

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.

20. *Telecommunication Bill*.—The Attorney General moved the Third reading of a Bill intituled “An Ordinance to amend the consolidate the law relating to Telecommunication.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

21. The Council then adjourned *sine die*.

A. CALDECOTT,  
*Governor.*

Confirmed this 13th day of May, 1936.

D. M. MACDOUGALL,  
*Deputy Clerk of Councils.*

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**No. 443.**—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. 19 of 1936.—An Ordinance to amend the Buildings Ordinance, 1935.

Ordinance No. 20 of 1936.—An Ordinance to enable effect to be given to an International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His late Majesty at Geneva on the 20th day of April, 1929, to apply to foreign coin certain enactments relating to British Coin, to assimilate the penalties for importing and exporting counterfeit coin and to amend certain enactments relating to forgery, coinage and extradition.

Ordinance No. 21 of 1936.—An Ordinance to amend the Midwives Ordinance, 1910.

Ordinance No. 22 of 1936.—An Ordinance to consolidate and amend the law relating to the establishment of asylums for the detention, custody and care of persons of unsound mind, and others.

**HONG KONG.**

No. 19 OF 1936.

I assent.

L. S.

A. CALDECOTT,  
*Governor.*

15th May, 1936.

An Ordinance to amend the Buildings Ordinance, 1935.

[15th May, 1936.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Buildings Amendment Ordinance, 1936. Short title.

2. Section 44 of the Buildings Ordinance, 1935, is amended by the addition of the following sub-section after sub-section (4) thereof :— Amendment of Ordinance No. 18 of 1935, s. 44, by addition of new sub-section (5).

(5) Every such owner shall arrange, preferably by a contract of maintenance with the makers or suppliers of the lift or hoist concerned, or their agents or nominees in the Colony, for regular and adequate cleaning, oiling and adjustment service at such intervals as the type of equipment and nature of the service demands. At least once in every three years the said owner shall arrange that the safety gear and governor switch, if fitted, shall be subjected to a running test under maximum load and speed conditions, under the supervision of a competent engineer, and that a certificate shall be issued to him on the result of each test, such certificate to be signed by the engineer supervising the test. Every such certificate shall be kept by such owner and presented to the Building Authority for inspection whenever demanded.

Passed the Legislative Council of Hong Kong, this 13th day of May, 1936.

D. M. MACDOUGALL,  
*Deputy Clerk of Councils.*

**HONG KONG.**

No. 20 OF 1936.

I assent.

L. S.

A. CALDECOTT,  
*Governor.*

15th May, 1936.

An Ordinance to enable effect to be given to an International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His late Majesty at Geneva on the 20th day of April, 1929, to apply to foreign coin certain enactments relating to British Coin, to assimilate the penalties for importing and exporting counterfeit coin and to amend certain enactments relating to forgery, coinage and extradition.

[15th May, 1936.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.  
25 & 26  
Geo. 5,  
c. 25,  
s. 6 (1).

1. This Ordinance may be cited as the Counterfeit Currency (Convention) Ordinance, 1936.

New  
sub-section  
(3) added to  
Ordinance  
No. 11 of  
1922, s. 15  
as amended  
by Ordin-  
No. 11 of  
1924, s. 7.  
25 & 26  
Geo. 5,  
c. 25, s. 2.

2. Section 15 of the Forgery Ordinance, 1922, as amended by section 7 of the Forgery Amendment Ordinance, 1924, is further amended by the addition of the following new sub-section at the end thereof:—

(3) Where any forged bank note or currency note, or any machinery, implement, utensil or material used or intended to be used for the forgery of a bank note or currency note, is lawfully seized under a warrant granted in pursuance of sub-section (1), or otherwise, the bank note, currency note, implement, utensil or material, as the case may be, shall, notwithstanding anything in sub-section (2), be delivered up to the Treasurer, or to any person authorised by him for the purpose, by order of the court or magistrate before which the offender is tried or, if there be no trial, by order of a magistrate.

Amendments  
to Ordinance  
No. 7 of  
1865.  
25 & 26  
Geo. 5,  
c. 25, s. 3  
(1).

3.—(1) Sections 15 to 20 of the Coinage Offences Ordinance, 1865, (which contain provisions as to foreign coin differing from the corresponding provisions as to His Majesty's coin) as well as the heading immediately above section 15, are hereby repealed.

(2) In order that the provisions of the Coinage Offences Ordinance, 1865, shall apply in relation to foreign coin as they apply in relation to His Majesty's coin the provisions of that Ordinance are amended as follows:—

25 & 26  
Geo. 5,  
c. 25, s. 3  
(1) and  
Schedule  
Part I.

