

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 20th November, 1957.****PRESENT:**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.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. EDGEWORTH BERESFORD DAVID, C.M.G.

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. JOHN JAMES COWPERTHWAITTE (*Acting*).

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

(Director of Urban Services).

THE HONOURABLE ALLAN INGLIS

(Director of Public Works).

DR. THE HONOURABLE GEORGE GRAHAM-CUMMING

(Acting 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 DHUN JEHANGIR RUTTONJEE, O.B.E.

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

THE HONOURABLE KWOK CHAN, O.B.E.

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

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

THE HONOURABLE DAVID CLIVE CROSBIE TRENCH, M.C.

(Commissioner of Labour).

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

MINUTES.

The Minutes of the meeting of the Council held on 6th November, 1957, 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>
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Sessional Papers, 1957: —

No. 41—Annual Report by the District Commissioner,
New Territories for the year 1956/57.

No. 42—Annual Report by the Commissioner of Inland
Revenue for the year 1956/57.

No. 43—Annual Report by the Director of Medical and
Health Services for the year 1956/57.

Pilots Ordinance.

Pilots (Amendment) Regulations, 1957 A. 91.

WIDOWS AND ORPHANS PENSION**(APPLICATION) (AMENDMENT) REGULATIONS, 1957.**

THE COLONIAL SECRETARY moved the following resolution: —

Resolved that the Widows and Orphans Pension (Application) (Amendment) Regulations, 1957, made by the Governor in Council on the 5th day of November, 1957, under section 3 of the Widows and Orphans Pension Ordinance, Chapter 94, be approved.

He said: I rise to move the resolution standing in my name which seeks the approval of this Council to regulations made under the Widows' and Orphans' Pension Scheme.

In recent months several officers, previously employed on a temporary basis, have been appointed on agreement for three years with retrospective effect. Under the present regulations officers on such agreement are obliged by law to contribute to the Scheme unless they give written notice of their desire to be exempted within one month of assuming duty. Where the agreement has been given retrospective effect the officer concerned is therefore out of time in giving such notice; the revised regulation has been drawn up to meet this difficulty by permitting the exercise of the option within a period of one month from the date of accepting the agreement. This revised regulation is made retrospective to 28th November, 1952, the date on which the present regulations came into operation, and so will validate the applications to which I have referred. The regulation has no detrimental effect on any officer.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

HAWKERS (AMENDMENT) (No. 3) BY-LAWS, 1957.

MR. D. R. HOLMES moved the following resolution: —

Resolved that the Hawkers (Amendment) (No. 3) By-laws, 1957, made by the Urban Council on the 5th day of November, 1957, under section 2 of the Hawkers Ordinance, Chapter 157, be approved.

He said: The purpose of these by-laws is to simplify the procedure for amending the list of streets in which pedlar hawking is prohibited.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

ROAD TRAFFIC BILL, 1957.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make amended provision for the regulation of road traffic and the use of vehicles and the user of roads and for other purposes connected therewith."

He said: Honourable Members may recollect that in July, 1956, the Vehicle and Road Traffic Ordinance was amended to enable up-to-date regulations to be made as speedily as possible. At that time it was thought possible to defer enactment of a new comprehensive Ordinance which was also necessary, until after all the new subsidiary legislation had been enacted. As work on the new regulations progressed, it became apparent, for various reasons with which I need not trouble this Council, that it would be desirable to go ahead with the preparation of a new Ordinance, and this Bill is the outcome. It has been considered by the Traffic Advisory Committee who have given it their blessing. Furthermore, it was published in the *Gazette* for general information on the 27th September, and no comments have been received.

Generally speaking, there have been increases of penalties as compared with the existing Ordinance. These have, in most cases, been brought into line with the corresponding penalties in the United Kingdom. The trend generally has been to increase penalties for second or subsequent offences, and to enhance the courts' powers and duties of disqualification for driving offences. It is considered that these penalties are necessary, in view of the increasing magnitude of the traffic problem in Hong Kong.

