

LEGISLATIVE COUNCIL.

No. 743.

LEGISLATIVE COUNCIL, No. II.

Wednesday, 26th August, 1936, at 2.30 p.m.

PRESENT:

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT
(Mr. ROLAND ARTHUR CHARLES NORTH).

His Excellency the General Officer Commanding the Troops, (Major-General ARTHUR
WOLLASTON BARTHOLOMEW, C.B., C.M.G., C.B.E., D.S.O.).

The Honourable the Colonial Secretary, (Mr. ROBERT ANDREW DERMOD FORREST, *Acting*).

„ the Attorney General, (Mr. CHALONER GRENVILLE ALABASTER, O.B.E.,
K.C.).

„ the Secretary for Chinese Affairs, (Mr. WILLIAM JAMES CARRIE, *Acting*).

„ the Colonial Treasurer, (Mr. EDWIN TAYLOR, C.M.G.).

„ Commander GEORGE FRANCIS HOLE, R.N. (Retired), (Harbour Master).

„ Dr. ARTHUR ROBARTES WELLINGTON, C.M.G., (Director of Medical and
Sanitary Services).

„ Mr. ARTHUR GEORGE WARNHAM TICKLE, (Acting Director of Public
Works).

„ Mr. JOHN JOHNSTONE PATERSON.

„ Mr. JOSÉ PEDRO BRAGA, O.B.E.

„ Mr. Ts'ò SEEN-WAN, C.B.E., LL.D.

„ Mr. CHAU TSUN-NIN.

„ Mr. LO MAN-KAM.

„ Mr. MARCUS THEODORE JOHNSON.

„ Mr. ARTHUR WILLIAM HUGHES.

„ Mr. EDGAR DAVIDSON.

„ Mr. DAVID MERCER MACDOUGALL, (Deputy Clerk of Councils).

ABSENT:

The Honourable Mr. THOMAS HENRY KING, (Inspector General of Police).

1. The Council met pursuant to adjournment. His Excellency the Officer Administering the Government occupied the Chair.

MINUTES.

2. The Minutes of the Meeting held on the 22nd July, 1936, were confirmed.

OATHS.

3. The Honourable the Colonial Secretary, (Mr. ROBERT ANDREW DERMOD FORREST, *Acting*), the Honourable Mr. ARTHUR WILLIAM HUGHES and the Honourable Mr. EDGAR DAVIDSON took the Oath of Allegiance and assumed their seats as Members of the Council.

PAPERS.

4. The following papers were laid on the table :—

Amendments to the Prison Rules made by the Governor in Council under section 17 of the Prisons Ordinance, 1932, Ordinance No. 38 of 1932, dated 18th July, 1936.

Resolution made and passed by the Legislative Council on the 22nd day of July, 1936, under section 2 (4) of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, Ordinance No. 17 of 1936.

Resolutions made and passed by the Legislative Council on the 22nd day of July, 1936, under section 6 of the Hong Kong Government Service (Levy on Salaries) Ordinance, 1936, Ordinance No. 17 of 1936.

Amendment to the by-laws made by the Urban Council under section 3 of the Public Health (Animals and Birds) Ordinance, 1935, Ordinance No. 16 of 1935, relating to Depots for Cattle, Swine, Sheep and Goats, dated 26th May, 1936.

Amendment made by the Governor in Council under section 4 (2) of the Mercantile Marine Assistance Fund Ordinance, 1933, Ordinance No. 24 of 1933, to the Schedule to that Ordinance, dated 30th July, 1936.

Amendment made by the Governor in Council under section 3 of the Miscellaneous Licences Ordinance, 1933, Ordinance No. 25 of 1933, to the Regulations contained in Part VI of the Second Schedule to that Ordinance under the heading "Public Billiard Tables", dated 8th August, 1936.

Rescission of the Order made by the Governor in Council on the 23rd September, 1935, under the Merchant Shipping Ordinance, 1899, Ordinance No. 10 of 1899, dated 9th August, 1936.

Amendments to the Pension Regulations A and B made by the Governor in Council under section 3 (1) of the Pensions Ordinance, 1932, Ordinance No. 21 of 1932, dated 13th August, 1936.

