

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 4th February, 1959.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

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

THE HONOURABLE THE COLONIAL SECRETARY

MR. EDMUND BRINSLEY TEESDALE, M.C. (*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 ALLAN INGLIS

(Director of Public Works).

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

(Director of Medical and Health Services).

THE HONOURABLE COLIN GEORGE MERVYN MORRISON

(Director of Urban 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 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.

THE HONOURABLE HUGH DAVID MACEWEN BARTON, M.B.E.

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

MINUTES.

The Minutes of the meeting of the Council held on 21st January, 1959, were confirmed.

PAPERS.

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

<i>Subject.</i>	<i>G.N. No.</i>
Hong Kong Auxiliary Police Force Ordinance, 1959.	
Hong Kong Auxiliary Police Force Regulations, 1959	A. 5.
Hong Kong Auxiliary Police Force Ordinance, 1959.	
Hong Kong Auxiliary Police Force (Pensions) Regulations, 1959 ..	A. 6.

DANGEROUS GOODS (AMENDMENT) BILL, 1959.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Dangerous Goods Ordinance, 1956."

He said: Sir, the purpose of this Bill is three-fold. First, power is taken to prohibit the manufacture and possession of goods of a particularly dangerous nature, the goods being specified by regulations made under the Ordinance.

Secondly, the principal Ordinance is amended to include a reference to aircraft, as well as vehicles and vessels, in those provisions which deal with the carriage of dangerous goods.

The third object is to confine as far as possible the search of premises used solely for dwelling purposes to cases where a warrant of a magistrate has been obtained. The authorities concerned with the enforcement of this Ordinance, that is to say, the Commissioner of Police and the Chief Officer of the Fire Brigade, have advised that cases may well occur where application for a warrant would defeat the purpose of the search, and that to provide that under no circumstances should a dwelling-place be searched without a warrant, might seriously hamper them in their enforcement of the Ordinance. Therefore, the amendment to section 10 of the principal Ordinance allows a search without a warrant where the officer concerned is of opinion, having regard to the circumstances, that the purpose of the search would be defeated by application for a warrant. But, Sir, the intention is that in the normal case a warrant shall be obtained from a magistrate.

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: —

Section 5 of the Dangerous Goods Ordinance, 1956 (the principal Ordinance) prohibits the possession, manufacture, etc. of dangerous goods without a licence. It is intended that certain goods of a particularly dangerous nature will be prohibited absolutely in Hong Kong and this Bill introduces a new section 5A to this effect. Provision is also made enabling regulations to be made by the Governor in Council declaring particular goods to be prohibited goods for the purposes of the new section (clauses 2, 3(a), 5 and 7).

2. References to vessels and vehicles in sections 4(1)(g) and 5(1) of the principal Ordinance are amended so as to include aircraft (clauses 3(b) and 4).

3. Section 10(1) of the principal Ordinance empowers sub-inspectors of police and sub-officers of the Fire Brigade to enter and search premises in which dangerous goods are manufactured, stored or used. It is considered that premises used for private dwelling purposes should not normally be searched except in pursuance of a magistrate's warrant. Clause 6 will modify section 10 to give effect to this principle.

**DIRECTOR OF SOCIAL WELFARE
INCORPORATION BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to provide for the incorporation of the Director of Social Welfare, and for matters connected therewith."

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 7 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Director of Social Welfare Incorporation Bill, 1959 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.

**REGISTRAR GENERAL (ESTABLISHMENT)
(AMENDMENT) BILL, 1959.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Registrar General (Establishment) Ordinance, Chapter 100."

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.

Clause 1 was agreed to.

Clause 2.

THE ATTORNEY GENERAL: —I beg to move the amendments standing in my name which are explained in the paper in the hands of honourable Members.

Proposed Amendments.

(a) Delete the figure and brackets "(3)" and substitute therefor—

“(2)”;

(b) Delete the figure and brackets "(4)" and substitute therefor—

"(3)".

Clause 2, as amended, was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Registrar General (Establishment) (Amendment) Bill, 1959 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.

BUSINESS REGISTRATION BILL, 1959.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the law relating to the registration of businesses in the Colony."

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 21 and the Schedule were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Business Registration Bill, 1959 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.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL, 1959.

MR. P. C. M. SEDGWICK moved the Second reading of a Bill intituled "An Ordinance to amend the Factories and Industrial Undertakings Ordinance, 1955."

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.

MR. P. C. M. SEDGWICK reported that the Factories and Industrial Undertakings (Amendment) Bill, 1959 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 GOVERNOR: —Gentlemen, that concludes the business for today. When is it your pleasure that we should meet again?

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

H. E. THE GOVERNOR: —Council stands adjourned until this day three weeks.