

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 11th June, 1958.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR EDRIC MONTAGUE BASTYAN, K.B.E., C.B.

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, C.M.G., O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. JOHN CRICHTON McDOUALL.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

(Commissioner of Labour).

THE HONOURABLE ALLAN INGLIS

(Director of Public Works).

DR. THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, C.M.G., O.B.E.

(Director of Medical and Health Services).

THE HONOURABLE COLIN GEORGE MERVYN MORRISON

(Director of Urban Services).

DR. THE HONOURABLE CHAU SIK NIN, C.B.E.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.

THE HONOURABLE LO MAN WAI, C.B.E.

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, O.B.E.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D.

THE HONOURABLE JOHN DOUGLAS CLAGUE, C.B.E., M.C., T.D.

MR. MAURICE DEREK SARGANT *(Deputy Clerk of Councils).*

MINUTES.

The Minutes of the Meeting of the Council held on 28th May, 1958, were confirmed.

PAPERS.

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers: —

<i>Subject.</i>	<i>G.N. No.</i>
Prevention of the Spread of Infectious Diseases Regulations, 1955.	
Declaration under regulation 2	A. 26.
Consular Conventions Ordinance, 1951.	
Consular Conventions (Italian Republic) Order, 1958	A. 27.
Consular Conventions Ordinance, 1951.	
Consular Conventions (Federal Republic of Germany) Order, 1958	A. 28.
Tax Reserve Certificates Ordinance, 1955.	
Tax Reserve Certificates (Schedule Amendment) Order, 1958.	A. 29.
Tax Reserve Certificates Ordinance, 1955.	
Tax Reserve Certificates (Second Series) Rules, 1958	A. 30.
Dutiable Commodities Ordinance.	
Dutiable Commodities (Amendment) (No. 2) Regulations, 1958	A. 31.
Stamp Ordinance.	
Stamp (N.T.) (Exemption and Modification) (Amendment) Regulations, 1958	A. 32.

**SUPPLEMENTARY PROVISIONS
FOR THE QUARTER ENDED 31st MARCH, 1958.**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the quarter ended 31st March, 1958, as set out in Schedule No. 4 of 1957/58, be approved.

He said: As is usual in the fourth quarter of the financial year, many of the items in the schedule are in respect of subheads for which the provision made in the estimates has proved to be inadequate for one reason or another. This is particularly so in the case of Public Works Non-Recurrent, for which additional provision of almost \$4 millions is required for eighteen different sub-heads. The annual accounts just published show that the total provision for Public Works Non-Recurrent has, despite these excesses, been considerably underspent.

It has been necessary to supplement the provision for Waterworks Supply and Maintenance by an additional \$300,000. This represents the cost of pumping and treating the water which flowed into the reservoirs during the heavy rains of last year and was available for distribution on a 24 hour basis for some little time. Another \$200,000 is for the Hong Kong Anti-T.B. Association. Government has now at its disposal 264 beds in the Grantham Hospital for T.B. patients at the rate of \$18 per day.

All the items have already been agreed to by Finance Committee and the covering approval of this Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) (AMENDMENT) BILL, 1958.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, Chapter 15."

He said: Sir, the purpose of this very simple amendment is adequately explained in the statement of Objects and Reasons to which I have nothing to add.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

Under section 12 of the Maintenance Orders (Facilities for Enforcement) Ordinance the competent authority for transmitting and receiving maintenance orders of any British possession or territory, to which the Ordinance is extended, is the Governor of that possession or territory. The legislature of Queensland, Australia, has recently amended its legislation to enable a Minister to be appointed as the competent authority to exercise these functions in lieu of the Governor.

2. The object of this Bill is to amend section 12 of the said Ordinance to take care of the change that has taken place in Queensland and other future similar changes.

STAMP DUTY COLLECTION (VALIDATION) BILL, 1958.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to validate the collection of stamp duties on certain instruments affecting land in the New Territories to which Part II of the New Territories Ordinance does not apply."

He said: Sir, the purpose of this Bill and the necessity for it are given some explanation in the preamble and the statement of objects and reasons, but although it is extremely difficult to give a succinct explanation for the benefit of the layman, I feel that I should make an attempt.

Land in the New Territories, which of course includes New Kowloon, falls into two categories, which I shall refer to as Category (a) and Category (b).

Category (a) comprises land which has been exempted by the Governor from the provisions of Part II of the New Territories Ordinance. This includes all the New Kowloon Inland Lots and a few marine and other lots in New Kowloon and also some 83 scattered lots in other parts of the New Territories. Such lots are registered in the Land Office, Victoria, and are assigned, mortgaged and otherwise dealt with by deeds in the usual conveyancing forms.

