

6th February, 1952.

**PRESENT:**

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM,  
G.C.M.G.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR TERENCE AIREY, K.C.M.G., C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. RONALD RUSKIN TODD (*Acting*).

THE HONOURABLE THE ATTORNEY GENERAL

MR. G. E. STRICKLAND, K. C. *Acting*.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. RONALD RUSKIN TODD.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, *Acting*.

THE HONOURABLE THEODORE LOUIS BOWRING, O. B. E.

(Director of Public Works).

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER.

(*Director of Education*).

DR. THE HONOURABLE YEO KOK CHEANG

(*Director of Medical and Health Services*).

THE HONOURABLE KENNETH MYER ARTHUR BARNETT

(*Chairman, Urban Council*).

THE HONOURABLE CHAU TSUN-NIN, C. B. E.

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

THE HONOURABLE PHILIP STANLEY CASSIDY.

THE HONOURABLE MAURICE MURRAY WATSON.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

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

THE HONOURABLE NGAN SHING-KWAN

MR. RONALD THOMPSON (*Deputy Clerk of Councils*).

**ABSENT:**

THE HONOURABLE LEO D'ALMADA E CASTRO, K. C.

**MINUTES.**

The Minutes of the meeting of the Council held on 23rd January, 1952 were approved.

**PAPERS.**

THE ACTING 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 Papers, 1952 :—	
No. 3—Annual Report by the Accountant General for the year 1950-51.	
Proclamation No.1 of 1952.	
Under section 5 of the Public Reclamations Validation And Clauses	
Ordinance, 1936 (Ordinance No. 40 of 1936) . . . . .	A. 11
The Legal Practitioners Ordinance, Chapter 159.	
The Legal Practitioners Regulations, 1952 . . . . .	A. 12
The Essential Services (Civil Aid Services) Corps Regulations, 1952.	
The Civil Aid Services Directions, 1952 . . . . .	A. 13
The Quarantine and Prevention of Disease Ordinance, Chapter 141.	
Declaration under section 18 . . . . .	A. 14

**MOTIONS.****ADDITIONAL SUPPLEMENTARY PROVISIONS, 1950/51.**

THE FINANCIAL SECRETARY moved the following Resolution:—

He said: Sir, all the items in the schedules have already been approved by Finance Committee and now require covering approval of this Council. As is usual in schedules of this kind, for the last quarter of the year, there are a considerable number of comparatively trivial sums which arise from the miscalculation of departments in adjusting their expenditure to the provision which they have been allowed. In one case it will be observed that a vote was exceeded by \$5. But there are a few large items.

It will be observed that another large provision has been necessitated for medicines and instruments for the Medical Department. It has been necessary to increase the original vote of \$1,110,000 by over \$¼ million. This increase has partly been caused by a rise in costs, but has been caused even more by the opening of very many outpatient clinics, and by the large number of patients who have been attending them. It will also be observed that the provision of \$1¼ million for currency expenses has had to be increased for the second time, bringing the total provision for the year to \$2,313,000. This additional provision was occasioned by the cost of coins, which I am glad to observe have now almost completely displaced the old ten and five cent notes. It is possibly a little anomalous that the cost of currency should be charged to ordinary revenue, but the question has been taken up with the Secretary of State, and draft legislation providing for a consolidated currency fund has been under consideration for some little time.

On page 6 it will be observed that further large provisions have been necessitated for printing and binding, and the original vote of \$1 million has been very largely exceeded. Printing and binding is a vote which is extremely difficult to estimate in advance. It appears to be the case that the amount of printing has increased, but over and above this fact, the cost of paper has also very much increased. The cost of Government printing has been a matter of concern for some considerable time and as from the 1st January this year the former printing contract with Messrs. Noronha & Co. has been terminated. Government is now doing its own printing, and it is hoped before very long to establish a proper printing department with, it is hoped, very considerable savings on annual bills.