Order made by the Governor in Council under section 12 of the Rope Company's Tramway Ordinance, 1901, Ordinance No. 21 of 1901, dated 18th August, 1936.

Administration Reports, 1935 :—

Part I.—General Administration :—

Report of the Secretary for Chinese Affairs.

Report of the Superintendent of Imports and Exports.

Part VI.—Public Works :—

Report of the Director of Public Works.

QUESTIONS.

5. The Hon. Mr. Lo MAN-KAM, pursuant to notice, asked the following questions :—

1. Will Government be good enough to furnish to this Council a full statement on the question of the availability of radium treatment in Government Hospitals, with particular reference to the following points :—

- (a) Is it a fact that a certain amount of radium was loaned to the Government Civil Hospital by a privately endowed institution, for the general use of the patients of the Government Civil Hospital? If so, what were the terms and conditions under which the loan was made?

- (b) Is it a fact that the said loan was suddenly terminated? If the answer is in the affirmative, were any reasons given for terminating the said loan and, if so, what were the reasons?
- (c) Is it a fact that since the withdrawal of the radium mentioned above, there has been no radium available at the Government Civil Hospital and other Government Hospitals, for the use of the general public?
2. Will Government consider the question of providing radium, under the control of the Honourable the Director of Medical and Sanitary Services, for the use of the general public? And will Government consider the suitability of utilising, either wholly or in part, the proposed King George the Fifth Memorial Fund for the acquisition of radium for Hong Kong, so that it will be available to the poorest class in the community?

The Colonial Secretary replied as follows:—

- 1.—(a) Since 1929 radium has been lent to the Government by the Trustees of the Matilda Hospital. The terms of the loan were embodied in regulations drawn up by that institution designed mainly to safeguard the custody of the radium. The regulations also included the following stipulations:—

Regulation 5.—No charge shall be made to any patient for the radium used in his or her treatment.

Regulation 7.—Under no circumstances may a doctor lend the radium to a third party. In the Government Civil Hospital however where radium is lent to the radiologist he may lend such radium to the heads of the Surgical and Gynaecological Units for use in the Government Civil Hospital or Tsan Yuk Hospitals only.

Regulation 11.—Each doctor who gets the use of radium agrees to furnish a quarterly report to the Superintendent of the Matilda Hospital on the special report forms supplied by the Matilda Hospital. This is in order that information and experience may be accumulated in the use of radium.

- (b) The loan was terminated on 22nd May this year. The reasons given were that for the earlier part of 1936 the quarterly reports referred to above had not been supplied; that radium had been used for the treatment of European patients at the Government Civil Hospital; and that the Medical Officer in Charge of the Matilda Hospital had not been given the facilities for exercising supervision of the use of radium in Government Hospitals required by the Trustees of the Matilda Hospital and by the Insurance Company. It is observed with regard to these points that the omission on this one occasion was due to an oversight which could have been corrected at once had attention been drawn to it; secondly that the conditions on which the loan was made contained no such discrimination; and thirdly, that the Government Radiologist is fully qualified to supervise the use of radium, and that outside supervision is not a condition of the loan regulations.
- (c) The Government possesses 20 milligrammes of radium. This amount is inadequate to meet the number of cases in need of radium treatment. On two occasions since the withdrawal of the loan the Hospital has granted the Government temporary use of the radium for treatment of a special case.

2. The Government is approaching the Trustees of the Matilda Hospital with a view to securing, if possible, the renewal of the loan. If this proves impossible the Government will consider other means of providing radium for the use of the general public. The question of a Memorial Fund is still under consideration but, having regard to certain difficulties of care and custody, it is considered more satisfactory that radium should be purchased from the funds of the Colony rather than by the use of publicly subscribed money.

REPORT OF THE FINANCE COMMITTEE.

6. The Colonial Secretary laid on the table the Report of the Finance Committee (No. 6), dated 22nd July, 1936, and moved its adoption.
The Colonial Treasurer seconded.
Question—put and agreed to.

MOTIONS.

