

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 28th November 1962**

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

MR CLAUDE BRAMALL BURGESS, CMG, OBE

THE HONOURABLE EDMUND BRINSLEY TEESDALE, MC

ACTING COLONIAL SECRETARY

THE HONOURABLE MAURICE HEENAN, QC

ATTORNEY GENERAL

THE HONOURABLE JOHN CRICHTON McDOUALL

SECRETARY FOR CHINESE AFFAIRS

THE HONOURABLE MICHAEL DENYS ARTHUR CLINTON, GM

ACTING FINANCIAL SECRETARY

THE HONOURABLE ALLAN INGLIS, CMG

DIRECTOR OF PUBLIC WORKS

DR THE HONOURABLE DAVID JAMES MASTERTON MacKENZIE, CMG, OBE

DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE KENNETH STRATHMORE KINGHORN

DIRECTOR OF URBAN SERVICES

THE HONOURABLE PETER DONOHUE

DIRECTOR OF EDUCATION

THE HONOURABLE DHUN JEHANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE RICHARD CHARLES LEE, OBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

THE HONOURABLE SIDNEY SAMUEL GORDON

THE HONOURABLE LI FOOK-SHU

MR ALASTAIR TREVOR CLARK (*Clerk of Councils*)**ABSENT:**HIS EXCELLENCY LIEUTENANT-GENERAL SIR REGINALD HACKETT HEWETSON,  
KCB, CBE, DSO

COMMANDER BRITISH FORCES

**MINUTES**

The minutes of the meeting of the Council held on 14th November 1962 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>GN No</i> |
|---|--------------|
| Sessional Papers, 1962: —   |              |
| No 29—Annual Report of the Public Services Commission for the years 1958-61.                        |              |
| No 30—Annual Report by the Director, Royal Observatory for the year 1961-62.                        |              |
| No 31—Annual Report by the Director of Broadcasting for the year 1961-62.                           |              |
| Report on Soils and Agriculture of Hong Kong.   |              |
| Registration of Persons Ordinance, 1960.  |              |
| Registration of Persons (Re-registration) (No. 18) Order, 1962                                      | A 109        |
| Dangerous Goods Ordinance, 1956.  |              |
| Dangerous Goods (General) Regulations, 1962 .....   | A 110        |
| Dangerous Goods Ordinance, 1956.  |              |
| Dangerous Goods (Repeal of Miscellaneous Legislation) Order, 1962 .....                             | A 111        |
| Dangerous Drugs Ordinance.  |              |
| Dangerous Drugs (Amendment) Regulations, 1962 .....   | A 112        |
| Registration of Persons Ordinance, 1960.  |              |
| Registration of Persons (Re-registration) (No. 19) Order, 1962                                      | A 113        |
| Registration of Persons Ordinance, 1960.  |              |
| Registration of Persons (Cancellation of Registration and Identity Cards) (No. 4) Order, 1962 ..... | A 114        |

**MARINE FISH (MARKETING) BY-LAWS, 1962**

THE ATTORNEY GENERAL moved the following resolution: —

Resolved that the Marine Fish (Marketing) By-laws, 1962, made by the Fish Marketing Organization on the 6th day of November 1962, under section 15 of the Marine Fish (Marketing) Ordinance 1956, be approved.

He said: Sir, when moving the first reading of the Marine Fish (Marketing) (Amendment) Bill, 1962, in this Chamber on 12th September, the Honourable Colonial Secretary stated that the stage was now set for the formal establishment of the Fish Marketing Organization and its adoption of by-laws, which would subsequently be placed before this Council for approval. The Organization has been duly established as notified by Gazette Notification No 2224 in the issue of the Gazette dated 2nd November and made the by-laws now submitted for approval on the 6th November. These by-laws reflect the practice presently followed in the administration of the fish markets and the explanatory note sets out their purpose in detail.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

### **LEGAL PRACTITIONERS (AMENDMENT) (NO 2) BILL, 1962**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Legal Practitioners Ordinance, Chapter 159."

He said: Sir, the purpose of this Bill is to amend the Legal Practitioners Ordinance so as to keep the requirements for qualification as a solicitor in Hong Kong in step with the requirements for qualification as a solicitor in England. The measures proposed are of special importance to all those in Hong Kong, particularly young people, who are contemplating entry into the profession of law as solicitors, and I trust that Honourable Members will bear with me whilst I endeavour to clarify the proposals in some detail and in language as simple as the subject permits.