Category (b) comprises land which is subject to the provisions of Part II of the New Territories Ordinance. This land is registered in the New Territories District Land Offices, and assigned, mortgaged and otherwise disposed of by instruments in the short forms given in the Schedule to the Ordinance.

Now, Sir, in 1952 the Stamp (N.T.) (Exemption and Modification) Regulations, 1952, were enacted with the object of exempting from stamp duty all instruments, except conveyances on sale and voluntary dispositions *inter vivos*, affecting land in Category (b), that is to say land registered in the District Land Offices, and further, it was intended that they should be subject to modified rates of duty conveyances on sale and voluntary dispositions *inter vivos* affecting such land outside New Kowloon. Unfortunately, however, the Regulations were so worded as to extend the exemption and modification to *all* land in the New Territories including Category (a), which of course was never intended. The mistake appears to have been due to the fact that the 1952 Stamp Regulations were framed at the same time as the Land Office (N.T.) Fees (Amendment) Regulations, 1952, that was fees for the registration of documents as opposed to stamp duty on these documents, and it appears that the expression "land in the New Territories" was used in the Regulations as meaning land affected by the Fees Rules. However that may be, the inadvertent extension of the exemption and modification escaped the notice of all concerned including the legal profession, and the Collector continued to charge stamp duty at the normal rates on instruments affecting land in Category (a), *i.e.*, land registered in the Victoria Registry.

The mistake has now come to light and been rectified by the Stamp (N.T.) (Exemption and Modification) (Amendment) Regulations, 1958, which were published in the *Gazette* last Friday. It is now necessary, however, to validate the collection of stamp duty actually paid on instruments affecting land in Category (a) since 1952 up to date, and that is what this Bill does.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

The purpose of this Bill is to validate the collection in good faith of stamp duties by the Collector of Stamp Revenue on instruments affecting land in the New Territories to which Part II of the New Territories Ordinance does not apply. As mentioned in the preamble to the Bill, stamp duties on instruments affecting land in the New Territories to which Part II of the New Territories Ordinance does not apply have been collected by the Collector of Stamp Revenue in accordance with the true intention of Government though without authority in that behalf. The lack of authority is due to the provisions of regulations 2 and 3 of the Stamp (N.T.) (Exemption and Modification) Regulations, 1952, which did not represent the true intention. Stamp duties on the aforesaid instruments have been collected, from time to time, since 1952.

2. The collection of stamp duties at the normal rates on the aforesaid instruments has now been authorized by the Stamp (N.T.) (Exemption and Modification) (Amendment) Regulations, 1958, which puts the whole matter on a proper basis.

**QUARANTINE AND PREVENTION
OF DISEASE (AMENDMENT) BILL, 1958.**

DR. D. J. M. MACKENZIE moved the First reading of a Bill intituled "An Ordinance to amend the Quarantine and Prevention of Disease Ordinance, Chapter 141, and to repeal the Vaccination Ordinance, 1923."

He said: Sir, the purpose of this legislation is clearly set out in the Objects and Reasons and there is very little more to add. The Colony has been free of smallpox since 1952 and thanks to the high degree of co-operation of the general public one million vaccinations are performed annually. This means that over a period of three years the whole population of Hong Kong can be protected and the general immunity against smallpox maintained at a high level.

At any one time, however, there is always a number of individuals who have not received a primary vaccination or whose immunity may have waned. Therefore power is necessary to

control the entry of persons to the Colony who have come from areas where smallpox is known to be occurring either in endemic or epidemic form and who do not have a valid International Certificate of Vaccination. The amendment to the Quarantine and Prevention of Disease Ordinance will give the Health Officer power to deal with such persons and so ensure, as far as is possible, that smallpox is not re-introduced into the Colony. At the same time it will bring Hong Kong into line with other administrations that adhere to the International Sanitary Regulations.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

Owing to the enlightened attitude of the local population towards vaccination against smallpox, the medical authorities consider it no longer necessary to retain on the statute book the Vaccination Ordinance, 1923, with the exception of the substance of section 16 which is still required in order to enable the Colony to meet its international obligations under regulation 83(1) of the International Sanitary Regulations.

2. This Bill therefore repeals the Vaccination Ordinance, 1923, and re-enacts the substance of section 16 in the form of a new section 59A of the Quarantine and Prevention of Disease Ordinance, and deletes from section 59 of that Ordinance the present reference to the Vaccination Ordinance, 1923.

MEDICAL REGISTRATION (AMENDMENT) BILL, 1958.

DR. D. J. M. MACKENZIE moved the Second reading of a Bill intituled "An Ordinance to amend the Medical Registration Ordinance, 1957."