Sir, the principal new provisions to which I would invite attention are the following: Clause 3 enables regulations to be applied to tramcars, and this will obviate the necessity, as at present, of reproducing, in the Tramway Working Rules, all provisions of traffic legislation which are required to apply to tramcars. By Part II, the offence, taken from corresponding United Kingdom legislation, of selling a car in an unroadworthy condition is created. Sub-clause (3) of clause 9 creates a new offence of driving dangerously and thereby causing death or grievous bodily injury. This is in essence an alternative to a charge of manslaughter which necessitates proof of a very high degree of negligence, and of which crime juries are often reluctant to convict a motorist. Clause 13 introduces a general speed limit of thirty miles per hour on all roads covered by a prescribed system of street lighting, or designated as restricted by the Commissioner of Police. This clause will not be brought into force until the necessary signs have been erected. Clause 18 gives the Commissioner of Police power to license road races of motor vehicles, bicycles or pedestrians, subject to appeal to the Governor in Council against his decision. Finally, clause 31 applies Parts III,

IV, V and VI to vehicles and persons in the service of the Crown, and also enables regulations to be so applied with any necessary modifications.

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 object of this Bill is to repeal and replace the Vehicle and Road Traffic Ordinance, Chapter 220, by a comprehensive Ordinance in substantially modified form, based partly on Chapter 220 and partly on the corresponding legislation in the United Kingdom.

2. The Bill is divided into six parts—

Part I—Preliminary—Clauses 1 to 6.

This is taken from the corresponding clauses of the Vehicle and Road Traffic Ordinance, Chapter 220, the only modification of consequence being the introduction of the power of the Governor in Council to make regulations which will affect tramcars.

Part II—Use of Vehicles—Clauses 7 and 8.

Clause 8, for the first time in Hong Kong, creates the offence of selling or offering for sale a vehicle in an unroadworthy condition, and by clause 7 the provisions prohibiting the use of such a vehicle are made more stringent.

Part III—Driving Offences—Clauses 9 to 18.

This Part makes detailed provision in relation to driving offences and introduces for the first time in Hong Kong the offence of driving dangerously and thereby causing death or grievous bodily injury as an alternative to the offence of manslaughter arising out of dangerous driving. Additional provision has also been made in respect of offences by the drivers of non-motorized vehicles and by pedestrians. The Commissioner of Police is authorized to license and control road-racing, etc.

Part IV—Enforcement—Clauses 19 to 23.

This Part repeats, in more detailed form, the existing provisions relating to disqualification, endorsement, etc. The principal change is the introduction of an automatic minimum sentence of one month's imprisonment, with certain exceptions, for the offence of driving whilst disqualified, as is provided in the United Kingdom.

Part V—Reporting of Accidents, Identification, etc.—Clauses 24 to 27.

This Part repeats, in expanded form, the existing provisions with increased penalties.

Part VI—Miscellaneous—Clauses 28 to 32.

Clause 28 seeks to give the Police greater powers to weigh vehicles. Clauses 29 and 30 are taken from existing legislation with the amendment that the compensation which may be awarded by a magistrate in respect of damage, etc. resulting from a traffic accident is increased from \$300 to \$1,000, to reconcile it with increased costs, etc. Clause 32 seeks to clarify the application of the Bill and Regulations to the Crown and to Crown servants.

3. The opportunity has been taken to transfer to the Bill a number of provisions at present appearing in the Vehicle and Traffic Regulations (Volume II of the Regulations of Hong Kong, 1937 Edition, pages 723 to 816), which, it is thought, should more appropriately be contained in an Ordinance than in regulations. These regulations will be rescinded on the enactment of the Bill.

4. A Comparative Table is annexed to these Objects and Reasons to indicate the legislation from which the Bill is derived.

ADJOURNMENT.

H. E. THE GOVERNOR: —That concludes the business, Gentlemen. When is it your pleasure that we should meet again?

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

H. E. THE GOVERNOR: —Council will adjourn to this day fortnight.