

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 21st June, 1961.****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 RODERICK WILLIAM McLEOD, K.C.B., C.B.E.
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. JOHN JAMES COWPERTHWAITTE, O.B.E.
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 KENNETH STRATHMORE KINGHORN
(*Director of Urban Services*)
THE HONOURABLE PETER DONOHUE
(*Director of Education*)
THE HONOURABLE NGAN SHING-KWAN, C.B.E.
THE HONOURABLE HUGH DAVID MacEWEN BARTON, M.B.E.
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, O.B.E.
THE HONOURABLE FUNG PING-FAN, O.B.E.
THE HONOURABLE KWAN CHO-YIU, O.B.E.
THE HONOURABLE GEORGE MACDONALD GOLDSACK
THE HONOURABLE KAN YUET-KEUNG, O.B.E.
THE HONOURABLE LI FOOK-SHU
MR. ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

MINUTES.

The minutes of the meeting of the Council held on 7th June, 1961, 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>
Road Traffic Ordinance, 1957.	
Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulations, 1961	A. 65.
Road Traffic Ordinance, 1957.	
Road Traffic (Driving Licences) (Amendment) (No. 2) Regulations, 1961	A. 66.
Road Traffic Ordinance, 1957.	
Road Traffic (Construction and Use) (Amendment) Regulations, 1961	A. 67.
Prisons Ordinance, 1954.	
Prison (Amendment) Rules, 1961	A. 68.
Penicillin Ordinance.	
Penicillin (and other Substances) (Amendment) Regulations, 1961	A. 69.
Foreign Judgments (Reciprocal Enforcement) Ordinance, 1960.	
Foreign Judgments (Reciprocal Enforcement) Order, 1961	A. 70.
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 6) Order, 1961	A. 71.

VENTILATION BY-LAWS, 1961.

MR. K. S. KINGHORN moved the following resolution: —

Resolved that the Ventilation By-laws, 1961, made by the Urban Council on the 6th day of June, 1961, under section 88 of the Public Health and Urban Services Ordinance, 1960, be approved.

He said: Sir, the Ventilation By-laws were made by the Urban Council on 6th June. They provide for the proper access of light and ventilation to buildings used for human habitation or as workplaces,

and also to buildings in which businesses specified in the Schedule to the by-laws, are carried on. Hairdressing is the only business specified in the Schedule at present. The proper ventilation of restaurants, dancing establishments, theatres and cinemas is already provided for under the Public Health and Urban Services Ordinance, 1960.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

IMMIGRATION SERVICE BILL, 1961.

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to provide for the establishment and maintenance of a service to be known as the Immigration Service, to vest certain powers in its members and to provide for matters connected with the purposes aforesaid."

He said: Sir, as Honourable Members are aware, in most territories immigration controls are administered by a separate service or department. In Colonial Territories this has not always been the case, and Police Forces have often included immigration among their other duties, as ours does at present. But the practice is changing and Government considers that the time has come when we also should make this change. There are certain substantial advantages to be gained. In the present circumstances police officers now serving with the Immigration Branch of the Police must, in their own interests, be liable at any time to promotion or transfer elsewhere in the Force. This does not make for continuity or for building up the expert knowledge and experience so necessary for the handling of immigration problems, particularly in a place like Hong Kong with its special problems. There is a need here for specialization which is best achieved by the creation of a separate Immigration Service working under the full-time direction of its own departmental head. In this way police officers can gradually be released for their proper duties; and a satisfactory career structure offering good prospects and promotion can be provided within the new department.

This Bill, therefore, seeks to establish the Immigration Service as a new Grade III department. Those members of the Service who deal directly with the general public will wear uniform and be constituted as a disciplined body. All its members will be subject to Colonial Regulations and to the General Orders of the Hong Kong Government in the usual way, but minor offences committed by the more junior members of the Service may be dealt with by an Assistant Director, with right of appeal to the Director, in the same way as members of the Fire and Preventive Services are disciplined.

The general purposes of the Bill are clearly set out in the "Objects and Reasons", and it is only necessary to refer to a few of the more important provisions. One clause (Clause 12) gives powers of arrest for the particular offences described later in the Bill; these powers are the same ones as those now held by members of the Police Force under similar circumstances and for similar offences. The Clause also makes it mandatory that any person so arrested shall be taken to a police station within 12 hours, unless he has already been brought before a magistrate or released.