(a) in section 2—

(i) the words “the King's and “of the King's” wherever they occur, that is to say in the second, third, fifth, twelfth and sixteenth lines are repealed;

(ii) for the words “any copper coin and any coin of bronze or mixed metal” in the fourth line there shall be substituted the words “any coin of any metal or mixed metal (not being a gold or silver coin)”;

(iii) the words “whether made of gold, silver, copper, bronze or mixed metal” in the fifth and sixth lines are repealed.

(iv) after the words “Colony or otherwise” in the ninth and tenth lines, there shall be inserted the words “, or lawfully current in any foreign country.”;

(b) in the heading immediately above section 3 the words “the King's” are repealed.

(c) in section 3 the words “of the King's” in the third line are repealed.

(d) in section 4 the words “of the King's” wherever they occur, that is to say in the fifth line of paragraph (1), in the last line of paragraph (2), in the third and sixth lines of paragraph (3) and in the fourth and sixth lines of paragraph (4) are repealed.

(e) in section 5 the words “of the King's” in the fifth line are repealed.

(f) in section 6 the words “of the King's” in the fifth line are repealed.

(g) in section 7 the words “of the King's” in the fifth line are repealed.

(h) in section 8 the words “of the King's” in the third line are repealed.

(i) in section 9 the words “of the King's” wherever they occur, that is to say in the third, ninth and tenth, and fourteenth lines, are repealed.

(j) in section 10 the words “of the King's” in the third and fourth lines are repealed.

(k) in section 12 the words “of the King's” in the second line are repealed.

(l) in the heading immediately above section 13 of the words “the King's” are repealed.

(m) in section 13 as amended by the Coinage Offences Amendment Ordinance, 1936, the words “of the King's” wherever they occur, that is to say in the second line of paragraph (1), in the last line of paragraph (2), in the fourth line of paragraph (3) and in the fourth line of paragraph (4) are repealed.

Ordinance  
No. 6 of  
1936.

(n) in section 14 the words “of the King's” in the third line of paragraph (1) and in the third line of paragraph (2) are repealed.

(o) in section 21—

(i) the words “of the King's” in the eighth line of paragraph (1) are repealed.

(ii) the words “ , or of any coin of any foreign prince, state or country,” in the eighth and ninth lines of paragraph (1) are repealed.

(p) in section 25 the words “ the King’s ” in the fourth line of sub-section (1) and the words “ or any such foreign or other coin as is mentioned in this Ordinance,” in the fourth and fifth lines of sub-section (1) are repealed.

(q) the word “King’s” in the marginal notes to sections 3, 4, 5, 6, 7, 8, 9 and 10 shall be deleted.

25 & 26  
Geo. 5,  
c. 25,  
s. 3 (2).

(3) There shall be substituted for the penalties provided in section 6 and section 7 of the Coinage Offences Ordinance, 1865, (which respectively relate to the importation and exportation of counterfeit coin) a penalty of imprisonment for any term not exceeding fourteen years.

(4) In the seventh line of section 7 the word “ felony ” shall be substituted for the word “ misdemeanor ”.

(5) The Coinage Offences Ordinance, 1865, is amended by the insertion of the following new section after section 4 thereof:—

Impairing  
or lighten-  
ing gold or  
silver coin  
with intent.  
24 & 25  
Vict. c. 99,  
s. 4.

4A. Every person who impairs, diminishes, or lightens any current gold or silver coin, with intent that the coin so impaired, diminished or lightened may pass for current gold or silver coin shall be guilty of felony and shall be liable to imprisonment for any term not exceeding fourteen years.

Amendments  
to Ordinance  
No. 5 of  
1875.

4. The Extradition (Hongkong) Ordinance, 1875, is amended—

(a) by inserting the following recital before the last recital in the preamble:—

AND WHEREAS the First Schedule to the Extradition Act, 1870, was extended to divers crimes by the Extradition Act, 1873, to slave trade offences by the Slave Trade Act, 1873, to bribery by the Extradition Act, 1906, to offences relating to dangerous drugs by the Extradition Act, 1932, and to offences in connection with counterfeit currency by the Counterfeit Currency (Convention) Act, 1935;

(b) by inserting the words “ as so extended,” after the date “ 1873,”—

(i) in the last line of the last recital; and

(ii) in the second lines of sections 2, 3 and 4.

36 & 37  
Vict. c. 60,  
s. 8.  
36 & 37  
Vict. c. 88,  
s. 27.  
6 Ed. 7,  
c. 15 s. 1.  
22 & 23  
Geo. 5,  
c. 39, s. 1.  
25 & 26  
Geo. 5,  
c. 25, s. 4.

Passed the Legislative Council of Hong Kong, this  
13th day of May, 1936.

D. M. MACDOUGALL,  
*Deputy Clerk of Councils.*

**HONG KONG.**

No. 21 OF 1936.

