

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 10th August, 1960.**

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 RODERICK WILLIAM MCLEOD, K.C.B., C.B.E.

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 COLIN GEORGE MERVYN MORRISON

(Director of Urban Services).

THE HONOURABLE ROBERT MARSHALL HETHERINGTON, D.F.C.

(Commissioner of Labour).

THE HONOURABLE HECTOR WILLIAM FORSYTH

(Acting Director of Public Works).

DR. THE HONOURABLE TENG PIN-HUI

(Acting Director of Medical and Health Services).

THE HONOURABLE KWOK CHAN, O.B.E.

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

THE HONOURABLE FUNG PING-FAN, O.B.E.

THE HONOURABLE RICHARD CHARLES LEE, O.B.E.

THE HONOURABLE KWAN CHO-YIU, O.B.E.

THE HONOURABLE GEORGE MACDONALD GOLDSACK.

THE HONOURABLE DONALD BLACK.

MR. ANDREW MCDONALD CHAPMAN *(Deputy Clerk of Councils).***ABSENT:**

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

MINUTES.

The minutes of the meeting of the Council held on the 13th July, 1960, were confirmed.

OATHS.

DR. TENG PIN-HUI took the Oath of Allegiance and assumed his seat as a Member of the Council.

H. E. THE GOVERNOR: —We welcome you to our Council, Dr. TENG.

MR. DONALD BLACK took the Oath of Allegiance and assumed his seat as a Member of the Council.

H. E. THE GOVERNOR: —We welcome you to our Council, Mr. BLACK.

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> |
|---|-----------------|
| Annual Report of the Hong Kong War Memorial Fund Committee, 1959. | |
| Public Health and Urban Services Ordinance, 1960. | |
| Bathing Beach (New Territories) Regulations, 1960 | A. 68. |
| Public Health and Urban Services Ordinance, 1960. | |
| Public Cemeteries (New Territories) Regulations, 1960 | A. 69. |
| Public Health and Urban Services Ordinance, 1960. | |
| Private Cemeteries (New Territories) Regulations, 1960 | A. 70. |
| Public Health and Urban Services Ordinance, 1960. | |
| Colouring Matter in Food Regulations, 1960 | A. 72. |
| Public Health and Urban Services Ordinance, 1960. | |
| Food Adulteration (Metallic Contamination) Regulations, 1960 | A. 73. |
| Public Health and Urban Services Ordinance, 1960. | |
| Food and Drugs (Composition and Labelling) Regulations, 1960 | A. 74. |
| Public Health and Urban Services Ordinance, 1960. | |
| Preservatives in Food Regulations, 1960 | A. 75. |
| Adoption (Amendment) Rules, 1960 | A. 76. |

| <i>Subject.</i> | <i>G.N. No.</i> |
|---|-----------------|
| Colonial Air Navigation Order, 1955. | |
| Hong Kong Air Navigation (Registration Fees) (Amendment) Regulations, 1960 | A. 77. |
| Resettlement Ordinance, 1958. | |
| Resettlement (Amendment) Regulations, 1960 | A. 78. |
| Colonial Air Navigation Order, 1955. | |
| Hong Kong Air Navigation (Temporary Restrictions) (Revocation) Regulations, 1960 | A. 80. |
| Merchant Shipping Ordinance, 1953. | |
| Merchant Shipping (Certification of Trawling Masters) Rules, 1960 | A. 81. |
| Public Health (Sanitation) Ordinance, 1935. | |
| New Kowloon Cemetery No. 1 (Graves Removal) Order, 1960 | A. 82. |

**SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED
31ST MARCH, 1960.**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the quarter ended 31st March, 1960, as set out in Schedule No. 5 (Final) of 1959/60, be approved.

He said: Sir, I rise to move the resolution standing in my name.

This is the fifth and final schedule of supplementary expenditure for the financial year 1959/60, the final accounts for which have already been made available to members. The total of the additional provisions set out exceeds \$28½ millions.

The tale of the Salaries Commission is continued again in this schedule where additional provision exceeding quarter of a million dollars is required for the block sub-head arrears of salary under Miscellaneous Services, and where thirty two departments have had to have their personal emoluments votes supplemented because of the fact that these votes had to bear the increased salaries during the period from the 1st January to the 31st March this year.