The punishments for the disciplinary service offences created in Part IV of the Bill are, in the main, the same as those for similar offences under the Police Force Ordinance.

Honourable Members have already examined and approved the proposed establishment for the new Service when passing Head 54 of this year's estimates of expenditure, and a public announcement about the new department has already been made. The Secretary of State has approved the appointment of the first Director-designate, and the Public Services Commission is already examining applications from other departments of Government for transfer to the new Service. Before long the nucleus of police officers to be retained on secondment, to tide over the early days, will be wholly replaced. It now remains only to give these bones legal flesh. The Government is certain that the creation of this new Immigration Department will in time tend to simplify and improve procedures which govern entry and departure from the Colony, while at the same time making the enforcement of these procedures the duty of a select, specialist body of men with an *esprit de corps* of their own.

THE ATTORNEY GENERAL 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 establish an immigration service and to make such provision as is necessary for its maintenance and regulation and the efficient discharge of its duties.

2. The terms of service of members of the Immigration Service will be those ordinarily applicable to servants of the Government, save that special provision is made in clause 8 for the summary punishment of minor disciplinary offences committed by immigration sub-inspectors or members of the Service having a lower rank.

3. Members of the Service will have power to arrest persons whom they reasonably suspect of being guilty of an offence under any of the provisions of the Bill (clause 12(1)), and power to arrest for offences under the Immigration (Control and Offences) Ordinance, 1958 will be conferred upon them by regulations made under that Ordinance. Any person who has been arrested by a member of the Service must be taken to a police station within twelve hours of his arrest, unless he has been brought before a court or released in the meantime (clause 12(2)).

IMMIGRATION (CONTROL AND OFFENCES) (AMENDMENT)

BILL, 1961.

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Immigration (Control and Offences) Ordinance, 1958."

He said: Sir, the "Objects and Reasons" appended to this Bill are very full and I have very little to add to them. There are a number of minor amendments made necessary in consequence of the setting up of a separate Immigration Service, (the Bill to establish which has just received its First reading), and the transfer of responsibility from the Immigration Officer and his subordinates, in other words the Commissioner of Police, to the new Director of Immigration and his staff. However there are a number of more important amendments of which we have felt the need, in order to remove obvious defects in the existing legislation, and I mention two of these.

Many airlines continue to bring into the Colony appreciable numbers of passengers who do not possess proper travel documents. Carriers are fully aware of the visa regulations of Hong Kong, but advice and warnings have not had the desired effect. Clause 16 of the Bill therefore makes airlines liable to a penalty of \$1,000 for each passenger brought into the Colony without valid travel documents. The same problem does not arise with ships: if a master of a vessel brings in an illegal entrant, it is simple enough to deny the latter the right to land, but there are obvious difficulties in doing the same with a passenger of an aircraft.

Clause 6 of the Bill provides for the introduction of the use of embarkation and disembarkation cards. In future every passenger aged 16 years or over will need to complete a card either immediately upon his arrival or immediately before he leaves, as he does in most parts of the world. These cards will provide the usual information needed either for statistical and trade purposes or to make control of visitors and aliens within the Colony easier; they will also provide in a simple way and, I hope, with the minimum inconvenience to the traveller,

information of value and interest both to Government departments and to the members of the Tourist Association.

THE ATTORNEY GENERAL 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 amend the Immigration (Control and Offences) Ordinance, 1958 (the principal Ordinance) in a number of respects. The following are its main provisions.

- (a) The establishment of the new Immigration Service has rendered it necessary to transfer to the Director of Immigration (which expression includes, for the purposes of most of the provisions of the principal Ordinance, any assistant director of immigration and any chief immigration inspector) the powers and functions of the Immigration Officer under the Ordinance.

It is considered that it is no longer necessary to have a separate office of Registrar of Aliens (in fact, the Commissioner of Police has always been Immigration Officer and Registrar of Aliens), and the powers and functions of the Registrar of Aliens under the principal Ordinance are also to be transferred to the Director of Immigration.