7. The Attorney General moved :—

That the amendment to the Market by-laws made by the Urban Council under section 5 of the Public Health (Food) Ordinance, 1935, on the 21st day of July, 1936, be approved.

The Colonial Secretary seconded.
Question—put and agreed to.

8. *Pensions Amendment (No. 3) Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend again the Pensions Ordinance, 1932.”

The Colonial Secretary seconded.
Question—put and agreed to.
Bill read a first time.

9. *Summary Offences (No. 2) Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend further the Summary Offences Ordinance, 1932.”

The Colonial Secretary seconded.
Question—put and agreed to.
Bill read a first time.

10. *Stamp Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the law relating to stamp duty.”

The Colonial Secretary seconded.
Question—put and agreed to.
Bill read a first time.

11. *Public Health (Sanitation) Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935.”

The Colonial Secretary seconded.
Question—put and agreed to.
Bill read a first time.

12. *Public Health (Animals and Birds) Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the Public Health (Animals and Birds) Ordinance, 1935.”

The Colonial Secretary seconded.
Question—put and agreed to.
Bill read a first time.

13. *Public Health (Food) Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the Public Health (Food) Ordinance, 1935.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

14. *Crown Rights (Re-entry) Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Crown Rights (Re-entry) Ordinance, 1870.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council 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.

Question—put and agreed to.

Bill read a third time and passed.

15. *Cane for Birch Substitution Bill.*—The Attorney General addressed the Council and moved the Second reading of a Bill intituled “An Ordinance to amend the law relating to the instruments which may be used in flogging or whipping.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council 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.

Question—put and agreed to.

Bill read a third time and passed.

16. The Hon. Mr. LO MAN-KAM addressed the Council and moved the following resolution :—

That in the opinion of this Council, the present censorship of the Chinese Press should be abrogated.

The Hon. Mr. JOSÉ PEDRO BRAGA, O.B.E., addressed the Council and seconded the resolution.

The Hon. Mr. JOHN JOHNSTONE PATERSON, the Hon. Dr. Ts'ò SEEN-WAN, C.B.E., LL.D., and the Hon. Mr. CHAU TSUN-NIN addressed the Council and opposed the motion.

The Colonial Secretary addressed the Council and opposed the motion.

The Hon. Mr. LO MAN-KAM and the Hon. Dr. Ts'ò SEEN-WAN C.B.E., LL.D., again addressed the Council.

The resolution was put to the vote and declared lost.

Two members voted for the resolution. The Hon. Mr. JOSÉ PEDRO BRAGA, O.B.E., and the Hon. Mr. LO MAN-KAM.

Fourteen members voted against. The Hon. Mr. JOHN JOHNSTONE PATERSON, the Hon. Dr. TS'O SEEN-WAN, C.B.E., LL.D., the Hon. Mr. CHAU TSUN-NIN, the Hon. Mr. MARCUS THÉODORE JOHNSON, the Hon. Mr. ARTHUR WILLIAM HUGHES, the Hon. Mr. EDGAR DAVIDSON, the Officer Commanding the Troops, the Colonial Secretary, the Attorney General, the Secretary for Chinese Affairs, the Colonial Treasurer, the Harbour Master, the Director of Medical and Sanitary Services and the Director of Public Works.

ADJOURNMENT.

17. The Council then adjourned until Wednesday, the 9th day of September, 1936, at 2.30 p.m.

A. CALDECOTT,
Governor.

Confirmed this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

No. 744.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinances passed by the Legislative Council :—

Ordinance No. 34 of 1936.—An Ordinance to amend again the Pensions Ordinance, 1932.

Ordinance No. 35 of 1936.—An Ordinance to amend further the Summary Offences Ordinance, 1932.

Ordinance No. 36 of 1936.—An Ordinance to amend the law relating to stamp duty.

Ordinance No. 37 of 1936.—An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935.

Ordinance No. 38 of 1936.—An Ordinance to amend the Public Health (Animals and Birds) Ordinance, 1935.

Ordinance No. 39 of 1936.—An Ordinance to amend the Public Health (Food) Ordinance, 1935.