One item of particular interest is the typhoon and rainstorm damage vote which had to be supplemented by over \$10 millions, thanks mainly to the heavy rainstorms in June last year. This did not cover

the total bill as some of the work was carried over to the present financial year. The cost of making good the damage done by rainstorms during the year was approximately \$11 millions.

All the items, Sir, have already been approved by Finance Committee and the covering approval of this Council is now required.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

JURY (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL: —Sir, I rise to move that a Bill intituled "An Ordinance to amend the Jury Ordinance, Chapter 3" be withdrawn. This is to enable further consideration to be given to certain of the provisions of the Bill, and by virtue of Standing Order 14 no notice of this motion is required. Sir, I beg to move.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

DEMOLISHED BUILDINGS (RE-DEVELOPMENT OF SITES)

BILL, 1960.

MR. H. W. FORSYTH moved the First reading of a Bill intituled "An Ordinance to make provisions concerning the re-development of sites of demolished buildings and for purposes connected therewith."

He said: Sir, this Bill is related and in some respects complementary to the Buildings Ordinance.

Although under that Ordinance the Building Authority has the power to order the closure or demolition of a building which for any reason has become dangerous, there is unfortunately no provision for dealing with the re-development of the vacant lot nor regard for those persons who are thrown out into the street by virtue of that demolition. In practice a closure or demolition order has generally conferred a very real benefit on the owner whose property is thus freed from the control imposed by the Landlord and Tenant Ordinance.

This Bill, Sir, does away with what might be regarded as the objectionable features of ordering the demolition of a building under that Ordinance.

It also deals with protected premises destroyed by fire and similarly freed from control.

In both cases the Director of Public Works is empowered to call for the redevelopment of the site with the result that these dangerous buildings and those destroyed by fire will be rapidly replaced by new and bigger buildings conforming to modern standards.

Finally there is the important provision that the increase in value as between the vacant and the occupied property will be shared equally as between the owner and the Crown.

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: —

Where buildings subject to the Landlord and Tenant Ordinance become dangerous and require to be demolished, this is done in compliance with an order of the Building Authority under the Buildings Ordinance, 1955 without recourse to the Tenancy Tribunal. As a result the owner obtains vacant possession without payment of compensation to the dispossessed tenants.

2. The object of this Bill is to levy a charge on these owners of one-half of the increase in value of their property arising in this way. Where, however, demolition is occasioned by fire or other calamity, which has neither resulted from nor been contributed to by any default of the owner, he would have the option of developing his property and paying the levy or of surrendering his lease at the full market value of the site with vacant possession. The money to be raised by this measure would offset the cost to Government of rehousing those of the dispossessed tenants too poor to find other accommodation. The assurance of alternative accommodation for these persons would relieve the Building Authority of his present thankless task of attempting to hold the balances between the interest of the tenants faced with losing their secured tenure, the interests of the landlord faced with uneconomic repairs and the paramount consideration of public safety.

3. The Director of Public Works (hereinafter referred to as "the Director") would be able to apply the provisions of this enactment to a building by giving the owner notice under clause 3, and this notice is required to be registered in the Land Register to give warning to persons who may have, or seek to acquire an interest in the property. The Director may then go on to require re-development and payment of the levy (clause 4). Where fire or other calamity led to the demolition of the property, the Director may certify that this was in no way the fault of the owner; and this gives the owner the option referred to in paragraph 2 (clause 6).

4. The owner may appeal to the Valuation Tribunal set up under clause 8 against the assessment made by the Director for the purposes of the levy or for assessing the market value at which the property may be surrendered. The order requiring re-development and payment of the levy under clause 4 may be registered in the Land Registry, and thereupon the requirements in the order are deemed to become covenants in the Crown Lease. Failure to comply with such covenants empowers the Crown to exercise its rights under the Crown Rights (Re-entry) Ordinance, Cap. 126 (clause 4(3)). Where resumption is considered necessary under the Crown Lands Resumption Ordinance, Cap. 124, clause 7 requires the Compensation Board appointed under that Ordinance to deduct from the compensation awarded by it one-half of the increase in value of the property, in the same way that the owner would be required to pay this sum had he been permitted to re-develop.

RESETTLEMENT (AMENDMENT) BILL, 1960.

