

No. 537.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 6 of 1906.—An Ordinance to provide for the establishment of Asylums for the Detention, Custody and Care of persons of unsound mind, and others.

HONGKONG.

No. 6 OF 1906.

An Ordinance to provide for the establishment of Asylums for the Detention, Custody and Care of persons of unsound mind, and others.

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M. NATHAN,
Governor.

[22nd June, 1906.]

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

1. This Ordinance may be cited as The Asylums Ordinance, 1906. Short title.

2. "Asylum" means for the purposes of this Ordinance any institution or place which the Governor may from time to time declare to be an asylum for the detention, custody and care of persons of unsound mind. Definition of "asylum".

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. Definition of "persons of unsound mind".

4. For the purposes of this Ordinance the term "medical practitioner" shall mean and include every person employed as a doctor or surgeon in any branch of His Majesty's Service and every person registered under the Medical Registration Ordinance, 1884. Definition of "medical practitioner".

5. The Governor may from time to time 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 from time to time make such regulations for the management and conduct of asylums as to him shall seem expedient. Establishment and management of asylums.

Every such regulation so made shall when published in the Gazette have the force of law. Gazette.

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 enquiry or examination therein as may be deemed necessary and shall make such reports to the Colonial Secretary as may be required by any order of the Governor. Visitors of asylums.

7. Any medical practitioner, or officer or member of the Police Force, or any private person, having reason to believe that a person is of unsound mind may on the written order of any Magistrate or Justice of the Peace cause such person to be conveyed, using such force as may be necessary, to an asylum. Who may cause person of unsound mind to be detained.

8. It shall be lawful for any medical practitioner in charge of any asylum to detain under observation for seven days any person taken to such asylum under the provisions of section 7 or section 11 of this Ordinance. Detention for observation.

- Procedure where person detained found to be of unsound mind before expiration of period of 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, such medical practitioners shall each sign a certificate in the Form A in the Schedule to this Ordinance and forward such certificate to a Police Magistrate who shall countersign it if it shall appear to him that such person is of unsound mind.
- Medical certificate countersigned by Magistrate constitutes valid order for detention in an asylum.
- Every such certificate when so countersigned shall constitute a valid order of such Police Magistrate for the detention in an asylum of the person named therein as being of unsound mind. Thereupon the person so certified to be of unsound mind 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 be otherwise released in due course of law: Provided that the certificate required by this section shall not be countersigned by such Magistrate unless it be 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 certified by them to be of unsound mind.
- Extension of period of detention for observation.
10. In the event of two medical practitioners certifying in the Form B in the Schedule to this Ordinance that it is necessary to detain a person in any asylum for purposes of observation for a longer period than seven days but not exceeding fourteen days in all such certificate shall be forwarded to a Police Magistrate and be countersigned by him if he be satisfied that it is necessary that such person be so detained whereupon the person already detained for seven days may be detained for a further period of seven days. If before the expiration of the said second period of seven days two medical practitioners shall be of opinion that the person detained under observation is in fact of unsound mind, the procedure laid down in section 9 with respect to a person certified after observation as being of unsound mind shall be followed.
- Procedure to obtain order for extended detention.
- Magistrate's order on medical certificate.
- Person suffering from delirium tremens may in certain cases be detained in asylum for observation.
11. Any person taken to the Government Civil Hospital suffering from delirium tremens or developing delirium tremens while in such Hospital may, if the Superintendent considers it to be necessary or desirable, be removed to an asylum and be there detained under the provisions of this Ordinance relating to detention for observation.
- Power to medical practitioners to deliver persons of unsound mind to persons willing and competent to undertake care and 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 the opinion of such medical practitioner it is expedient to deliver such person.
- Appeal.
13. Every order of a Magistrate made under the provisions of sections 9, 10 and 16 of this Ordinance shall be subject to an appeal by or on behalf of the person ordered to be detained thereunder to a Judge of the Supreme Court sitting in Court or in Chambers.
- Limitation of action.
14. No action shall be brought against any medical practitioner or officer or member of the Police Force or against any person whomsoever for anything done in good faith and with reasonable cause in pursuance of the powers conferred by this Ordinance.
- Prisoner ordered by Supreme Court to be detained during King's pleasure or becoming of unsound mind while under imprisonment may be removed to any asylum.
15. If any person be ordered by the Supreme Court to be detained as an insane person during the King's pleasure or if any person under imprisonment in any place of confinement shall become of unsound mind the Governor may by warrant under his hand direct that such person be removed to any asylum named in such warrant there to be detained during the King's pleasure or until the expiration of the sentence under which such person shall have been imprisoned. If such person shall become of sound mind before the expiration of his sentence, of which the period of his detention in such asylum shall be reckoned as part, the Governor shall thereupon by warrant under his hand direct such person to be removed back to the place of confinement from which he shall have been taken or shall give such other order thereon as to the Governor shall seem proper.

16. If at the expiration of the sentence of any prisoner detained in an asylum under the preceding section 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.

Passed the Legislative Council of Hongkong, this 21st day of June, 1906.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 22nd day of June, 1906.

T. SERCOMBE SMITH,
Colonial Secretary.

SCHEDULE

FORM A.

Certificate of Medical Practitioners, under Section 9.

We _____ and _____ (medical practitioners) hereby certify that _____ at present detained for observation under the authority of The Asylums Ordinance, 1906, is in our opinion a person of unsound mind.

The facts observed by me indicating that the said is of unsound mind are as follows:—

(Here state facts.)

(Signed).....
(Medical Practitioner.)

Dated the _____ day of _____ 190 .

The facts observed by me indicating that the said is of unsound mind are as follows:—

(Here state facts.)

(Signed).....
(Medical Practitioner.)

Dated the _____ day of _____ 190 .

Countersigned.

.....
(Police Magistrate.)

Dated the _____ day of _____ 190 .

FORM B.

Certificate of Medical Practitioners, under Section 10.

We _____ and _____ (medical practitioners) hereby certify that it is in our opinion necessary to detain in an asylum for a further period of _____ days' observation _____ now detained for observation under the authority of The Asylums Ordinance, 1906.

The reasons which in my opinion render it necessary to detain the said _____ for further observation are as follows:—

(Here state reasons.)

(Signed).....
(Medical Practitioner.)

Dated the _____ day of _____ 190 .

The reasons which in my opinion render it necessary to detain the said _____ for further observation are as follows:—

(Here state reasons.)

(Signed).....
(Medical Practitioner.)

Dated the _____ day of _____ 190 .

Countersigned.

.....
(Police Magistrate.)

Dated the _____ day of _____ 190 .