It will be necessary for members of the Immigration Service having a rank lower than that of chief immigration inspector to have certain of the powers of the Director of Immigration under the principal Ordinance, and, depending on their rank, police officers will also require certain of those powers. It is proposed that the requisite powers should be vested by regulations made under the principal Ordinance, and section 42 is to be amended so as to empower the making of the regulations (see clause 26).

The establishment of the Immigration Service has also necessitated a number of minor amendments to the principal Ordinance.

- (b) It is now considered that the definition, in section 2 of the principal Ordinance, of the expression "travel document" is wider than is desirable. It is proposed that, for the purposes of the Ordinance, the expression should embrace only passports and documents (such as emergency certificates and certificates of identity) which are issued and used in lieu of passports. The effect of this will be that documents, such as entry permits

and re-entry permits issued under the regulations made under the Ordinance, which are used only for travel between the Colony and China, Formosa or Macau will no longer be "travel documents" for the purposes of the Ordinance as a whole.

In consequence of the foregoing, section 18 of the Ordinance, which, *inter alia*, specifies the persons who are required to possess a valid travel document for the purposes of paragraph (e) of subsection (1) of section 11 of the principal Ordinance, has been revised so as to exempt specifically from the need to possess a travel document any person who is in possession of an entry permit or a re-entry permit issued under the regulations. The Director of Immigration is empowered to grant exemptions in other cases under the provisions of subsection (3) of the revised section 18. The opportunity afforded by the revision of section 18 has been taken to transfer to section 20 of the principal Ordinance those of its provisions which prescribe the type of travel document required. Clauses 2 and 14 provide for these matters.

- (c) Section 7 of the principal Ordinance is revised in a number of respects. Firstly, the masters of vessels which are departing from the Colony will be required to produce passenger lists and to produce the passengers for inspection only when required to do so by the Director of Immigration and not, as at present, in any event. Secondly, the masters of all vessels arriving at the Colony will be required to produce a crew list in any event and not, as at present, only when required to do so by the Immigration Officer. Thirdly, the masters of vessels and the captains of aircraft, whether the vessels or aircraft are arriving at or departing from the Colony, will be required to declare the presence on board the same of any deportee or stowaway in any event and not, as at present, only when required to do so by the Immigration Officer. The opportunity occasioned by the need for these amendments has been taken to transfer to this section (as a new subsection (4) thereof) the provisions at present contained in subsection (6) of section 11 of the principal Ordinance. Clause 5 makes the necessary provisions by the repeal and replacement of section 7.
- (d) At present, only aliens are required to supply particulars of themselves on arrival and departure. It has been decided that, with certain exceptions, all persons arriving in or departing from the Colony should be required to supply such particulars to the Director of Immigration. Clause 6 seeks to add to the principal Ordinance a new section 7A which makes the necessary provisions in relation to both aliens and British

subjects. Subsection (2) of this new section continues, with minor amendments, the existing provisions requiring aliens to produce photographs of themselves if they remain in the Colony for more than fourteen days after their arrival.

- (e) The principal amendments to section 11 of the principal Ordinance effected by clause 9 are as follows.

Paragraph (a) seeks to amend section 11 so as to make it clear that the powers provided by that section to prohibit an immigrant from landing may be exercised whether or not the examination of the immigrant took place at an authorized landing place or point of entry. This amendment stems from the fact that it is hoped that in the near future junks and other small craft which are used in the smuggling of illegal immigrants will be intercepted to a greater extent than hitherto before they reach land.

It is considered that, where any person who is on board a junk or other small craft which has been so intercepted before it reaches land is prohibited from landing in the Colony, the Director of Immigration should have power to require the master of the vessel to remove that person from the Colony forthwith. Paragraph (c) of clause 9 replaces the existing subsection (3) of section 11 by a new subsection which contains the necessary provisions in paragraph (b) thereof. The provisions of the existing paragraph (b) of subsection (3) of section 11 have been transferred to a new subsection (3A).