MR. H. W. FORSYTH moved the First reading of a Bill intituled "An Ordinance to amend the Resettlement Ordinance, 1958."

He said: Sir, this is a comparatively short and simple Bill the purpose of which is clearly set out under the Objects and Reasons.

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 object of this Bill is to amend the Resettlement Ordinance, 1958, to enable persons in buildings subject to the Demolished Buildings (Re-development of Sites) Ordinance, 1960, to be screened for the purposes of accommodating them in resettlement areas.

DRUG ADDICTS TREATMENT AND REHABILITATION BILL, 1960.

DR. TENG PIN-HUI moved the First reading of a Bill intituled "An Ordinance to establish centres for the treatment and rehabilitation of addicts of drugs and of intoxicants and for purposes connected therewith."

He said: Sir, it has been clear for some considerable time that it is necessary to make special provisions for the treatment of drug addiction including addicts of intoxicants and where such treatment is

accepted, to free the addicts concerned from any liability of prosecution in respect of their addiction. To a certain extent any such development must in the beginning be experimental, but there are good reasons for believing that a voluntary system of treatment will help many addicts who sincerely desire to cure themselves.

The Bill envisages the establishment of Addiction Treatment Centres both by Government and by voluntary bodies.

This Bill allows addicts to enter into an agreement with the Medical Superintendent of an Addiction Treatment Centre, to submit himself to treatment and rehabilitation for a period of up to 6 months. Addicts under 16 years of age may also be treated by similar agreement with their parents or guardians. Discharge during the period of 6 months is at the discretion of the Medical Superintendent. Provisions however are included for appeals to an Appeal Board against continued detention. Patients are to be visited monthly by members of a Board of Visitors.

The undertaking to remain for treatment for 6 months is an important innovation, but it is considered necessary to secure the best results.

Sir, another important provision is that which protects a patient against the use in proceedings under the Dangerous Drugs Ordinance of any statement made by him for the purposes of the present Bill. Patients need therefore have no fear that the fact of their treatment may at some future date be held against them by the Courts.

The Bill fulfils a long-felt need by putting treatment for drug addiction on a proper basis. It provides safeguards not only for patients but also for the medical and nursing staff, as well as for social workers attached to Addiction Treatment Centres in carrying out their duties. The way will now be open for such Centres to be set up. They will form a basic weapon in our armamentarium for the fight against narcotics.

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 authorize the establishment of Addiction Treatment Centres for the voluntary treatment of drug addicts.

2. Clause 3 empowers the Governor to declare any place to be an Addiction Treatment Centre, such power, in the case of a place not the property of Government, to be exercisable only on the application of the owner thereof.

3. Clause 4 empowers the Governor to appoint a superintendent and assistant superintendents of each centre.

4. By clause 5 the Governor is empowered to appoint addiction treatment centre visitors in respect of each centre, to provide the same safeguard for persons detained in a centre as is provided, by visiting Justices of the Peace, for persons detained in mental hospitals and in prisons.

5. Clause 7 provides for the application by a drug addict, or, in the case of an addict under the age of 16 years by his parent or guardian for treatment in a centre and stipulates the matters which must be contained in an application, including an undertaking that the addict shall remain and may be detained in the centre for up to six months and may be retaken if during that period he escapes. This is considered essential to ensure successful treatment in view of the fact that an addict under treatment is liable to pass through a stage when his desire for further supplies of the drug of which he is an addict may overrule any desire for further treatment.

6. Clauses 8, 9 and 10 provide for transfer of a patient from one centre to another, for his absence on trial at the discretion of the superintendent of the centre and for his detention in a centre and return thereto in the event of his departure before the expiry of the six months period.

7. By clause 11 the superintendent of a centre is empowered to recover the cost of the maintenance and treatment of a patient if he considers that the patient has the means to pay therefor.

8. By clause 12, the superintendent of the centre is empowered to require an applicant for treatment to enter into a bond in a sum not exceeding \$5,000 to secure his continued presence in the centre.

9. Clause 13 empowers the superintendent of a centre to discharge a patient therefrom and provides that a patient who has escaped from the centre and has not been retaken within 28 days of his escape shall be deemed to have been discharged.

10. Clauses 14, 15 and 16 provide for the establishment of an Addiction Treatment Centre Appeal Board, to which a patient in a centre, or a visitor on his behalf, may appeal against the continued detention of the patient in the centre.