He said: Sir, I rise to move the second reading of a Bill intituled 'An Ordinance to amend the Medical Registration Ordinance, 1957'.

In moving this second reading it is necessary to make mention of the controversy aroused by the introduction of this Bill and to outline again Government's intention and purpose in promoting this legislation.

The Chinese Herbalist Associations have protested that this Bill will restrict the freedom of *bona fide* Chinese Herbalists in treating patients that seek their aid for diseases of the human eye and that it will deprive the Chinese people in Hong Kong of a source of low cost treatment in which they have confidence. The Associations asked for the second and third readings of the Bill to be postponed in order to give an opportunity for their representations to be made known to Government. The readings have been postponed for six weeks. The representations have been received and carefully studied and the Hon. Secretary for Chinese Affairs and I have interviewed the representatives of the Chinese Herbalist Associations and have attempted to make clear to them the reasons and intentions behind the introduction of this Bill.

Arising out of these representations, the Chinese Herbalist Associations have asked that the Bill should be amended by the introduction of a clause specifically exempting "Chinese Herbalists who use Chinese Herbs and methods in the treatment of ocular diseases". Government has given full consideration to this request and is advised that such an amendment would completely nullify the powers that are sought for the protection of the public against the untrained and meddlesome individuals who advertise widely and blatantly that they can treat and cure diseases of the human eye. These individuals shelter under Section 30 of the Medical Registration Ordinance 1957, claiming to be Chinese Herbalists, using Chinese traditional methods of treatment. There is not as yet any means of proving that these persons are not *bona fide* Chinese Herbalists and so they pursue their pernicious practices unhindered, causing severe and permanent damage to the eyes of those who are misguided enough to consult them. At the same time they bring Chinese Herbalist methods into disrepute, not only in Hong Kong but in the international field.

On the other hand there has been strong support for this Bill, not only in Hong Kong from the Chinese Medical Association and other bodies, but from countries in Europe, Asia and America. Ophthalmologists of international repute, who have visited Hong

Kong, have written to support the Bill and have expressed surprise that so much preventable blindness should be allowed to occur within a civilized community.

Government's purpose in introducing this Bill is to protect the public and its intention is to make it an offence for any person, who is not a registered or provisionally registered medical practitioner, to hold himself out to be qualified, competent or willing to undertake the treatment, the prescription or the giving of advice to persons suffering from diseases of the eye. It will thus be an offence to advertise to this end and those who do so will render themselves liable to prosecution.

It has been said that this Bill will put the cost of the treatment of eye disease beyond the resources of the poor. This is emphatically not so and can only be classified as a mischievous statement. Government maintains eye clinics staffed by trained ophthalmologists, one whole time clinic in Kowloon and two whole time clinics in Hong Kong. There are eye clinics at nine other centres where a total of 29 sessions of three hours are held each month. Two more clinics are being opened this month, one in Hong Kong and one in Kowloon each providing an additional three sessions weekly. The existing clinics see all corners, 30% of whom receive treatment without any charge: children of 10 years of age and under are treated free at any Government clinic. I may add that at Government clinics the charge for those not receiving free treatment is \$1 which includes medicine and any operative attention necessary. This compares favourably in cost with the service provided from any other source. In addition the voluntary and Mission hospitals provide treatment for eye diseases at low cost.

Government recognizes that there is a clear distinction between the traditional methods of practice of the classical Chinese Herbalists and those of the individuals who practice under the cloak of Chinese Herbalist methods. The classical Chinese Herbalists need have no fear that there is to be any restriction of their traditional methods of treatment of illness for which the Chinese public consult them. Government has likewise no intention of interfering, and indeed has no powers to interfere, with the liberty of individuals to consult whom they wish. However, I repeat again that any person who advertises as being competent to undertake the treatment of, to prescribe for, or to give advice on

diseases of the human eye will commit an offence. Honourable Members will note that registered or provisionally registered medical practitioners are not permitted to advertise.

Finally, Sir, it has been suggested that Chinese herbal remedies should be analyzed and tested to prove their worth by modern scientific standards and with the purpose of adding to the store of scientific knowledge. I shall be only too glad to receive from those who sponsor this suggestion samples of these herbal remedies and to arrange for an analytical and pharmacological investigation, the results of which will be published.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 to 3 were agreed to.

Council then resumed.

DR. D. J. M. MACKENZIE reported that the Medical Registration (Amendment) Bill, 1958 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

ADJOURNMENT.

H. E. THE GOVERNOR: —That concludes the business for today, gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —May I suggest this day two weeks?

H. E. THE GOVERNOR: —Council stands adjourned until this day two weeks.