

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 11th July, 1956.****PRESENT:**HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (*PRESIDENT*)

MR. EDGEWORTH BERESFORD DAVID, C.M.G.

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, O.B.E. (*Acting*).

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. BRIAN CHARLES KEITH HAWKINS, C.M.G., O.B.E.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE THEODORE LOUIS BOWRING, C.M.G., O.B.E.

(Director of Public Works).

DR. THE HONOURABLE YEO KOK CHEANG, C.M.G.

(Director of Medical and Health Services).

THE HONOURABLE DAVID RONALD HOLMES, M.B.E., M.C., E.D.

(Director of Urban Services).

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.

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

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

THE HONOURABLE DRUN JEHANGIR RUTTONJEE.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E., E.D.

THE HONOURABLE JOHN DOUGLAS CLAGUE, C.B.E., M.C., T.D.

MR. DONALD COLLIN CUMYN LUDDINGTON (*Clerk of Councils*).**ABSENT:**

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL WILLIAM HENRY STRATTON, C.B., C.V.O., C.B.E., D.S.O.

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

(Commissioner of Labour).

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

MINUTES.

The Minutes of the meeting of the Council held on 20th June, 1956, were confirmed.

PAPERS.

THE COLONIAL SECRETARY, by Command of His Excellency the Officer Administering the Government, laid upon the table the following papers: —

<i>Subject.</i>	<i>G.N. No.</i>
Fire Brigade Ordinance, 1954.	
Fire Brigade (Amendment) Regulations, 1956	A. 61.
Factories and Industrial Undertakings Ordinance, 1955.	
Factories and Industrial Undertakings Ordinance (Amendment of Second Schedule) Order, 1956	A. 62.
Emergency Regulations Ordinance.	
Emergency (New Territories Resettlement Areas) (Amendment) Regulations, 1956	A. 63.

**FACTORIES AND INDUSTRIAL UNDERTAKINGS
(AMENDMENT) REGULATIONS, 1956.**

THE SECRETARY FOR CHINESE AFFAIRS moved the following resolution: —

Resolved that the Factories and Industrial Undertakings (Amendment) Regulations, 1956, made by the Commissioner of Labour on the 8th day of June, 1956, under section 5 of the Factories and Industrial Undertakings Ordinance, 1955, be approved.

He said: Sir, this resolution is accompanied by an explanation to which I do not think it is necessary for me to add anything.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**VEHICLE AND ROAD TRAFFIC
(AMENDMENT) BILL, 1956.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Vehicle and Road Traffic Ordinance, Chapter 220".

He said: Sir, one of the main purposes of this Bill is to amend the Vehicle and Road Traffic Ordinance to enable up-to-date regulations to be made. Although the existing Ordinance became law in 1947, the regulations at present in force date back to 1912. They have been extensively amended in the course of the years that have passed, and honourable Members will appreciate that in consequence they are now in an unsatisfactory state; they are in point of fact rather in a mess. It is proposed therefore to replace them by separate sets of regulations dealing with particular aspects of traffic control, using that expression with a wide connotation. Two sets of the proposed regulations are now ready and the others will be presented for enactment as they are completed. The two sets which are now ready will be published for general information if, and as soon as, this Bill becomes law.

Certain other amendments of substance are proposed by this Bill and are referred to in paragraphs 2 and 4 of the statement of objects and reasons. Of these proposals, perhaps the most interesting to road users is that for the publication of a Highway Code under legislative authority. This follows precedent in the United Kingdom and elsewhere. The Code will be essentially a road users' guide to proper conduct on the road, but although an infringement of its provisions will not of itself constitute a punishable offence, such infringement may be relied on by any party to civil or criminal proceedings as tending to establish or negative any liability which is in question in those proceedings.

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: —

To facilitate the revision of the regulations made under the Vehicle and Road Traffic Ordinance, Cap. 220, this Bill seeks to amend that Ordinance—

- (a) to replace the present definition section, section 2, by an enlarged definition section to provide a more adequate classification of vehicles (clause 3); and

- (b) to replace the existing section 3 under which regulations are made by three sections—
- (i) section 3, a general regulation making section;
 - (ii) section 3A, dealing with the registration and licensing of motor vehicles; and
 - (iii) section 3B, dealing with the licensing of drivers of vehicles.
2. The opportunity has been taken to add four new clauses—
- (a) section 3C, to enable the Governor in Council to authorize the publication of a highway code under legislative authority;
 - (b) section 8A, re-enacting, in amended form, the provisions of regulation 44 of the regulations headed "Vehicles and Traffic Regulation" appearing in Volume II of the Regulations of Hong Kong (1937 Edition) in relation to the reporting of accidents;
 - (c) section 8B, dealing with the preservation of evidence of serious accidents; and
 - (d) section 12A, dealing with the forgery of documents issued under the Ordinance and the making of false statements.
3. By clause 2 the long title to the principal Ordinance has been extended to remove any possible doubts as to whether all of the powers conferred by section 3 as substituted come within the present long title.
4. By clause 6 consequential amendments are made to section 10 to include in the offence for which a court or magistrate may suspend or endorse driving licences, the offences of driving an unlicensed motor vehicle and driving a motor vehicle while not in possession of a driving licence.