Sir, in May 1962 the English Law Society revised the requirements for qualification as a solicitor and the main provisions have been promulgated in the Students Regulations, 1962. Prior to this revision, a person who wished to become a solicitor in England was obliged to enter into articles of clerkship for terms of 5 or 3 years, according to approved degrees or the practical experience in the law which he might have. Where the term of articles was 5 years attendance at a law school was compulsory before the first of the two law examinations could be taken. These law examinations were known as the Intermediate consisting of a law portion and a trust account and bookkeeping portion and the Final. Under the revised requirements the Intermediate and the Final examination are replaced by Part I and Part II examinations which are to be known collectively as the Qualifying examination. In Hong Kong although the requirements with regard to the length of service of articles of clerkship have always

been the same as those in England, in regards to examinations, the position of the local articled clerk has been different in that he has not been required to pass the Intermediate examination. In the past the English Law Society set the Final examination papers for candidates sitting the examination in Hong Kong, and although the Syllabus was the same, the questions were not always identical with those set for candidates in England. The English Law Society has now advised that it will not be in a position, after January 1963, to set special examination papers for Hong Kong articled clerks; thus if this Bill is enacted in future examinations the papers taken by local candidates will be identical with those taken by candidates in England. Further, the Hong Kong Law Society considers that there is no longer any justification for omitting one of the two law examinations from the Syllabus of local articled clerks, and therefore in future, articled clerks in Hong Kong will be obliged to take exactly the same examinations as they would have to take if they sought qualification as a solicitor in England.

With regard to the duration of articles in England the new scheme provides that in the case of those who hold approved degrees the term of articles will be 2½ years; or if the degree is one which affords total exemption from the Part I examination and the holder takes the Part II examination before entering into articles, a term of 2 years only will be required. For barristers of less than 5 years' standing, Scottish advocates, those who have long service in the Forces or Overseas Civil Service and for solicitors' clerks of 10 years' experience the term of articles will be 2½ years. In any other case the period will be 4 or 5 years according to whether the Part I examination is passed before entry into articles.

With regard to the duration of articles in Hong Kong, it is proposed that holders of approved degrees and barristers of not less than 5 years' standing, be required to serve the same periods of articles as similarly qualified persons in England, namely, 2 or 2½ years. In the case of persons who have served for 10 years since the age of 18 in a solicitor's office or with the Judiciary or the Legal Department or the Registrar General's Department the terms of articles is to be 3 years after passing the Part I examination; this period is greater by 6 months than will be required under the English regulations but the intention of the longer term is to allow for 1 year's absence whilst under articles for the purposes of study. In all other cases, it is proposed that the term of articles be either 4 or 5 years according to whether the Part I examination is passed before entering into articles or not. Formerly, both in England and in Hong Kong, it was necessary to enter into articles of clerkship before sitting the law examinations. Under the new proposals, both in England and in Hong Kong, persons desiring to qualify as solicitors will be entitled to take the Part I

examination before entering into articles, and in addition holders of degrees which give rise to a total exemption from the Part I examination, will be permitted to sit for the Part II examination before entering into articles. Under the new English requirements attendance in preparation for the Part I examination at the permanent law schools run under the control of the English Law Society is to be compulsory for those serving 4 or 5 years' articles. The compulsory term of attendance is to be 8 months and in addition a voluntary course of 4½ months will be provided by way of preparation for the Part II examination. In order to compensate for the lack of a law school in Hong Kong it is proposed that the local articulated clerks be allowed to absent themselves from the office of their principal for a period of 1 year for the purpose of preparing for the Part I examination and a similar period (or 6 months in the case of those serving 2½ years) to prepare for the Part II examination. This proposal is intended to provide sufficient time for study at home but at the same time it means that those who are in a position to do so will be able to go to a law school in England.