- (f) Clause 12 amends section 16 of the principal Ordinance so as to empower the captain of an aircraft to detain on board the aircraft a person who has been prohibited from landing in the Colony.
- (g) Section 20 of the principal Ordinance is repealed and replaced by a new section. The new section 20 differs in two respects from the existing section. Firstly, it includes the provisions which have been transferred from section 18 of the principal Ordinance and, secondly, a new subsection (2) has been added to enable the Director of Immigration to dispense with the necessity for an alien's travel document to bear a visa in any case where an agreement which seeks to dispense with visas and which applies to the Colony and the country of which such alien is a citizen is in force. The Colony is not at present a party to any such agreement nor is it contemplated that it will become a party to any such agreement in the near future. The opportunity occasioned by the amendment of the principal Ordinance has, however, been taken to give the Director of Immigration the powers which he will require if at any time Hong Kong does become a party to any such agreement.

- (h) Passengers who do not possess valid travel documents, but who could readily obtain such documents, are frequently brought to the Colony by aircraft, and, though not in possession of valid travel documents, are usually not prohibited from landing. The airline companies are well aware of the requirements of the law, and it is considered that they are in a position to ascertain without any difficulty whether or not an intending passenger possesses a travel document which is valid for Hong Kong. In view of the considerable inconvenience which this practice of the airline companies has caused to the Immigration Officer and his staff, it is considered that any company in whose aircraft a passenger who does not possess a valid travel document is brought to the Colony should be liable to pay to the Government a penalty of one thousand dollars. Clause 16 makes the necessary provisions by the addition to the principal Ordinance of a new section 22A.
- (i) Clause 17 seeks to repeal section 24 of the principal Ordinance and to replace it by two new sections. The object of the repeal and replacement of this section is to simplify certain of its provisions. The new section 24 deals with aliens who attain the age of sixteen years whilst living in the Colony. It is not intended that aliens who are nationals of China or who are stateless persons of the Chinese race shall furnish the particulars required by the new section 24, and subsection (2) thereof provides accordingly. The effect of this is that aliens of any race whatsoever who are nationals of a country other than China are required to furnish the prescribed particulars. The provisions of paragraphs (b) to (f) of the existing section 24 have been omitted. Paragraph (e) has been omitted since registration books are not issued to aliens. The remainder of those paragraphs are replaced by the new section 24A, which requires an alien to notify the Director of Immigration of any change in particulars already supplied or in address.
- (j) Subsection (1) of section 26 of the principal Ordinance requires the keeper of premises at which lodging or sleeping accommodation is provided to keep a record of all persons staying at the premises. It was always intended that the provisions of that subsection should apply only to aliens. Paragraph (a) of clause 19 amends the subsection accordingly.

By virtue of the provisions of subsection (3) of section 26 of the principal Ordinance, aliens staying at any such premises are required to sign a statement of prescribed particulars. No particulars have ever been prescribed for the purposes of this subsection. In fact, the particulars which are to be signed are the same particulars as those of which a record is to be

kept under subsection (1) of section 26. Paragraph (b) of clause 19 amends subsection (3) accordingly.

- (k) At present, Part VI of the principal Ordinance applies to serving members of Her Majesty's regular forces who were recruited in Hong Kong as it applies to serving members of those forces who were recruited elsewhere. The effect of this is that locally recruited members of Her Majesty's forces are exempt from the provisions of the principal Ordinance (other than the provisions of sections 35 and 36 thereof). Section 35 of the Ordinance provides that a "serviceman" shall, upon ceasing to serve as such, be deemed to be a person seeking to enter the Colony. The provisions of this section are not appropriate in the case of a "serviceman" who was recruited locally, and it is now considered that Part VI should not apply at all to locally recruited members of Her Majesty's forces. Clause 20 provides accordingly by excepting them from the term "servicemen" as defined for the purposes of that Part.
- (l) Clause 22 seeks to add to the principal Ordinance a new section 38A making specific provision for the liability of the master and the owner or charterer of a vessel which is used for transporting persons who are attempting to enter the Colony unlawfully. The maximum penalty which may be imposed in respect of a contravention of subsection (1) of this new section is very substantial, but is considered proper having regard to the urgent necessity for controlling illegal immigration.

This clause also seeks to add to the principal Ordinance a new section 38B. This new section replaces the former subsection (5) of section 11. The maximum penalty which may be imposed on the master and the owner or charterer of a vessel in which illegal immigrants have been brought to the Colony is increased so as to bring it into line with the penalty which may be imposed where a vessel is used for transporting persons who are attempting to enter the Colony unlawfully.