DANGEROUS GOODS BILL, 1956.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to consolidate and amend the law relating to dangerous goods".

He said: Sir, in October, 1949, a committee was appointed to inquire into and advise the Government concerning the administration of the Dangerous Goods Ordinance, 1873, and regulations made thereunder, and other Ordinances and regulations dealing with dangerous goods. The report of that committee was completed in 1951 and consisted of general recommendations concerning the control of dangerous goods, together with draft legislation to replace the existing legislation on the subject. Sir, this Bill, which consolidates most of the provisions of the Ordinance of 1873, the Gunpowder and Fireworks Ordinance of 1901, and the Celluloid and Cinematograph Film Ordinance, 1923, is the first step in giving effect to the recommendations of the committee. Sir, the statement of objects and reasons read in conjunction with Tables 1 and 2 attached thereto explains the provisions of the Bill and source of each clause, and also refers to any existing provisions omitted from the Bill now before this Council.

Sir, the main body of the committee's recommendations will be contained in new sets of regulations, one dealing with the classification of dangerous goods, another with dangerous goods on ships, and a third with the possession and carriage of dangerous goods on land. The first two of these which deal respectively with classification and shipping have been completed and it is proposed to publish them for general information at the same time as the Bill. The third set which deals with land storage, and so forth, has not yet been completed, and in the meantime the existing regulations relating thereto will continue in force.

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 law relating to dangerous goods is, for the most part, at present contained in three Ordinances—the Dangerous Goods Ordinance, 1873, the Gunpowder and Fireworks Ordinance, 1901,

and the Celluloid and Cinematograph Film Ordinance, 1923, and in their subsidiary legislation. The object of this Bill is to introduce a new Ordinance which, together with regulations to be made thereunder, will cover the whole field of the manufacture, possession, storage and conveyance of all dangerous goods. The Dangerous Goods Ordinance, 1873, and the Gunpowder and Fireworks Ordinance, 1901, are repealed and those provisions which it is considered should be retained are included in this Bill, or will be included in regulations to be made under the new Ordinance. Table 1 set out hereunder shows the origin of each clause and explains the more important innovations. Table 2 set out hereunder gives explanations for the omission of certain provisions of those Ordinances which are not included in this Bill.

2. The Celluloid and Cinematograph Film Ordinance, 1923, is also repealed and it is intended that the necessary provisions of that Ordinance and of regulations made thereunder will be re-enacted in regulations to be made under the new Ordinance dealing with the storage of celluloid as a particular type of dangerous goods.

3. In 1949 a committee was appointed to inquire into and advise the Government concerning the administration of the Dangerous Goods Ordinance, 1873, and regulations made thereunder, and other Ordinances and regulations dealing with dangerous goods. Certain changes and additions to the law were recommended by this Committee and it is proposed to implement these recommendations by regulations to be made under the new Ordinance. Until these new regulations are enacted, it will be necessary for the Gunpowder and Fireworks Ordinance, 1901, and the Celluloid and Cinematograph Film Ordinance, 1923, to remain in force, and for the provisions of clause 5(2) (relating to the manufacture of dangerous goods) to be suspended; clause 19 has this effect.

**MAGISTRATES (CORONERS POWERS)
(AMENDMENT) BILL, 1956.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Magistrates (Coroners Powers) Ordinance, Chapter 14".

He said: Sir, this is a short, very short, amending Bill and its purpose is sufficiently explained I think in the statement of objects and reasons and I have nothing to add thereto.

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 amendments contained in clauses 2, 3 and 4 write into the Magistrates (Coroners Powers) Ordinance, Chapter 14, the practice obtaining hitherto of holding death inquiries of persons dying whilst in police custody. The amendments are, in fact, of a minor nature, but opportunity has been taken to recast the relevant sections.

ADJOURNMENT.

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT: —That concludes the business for today, gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —May I suggest this day fortnight?

H. E. THE OFFICER ADMINISTERING THE GOVERNMENT: —Council will adjourn to this day fortnight.