Sir, turning now to the Bill itself, the effect of its provisions may be summarized as follows: —

- (a) Under the provisions of clause 3 any person, other than a barrister of 5 years' standing or a solicitor from Great Britain or Northern Ireland (whose cases are dealt with under section 20 as amended and section 26 of the principal Ordinance) who wishes to become a solicitor in Hong Kong, will first have to satisfy the Incorporated Law Society of Hong Kong that he is suitable for the career, and that he has attained a minimum standard of education. If the Society is satisfied he may then enrol as a student with the Registrar of the Supreme Court, and thereafter he may either enter into articles or immediately sit for the qualifying examination. If the student holds a law degree of a recognized University, full exemption from the Part I examination will be granted under section 18 of the principal Ordinance as repealed and replaced by clause 11 of this Bill. He may then proceed to take the Part II examination having first obtained the consent of the Society in accordance with paragraph 1 of the First Schedule to the principal Ordinance, as substituted under the provisions of clause 19 of this Bill, and having given notice to the Society and the Registrar as required by the new section 18 of the principal Ordinance. If the student passes the Part II examination he will then be required to serve only 2 years' articles as provided for in paragraph 1 of the First Schedule to the principal Ordinance previously mentioned.

- (b) Under section 18 of the principal Ordinance as amended by clause 11 of this Bill, a student who holds a degree which is not a law degree may seek exemption from those heads of the Part I examination comparable to the subjects in which he obtained his degree. He will then have to take the balance of the papers in the Part I examination and thereafter under paragraph 2 of the First Schedule of the principal Ordinance as amended, he will be required to serve a period of 2½ years under articles.
- (c) Under paragraph 4 of the First Schedule as amended, a student who does not hold a degree, but who has served as a bona fide clerk to a solicitor or in the Judicial or Legal or Registrar General's Departments in Hong Kong for a period of 10 years since attaining the age of 18, will be required to pass the Part I examination before entering into articles for a term of 3 years. In any other case the student, under paragraphs 5 and 6 of the First Schedule as amended, may either pass the Part I examination and enter into 4 years' articles or enter into 5 years' articles passing the Part I examination during the term of his articles.
- (d) Under section 9 of the principal Ordinance as repealed and replaced by clause 6 of this Bill, a student before entering into articles will be obliged to notify the Society of his intention so to do, and if the Society is satisfied with the length of the intended term of articles a certificate to that effect will be issued to the student. Under section 4 of the principal Ordinance as repealed and replaced by clause 4 of this Bill, a student must register his articles of clerkship with the Registrar of the Supreme Court and at the same time lodge the certificate of satisfaction prescribed by subsection 2(c) of section 4 as amended. A student will also be required to lodge with the Registrar the statutory declaration mentioned in section 4(2)(a) as amended by clause 4.
- (e) Under the provisions of subsection (6) of section 18 of the principal Ordinance as amended, a student whose articles are for 5 years must either pass or obtain exemption from the Part I examination before the expiration of 2½ years of his articles otherwise his service under articles after the expiry of 2½ years will not be reckoned as good service until such time as he does pass the Part I examination.
- (f) Section 17 of the principal Ordinance as repealed and replaced by clause 10 of this Bill makes provision for permitted absence from a principal's office during the term of articles in the following manner. The 5 year articulated clerk will be permitted 2 periods of absence each of 12 months' duration to enable

him to prepare for the Part I and Part II examinations respectively. In the case of the 3 or 4 year articulated clerk an absence of 12 months will be allowed to prepare for the Part II examination. However, if the term of articles is for 2½ years then only 6 months' absence will be permissible.

- (g) Section 20 of the principal Ordinance as amended by clause 12 of this Bill will relieve barristers of not less than 5 years' standing, who have procured themselves to be disbarred with a view to becoming solicitors, from the necessity of enrolling as students, but they will still have to pass the Part II examination.
- (h) Section 25 of the principal Ordinance as repealed and replaced by clause 16 of this Bill, empowers the Court to approve, admit and enrol as a solicitor any person being a British subject, who qualifies for admission as a solicitor under the Ordinance and also prescribes the documentary evidence which must be lodged in the Court.
- (i) Clauses 24 to 28 inclusive introduce transitional provisions designed to alleviate hardship which may flow from the enactment of this Bill in the case of persons who have entered into articles but not qualified prior to the 1st day of January 1963.

Sir, the Bill has been approved by the Incorporated Law Society of Hong Kong, and the Chief Justice, who has approved draft rules for promulgation under section 65 of the principal Ordinance as repealed and replaced by clause 17 of this Bill.

The provisions in the Students Regulations, 1962, prescribing the new scheme for qualification as a solicitor in England, come into force in England on the 1st January 1963 and the English Law Society proposes to hold the first Part I and Part II examinations on the 6th February 1963 and successive days thereafter. I should perhaps, Sir, mention that other important amendments to the principal Ordinance are under discussion with the Law Society, but it has been necessary to introduce this Bill separately in order to ensure that Hong Kong continues in step with England in the training and qualification of solicitors. If this Bill is enacted, clause 1 provides for its coming into operation on the same day as the relevant provisions of the Students Regulations, 1962 come into force in England, namely, 1st January 1963.

