

LEGISLATIVE COUNCIL.

No. S. 421.—The following bill, which it is proposed to introduce into the Legislative Council shortly, is published for general information.

C.S.O. 747/24.

[No. 21 :—13.12.24.—1.]

A BILL

INTITULED

An Ordinance to amend the Dangerous Goods Ordinance, 1873.

BE it enacted by the Governor of Hongkong, 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, 1925.

Repeal of Ordinance No. 1 of 1873, ss. 11 and 12, and substitution of new sections. 2. Sections 11 and 12 of the Dangerous Goods Ordinance, 1873, are repealed, and the following sections are substituted therefor :—

Search. 11.—(1) It shall be lawful for any police officer authorised by the Captain Superintendent of Police in that behalf—

- (a) to search any place in which such police officer may have reasonable ground 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 police 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 public officer may have reasonable grounds for suspecting that any offence against this Ordinance has been committed ;
 - (ii) any other thing which may appear to be, or to contain, evidence of any such offence.

(2) Such public 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 or ship 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 Captain Superintendent 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.
- Forfeiture. 12. It shall be lawful for a magistrate to order to be forfeited to the Crown any thing in respect to which any offence against this Ordinance has been committed, whether any person shall have been charged with such an offence or not.

3. Section 15 of the Dangerous Goods Ordinance, 1873, is repealed.

Repeal of
Ordinance
No. 1 of 1873,
s. 15.

Objects and Reasons.

1. The only powers of search contained in the Dangerous Goods Ordinance, 1873, are those under sections 11 and 12. Section 11 requires the authority of the Governor, and section 12 requires a warrant from a magistrate. A magistrate's warrant involves delay and the expenditure of an appreciable amount of the time of various officers. The Dangerous Goods Inspector may in his tour of a district see a dozen places that he would like to search. It has been thought better, therefore, to follow the precedent of the Opium Ordinance, 1923, and to give the Captain Superintendent of Police power to authorise particular selected police officers to have powers of search for the purpose of detecting the breaches of the Dangerous Goods Ordinance. It has not been thought necessary to retain the slightly wider obligation imposed upon dealers by paragraph (1) of section 11 of the principal Ordinance.

2. Particular powers of forfeiture are contained in sections 9 (2), 10 (5), and 15 of the Dangerous Goods Ordinance, 1873. There is also a general power of forfeiture in section 12. This bill proposes to insert a new section 12 which will deal simply with the question of forfeiture and which will give a general power of forfeiture. Section 15 of the principal Ordinance is repealed by the bill as it deals only with forfeiture, but it has not been thought necessary to repeal the references to forfeiture in sections 9 (2) and 10 (5) of the principal Ordinance.

J. H. KEMP,
Attorney General.

29th November, 1924.