

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 12th April, 1961.**

PRESENT:

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*),
SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.
THE HONOURABLE THE COLONIAL SECRETARY,
MR. EDMUND BRINSLEY TEESDALE, M.C. (*Acting*)
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. JOHN JAMES COWPERTHWAITTE, O.B.E. (*Acting*)
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 KENNETH STRATHMORE KINGHORN
(*Director of Urban Services*)
THE HONOURABLE NGAN SHING-KWAN, C.B.E.
THE HONOURABLE HUGH DAVID MacEWAN BARTON, M.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
MR. ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

ABSENT:

HIS EXCELLENCY THE COMMANDER BRITISH FORCES,
LIEUTENANT-GENERAL SIR RODERICK WILLIAM McLEOD, K.C.B., C.B.E.
THE HONOURABLE KWOK CHAN, O.B.E.

MINUTES.

The minutes of the meeting of the Council held on 29th March, 1961, 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>
Sessional Paper, 1961: —	
No. 9—Annual Report by the Commissioner of Registration of Persons for the year 1959/60.	
Report on the Problem of Mental Deficiency in Hong Kong By Dr. L. T. HILLIARD.	
Public Health and Urban Services Ordinance, 1960.	
Wo Hop Shek, Sandy Ridge and Sandy Ridge (Urn) Cemeteries, Private Lots, Rules, 1961	A. 41.
Census Ordinance, 1960.	
Census (No. 3) Order, 1961	A. 42.
Juvenile Offenders Ordinance.	
Remand Home (Amendment) Rules, 1961	A. 43.
Public Health and Urban Services Ordinance, 1960.	
Mount Caroline Cemetery (Graves Removal) Order, 1961	A. 44.
Industrial and Reformatory Schools Ordinance.	
Reformatory School (Amendment) Rules, 1961	A. 45.
Road Traffic Ordinance, 1957.	
Road Traffic (Driving Licences) (Amendment) Regulations, 1961.	A. 46.
Road Traffic Ordinance, 1957.	
Road Traffic (Taxis and Hire Cars) (Amendment) Regulations, 1961	A. 47.

He said: Among these papers, Sir, is one to which I would like to draw special attention. It is a report by Dr. L. T. HILLIARD on the problem of mental deficiency in Hong Kong.

As honourable Members are probably aware, the growing problem of dealing with mental defectives in Hong Kong has been causing concern for some time. At present, there are no special facilities available for these unfortunate people although numbers of them are housed in various residential institutions which are neither equipped

nor staffed to deal with them. With the gradual increase in our population, the number of mental defectives observed has also, inevitably, increased. In 1959 the departments had arrived at a series of proposals designed to deal with the problem as a whole. But before steps were taken to implement these proposals, it was considered wise to obtain outside expert advice. Government therefore invited Dr. L. T. HILLIARD, formerly Consultant Psychiatrist and Superintendent of the Fountain Hospital in London, to come to Hong Kong to advise us. Dr. HILLIARD was in Hong Kong early last year and submitted a report before he left. This report was then referred to an Inter-Departmental Committee under the Chairmanship of the Director of Medical and Health Services to examine and make recommendations on its implementation. I do not intend to deal in any detail with these recommendations but, broadly speaking, we propose to proceed as follows in three different but inter-related fields: —

Under the Medical Department will come the diagnosis of all mental defectives and the provision of separate hospital accommodation for severe grade mental defectives.

Under the Social Welfare Department the provision of residential and day-training institutions for medium grade mentally defective children and adults.

The Education Department will deal with the provision of special facilities for teaching minor grade mentally defective children.

Government has fully considered the various recommendations put forward by Dr. HILLIARD in this very useful report and accepts them as a basic guide to the general policy for dealing with the problem of mental deficiency. The individual measures will be given further detailed study and will be submitted in due course for approval of the necessary funds by the Finance Committee of this Council.

URBAN COUNCIL (COMMISSIONER FOR RESETTLEMENT)

ORDINANCE, 1954.

THE COLONIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 3 of the Urban Council (Commissioner for Resettlement) Ordinance, 1954, that the duration of the said Ordinance be extended for the term of one year with effect from the 30th April, 1961.

He said: Your Excellency, the Urban Council (Commissioner for Resettlement) Ordinance, which was enacted in 1954, provides for the Commissioner for Resettlement to be temporarily an *ex officio* member of the Urban Council. Section 3 provides that the Ordinance should

continue in force for one year from the commencement, but gives power to this Council to extend its duration for periods not exceeding one year at a time. It has been so extended six times.

Sir, the need for the Commissioner to be a member of the Urban Council still remains—for there still remains also a very substantial amount of work in squatter clearance and resettlement.

I therefore beg to move that, under section 3 of the Urban Council (Commissioner for Resettlement) Ordinance, 1954, that the duration of the Ordinance be extended for a period of one year, that is to say, until 29th April, 1962.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) (AMENDMENT) REGULATIONS, 1961.