- (m) Clause 23 seeks to delete subsection (1) of section 39 of the principal Ordinance and to replace it by a new subsection. The main object of the revision of this subsection is to introduce new provisions as to liability in the event of a failure to produce the lists of passengers and crew required by paragraph (a) of subsection (1) of section 7 of the principal Ordinance (as amended). At present, only the master of the vessel or the captain of the aircraft, as the case may be, is liable. In relation, particularly, to captains of aircraft, considerable practical difficulty has been experienced in instituting prosecutions since many of the captains do not remain in the

Colony for a sufficient length of time. Whilst they could undoubtedly be arrested, it is considered that the disruption to the airline companies' flight schedules would be such that the taking of that course as a general rule is not practicable. It has been decided that the proper course is to make the owner or charterer of the vessel or aircraft and the agent in the Colony of its owner or charterer liable, in addition to the master of the vessel and the captain of the aircraft. Paragraph (b) of the new subsection (1) provides accordingly. The provisions of paragraph (c) of the new subsection (1) were formerly contained in subsection (6) of section 11 of the principal Ordinance.

- (n) Clause 24 seeks to add to the principal Ordinance a new section extending the period within which summary proceedings in respect of an offence under the Ordinance may be brought. It is proposed that such proceedings may be commenced within twelve months from the time when the matter of the complaint or information arose in lieu of the period of six months prescribed by section 26 of the Magistrates Ordinance (Chapter 227).
- (o) The provisions as to forfeiture contained in section 41 of the principal Ordinance are based on section 15 of the Importation and Exportation Ordinance (Chapter 50) as that section stood prior to the temporary modification thereof introduced by regulation 10 of the Emergency (Importation and Exportation Ordinance) (Amendment) Regulations, 1953 (G.N.A. 99/53). It is considered desirable that section 41 should be based on the modified section 15 of the Importation and Exportation Ordinance. The revised section 41 of the principal Ordinance introduced by clause 25 is based thereon, with such amendments as experience of the working of the modified section 15 since it was last amended has shown to be necessary.
- (p) Clause 27 seeks to add to the principal Ordinance a new section which provides, in effect, that, on proof that a person was found in a vessel which was proceeding through the waters of the Colony, that person shall be deemed to be attempting to enter the Colony unlawfully unless he proves one of the matters set out in paragraphs (a) to (e) thereof. These matters are all readily susceptible of proof by any person whose presence in the waters of the Colony is not for the purpose of entering the Colony unlawfully. In view of this, the presumption, which is essential in order to assist the Immigration Service and the Police Force in the due enforcement of the principal Ordinance, is considered reasonable.

2. Those provisions of the Bill which are not referred to herein are either consequent upon matters or provisions to which reference has been made or relate to matters of detail only.

SOCIETIES (AMENDMENT) BILL, 1961.

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

He said: Sir, as explained in the statement of Objects and Reasons the general purpose of the proposed amendments is to provide a greater measure of control over the activities of societies and office-bearers thereof, and in particular over triad societies. The amendments are fairly extensive and are explained to a great extent in the statement of Objects and Reasons. There are, however, some observations which I think it proper to make.

Sir, during the past few years the Societies Ordinance has proved its worth in combatting the activities of undesirable and subversive elements and in particular, triad societies. At the same time experience has brought to light a number of defects and deficiencies. One such defect whereby societies could successfully by-pass the need to register under the Societies Ordinance by being registered under the Companies Ordinance was remedied by Ordinance No. 23 of 1959. Other defects in relation to the winding up of a society were cured by Ordinance No. 15 of 1959. This present Bill represents a further attempt to strengthen the principal Ordinance.

In the first place, certain definitions are clarified and others added, and the list of societies to which the Ordinance does not apply (formerly included in the definition of "society") has been slightly extended and is now included in a Schedule which the Governor in Council may from time to time vary.

An important group of amendments is contained in clause 3 of this Bill. Thereby section 5 of the principal Ordinance which relates to registration of societies, is replaced by 8 separate sections making more detailed provision in relation to registration and exemption from registration. One rather curious anomaly has been remedied. At present under the Ordinance a society is unlawful from its formation until it obtains either registration or exemption from registration. If this Bill passes into law, a society will have 14 days from its formation within which to apply for registration or exemption, and it is further provided that no society shall carry on any activities pending registration or exemption, except such as are necessary to complete its formation and to make application to the Registrar.

