and a lady doctor attached to that hospital. The present section makes the term of office of the nominated members three years, and it gives no power to cancel any appointment. This might be inconvenient. It might be desirable, and will be desirable under the new sub-section, to have power to appoint a medical practitioner for so long as he may continue to hold a particular appointment. The proposed new sub-section gives this power. It also gives the Governor power to cancel any appointment. This latter power might be used where an appointed member had left the Colony.

5. Section 7 of the present Ordinance provides that the secretary of the Board shall have the custody of the roll. It is considered that it would be more convenient if the Principal Civil Medical Officer had the custody of the roll. Accordingly, the section is amended by clause 5 of the bill so as to provide that the Principal Civil Medical Officer, or such person as he shall appoint, shall have the custody of the roll.

6. Clause 6 repeals s. 11 of the Ordinance which provides that offences may be prosecuted by the Secretary of the Midwives Board. This is unnecessary because any person has the right to prosecute under the Ordinance, and if the object of the section was that offences should be prosecuted by the secretary only, that is an object which should not have been aimed at, and the section has not achieved it.

J. H. KEMP,
Attorney General.

19th May, 1926.

A BILL

INTITLED

An Ordinance to amend the Peak Tramway Ordinance, 1883.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Peak Tramway Amendment Ordinance, 1926. Short title.

2. Paragraph (b) of section 2 of the Peak Tramway Ordinance, 1883, is repealed, and the following paragraph is substituted therefor :— Amendment of Ordinance No. 2 of 1883, s. 2.

(b) "The company" means the Peak Tramways Company Limited.

3. Section 13 of the Peak Tramway Ordinance, 1883, is repealed and the following section is substituted therefor :— Amendment of Ordinance No. 2 of 1883, s. 13.

Motive power, etc. 13. The carriages, motive power, machinery, and apparatus of any kind whatsoever, used on or for the tramway shall be subject to the approval of the Governor in Council, and no carriage, motive power, machinery, or apparatus, which has been disapproved by the Governor in Council shall be used on or for the tramway.

4. Section 16 of the Peak Tramway Ordinance, 1883, is amended as follows :— Amendment of Ordinance No. 2 of 1883, s. 16.

- (1) the words "Subject to the provisions of this Ordinance" in the first line of sub-section (1) are repealed ;
- (2) the proviso to paragraph (f) of sub-section (1) is repealed ;
- (3) the words "Subject to this Ordinance" in the first line of sub-section (2) are repealed and the words "Subject to the previous approval of the Governor in Council" are substituted therefor ;
- (4) sub-section (3) is repealed.

5. Section 17 of the Peak Tramway Ordinance, 1883, is repealed and the following section is substituted therefor :— Amendment of Ordinance No. 2 of 1883, s. 17.

Penalties for breaches of rules and by-laws. 17.—(1) If the company or any other person contravenes any of the provisions of any rule made under section 16 (1), the company, or such other person as the case may be, shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars, or, in the case of a continuing offence to a fine not exceeding fifty dollars for each day during which the offence shall have continued : Provided that any such rule may prescribe lower maximum penalties than the maximum penalties specified above.

(2) If any person contravenes any of the provisions of any by-law made under section 16 (2), he shall upon summary conviction

be liable to a fine not exceeding one hundred dollars: Provided that any such by-law may prescribe a lower maximum penalty than one hundred dollars.

Amendment of Ordinance No. 2 of 1883, s. 23. 6. Section 23 of the Peak Tramway Ordinance, 1883, is amended by the addition of the following sub-section at the end thereof:—

(3) It shall be lawful for the Governor in Council to amend the Schedule in any way which he may think fit.

Amendment of Ordinance No. 2 of 1883, s. 25. 7. Section 25 of the Peak Tramway Ordinance, 1883, is amended by the substitution of the words "one hundred" for the word "twenty-five" in the last line thereof.