11. Clauses 17 and 18 create offences in relation to the supply of drugs or alcoholic liquor to a patient and the ill-treatment or neglect of a patient.

12. By clause 19 an addict is protected against the use in proceedings under the Dangerous Drug Ordinance, Chapter 134, of any statement made by him for the purposes of this Bill.

13. Clause 20 provides protection for persons carrying out the provisions of the Bill.

14. By clause 21 the Governor in Council is empowered to make regulations.

MENTAL HEALTH BILL, 1960.

DR. TENG PIN-HUT moved the First reading of a Bill intituled "An Ordinance to amend and consolidate the law relating to mental disorder and its treatment and to make provision for the reception, detention and treatment of persons of unsound mind."

He said: Sir, in introducing this Bill Government attempts to bring the Colony's Mental Health Services up to modern standards. The object of the Bill is set out in some detail in the Objects and Reasons which explain the purpose of each part thereof. The Bill embodies a number of liberal concepts and new procedures pertaining to the treatment and care of the mentally ill that are in keeping with the progress made in psychiatry over the last few years. It is hoped that the Bill will be brought into force by proclamation soon after Castle Peak Hospital is fully opened.

With increased public appreciation of the results obtainable from psychiatric treatment the number of patients, of all social classes, coming forward for such treatment is increasing greatly. For this reason, among others, the Bill has been framed to allow for the possibility that private psychiatric hospitals may be established in future.

Sir, the Bill includes provisions for the jurisdiction of the Supreme Court in inquiries concerning persons who are alleged to be mentally disordered and also in the management of the property and affairs of those found mentally disordered by the Court.

A new class of patients—that is temporary patients—is now recognized. These patients can be admitted for treatment simply on the recommendation of one medical practitioner, and no judicial order is involved. "Certification" of patients can thus often be avoided, to their own benefit. However the existing mode of admission by judicial order is still retained for acute, emergency cases.

Moreover, treatment on a voluntary basis is now extended to those under 16 if the parent or guardian desires it. Hitherto the only way in which such young patients could be detained for treatment was by "certification".

An important and, it is believed, progressive provision is the power now given to a court or magistrate on receiving acceptable medical evidence of the insanity of an accused person, to make an order committing him to a mental hospital, instead of having to convict and sentence him to a term of imprisonment or a fine. Any person aggrieved by such an order may appeal against its continuance to a Hospital Order Appeal Tribunal.

The Bill, Sir, also cuts through a tangle of cumbersome procedures relating to the admission into hospital and the psychiatric observation and treatment of remand prisoners and prisoners under sentence. These are replaced by a system of transfer orders.

Sir, in short, the Bill marks an important step in the development of the Mental Health Services in Hong Kong.

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 object of this Bill is to replace the Mental Hospitals Ordinance, Cap. 136, with a comprehensive Ordinance dealing with all aspects of the detention, custody, care and treatment of mentally disordered persons and the management of their property. The Bill will come into operation on a date to be appointed by the Governor.

2. The Bill consists of five parts as follows: —

Part I —Preliminary.

Part II —Proceedings in Inquiries into Mental Disorders.

Part III—Reception, Detention and Treatment of Mentally Disordered Persons.

Part IV—Admission of Patients concerned in Criminal Proceedings and Transfer of Patients under Sentence.

Part V —General Provisions.

3. Part I—Preliminary—provides for the declaration of mental hospitals, the appointment of medical superintendents, assistant medical superintendents of and visitors to each mental hospital and for delegation of powers.

4. Part II—Proceedings in Inquiries into Mental Disorders—makes detailed provision for the jurisdiction of the Supreme Court in relation to the management of the person and property of a mentally disordered person. This jurisdiction is at present conferred by subsection (2) of section 8 of the Supreme Court Ordinance, Cap. 4, by reference to the corresponding jurisdiction of the Supreme Court in England.

5. Part III—Reception, Detention and Treatment of Mentally Disordered Persons—makes detailed provision for these purposes. In addition to the classes of patient, voluntary patient, patient under observation and certified patient, at present provided for by the Mental Hospitals Ordinance, provision is made for a new class of patient, temporary patient and "voluntary patient" is extended to include persons under the age of 16 years. This is in conformity with modern mental health practice which requires that a patient should be certified only if no other method of treatment is appropriate and that wherever possible a patient should receive treatment without certification.