Sir, at present the power of the Registrar of Societies to grant exemption is quite at large and he is given no guidance; the new section 5, subsection (2) limits exemption to societies established solely for religious, charitable, social or recreational purposes and to rural committees or federations or associations of rural committees. Further amendments provide that in cases involving public policy the Registrar must consult the Colonial Secretary before refusing registration or exemption, or where he later proposes to cancel registration or exemption. Furthermore, in the case of appeals from decisions of the Registrar those involving public policy will go to the Governor in Council while all other appeals will lie to the Supreme Court.

As regards the remaining amendments, I think that the following are particularly worthy of note. First of all, provision is made for proceeding by way of indictment, which means that the trial may be either in the Supreme Court or in the District Court. This provision is a natural consequence of the raising of the penalties as shown in clauses 7, 8 and 9 but it does not mean—I repeat it does not mean that the ordinary run of case cannot still be tried by a magistrate. The last important provision appears in clause 15 which contains a new section 23A designed for the protection of informers, but this provision is with such safeguards as are necessary to prevent any miscarriage of justice.

In conclusion, Sir, I would once again emphasize the usefulness of the Societies Ordinance in dealing with triad societies which are such a menace to peace and good order.

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 principal object of the amendments to the Societies Ordinance, Chapter 151 (the principal Ordinance) contained in this Bill is to provide a greater measure of control over the activities of societies and office-bearers thereof and in particular over triad societies. The opportunity has been taken to make other amendments designed to simplify the operation of the Ordinance.

2. By clause 2, the definition "society" has been shortened and reference is made to a Schedule, added by clause 17, of particular types of societies to which the provisions of the principal Ordinance do not

apply. Additional definitions "branch of a society", "prescribed" and "triad ritual" have been added and the definition "office-bearer" has been extended to include any member of a triad society other than an ordinary member.

3. By clause 3, section 5 of the principal Ordinance is replaced by eight separate sections making more detailed provision for the registration and exemption from registration of societies. By section 5(1) a society is required to register within fourteen days of formation, thus ending the anomaly whereby any newly formed society was automatically an unlawful society until it had obtained registration. This section is qualified by the new section 15 (clause 12) which limits the activities of a society during this period of fourteen days to such activities as are necessary for the formation of the society and its registration, etc., and by section 9(1) (clause 6) which provides that in any proceedings a society shall be deemed to have been established more than fourteen days before the date of the offence until the contrary is proved. In section 5(2) the power of the Registrar of Societies to grant exemption from registration has been limited to specific types of societies. By section 5A, the Registrar is granted amended powers to refuse registration or exemption from registration, in certain cases after consultation with the Colonial Secretary. Section 5B repeats with slight modification the existing provisions in regard to the name of a society. By section 5C it is provided that the constitution of a society must contain certain matters which are prescribed by rules made under section 25 and such other matters as the Registrar shall consider necessary. Section 5D provides for inspection by the public of the register of registered and exempted societies. Section 5E makes amended provision for the cancellation by the Registrar of registration and exemption from registration of societies. Section 5F makes detailed provisions in relation to branches of a society. By section 5G, provision is made for appeals against decisions of the Registrar and of the District Commissioner, New Territories, in certain cases to the Supreme Court and in other cases to the Governor in Council.

4. By clause 4 a new section 6A is added making detailed provisions as to dissolution of societies.

5. By clause 5 a new section 8A is added to enable the Registrar to intervene in the event of a dispute between different factions in a registered society.

6. Clause 6 repeals and replaces section 9 of the principal Ordinance by a more detailed section incorporating certain of the provisions at present contained in section 15 of the principal Ordinance.

7. By clause 7 the penalty for holding office or managing an unlawful society is increased.

8. By clause 8, section 11 of the principal Ordinance is repealed and replaced by a more detailed section, incorporating certain of the provisions of section 15 of the principal Ordinance and providing for increased penalties and for different penalties for a first offence and subsequent offences. By clause 10, provision is made for certain offences to be tried on indictment.