I assent.

L.S.

A. CALDECOTT,  
*Governor.*

15th May, 1936.

An Ordinance to amend the Midwives Ordinance, 1910.

[15th May, 1936.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

**1.** This Ordinance may be cited as the Midwives Amendment Ordinance, 1936. Short title.

**2.** Sub-section (3) of section 2 of the Midwives Ordinance, 1910, enacted by section 2 (4) of the Midwives Amendment Ordinance, 1926, is repealed. Repeal of Ordinance No. 22 of 1910, s. 2 (3) enacted by Ordinance No. 12 of 1926, s. 2 (4).

**3.** Section 13 of the Midwives Ordinance, 1910, as amended by section 8 of the Midwives Amendment Ordinance, 1926, is repealed. Repeal of Ordinance No. 22 of 1910, s. 13 as amended by Ordinance No. 12 of 1926, s. 8.

**4.** This Ordinance shall come into force on the 1st January, 1937. Commencement.

Passed the Legislative Council of Hong Kong, this 13th day of May, 1936.

D. M. MACDOUGALL,  
*Deputy of Clerk Councils.*

HONG KONG.

No. 22 OF 1936.

I assent.

LS.

A. CALDECOTT,  
*Governor.*

15th May, 1936.

An Ordinance to consolidate and amend the law relating to the establishment of asylums for the detention, custody and care of persons of unsound mind, and others.

[15th May, 1936.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

**1.** This Ordinance may be cited as the Asylums Ordinance, 1936.

Interpretation.

**2.** In this Ordinance, "asylum" means any institution or place which the Governor may declare to be an asylum for the detention, custody and care of persons of unsound mind, and includes the Mental Hospital.

Persons of unsound mind.

**3.** For the purposes of this Ordinance, every person shall be deemed to be of unsound mind who is so far deranged in mind as to render it either necessary or expedient that such person, either for his own sake or in the public interests, should be placed and kept under control.

Regulations.

**4.**—(1) It shall be lawful for the Governor in Council to make regulations for any of the following purposes:—

(a) to regulate the admission of patients to asylums in cases not otherwise provided for in this Ordinance;

(b) to regulate the detention and examination of patients in asylums and matters appertaining thereto;

(c) to prescribe forms to be used for the purposes of this Ordinance;

(d) to provide for any matter which he may consider desirable for the purpose of carrying out the objects of this Ordinance.

(2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the Gazette of the making of such regulations, and if a resolution be passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any such regulation shall be rescinded or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded or amended, as the case may be, as from the date of publication in the Gazette of the passing of such resolution.

5. The Governor may declare that certain institutions or places shall be asylums for the detention, custody and care of persons of unsound mind, and the Governor in Council may make regulations for the management and conduct of asylums.

Establishment and management of asylums.

6. The Governor may appoint fit and proper persons to be visitors of any such asylums. Such visitors shall be at liberty to enter any such asylum at all times and make such inquiry or examination therein as may be deemed necessary and shall make such reports to the Colonial Secretary as may be required by order of the Governor.

Visitors of asylums.

7.—(1) Upon the application of any person who has reason to believe that some other person is of unsound mind, it shall be lawful for any magistrate or justice of the peace to make an order authorizing the removal to an asylum, for the purpose of detention and observation during a period not exceeding seven days from and including the date of the order, of the person alleged to be of unsound mind.

Removal to asylum for observation.

(2) Any application for such an order shall be made in the prescribed form.

(3) The order made by the magistrate or justice of the peace shall be in the prescribed form.

(4) Every such order shall have the effect of authorizing the applicant, and every public officer, with such assistance in each case as may be desirable, to use such force as may be necessary in order to remove to the asylum the person alleged to be of unsound mind.

(5) Except in case of necessity, no such order shall be made until an attempt has been made by the applicant to communicate with some relative of the person in question if any such relative can be found in the Colony.

8. It shall be lawful for any medical practitioner in charge of any asylum to detain under observation for seven days from and including the date of the order any person taken to such asylum under the provisions of section 7 or section 11.

Detention for observation.

9. If, before the expiration of the said seven days, two medical practitioners shall be of opinion that the person detained under observation is in fact a person of unsound mind, they shall each sign a certificate in the prescribed form and forward it to a magistrate who shall countersign it if it shall appear to him that such person is of unsound mind.

Procedure where person detained found to be of unsound mind before expiration of period of detention for observation.



Medical certificate countersigned by magistrate to be a valid order for detention in an asylum.

