

LEGISLATIVE COUNCIL.

Draft Bill.

No. S 322.—The following bill is published for general information:—

[No. 23:—14.8.33.—3.]

A BILL

INTITULED

An Ordinance to amend further the Dangerous Goods Ordinance, 1873.

BE it enacted by the Governor of Hong Kong with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Dangerous Goods Amendment Ordinance, 1933.

Repeal of Ordinance No. 1 of 1873, s. 11 and substitution of new section.

2 Section 11 of the Dangerous Goods Ordinance, 1873, as enacted by Section 2 of the Dangerous Goods Amendment Ordinance, 1925, is repealed, and the following section is substituted therefor:—

Search.

11.—(1) It shall be lawful for any police officer or officer of the Fire Brigade, if authorised by the Inspector General of Police in that behalf—

(a) to search any place in which such officer authorised as aforesaid may have reasonable grounds for suspecting that there may be any thing which under paragraph (c) is liable to seizure;

(b) to search, and if necessary to stop and search, any ship (not being or having the status of a ship of war) in which such officer may have reason to suspect that there may be any thing which under paragraph (c) is liable to seizure;

(c) to seize, remove and detain—

(i) any thing with respect to which such officer may have reasonable grounds for suspecting that any offence against this Ordinance has been committed;

(ii) any other thing which may appear to such officer likely to be, or to contain, evidence of any such offence.

(2) Such officer may—

(a) break open any outer or inner door of or in any such place;

(b) forcibly enter any such ship and every part thereof:

(c) remove by force any material obstruction to, or any person obstructing, any arrest, detention, search, inspection, seizure, or removal, which he is empowered to make;

(d) detain every person found in such place until such place has been searched; and

(e) detain every such ship, and every person on board such ship, and prevent every person from approaching or boarding such ship, until such ship has been searched.

(3) Every person who delays or obstructs any detention, arrest, search, inspection, seizure, or removal, which is authorised by this Ordinance, shall be liable to a fine not exceeding two hundred and fifty dollars.

(4) Any authority given by the Inspector General of Police under this section may be given to an individual or to a class, and may be (1) general, so as to embrace all the powers referred to in this section, or (2) limited, so as to embrace only a portion of those powers, or (3) particular, for a particular occasion.

3. The Dangerous Goods Ordinance, 1873, is amended by the addition of the following section after section 18 thereof :—

New  
Section 18A  
to Ordinance  
No. 1 of  
1873.

18A.—(1) Every person who contravenes any of the provisions of this Ordinance or of any regulation made thereunder or who fails to observe any condition or restriction imposed by or under this Ordinance shall be deemed to commit an offence against this Ordinance.

Offences  
and penalties  
generally.

(2) Every person who commits or attempts to commit any offence against this Ordinance for which no special penalty is provided shall be liable to a fine not exceeding two hundred and fifty dollars.

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#### *Objects and Reasons.*

1. Section 2 of this Ordinance repeals and in effect re-enacts section 11 of the principal Ordinance, but extends the power of search therein contained to officers of the Five Brigade acting under the authority of the Inspector General of Police, it having been found necessary to transfer certain duties of inspection to such officers.

2. The principal Ordinance as first enacted contained a power to make bye-laws for regulating the landing of dangerous goods and the mooring of ships on which such goods were carried. This power was later amended, and finally replaced (in the Dangerous Goods Amendment Ordinance, 1922) by the power to make regulations which appears in the present section 5 (1) of the principal Ordinance. The section (section 7) however, governing penalties for breach of the regulations, retains substantially the form in which it was originally enacted, and provides for a penalty only in cases where goods are illegally moved, stored, shipped, landed, etc. Consequently no penalty is recoverable for a breach of regulations made, or of conditions of a licence issued, under section 5 (1) unless the breach also falls within section 7.

3. Section 3 of this Ordinance provides for a penalty for breach of the principal Ordinance, a regulation or condition of a licence in all cases where such provision has not already been made.

C. G. ALABASTER,  
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August, 1933.