

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 6th May, 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 EDRIC 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 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. ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*).**ABSENT:**

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

MINUTES.

The Minutes of the meeting of the Council held on 22nd April, 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>
Sessional Papers, 1959: —	
No. 7—Annual Report by the Director of Medical and Health Services for the year 1957/58.	
No. 8—Annual Report by the Public Relations Officer for the year 1957/58.	
Report by the Chairman of the Board of Governors of the Hong Kong House for the year ended 31st March, 1959.	
Stamp Ordinance.	
Stamp (Bank Authorization) (No. 1) Order, 1959	A. 26.
Births and Deaths Registration Ordinance.	
Births and Deaths Registration (Amendment of First Schedule) Regulations, 1959	A. 27.

SOCIETIES (AMENDMENT) BILL, 1959.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Societies Ordinance, Chapter 151."

He said: Sir, as the statement of objects and reasons explains, the Societies Ordinance makes no provision for the winding up of a society after dissolution or cancellation of registration. This Bill will enable the Registrar by writing to authorize the doing of such things as he may consider necessary for the purpose of winding up the affairs of a society after dissolution or cancellation of registration.

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 Societies Ordinance, Chapter 151, suffers from a procedural defect in that it makes no provision for the winding up of a society after dissolution or cancellation of registration. This Bill seeks to remedy this defect.

**VEHICLE AND ROAD TRAFFIC (PARKING AND WAITING)
REGULATIONS, 1958, VALIDATION BILL, 1959.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to remove doubt concerning the validity of the Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958."

He said: Sir, sections 3, 4 and 5 of the Road Traffic Ordinance, 1957, enable the Governor in Council to make regulations for various purposes. When the Vehicle and Road Traffic (Parking and Waiting) Regulations were enacted in 1958, a wrong section was unfortunately quoted in the enacting formula and that has cast doubt on the validity of these regulations. This Bill is designed to remove that doubt.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

THE ATTORNEY GENERAL: —This Bill is but a formality, and as it is desirable that the doubt concerning the validity of the regulations to which it applies should be removed as early as possible, I seek your consent under Standing Order 37 to move the suspension of Standing Orders to the extent necessary to enable this Bill to be taken through all its stages at this meeting.

H. E. THE GOVERNOR: —I am of that opinion and you have my permission.

THE ATTORNEY GENERAL: —I therefore accordingly move the suspension of Standing Orders.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to remove doubt concerning the validity of the Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958."

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 and the Preamble were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958, Validation 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.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows: —

In the enacting formula to the Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958, section 5 of the Road Traffic Ordinance, 1957, was quoted in error as being the section under which the regulations were made, whereas the regulations should have been expressed to be made under section 3 of the Ordinance. Doubt having arisen as to the effect of this error on the validity of the regulations, it is considered desirable to declare the regulations to have the same effect as if they had been expressed to be made under section 3 instead of section 5.

HOLIDAY (AMENDMENT) BILL, 1959.

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Holidays Ordinance, Chapter 149."

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 3 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Holidays (Amendment) Bill, 1959 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.

PEARL CULTURE (CONTROL) (AMENDMENT) BILL, 1959.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Pearl Culture (Control) Ordinance, 1958."

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.

Clause 3.

THE ATTORNEY GENERAL: —I beg to move the amendment which has been put before Members on the paper which has been distributed, the purpose of which is sufficiently explained in the Remarks column. I hope that now we have got this clause as it should be.

Proposed Amendment.

3. Leave out this clause and substitute the following—

"Amendment of section 9. **3.** Section 9 of the principal Ordinance is amended by—

(a) the deletion of subsection (1) and the substitution therefor of the following—

"(1) No person shall collect, sell or have in his possession or be a party to the collection or sale, of any pearl oyster:

Provided that nothing in this subsection shall apply to—

- (a) any oyster of the genus *Pteria* which measures sixty-five millimeters or more when measured through a plane drawn at right angles to the hinge;
- (b) an oyster of the genus *Pinctada* where a person is in possession of a licence granted under section 6;
- (c) the collection or sale of pearl oysters of any size which have been cultivated under a licence granted under section 6."; and

(b) the addition after subsection (2) of the following new subsection—

“(3) It shall be a defence to any proceedings for an offence against subsection (2) to prove that the pearl oysters in relation to which those proceedings are brought were not found within the waters of the Colony.” ”.

Clause 3, as amended, was agreed to.

Council then resumed.

THE ATTORNEY GENERAL: —Sir, I beg to report that this Bill has passed through Committee with an amendment which is in my submission material within the meaning of Standing Order 28. If Your Excellency is of that opinion I would beg leave to move suspension of Standing Orders to allow this Bill to be read a Third time today.

H. E. THE GOVERNOR: —I am of that opinion and give my permission.

THE ATTORNEY GENERAL: —I therefore move accordingly.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

THE ATTORNEY GENERAL moved the Third reading of a Bill intituled "An Ordinance to amend the Pearl Culture (Control) Ordinance, 1958."

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 it is your pleasure that we should meet again?

ATTORNEY GENERAL: —May I suggest this day two weeks?

H. E. THE GOVERNOR: —Council stands adjourned to this day two weeks.