

*5th June, 1947.*

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**PRESENT: —**

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT (MR. D. M. MACDOUGALL, C.M.G.)

THE HON. THE OFFICER COMMANDING THE TROOPS (BRIGADIER F. H. C. ROGERS, C.B.E., D.S.O., M.C.)

THE COLONIAL SECRETARY (HON. MR. R. R. TODD, *Acting*).

THE ATTORNEY GENERAL (HON. MR. J. B. GRIFFIN, K.C.)

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. B. C. K. HAWKINS, O.B.E., *Acting*).

THE FINANCIAL SECRETARY (HON. MR. C. G. S. FOLLOWS, C.M.G., *Acting*).

HON. MR. T. MEGARRY.

HON. MR. V. KENNIFF (Director of Public Works).

HON. DR. I. NEWTON (Acting Director of Medical Services).

HON. MR. D. F. LANDALE.

HON. MR. CHAU TSUN-NIN, C.B.E.

HON. MR. LO MAN-KAM, C.B.E.

HON. MR. LEO D'ALMADA E CASTRO.

HON. MR. R. D. GILLESPIE.

HON. DR. CHAU SIK-NIN.

HON. MR. M. M. WATSON.

MR. ALASTAIR TODD (Deputy Clerk of Councils).

**MINUTES.**

The Minutes of the meeting held on 22nd May, 1947, were confirmed.

**PAPERS.**

THE COLONIAL SECRETARY, by command of H.E. the Officer Administering the Government, laid upon the table the following papers: —

Amendments made by the Midwives Board under Section 4 of the Midwives Ordinance, 1910, Ordinance No. 22 of 1910, and approved by the Governor on the 24th March, 1947, to the regulations made under Section 4(2)(a) of the said Ordinance.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, on 26th March, 1947.

Amendment made by the Governor in Council under section 8 of the Law Amendment (Transitional Provisions) Ordinance, 1946, Ordinance No. 2 of 1946, to Schedule I to the said Ordinance, dated 27th March, 1947.

The Dangerous Drugs Ordinance (Application) Order, 1947, made by the Governor in Council under Section 3(4) of the Dangerous Drugs Ordinance, 1935, Ordinance No. 35 of 1935, dated 1st April, 1947.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, on 1st April, 1947.

Additional items and amendments made by the Acting Director of Supplies, Trade and Industry under Defence Regulation 50 of the Defence Regulations, 1940, to the Schedule to the Price Control Order, 1946, on 9th April, 1947.

Statement on the Hong Kong and China Companies.

**MOTIONS.**

THE FINANCIAL SECRETARY moved that Schedule, No. 1 of Supplementary Expenditure for the year ended 31st March, 1947, be approved. He said: The Special Warrants set out in this schedule have all been approved by the Finance Committee, but it is also necessary to obtain by resolution the formal sanction of the Legislature for any additional provision. In seeking this, I would emphasise that the issue of the Special Warrants contained in this schedule has not necessarily resulted in any additional expenditure over and above the total provided for in the 1946/1947 Estimates. A Special Warrant is required for all payments on account of services not included in the Estimates, irrespective of whether there are savings to cover the

cost of the new service, or whether it will be offset by a corresponding revenue receipt. I think it is fair to say that practically all the expenditure represented by this return has been met by savings under other heads or sub-heads.

The return does not cover all the Special Warrants issued in respect of the financial year ended 31st March, 1947, but I hope at an early date to seek the approval of this Honourable Council for the balance. Having regard to the fact that the 1946/1947 Estimates were framed very hurriedly with very little information to work on concerning the new level of costs, it is surprising that the number of Special Warrants has not been greater than has actually been the case.

For a variety of reasons the presentation of these returns of supplementary expenditure for formal approval by the whole Council has been delayed, but arrangements have been made for the returns relating to the present financial year to be submitted, in future, as soon as possible after the end of each quarter.

THE COLONIAL SECRETARY seconded, and the motion was carried.

#### **SUMMARY OFFENCES AMENDMENT BILL, 1947.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Summary Offences Ordinance, 1932." He said: Sir, the Summary Offences Ordinance, 1932, was amended by Ordinance No. 30 of 1946, to render the importation or possession of an imitation firearm an offence. Such amendment contained a definition of imitation firearm but in the interval it has been found that such definition of the term 'imitation firearm' is inconsistent with the Arms and Ammunition Ordinance, 1933, in the manner described in the Objects and Reasons which have been published for this Bill. The Bill is therefore designed to remove such inconsistency by amendment of the definition of imitation firearm occurring in Ordinance No. 40 of 1932 that is the Summary Offences Ordinance as amended by Ordinance No. 30 of 1946.

THE COLONIAL SECRETARY seconded, and the Bill was read a First time.

#### **Objects and Reasons.**

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

1. The interpretation of imitation firearm in section 18A of the Summary Offences Ordinance, 1932, would include an air-gun and is capable of including real firearms. Such arms may lawfully be imported under the Arms and Ammunition Ordinance, 1933, and may be possessed under licence.

2. In order to remove inconsistency, it is necessary to exclude from the definition any weapon falling within the interpretation of arms in section 2 of the Arms and Ammunition Ordinance, 1933.

**ARMS AND AMMUNITION AMENDMENT BILL, 1947.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Arms and Ammunition Ordinance, 1933." He said: Sir, the Arms and Ammunition Ordinance, principal Ordinance, was amended by Ordinance No. 21 of 1946. Such amendment included the insertion of a new section as Section 29A dealing with the imposition of a penalty upon any person making or attempting to make use of an imitation firearm in resistance of arrest. For the purposes of such new section a definition of imitation firearm was included and such definition followed exactly the definition used in the Summary Offences Amendment Ordinance of 1946 to which I have referred in the introduction of the first Bill. Thus such definition is equally inconsistent with the definition of arms contained in Section 2 of the Arms and Ammunition Ordinance. It is therefore necessary in this case to remove such inconsistency and the purpose of the Bill is to achieve that end. The opportunity occasioned by the necessity to amend the Ordinance for the purpose I have described has been taken to enable an amendment to be made to Section 4 of No. 21 of 1946 Ordinance, correcting a date, that is the date of the Merchant Shipping Ordinance, which is wrongly given in that section. The opportunity has also been taken to extend the provisions of Section 29A enacted by Ordinance No. 21 of 1946 to firearms as well as imitation firearms, thus following the example of the Firearms and Imitation Firearms (Criminal Use) Act, 1933, which makes it also an offence to attempt to make use of a firearm in resistance of arrest.

THE COLONIAL SECRETARY seconded, and the Bill was read a First time.

**Objects and Reasons.**

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

1. The interpretation of imitation firearm in section 18A of the Summary Offences Ordinance, 1932, would include an air-gun and is capable of including real firearms. Such arms may lawfully be imported under the Arms and Ammunition Ordinance, 1933, and may be possessed under licence.
2. In order to remove inconsistency, it is necessary to exclude from the definition any weapon falling within the interpretation of arms in section 2 of the Arms and Ammunition Ordinance, 1933.
3. As the new definition will not include real firearms it is necessary to refer expressly to a firearm in sub-sections (1) and (2) of section 29A.

**ADJOURNMENT.**

H.E. THE OFFICER ADMINISTERING THE GOVERNMENT. — That concludes the business. As next Thursday falls on the King's Birthday this Council stands adjourned until the following day, Friday the 13th.