9. By clause 9 the penalties for permitting a meeting of an unlawful society are substantially increased and provision is made for a different penalty for a first offence and for subsequent offences.

10. Clause 13 makes a minor amendment to section 16 to clarify the meaning thereof.

11. By clause 15 a new section 23A is added, providing for the protection of informers, with appropriate safeguards.

12. Clauses 11, 14 and 16 make minor consequential amendments.

ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL, 1961.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Road Traffic Ordinance, 1957."

He said: Sir, this is a very short Bill containing straightforward amendments which are explained in the statement of Objects and Reasons. I think though that I might add a word of explanation in relation to the new section 26A contained in clause 4 of the Bill. Under section 26 of the principal Ordinance the owner of a vehicle can be required to give information as to the identity of the driver of his vehicle, where the driver is alleged to have committed a motoring offence. The practice is for the police to write to the registered owner outlining the offence and asking who the driver was. The new section 26 provides in effect that where the registered owner makes a written reply to the effect that he was the driver and signs it, that reply may be given in evidence to prove that the owner was driving on the particular occasion. What I want to make quite clear, Sir, is that if the owner in his reply names another person as being the driver, that reply could not be given in evidence against that other person.

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 amend the Road Traffic Ordinance, 1957, to facilitate the identification of the driver of a vehicle who is alleged to be guilty of an offence against the Ordinance or regulations made under the Ordinance. By clause 3, section 26 of the principal Ordinance is amended to impose a time limit of fourteen days within which information required by a police officer must be furnished. By clause 4, a new section 26A, based on section 2 of the Magistrates Courts Act, 1957, and section 243 of the Road Traffic Act, 1960, of the United Kingdom, is added providing that a statement in writing purporting to be signed by an accused person, in any proceedings under the principal Ordinance, may be accepted by a court or magistrate, in the circumstances set forth in the new section, as evidence that the accused was the driver of the vehicle on the occasion to which the proceedings relate. The opportunity has been taken, by clause 2, to amend section 24 to provide that information relating to an accident may be reported either to a police station or to a police officer.

COMPULSORY SERVICE (AMENDMENT) BILL, 1961.

THE COLONIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend the Compulsory Service Ordinance, 1951."

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 and 2 were agreed to.

Council then resumed.

THE COLONIAL SECRETARY reported that the Compulsory Service (Amendment) Bill, 1961, 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 into law.

DANGEROUS GOODS (AMENDMENT) BILL, 1961.

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

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.

THE ATTORNEY GENERAL reported that the Dangerous Goods (Amendment) Bill, 1961, 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 into law.

MOTOR VEHICLES (FIRST REGISTRATION TAX) BILL, 1961.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to impose a tax to be paid on the first registration of certain motor vehicles and to provide for matters connected with the purpose aforesaid."

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 FINANCIAL SECRETARY: —I rise to move that Clause 3 be amended as set forth in the paper before Honourable Members.

As originally drafted this clause might have had the effect of imposing tax on change of ownership of vehicles which had not previously borne tax solely because they were first registered before the coming into force of the Ordinance. This was, of course, not intended and the amendment makes the position clear.

Proposed Amendment.

Clause, etc.

3. In subclause (2), delete the words "for any reason tax was not" and substitute therefor the following—
 “, after the commencement of this Ordinance, tax is not for any reason”.

Clause 3, as amended, was agreed to.

Clauses 4 to 8 were agreed to.

New Clauses.

THE FINANCIAL SECRETARY: —I rise to move the addition of two new clauses as set forth in the paper before Honourable Members.

First New Clause. —It has been represented that it is inequitable that members of Her Majesty's forces, who are liable in the course of their duties to posting from territory to territory, should have to pay this tax when they bring with them to Hong Kong a car which has already borne tax elsewhere. The nature of their duties clearly calls for special consideration and the effect of the first new clause will be to exempt a member of the forces when, but only when, his car has paid the same or a similar tax elsewhere before he brings it to Hong Kong. This concession will not apply to Commonwealth Preference Tax where certain other considerations apply.

Proposed Amendment.

Clause.

9.