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 purpose of this Bill is to introduce into Hong Kong with some small variations the new System of qualifying as a solicitor laid down in the Students Regulations, 1962, which were made last May by the Law Society of England and Wales, by virtue of section 3 of the Solicitors Act, 1957, and the substantive provisions of which come into operation on the 1st January, 1963.

2. The principal changes effected by the Bill are as follows—

(a) Henceforth, local aspirants will be faced with two qualifying examinations, designated Part I and Part II of the Qualifying examination, in place of the single Final examination. Disregarding the question of exemptions this means that, in effect, a further three subjects are introduced into their syllabus. Furthermore the English Law Society will no longer set a local variation of the Final examination and accordingly both examinations will be the same as those taken by students in England.

(b) It will be open to persons desiring to qualify, to pass Part I (and even Part II in the case of persons holding degrees) before entering upon articles. The effect of this provision is two-fold, namely, a reduction in the term of articles and the practical advantage that persons who find the work incompatible will be able to withdraw from the career before becoming too heavily committed. A more realistic approach to the holders of degrees has been adopted so that exemption from heads of the Part I examination will be accorded wherever those heads are covered by subjects taken in the course of obtaining the degree concerned.

3. Clause 1 provides for commencement on the 1st January, 1963, to avoid any necessity for retrospective provisions bearing in mind that the more important provisions of the Students Regulations, 1962 also come into operation on that date. The first Part I examination is to be held on the 6th day of February, 1963.

4. Clause 2 of the Bill introduces some additional definitions which are necessary for a proper understanding of the Bill including in particular the Students Regulations, 1962, certain provisions of which are applied, by reference, in the amended sections 3(5), 18(4) and item I in the Second Schedule (see clauses 3, 11 and 20).

5. A new system is introduced by clause 3 in place of the former provisions of the principal Ordinance, whereby before sitting the qualifying examination or entering into articles the person desiring to do

so must first enrol as a student. This procedure ensures that before anyone so commits himself he first satisfies the Incorporated Law Society both as to his character and his general educational background. The Incorporated Law Society will remain the judge of these two basic requirements whilst the Registrar of the Supreme Court will undertake the administrative function of keeping the records. The requisite standard of general education is laid down in subsection (5) by reference to the Students Regulations, 1962, but is very similar to the former requirements; the Chief Justice's power to treat any person as though he had attained the requisite standard is retained. However, the fact that it is extremely rare nowadays for anyone to take the English Law Society's Preliminary Examination in order to reach the requisite standard is acknowledged by relegating that method only to those of the age of twenty-eight years or more.

6. The formalities for registration of articles with the Registrar, set out in clause 4, are largely the same in substance as the provisions which they replace save that failure to register articles within the stipulated period and the need to produce a certificate of the Society's satisfaction with the proposed term are taken into account.

7. The Registrar's duties on registration of articles laid down in clause 5, are similar to the former provisions save that he is now required to give notice of registration to the Society and that service under articles, registration of which has been refused, will not be treated as good service.

8. By clause 9 persons proposing to enter into articles must obtain the Society's concurrence to the length of the proposed term in order to avoid articles being entered into for incorrect periods.

9. Clause 10 enables the clerk to be absent from his principal's office for the purpose of studying for examinations. This follows the English practice but, to compensate for the lack of a local law school, the periods are somewhat longer in each case for, the local student will either have to study on his own in Hong Kong or go to a law school in England.

10. Section 18 of the principal Ordinance is revised by clause 11 in the light of the need to pass (or obtain exemption) two examinations. The revised section also enables exemption to be extended to those who would qualify for it under the Students Regulations, 1962. Subclause (6) follows the English provision by providing that articulated clerks who sit for the Part I examination after entry into articles must pass that examination before they reach the half-way mark in their articles, otherwise their service after that date will not count as good service until they do pass.

11. Clause 16 makes little change but sets out more simply the power of the court to admit and deal with the filing of documents.