One other item is perhaps worthy of mention. It is the provision of \$600,000 for a loan to the authorities in charge of the St. Louis Industrial School to enable them to pull down and rebuild their premises. Under Colonial Regulations, it is necessary that a loan of this kind should be charged off to expenditure, repayments in subsequent years being similarly credited to revenue. I might add that the Director of Education has recently informed me that due to rising costs the loan is insufficient for the purpose proposed and an application for further funds is now under consideration.

These Schedules complete the list of supplementary provisions for the financial year 1950-51, and when they have been approved the way will be clear for the introduction of the supplementary appropriation bill.

THE ACTING COLONIAL SECRETARY seconded, and the Motion was carried.

### **MENTAL HOSPITALS (AMENDMENT) BILL, 1952.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Mental Hospitals Ordinance, Chapter 136." He said: Sir, I propose to make a few remarks in amplification of the Objects and Reasons. Under the Mental Hospitals Ordinance provision is made for the detention in mental hospitals of persons of unsound mind. Such persons include persons who have been found by a jury to be guilty but insane; persons, that is to say, who have while of unsound mind committed an offence which even may be a killing or other violent act. Not infrequently although such persons may recover their sanity, the danger of a relapse and therefore of another violent action to the public danger cannot be altogether precluded.

While it would be unjust to detain such persons permanently in mental hospitals, it is also necessary that a relapse should be guarded against either by any such person being placed under the care of relatives or under the care of a charitable body who will watch over him or, by seeing that he is subjected to periodical observation or supervision. Sometimes both these safeguards are necessary. These safeguards are also sometimes necessary in the case of persons who have not been convicted of any offence and are desirable not only in the public interest, but in the interest of the patients, themselves.

The object of this amending bill is to seek legal power first to impose these safeguards, second to revoke any order or warrant of conditional discharge and, lastly, to replace the patient in a mental hospital.

THE ACTING COLONIAL SECRETARY seconded, and the Bill was read a First time.

*Objects and Reasons.*

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

In a recent case a person was found guilty but insane and was subsequently detained in a mental hospital under an order of the Governor. The patient has recovered but medical opinion is that a relapse may be expected.

2. Consideration of the above case has drawn attention to defects in the Mental Hospitals Ordinance (Chapter 136), which makes no provision for a conditional warrant or order of discharge or for revocation thereof. This is possible under the law in force in the United Kingdom and it is desirable both in the public interest and in the interest of patients that legal power be taken to make their discharge conditional on the observance of certain conditions and to revoke the warrant or order of conditional discharge.

3. This Bill seeks to make the necessary provision by amendment of section 16 to cover the case of a person found guilty but insane and the addition of two new sections to cover other cases *i.e.* cases where detention is pursuant to an order of a magistrate or of prisoners of unsound mind detained therein after the expiration of their sentence.

**NURSING AND MATERNITY HOMES REGISTRATION**

**(AMENDMENT) BILL, 1952.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance to amend the Nursing and Maternity Homes Registration Ordinance, Chapter 165.”

THE ACTING COLONIAL SECRETARY seconded, and the Bill was read a Second time.

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

Council then resumed.

THE ATTORNEY GENERAL reported that the Nursing and Maternity Homes Registration (Amendment) Bill, 1952 had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL SECRETARY seconded, and the Bill was read a Third time and passed into law.

**ADJOURNMENT.**

H.E. THE GOVERNOR:— That concludes the business, Gentlemen.

HON. CHAU TSUN-NIN: — Sir, before we adjourn, may I on behalf of all the Unofficial Members, say how very pleased we are, in fact the whole Colony is very pleased, to hear that Your Excellency has agreed to serve Hong Kong for two more years. (Applause).

H.E. THE GOVERNOR:— Thank you very much, indeed, gentlemen. I appreciate your sentiments and I can assure you that I will endeavour to do my best. I can also assure you that both my wife and myself are very glad to be remaining two more years in Hong Kong which we have come to regard as our home. (Applause).

Council will adjourn to this day fortnight.

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