"Tax not payable in respect of certain motor vehicles.	Tax shall not be payable in respect of any motor vehicle imported into the Colony by a person who is a member of Her Majesty's naval, military or air force service, being a motor vehicle in respect of which there has been paid in any country of the Commonwealth a tax or other charge which is the same as or similar to the tax payable under this Ordinance, whether such tax or charge was payable in the form of import duty or in the form of purchase tax or
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otherwise, so long as such person continues to be a member of such service and such motor vehicle continues to be owned by such person."

Clause 9 was agreed to.

THE FINANCIAL SECRETARY:

Second New Clause. —The second new clause is necessary to give retrospective effect to the amendments already put to Council and an amendment to the schedule which I shall be moving later, back to the date of coming into force of the Ordinance.

Proposed Amendment.

Clause.

10. "Certain provisions of Bill annexed to Order under Public Revenue Protection Ordinance to be amended with effect retrospectively to commencement of Order. (Cap. 120). The Bill annexed to the Order made by the Governor under the provisions of section 2 of the Public Revenue Protection Ordinance on the 28th day of February, 1961, and published in a *Gazette Extraordinary* on the 1st day of March, 1961, as Notification Number 344 shall be read and shall be deemed always to have read as if—
- (a) in subclause (2) of clause 3, the words "for any reason tax was not" were deleted and the following substituted therefor—
- “, after 3 o'clock in the afternoon of the 1st day of March, 1961, tax is not for any reason”;
- (b) the following clause were inserted therein after clause 8—
9. Tax shall not be payable in respect of any motor vehicle imported into the Colony by a person who is a member of Her Majesty's naval, military or air force service, being a motor vehicle in respect of which there has been paid in any country of the Commonwealth a tax or other charge which is the same as or similar to the tax payable under this Ordinance, whether such tax or charge was payable in the form of
- "Tax not payable in respect of certain motor vehicles.

import duty or in the form of purchase tax or otherwise, so long as such person continues to be a member of such service and such motor vehicle continues to be owned by such person."; and

- (c) in item 4 of the Schedule, the words and comma “, except dual purpose vehicles which are to be licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations, 1956, for use as taxis and goods vehicles” were inserted after the words "Dual purpose vehicles". ”.

Clause 10 was agreed to.

THE FINANCIAL SECRETARY: —I rise to move that the Schedule be amended as set forth in the paper before Honourable Members.

It has never been the intention to tax public transport vehicles but when the tax was introduced and made applicable to dual purpose vehicles, amongst others, it was overlooked that dual purpose vehicles might be licensed as taxis or as goods vehicles. This amendment has the effect of exempting dual purpose vehicles which are so licensed.

Proposed Amendment.

Schedule. In item 4 of the Schedule, insert, after the words "Dual purpose vehicles", the following—
“, except dual purpose vehicles which are to be licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations, 1956 for use as taxis and goods vehicles”.

Schedule, as amended, was agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Motor Vehicles (First Registration Tax) Bill, 1961, had passed through Committee with certain 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 into law.

**THE HONGKONG AND SHANGHAI BANKING CORPORATION
(AMENDMENT) BILL, 1961.**

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to amend The Hongkong and Shanghai Banking Corporation Ordinance, Chapter 70."

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.

Council then resumed.

THE FINANCIAL SECRETARY reported that The Hongkong and Shanghai Banking Corporation (Amendment) Bill, 1961, 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 into law.

H. E. THE GOVERNOR: —Gentlemen, to-day's meeting is the last occasion on which two of our Unofficial colleagues will be sharing our deliberations. The Honourable NGAN Shing-kwan, at present the senior Unofficial Member, has been on this Council for 10 years and in that period he has tendered wise advice and rendered conspicuously loyal and devoted service to the Colony of Hong Kong. The example he has shown by whole-hearted attention to the Colony's interests has been a fine one.

The Honourable George GOLDSACK has been the General Chamber of Commerce representative for the last year, most of which has coincided with his able Chairmanship of that body, and we have greatly benefited from his extensive business experience and his resourceful and thoughtful approach to our economic and social problems.

I am sure your colleagues will all join with me in thanking you both warmly for the service which you have rendered to this Council, and through this Council to the Colony of Hong Kong, and in offering you both our best wishes for the future. (*Applause*).

ADJOURNMENT.

H. E. THE GOVERNOR: —Well, gentlemen, that concludes the business for today. When is it your pleasure that we should meet again?

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

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