12. The rule-making powers of the Chief Justice are defined by clause 17 in place of the former undefined power.

13. Clause 18 enables the Governor in Council to amend the fees specified in the Third and Fourth Schedules.

14. The new periods of articles are laid down in the First Schedule by clause 19 and may be stated briefly as follows—

- (1) Those who pass the Qualifying examination before entering into articles will only need to serve two years.
- (2) Those who have passed the Part I examination, or have been exempted, but who wish to take the Part II examination, during service under articles will be required to serve two and a half years.
- (3) In the case of barristers not of five years' standing the term will be two and a half years provided that they have first passed the Part I examination, or been exempted.
- (4) For persons who, since they became eighteen have served ten years either as a solicitor's clerk or a clerk in the Judiciary, the Legal or Registrar General's Departments, the term will be three years.
- (5) In any other case the term will be either four years if the Part I examination is passed before entry into articles or five years.

15. By clause 20 the Universities specified in the Students Regulations, 1962, are, by reference, introduced into the Second Schedule to the Ordinance.

16. The fee of £ 15.0.0. referred to in the Fourth Schedule is replaced by a fee of \$250.00 by clause 22.

17. Clause 23 revokes the Legal Practitioners Regulations, 1952 which are to be replaced by rules made by the Chief Justice under section 65.

18. Clauses 24 to 28, inclusive, carry provisions of a transitional nature.

The effect of clause 24 is that where articles are entered into before the 1st day of January, 1963, it will be unnecessary to enrol as a student.

The absence provisions introduced by clause 10 are modified by clause 25 for those who are articulated before the 1st day of January, 1963, so that whilst on the one hand they are not unreasonably prejudiced

by having to face an extra examination not contemplated when they entered into articles yet on the other hand a minimum period of two years is served in the principal's office.

The trust accounts and bookkeeping portion of the Intermediate examination now appears as an Accounts paper in the Part II examination. The exemption in clause 26(1) ensures that no person need pass this subject twice.

It is considered that the requirement that the Part I examination must be passed before any person under five years' articles has served two and a half years would work a hardship upon those whose articles are due to expire before the 1st day of March, 1966. Clause 26(2) therefore exempts those persons from such requirement.

Clause 27 preserves the terms of articles entered into before the 1st day of January, 1963, in lieu of the new terms introduced into the First Schedule.

Orders have been made by the Chief Justice exempting persons from the former provision as to the requisite standard of education on condition that the applicant passes the Intermediate examination. Clause 28 modifies such orders by referring either to the law portion of the Intermediate or the Part I examination.

19. A number of consequential amendments of a minor character are made, namely—

- Clause 7. The reference to section 17 is considered more direct than the former reference to “this Part”.
8. The reference to section 17 is considered appropriate.
- 9.(a) The splitting of section 16 into two subsections makes for easier reference (see clause 14).
- (b) The reference to sections 20 and 26 is more direct.
- (c) The reference to articles avoids any doubts.
12. The references to "the Part I examination", "enrolment", “notice under section 18” and “Part II” are consequential.
13. The two weeks' notice requirement is also extended to barristers of five years' standing.
14. The reference to section 16(2) is to avoid ambiguity.
15. Statutory declarations are more appropriate to non-contentious matters.
- 21.

## TELECOMMUNICATION BILL, 1962

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to repeal and replace the Telecommunication Ordinance, Chapter 106 and to make better provision for the licensing and control of telecommunications, telecommunication services and telecommunication apparatus and equipment."

He said: Sir, this Bill repeals and replaces the Telecommunication Ordinance, Chapter 106, and it is the first major revision since the latter Ordinance was enacted in 1936. The main purpose of the Bill is twofold—

- (a) to revise the technical wording of the legislation so as to bring it more into line with the modern terminology employed in the International Telecommunications Convention, Geneva, 1959; and
- (b) to improve measures of control and extend licensing powers to include modern methods of telecommunication which have come into use since the 1936 Ordinance was enacted.

Clause 2 is the interpretation section and it contains expressions defined in modern terms.

Clauses 3 and 4 deal with the application of the Ordinance to the Crown. The intent of these provisions is to permit Government to establish or maintain any means of telecommunication to the exclusion of all other persons and to relieve Government from the application of the Ordinance, save as is otherwise expressly provided.

Clauses 5 and 6 provide for the appointment of a Telecommunications Authority and for a certain delegation of his powers. The Postmaster General is the licensing authority under the existing legislation and if this Bill is enacted it is envisaged that he will be appointed Telecommunications Authority. However, opportunity has been taken to introduce a degree of flexibility as it may become expedient in the future to separate the powers of the Telecommunications Authority from the normal functions of the Postmaster General.