THE ATTORNEY GENERAL moved the following resolution: —

Resolved, pursuant to section 5A of the Road Traffic Ordinance, 1957, that the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulations, 1961, made by the Governor in Council on the 4th day of April, 1961, under sections 4 and 5A of the Road Traffic Ordinance, 1957, be approved.

He said: Your Excellency, as honourable Members are aware, regulations made by the Governor in Council under the Road Traffic Ordinance may provide that—

the onus of proving certain facts shall be upon the person charged; and also

that facts may be presumed until the contrary is proved.

But any regulation which does provide either of these things requires the approval of this Council before it becomes effective, and the object of this resolution is to seek such approval in relation to certain provisions in the amending regulations specified in the Resolution which were made by the Governor in Council on the 4th April.

Sir, by regulation 4 of these amending regulations, regulation 26 of the principal regulations is revoked and replaced by a new regulation which is designed to facilitate legal proceedings in the case of vehicles used in contravention of the terms of their licences. The provisions which require the approval of this Council are contained in paragraphs (7) and (8) of the new regulation 26.

Paragraph (8) places the onus upon the owner of a vehicle who is prosecuted for an offence, to show that he was not aware and had no reasonable grounds for believing that his vehicle was being used for a purpose for which it was not registered, and upon a driver who is prosecuted to prove that he was not aware and had no reasonable grounds for believing that the vehicle was not registered for a purpose for which it was being used.

The other provision (that is paragraph (7)) which requires the approval of this Council relates to the case where a private car is being used for the carriage of goods other than personal effects. Here it is provided that, where the court is satisfied that goods have been carried in such quantity, or in such circumstances, as to raise a presumption that they were not personal effects, then the onus of proving the contrary is upon the person charged with the offence.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

PROTECTION OF WOMEN AND JUVENILES (AMENDMENT)

BILL, 1961.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Protection of Women and Juveniles Ordinance, 1951."

He said: Sir, this is a straightforward amending Bill the purpose of which is sufficiently explained, in my opinion, in the statement of Objects and Reasons and I therefore 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: —

The functions of the Department of Social Welfare have increased over the years to an extent which no longer permits of the Director of Social Welfare personally dealing with all those matters with which by the provisions of the Protection of Women and Juveniles Ordinance, 1951, he is personally required to deal. The purpose of this Bill is therefore to enable Assistant Directors of Social Welfare, without specific delegation, to discharge, subject to any instruction issued by the Director, any of the functions of the Director and in addition

thereto to enable the Director by specific delegation to authorize other public officers to perform such of his functions as may from time to time appear to him appropriate.

NEW TERRITORIES (AMENDMENT) BILL, 1961.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the New Territories Ordinance, Chapter 97."

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 5 were agreed to.

Clause 6.

THE ATTORNEY GENERAL: —I beg to move the amendment standing in my name which is on the paper in the hands of honourable Members.

Proposed Amendment.

Clause.

6. Leave out the clause and substitute the following—

"Repeal of Part III and declaration as to jurisdiction of Supreme Court and District Court.	6. Part III of the principal Ordinance is hereby repealed, and it is hereby declared for the avoidance of doubt that the Supreme Court and the District Court shall have respectively the jurisdiction in relation to the New Territories which those courts would have had if the said Part III had never been enacted. ".
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Clause 6, as amended, was agreed to.

Clause 7 was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the New Territories (Amendment) Bill, 1961, had passed through Committee with one 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.

ROAD TRAFFIC (AMENDMENT) BILL, 1961.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Road Traffic Ordinance, 1957."

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.

THE ATTORNEY GENERAL reported that the Road Traffic (Amendment) Bill, 1961, 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.

**THE COUNCIL OF REEP YUNN SCHOOL INCORPORATION
BILL, 1961.**

MR. R. C. LEE moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of The Council of Heep Yunn School."

He said: Your Excellency, this Bill follows the usual form of an incorporation Bill and its purpose is clearly set out in the Objects and Reasons to which there is nothing I can usefully add.

MR. NGAN SHING-KWAN 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 incorporate The Council of Heep Yunn School.

2. Heep Yunn School was founded in 1937 by the Church Missionary Society. It combined two older Church Missionary Society foundations, Fairlea School (1886) and the Victoria Home (1887). The object of the School is to offer to Chinese girls a sound general education conducted upon Christian principles.

3. It is the desire of the Church Missionary Society and of the School Council that the property be held in the School's own name. Since the School is not a corporate body and cannot, therefore, hold any property in its own name, it is thought desirable that it should become a corporate body, in order to enable it to own property in its own name and otherwise to carry out its aims and objects more effectively. Not being a corporate body it is also handicapped in other ways in the carrying out of its functions.

4. The leasehold properties set out in the Schedule belong to the School and have been for the past years held by the respective registered owners referred to in the said Schedule due to disability on the part of the School as an unincorporated body to hold properties in its own name.

ADJOURNMENT.

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

THE ATTORNEY GENERAL: —Sir, may I suggest this day two weeks?

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