Amendment of Ordinance No. 2 of 1883, s. 26. 8. Section 26 of the Peak Tramway Ordinance, 1883, is amended by the substitution of the words "one hundred" for the word "twenty-five" in the last line thereof.

Amendment of Ordinance No. 2 of 1883, s. 27. 9. Section 27 of the Peak Tramway Ordinance, 1883, is amended by the substitution of the words "one hundred" for the word "ten" in the last line thereof.

Amendment of Ordinance No. 2 of 1883, s. 28. 10. Section 28 of the Peak Tramway Ordinance, 1883, is amended by the substitution of the words "one hundred" for the word "ten" in the last line thereof.

Objects and Reasons.

1. The two main objects of this bill are (1) to give the Governor in Council power to allow the present statutory maximum speed of 10 miles an hour to be exceeded, and (2) to make it quite clear that electricity may be used as the motive power on the tramway. The opportunity is taken of making certain other amendments also.

2. Clause (2) defines the term company as meaning the Peak Tramways Company Limited. When the principal Ordinance was passed it was not possible to give the name of the company exactly.

3. It is not quite clear that section 13 of the present Ordinance gives the Governor in Council power to approve of the use of electricity as the motive power of the tramway. The proposed new section 13 gives this power. It also makes it clear that no apparatus disapproved by the Governor in Council may be used. This is no doubt implied in the present section.

4. Two substantial alterations will be made by clause 4. One is to give the Governor in Council power to allow the present statutory maximum speed of 10 miles an hour to be exceeded. The other is to do away with the present anomalous provision that no rule or by-law made under the principal Ordinance can come into operation until one month after its publication in the Gazette. Clause 4 also provides that the company's by-laws must be first approved by the Governor in Council.

5. Section 17 of the present Ordinance provides that any rule or by-law may impose a fine for offences against the rule or by-law, not exceeding \$10 for each offence, or \$5 a day for a continuing offence. These maxima seem much too small for some of the possible offences, *e.g.*, trespassing on the tramway line, or failure by the company to provide servants to keep the line free from obstructions. The proposed new section

makes the maximum fines for breaches of the rules \$250 or \$50 a day for a continuing offence and the maximum fine for breaches of the by-laws \$100. Another objection to the form of the present section 17 is that the penalties have to be provided in the rules and by-laws, and no provision is made for any case where through inadvertence a rule or by-law is not provided with a penalty. The proposed new form of the section provides a penalty for all rules and by-laws, but gives power to reduce the maximum fines in the case of any particular rule or by-law.

6. Clause 6 of the bill gives the Governor in Council power to amend the Schedule which contains the Table of Tolls. It is hardly necessary to say that no amendment of the Schedule would be made without consultation with the company. At present there is no power either to reduce or to increase the maximum tolls.

7. Clauses 7, 8, 9 and 10 increase to \$100 the maximum fines under sections 25, 26, 27 and 28 of the principal Ordinance. The present maxima of \$25 and \$10 seem much too small for some of the offences, which include wilful obstruction of the company's servants, destruction of the property of the company, acting in such a manner as to endanger the lives of persons travelling on the tramway, and attempting to avoid payment of the legal fare.

J. H. KEMP,
Attorney General.

5th June, 1926.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 159.—Statement of Sanitary Measures adopted by Hongkong.

Disease.	Port or Place.	Restrictions in Force.	Authority.
Cholera.	Bangkok.	Medical examination; quarantine at the discretion of the Health Officer.	Notification No. 655 of 20th November, 1925.
Small-pox.	Amoy.	Do.	Notification No. 124 of 9th March, 1926.
Cholera.	Saigon.	Do.	Notification No. 225 of 26th April, 1926.
Plague.	Pakhoi.	Do.	Notification No. 273 of 20th May, 1926.
Cholera.	Hoihow.	Do.	Notification No. 274 of 20th May, 1926.
Cholera.	Haiphong.	Do.	Notification No. 338 of 24th June, 1926.