Every such certificate when so countersigned shall constitute a valid order of such magistrate for the detention in an asylum of the person named therein as being of unsound mind. Thereupon he may be detained in any asylum until released by order of the Governor or until discharged upon the authority of the medical practitioner in charge of such asylum, or until he is otherwise released in due course of law: Provided that the certificate required by this section shall not be countersigned by such magistrate unless it is established to his satisfaction that neither of the medical practitioners signing such certificate is the husband or wife or a near relative, or a partner, or an assistant, of the person to whom it refers.

Extension of period of detention for observation.

**10.** If while a person is lawfully under detention in an asylum for the purpose of observation, two medical practitioners certify in the prescribed form that it is necessary to detain such person in the asylum for a further period for the purpose of observation, and if such certificate is countersigned by a magistrate or justice of the peace, it shall be lawful to detain such person in the asylum for the purpose of observation for the further period specified in such certificate: Provided that no such extension shall be for a longer period than seven days and that not more than two such extensions shall be lawful: Provided also that if before the end of any such extension two medical practitioners shall be of opinion that the person in question is of unsound mind, the procedure laid down in section 9 shall be followed as if the said medical practitioners had formed such opinion during the initial period of detention.

Removal of patient in hospital to asylum.

**11.**—(1) If in the opinion of the senior medical officer for the time being present in, and on the staff of, any hospital, any patient in such hospital shows symptoms of suffering from delirium tremens, it shall be lawful for such medical officer, if he considers it desirable, to order such patient to be removed to an asylum, for the purpose of detention and observation during a period of seven days from and including the date of the order.

(2) This section shall only apply where the medical officer in question is or is deemed to be a registered medical practitioner.

(3) Any order for the removal of such a patient shall be in the prescribed form.

Medical practitioners may deliver persons of unsound mind to persons for custody.

**12.** Nothing in this Ordinance shall prevent a medical practitioner in charge of an asylum from delivering any person detained therein under the provisions of this Ordinance to the care of any party or parties to whom in his opinion it is expedient to deliver such person.

Appeal.

**13.** Every order of a magistrate made under sections 9, 10 or 16 shall be subject to an appeal by or on behalf of the person ordered to be detained thereunder to a judge sitting in court or in chambers.

Limitation of action.

**14.** No action shall be brought against any medical practitioner or officer of police or against any person whomsoever for anything done in good faith and with reasonable cause in pursuance of the powers conferred by this Ordinance.

**15.**—(1) If under section 74 or 75 of the Criminal Procedure Ordinance, 1899, a person has been found by a jury to be insane, and the Supreme Court orders him to be detained in safe custody until His Majesty's pleasure shall be known, the Governor shall by warrant under his hand declare His Majesty's pleasure and may by such warrant direct that such person be removed to an asylum and there detained in accordance with the terms of the warrant.

Prisoners of  
unsound  
mind.  
Ordinance  
No. 9 of  
1899.

(2) If any person who has been imprisoned under any sentence of imprisonment, or who is otherwise lawfully detained in any prison or house of detention, is, in the opinion of the Medical Officer of the prison or house of detention, as the case may be, in which such person is confined, of unsound mind, the Governor may by warrant under his hand order such person to be removed to an asylum and to be detained there until the expiration of his sentence or period of detention or until further order: Provided that an order under this sub-section relating to any prisoner on remand or committed for trial or to any person admitted to the house of detention as a vagrant shall only be made in cases of extreme urgency and on medical grounds.

(3) If any person who has been removed to an asylum under the provisions of sub-section (2) shall, in the opinion of the medical practitioner in charge of the asylum, become of sound mind before the expiration of his sentence or period of detention, the Governor may by warrant under his hand direct such person to be removed to a prison and to be detained there until the expiration of his sentence. The period of detention in the asylum shall be reckoned as part of the sentence.

(4) If any person who has been removed to an asylum under the provisions of sub-section (2) is certified by two medical practitioners to be still of unsound mind at the expiration of his sentence or period of detention, such person shall be detained in an asylum until released by the Governor or discharged upon the authority of the medical practitioner in charge of such asylum or until he be otherwise released in due course of law. Every such certificate shall be in the prescribed form.

**16.** If at the expiration of the sentence of any prisoner detained in an asylum under section 15 he is still of unsound mind, such prisoner may on the written order of a magistrate be detained in such asylum until discharged by order of the Governor or otherwise released in due course of law.

Detention  
of prisoners  
after  
expiration of  
sentence.

**17.** The Asylums Ordinance, 1906, the Asylums Amendment Ordinance, 1927, and the Asylums Amendment Ordinance, 1935, are repealed.

Repeal of  
Ordinance  
No. 6 of  
1906, No. 11  
of 1927 and  
No. 1 of  
1935.

Passed the Legislative Council of Hong Kong, this  
13th day of May, 1936.

D. M. MACDOUGALL,  
*Deputy Clerk of Councils.*