

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 22nd January, 1958.**

PRESENT:HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (*PRESIDENT*)

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR EDRIC MONTAGUE BASTYAN, K.B.E., C.B.

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, C.M.G., O.B.E. (*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. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

(Commissioner of Labour).

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

(Director of Urban Services).

DR. THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, C.M.G., O.B.E.

(Director of Medical and Health Services.).

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

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 DHUN JEHANGIR RUTTONJEE, O.B.E.

THE HONOURABLE CEDRIC BLAKER, M.G., E.D.

MR. MAURICE DEREK SARGANT (*Deputy Clerk of Councils*).**ABSENT:**

THE HONOURABLE ALLAN INGLIS

(Director of Public Works).

THE HONOURABLE KWOK CHAN, O.B.E.

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

MINUTES.

The Minutes of the meeting of the Council held on 8th January, 1958, were confirmed.

OATHS.

Dr. David James Masterton Mackenzie, C.M.G., O.B.E., took the Oath of Allegiance and assumed his seat as a Member of the Council.

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>
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Sessional Papers, 1958: —

No. 4—Annual Report by the Commissioner of Police
for the year 1956/57.

No. 5—Annual Report by the Registrar of Cooperative
Societies and Director of Marketing for the
year 1956/57.

Second Report of the Law Reform Committee.

Pharmacy and Poisons Ordinance.

Poisons (Amendment) Regulations, 1958	A. 1.
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Pharmacy and Poisons Ordinance.

Poisons List (Amendment) Regulations, 1958	A. 2.
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Probation of Offenders Ordinance, 1956.

Probation of Offenders Rules, 1958	A. 3.
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Supreme Court Ordinance.

Code of Civil Procedure (Amendment) Rules, 1958	A. 4.
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He said: With regard to the Second Report of the Law Reform Committee, I would inform honourable Members that Government has accepted the recommendation in that report that legislation similar to the United Kingdom Hotel Proprietors' Act, 1956, and the Occupiers' Liability Act, 1957, should be adopted in Hong Kong, and that the necessary Bills will be introduced in due course.

HONG KONG TOURIST ASSOCIATION (AMENDMENT)

BILL, 1958.

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Hong Kong Tourist Association Ordinance, 1957."

THE ATTORNEY GENERAL 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.

Council then resumed.

THE COLONIAL SECRETARY reported that the Hong Kong Tourist Association (Amendment) Bill, 1958 had passed through Committee without amendment and moved the Third reading.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

The Bill was read a Third time and passed.

MERCHANDISE MARKS (AMENDMENT) BILL, 1958.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the provisions of the Merchandise Marks Ordinance, Chapter 41."

He said: As I have some amendments to move at the Committee Stage (honourable Members are already apprised of these proposals) and as their purpose may not be readily understood as they are to do with the operation of certain of the provisions of the Bill, I think I should add a word or two of explanation. I must confess that the proposed amendments are not very easy to explain; —at any rate, tensely and clearly—but I will do my best.

One of the most important features of this Bill is to bring within the purview of the principal Ordinance misleading trade descriptions, that is done by an amendment to the definition of the expression "false trade description"; and as I also explained on the first reading, the expression "trade description" has been extended to cover representations as to quality, fitness, strength, and so on.

It is only fair to give traders time to consider how they will be affected by the new legislation and to get off the market any goods which may offend against the new law. Six months was given in the United Kingdom Act and the proposed new clause will defer our amendments until 1st August this year. This is the effect of the second proposed amendment on the paper in the hands of honourable Members.

The first amendment on the paper relates to clause 7 of the Bill which is itself a saving clause. That clause saves, generally speaking, trade marks which, although misleading under the new law, are on the register or are in use and are in the ownership of some person on 1st July, 1958. I am afraid that a misunderstanding crept in here. Now quite clearly, we do not wish to leave a gap during which any persons so minded can get misleading trade marks they may be able to devise either registered or into use, and for that reason clause 7 must be expressed to operate from the publication of the Ordinance, namely, Friday this week. On the other hand, clause 7 cannot stand alone without the other provisions which relate to misleading trade marks and which it is proposed to defer until 1st August. The sum total of this is as follows: —

- (1) Clause 7 will be deferred until 1st August, for the reason that it cannot operate without other provisions which are likewise deferred;

- (2) When clause 7 does come into operation on 1st August, its provisions will only save trade marks registered or in use, next Friday, 24th January, by persons who are proprietors on that date or who are successors in title to such proprietors;
- (3) Clause 7 is therefore one which brings down the metaphorical axe at 24th January—though its operation is for technical reasons deferred to 1st August.

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 6 were agreed to.

Clause 7.

THE ATTORNEY GENERAL: —Sir, I beg to move the amendment standing in my name.

Proposed Amendment.

In paragraphs (a) and (c) of the proposed new subsection (2) of section 16, leave out the date "first day of July, 1958" and substitute the date—
"24th day of January, 1958".

Clause 7, as amended, was agreed to.

Clauses 8 and 9 were agreed to.

New Clause.

THE ATTORNEY GENERAL: —Sir, I beg to move that the new clause which is set forth in the paper which is in the hands of honourable Members be added.

Proposed Amendment.

Add the following new clause—

"Commence-
ment of
certain
provisions. **10.** The amendments made by paragraph (a), sub-
paragraph (iii) of paragraph (d) and paragraph (f) of section 2
and by section 7 shall not come into operation until the 1st
day of August, 1958."

The new clause was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Merchandise Marks (Amendment) Bill, 1958 had passed through Committee with amendments 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.

MAN MO TEMPLE (AMENDMENT) BILL, 1958.

THE SECRETARY FOR CHINESE AFFAIRS moved the Second reading of a Bill intituled "An Ordinance to amend the Man Mo Temple Ordinance, Chapter 154."

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 SECRETARY FOR CHINESE AFFAIRS reported that the Man Mo Temple (Amendment) Bill, 1958 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.

TUNG WAH HOSPITAL (AMENDMENT) BILL, 1958.

THE SECRETARY FOR CHINESE AFFAIRS moved the Second reading of a Bill intituled "An Ordinance to amend the Tung Wah Hospital Ordinance, Chapter 317."

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 and 2 were agreed to.

Council then resumed.

THE SECRETARY FOR CHINESE AFFAIRS reported that the Tung Wah Hospital (Amendment) Bill, 1958 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.

ADJOURNMENT.

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

THE ATTORNEY GENERAL: —May I suggest, Sir, this day three weeks?

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