Clause 7 provides for the control of telecommunications and affords the Governor in Council and the Authority power to grant licences for the purposes prescribed but in the case of the Authority, his power to issue licences is subject to regulations made under clause 37.

Clause 8 deals with control of telecommunications and telecommunication apparatus by prohibiting the use, maintenance, possession, dealing in or demonstrating of any telecommunication or radio communication apparatus otherwise than under a licence but it should be

noted that sub-clause (3) of clause 8 excludes from the application of this clause, any telephonic communication by wire operated under the Telephone Ordinance, 1951.

Clause 9 controls the import and export of radio communication transmitting apparatus and clauses 10 and 11 govern the use of radio communication apparatus on vessels and aircraft in the Colony. Except in emergencies, vessels will be permitted to communicate only on minimum power with the nearest coast station and aircraft will be allowed to use only very high frequency apparatus for air traffic control and navigation purposes. The Authority may, however, waive the application of these two sections.

Where radiocommunication apparatus is employed on vessels or aircraft in accordance with clauses 10 and 11, clause 12 specifies that there must be no interference caused to any other means of telecommunication within the Colony.

Clause 13 empowers the Governor in certain prescribed circumstances to direct by warrant that Government should have control over telecommunication stations but such control will terminate after one week unless extended by further warrants. Sub-clause (3) makes provision for compensation for any loss of profits sustained by reason of the exercise of the power afforded by this clause.

Clause 14 deals with the use of land for telecommunication lines and posts and affords to the Authority or a duly authorized licensee the necessary powers to place and maintain lines, while clause 15 lays down the procedure for dealing with disputes which may arise as to compensation for damage.

Clauses 16 to 19 inclusive provide for the moving of a telecommunication line or post if the use of the land is required, and also for the removal of trees which interrupt a telecommunication line and also make provision for entry to inspect, repair, remove, or alter a telecommunication line.

Clauses 20 to 32 inclusive make provision for offences and prescribe the penalties therefor.

Under clause 33 the Governor may in the public interest prohibit the transmission of messages or any class of messages and also order the interception or detention of any message or its disclosure to the Government.

Clause 34 contains general provisions in regard to licences.

Clause 35 provides for the powers of the Authority. Sub-clause (1) affords powers of arrest; entry and search; seizure, removal and detention of anything which appears to be evidence of an offence under the

Ordinance; and also affords the power to require the production of books and documents at premises where telecommunication apparatus is manufactured, sold or otherwise dealt in. However, the powers afforded in sub-clause (1) do not apply where the premises are used for dwelling purposes and in such circumstances a warrant must be sought from a magistrate under the provisions of sub-clause (2). Sub-clause (3) makes provision for the enforcement of the powers afforded under sub-clause (1).

Under clause 36 a magistrate or court is empowered to order the forfeiture of any apparatus in respect of which there has been a contravention or attempted contravention of the Ordinance. Clause 37 empowers the Governor in Council to make regulations, *inter alia*, for the control and conduct of means of telecommunication, prescribing of fees for licences, etc. and any regulations made under this clause may include provision for offences and penalties but no penalty shall be greater than a fine of \$2,000 and imprisonment for 12 months.

Clause 39 permits the Governor in Council to exempt any person or class of persons from the Ordinance or any of its provisions and finally clause 40 contains transitional provisions which keep alive licences granted by the Governor in Council which may be in force at the commencement of the Ordinance if this Bill is enacted, and also preserve the position of telecommunication lines or posts lawfully placed on land at the time of commencement.

Sir, the Objects and Reasons are brief but a Comparative Table is included which seeks to relate the provisions of the Bill to the Telecommunications Ordinance, Chapter 106, which is repealed under clause 41.

If the Bill is enacted it will come into operation under clause 1 on the 1st of January 1963. This date has been chosen because most of the important licences expire annually on 31st December.

Honourable Members will also be aware that the present agreement with Cable & Wireless Ltd. expires on the 31st of December 1962, and it is intended that the new licence now being negotiated with the Company be made under the provisions of the new Ordinance.

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: —

This Bill seeks to repeal and replace the Telecommunication Ordinance, Chapter 106, so as to bring it into line with the International Telecommunications Convention, Geneva, 1959, and to provide for the licensing and control of modern methods of telecommunication which have come into use since the Telecommunications Ordinance was enacted in 1936.

**ADJOURNMENT**

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

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

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT: — Council stands adjourned until this day three weeks.