6. Part IV—Admission of Patients concerned in Criminal Proceedings and Transfer of Patients under Sentence. This Part enables a court or magistrate, without sentencing a prisoner, to make a hospital order in respect of the prisoner, transferring him to a mental hospital. A prisoner transferred to a mental hospital in pursuance of a hospital order will be held there as if he were a certified patient, subject to restriction on discharge. Detailed provision is also made for the transfer of prisoners under remand and prisoners under sentence to a mental hospital for observation and their detention in a mental hospital if found to be mentally disordered. A tribunal to be known as the Hospital Order Appeal Tribunal is established to advise the Governor in Council on appeals against the continuance of hospital orders, appeals against the making of hospital orders being in the same manner as appeals against any other orders made by a court or magistrate.

7. Part V—General Provisions. This Part deals with such matters as the cost of maintenance of patients in mental hospitals and the application of their movable property thereto, the validity of orders made under the Bill and the protection of persons exercising powers under the Bill. By clause 63, provision is made for the prosecution of persons guilty of offences against mentally disordered persons. By clause 70, the Governor in Council is empowered to make regulations.

8. A Table of Comparison annexed to these Objects and Reasons specifies the local, united Kingdom and Singapore legislation on which this Bill is based, and also seeks to indicate briefly where and why these differ from such precedent legislation.

MEDICAL REGISTRATION (AMENDMENT) (NO. 2)**BILL, 1960.**

DR. TENG PIN-HUI moved the First reading of a Bill intituled "An Ordinance further to amend the Medical Registration Ordinance, 1957."

He said: This Bill, Sir, seeks to correct a typographical error in the Medical Registration Ordinance, 1957. Sir, I beg to move.

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: —

This Bill seeks to correct a typographical error in the Medical Registration Ordinance, 1957.

PEARL CULTURE (CONTROL) (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Pearl Culture (Control) Ordinance, 1958."

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.

Clause 1 was agreed to.

Clause 2.

THE ATTORNEY GENERAL: —Your Excellency, I beg to move the amendments set forth on the table of proposed amendments which is in the hands of honourable Members.

Proposed Amendments.

2. Delete the clause and substitute therefor the following—

"2. Section 2 of the Pearl Culture (Control) Ordinance, 1958 (hereinafter referred to as the principal Ordinance) is amended—

(a) by the insertion before the definition "cultivation area" of the following new definition—

““Commissioner” means the Commissioner for Cooperative Development and Fisheries;”;

- (b) by the deletion of the definition "Director";
- (c) by the deletion of the definition "pearl oyster" and the substitution therefor of the following—
- ““pearl oyster” means any genus or species of Schedule. oyster specified in the Schedule;”; and
- (d) by the insertion in the definition "cultivate" after the words "purpose of promoting the" of the following—
- “propagation or”.”.

Clause 2, as amended, was agreed to.

Clause 3.

THE ATTORNEY GENERAL: —Sir, I beg to move the amendments set forth in the table of proposed amendments which is in the hands of honourable Members.

Proposed Amendments.

3. (1) In paragraph (a), leave out the word "Director" and substitute therefor the following—
- "Commissioner".
- (2) In paragraph (c), leave out the word "Director" and substitute therefor the following—
- "Commissioner".

Clause 3, as amended, was agreed to.

Clauses 4 to 9 were agreed to.

THE ATTORNEY GENERAL: —Your Excellency, I beg to move that the new clause set forth in the table of amendments be added to this Bill.

Proposed Amendment.

New Add the following new clause—
clause.

"Substitu- The principal Ordinance is amended by the
tion of deletion of the word "Director" wherever it appears
"Commis- and the substitution therefor of the following—
sioner" for
"Director".

"Commissioner"."

The new clause was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Pearl Culture (Control) (Amendment) Bill, 1960, had passed through Committee with amendments 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 into law.

MINING (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance further to amend the Mining Ordinance, 1954."

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 27 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Mining (Amendment) Bill, 1960, 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 into law.

ADJOURNMENT.

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

THE ATTORNEY GENERAL: —May I suggest this day two weeks, Sir.

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