

LEGISLATIVE COUNCIL.

No. S. 205.—The following Bills were read a first time at a meeting of the Council held on the 12th August, 1926:—

[No. 9:—22.6.26.—1.]

A BILL

INTITULED

An Ordinance to authorize the Appropriation of a Supplementary Sum of Eight hundred and thirty-two thousand two hundred and forty-nine Dollars and fifty-two Cents to defray the Charges of the year 1925.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the year 1925, in addition to the charge upon the revenue of the Colony for the service of the said year already provided for:

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

A sum of eight hundred and thirty-two thousand two hundred and forty-nine Dollars and fifty-two Cents is hereby charged upon the revenue of the Colony for the service of the year 1925, the said sum so charged being expended as hereinafter specified; that is to say:—

Governor.....	\$ 9,936.69
Colonial Secretary's Department.	1,499.10
Miscellaneous Services	465,771.55
Judicial and Legal Departments.	15,727.65
Fire Brigade	59,135.85
Prisons Department	9,355.04
Military Expenditure.....	15,678.75
Public Works Recurrent	243,981.75
Charitable Services	11,163.14
Total.....	\$ 832,249.52

A BILL

INTITULED

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 Paragraph (b) of section 2 of the Peak Tramway Ordinance, 1883, is repealed, and the following paragraph is substituted therefor :— Amendment of Ordinance No. 2 of 1883, s. 2.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) "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 Section 13 of the Peak Tramway Ordinance, 1883, is repealed, and the following section is substituted therefor :— Amendment of Ordinance No. 2 of 1883, s. 13.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.

C.S.O. 3145/26.

[No. 6:—9.7.26.—2.]

A BILL

INTITLED

An Ordinance to amend the law relating to wireless telegraphy.

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 Wireless Short title. Telegraphy Ordinance, 1926.

2. In this Ordinance,

Interpretation.

- (a) "Telegraph" means an electric, galvanic or magnetic telegraph, and includes appliances and apparatus for sending or receiving telegraphic or telephonic messages, or other communications, by means of electricity, galvanism or magnetism.
- (b) "Wireless telegraphy" means any system of communication by telegraph without the aid of any wire connecting the points from and at which the messages or other communications are sent and received.
- (c) "Wireless telegraphy station" includes every apparatus or collection of apparatus which has been installed for the purpose of being used

for wireless telegraphy, whether for sending or receiving or for sending and receiving, and whether such apparatus or collection of apparatus be complete or not.

Regulations.

3.—(1) It shall be lawful for the Governor in Council to make regulations for the licensing, regulation and control of wireless telegraphy within the Colony and the waters thereof, and on board British ships registered in the Colony, including the prescribing of fees to be payable in respect of licences and permission granted under this Ordinance, and for prohibiting or restricting the use of wireless telegraphy at such times, on such occasions, and subject to such conditions, as may seem expedient to him.

(2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the Gazette of the making of such regulations, and if a resolution be passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any regulation shall be rescinded, or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded, or amended as the case may be, as from the date of publication in the Gazette of the passing of such resolution.

Licences required for wireless telegraphy.

4. No person shall establish, maintain, or have in his possession any wireless telegraph station in any place in the Colony, or on board any British ship registered in the Colony, except under and in accordance with a licence granted under this Ordinance.

Search.

5. If a magistrate is satisfied by information on oath that there is reasonable ground for believing that a wireless telegraph station has been established, or is being maintained, or used, or is in the possession of any person, without a valid license under this Ordinance, he may grant a search warrant to any police officer to enter the place or ship (not being or having the status of a ship of war) where it is believed that the wireless telegraphy station has been established or is being maintained, or used, or is in the possession of some person, and to search such place or ship, and to seize any apparatus which appears to him to have been established or maintained, or used, or to be in the possession of any person, in contravention of this Ordinance.

Penalties.

3.—(1) Every person who contravenes any provision of this Ordinance or of any regulation made thereunder, and every person who fails to comply with any condition of any licence issued under this Ordinance, shall upon summary conviction be liable to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months.

(2) It shall be lawful for a magistrate to order to be forfeited to the Crown any apparatus with respect to which any offence against this Ordinance has been committed, whether any person shall have been charged with, or shall have been convicted of, such offence or not.

Continuance of ship station licences issued under Ordinance No. 20 of 1913.

7. All ship station licences issued under the Wireless Telegraphy Ordinance, 1913, shall, notwithstanding the repeal of that Ordinance, continue in full force and validity until terminated by effluxion of time or by cancellation or in some other lawful manner.

8. This Ordinance shall come into operation on the 10th day of September, 1926. Commence-
ment.

9. The Wireless Telegraphy Ordinance, 1913, is repealed. Repeal of
Ordinance
No. 20 of
1913.

Objects and Reasons.

1. One of the principal objects of this bill is to make it necessary for receiving sets to be licensed. This is accomplished by amending the definition of the term "telegraph" so as to include apparatus for receiving as well as apparatus for sending. This follows the policy of the Wireless Telegraphy (Explanation) Act, 1925, 15 & 16 Geo. 5, c. 67.

2. The other principal object of the bill is to make it an offence to maintain, or possess, a wireless telegraph station without a licence. The present Ordinance makes it an offence only to establish a station, or work apparatus, without a licence. It will be noticed that the term "wireless telegraph station" is defined in the bill as including any apparatus which have been installed for the purpose of being used for wireless telegraphy.

3. The opportunity has been taken to shorten and simplify the arrangement of the present Ordinance. For example, the whole subject of the licensing authority and the form and conditions of the licences is relegated to regulations to be made under the Ordinance. In the present Ordinance this matter is scattered over four sections.

4. The definition of the term "wireless telegraphy" in the present Ordinance contains a proviso to the effect that nothing in the Ordinance shall prevent any person from making or using an electrical apparatus for actuating machinery or for any purpose other than the transmission of messages. This proviso was inserted in the Wireless Telegraphy Act of 1904 while the bill was in committee, the mover of the amendment urging that its addition was necessary to protect enterprise and scientific exploration from interference. The proviso was accepted without discussion, but it seems to have been of very doubtful necessity, and it has been omitted from this bill.

5. For the extraterritorial effect of the Ordinance in case of British ships registered in the Colony see the Wireless Telegraphy Order, 1908; Stat. R. & O., 1908, p. 960.

6. Clause 7 of the bill saves existing ship station licences.

J. H. KEMP,
Attorney General.

26th April, 1926.

C.S.O. 2749/26.

[No. 7 :—4.7.26.—2.]

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.

Amendment of Ordinance No. 22 of 1910, s. 4. 4. Section 4 of the Midwives Ordinance, 1910, is amended by the repeal of sub-section (1) and by the substitution therefor of the following sub-section:—

(1) There shall be established a Midwives Board, hereinafter called the Board, which shall consist of the Principal Civil Medical Officer and six 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 therefor 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 certificates, 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 four 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 super-

intendent 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.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 206.—Statement of Sanitary Measures adopted against Hongkong.

Place or Port.	Nature of Measures.	Date.	Reference to Government Notification.
Manila.	Inspections outside Manila harbour from 20th April. Third class passengers and new crew must comply with the vaccination requirements.	16th April, 1924.	—
All ports in the United States of America, including the Hawaiian Islands.	Inspections outside the ports from 1st April. Steerage passengers must comply with the vaccination requirements. Cabin passengers must produce a vaccination certificate or be vaccinated by ships doctor or quarantine authorities.	30th April, 1926.	—