

LEGISLATIVE COUNCIL.

No. S. 42.—The following Bills were read a first time at a Meeting of the Council held on the 23rd February, 1911 :—

A BILL

ENTITLED

An Ordinance to amend the Harbour of Refuge Ordinance, 1909.

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

Short title and construction.

1 This Ordinance may be cited as “The Harbour of Refuge Amendment Ordinance, 1911,” and shall be read and construed as one with the Harbour of Refuge Ordinance, 1909, hereinafter called the Principal Ordinance.

Amends sub-section (1) of section 12 of the Principal Ordinance.

2. Sub-section (1) of section 12 of the Principal Ordinance is hereby amended as follows :—

By the deletion of the word “absolute” in line 16 thereof and by the addition at the end thereof of the following words :—

“and the Director of Public Works shall notify any such claimant in writing of the amount so awarded”.

Repeals sub-sections 2, 3 and 4 of section 12 of the Principal Ordinance.

3. Sub-sections 2, 3 and 4 of section 12 of the Principal Ordinance are hereby repealed and the following sub-sections are substituted therefor :—

“(2.) The Governor may instead of awarding any compensation under this section enter into an agreement with any claimant for the compromise or settlement of any claim as the Governor may think fit.

(3.) Whenever any claimant shall be dissatisfied with the compensation awarded by the Governor under this section such claimant may within four weeks from the date of such notification as aforesaid notify the Director of Public Works in writing accordingly, and the Governor shall refer such claim with the particulars thereof to one of the Judges of the Supreme Court. Such Judge shall hear any evidence which either the Director of Public Works or the claimant may wish to tender and, if so desired, hear counsel or solicitors on behalf of the Crown and the claimant and such Judge shall determine the amount of compensation, if any, to be paid to any such claimant for any such injurious affecting as is described in sub-section (1) of this section and may award costs in his discretion either for or against the Crown or for or against any parties claiming compensation, such costs in case of difference to be settled by the Registrar of the Supreme Court.

(4.) No appeal shall lie from any award or decision of a Judge of the Supreme Court under this section.”

Adds a new section to the Principal Ordinance.

4. The following section is hereby added to the Principal Ordinance and shall be read at the end thereof :—

“13. For the purposes of the hearing of any claimant for compensation such Judge of the Supreme Court shall have powers similar to those vested in the Supreme Court on the occasion of any action in respect of the following matters, namely :—

(a) enforcing the attendance of witnesses and examining them upon oath, affirmation or otherwise ;

(b) compelling the production of documents ;

- (c) punishing persons guilty of contempt ;
- (d) ordering inspection of any premises ;
- and
- (e) entering upon and viewing of any premises."

Objects and Reasons.

The Harbour of Refuge Ordinance, 1909, provides that claims for compensation by reason of injury to property from its access to the sea being interfered with by the works authorised shall be in the absolute discretion of the Governor.

His Excellency deems it irregular that such *quasi* judicial power should be placed upon him, who has sanctioned each step taken by the Executive, and when the facts are in dispute and evidence is to be tendered in respect of them it should be the function of a Judicial officer and not the Head of the Executive to decide the question.

The Bill amends the Ordinance by delegating to one of the Judges of the Supreme Court the power of deciding the amount of compensation under the terms of the Ordinance to be awarded when a claimant is dissatisfied with the compensation proposed to be awarded by the Governor, and invests in such Judge the necessary powers for the purpose of investigating any such claim.

W. REES DAVIES,
Attorney General.

A BILL

ENTITLED

An Ordinance to consolidate and amend the law relating to Intoxicating Liquors.

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

1. This Ordinance may be cited as the Liquors Consolidation Ordinance, 1910. Short title.

2. In this Ordinance :—

“Proof spirit” means a mixture of alcohol and water having a specific gravity of .91984 at 60 degrees Fahrenheit distilled water at the same temperature being taken as unity and containing 49.24 per centum of alcohol by weight or 57.06 per centum by volume. Spirits are described as so many degrees “over proof” or “under proof” according to the quantity of distilled water which must be added or deducted from 100 volumes in order to produce spirit of proof strength.

Interpretation of terms.

“Intoxicating liquors” include spirits, liqueurs, wines, beer, stout, porter, cider and perry and all other liquors fit or intended for use as a beverage containing more than two per centum of proof spirit, but shall not include denatured spirits.

- “**Beer**” includes ale, porter, stout, cider, perry, spruce beer, black beer, and any other description of beer and shall be construed to extend to any liquor which is made or sold as a description of beer or as a substitute for beer, and which on analysis of a sample thereof at any time shall be found to contain more than two per centum of proof spirit.
- “**Denatured spirits**” mean wines and spirits mixed with some substance in such manner as to render the mixture in the opinion of the Principal Civil Medical Officer or other Government Officer unfit for use as a beverage.
- “**Spirituous liquors**” mean intoxicating liquors containing more than twenty per centum of pure alcohol by weight.
- “**Chinese wines and spirits**” mean intoxicating liquors of Chinese production or commonly consumed by Chinese, including Samshu.
- “**Native wines and spirits**” mean intoxicating liquors such as are commonly distilled made or prepared in any part of Asia for consumption by other than Europeans.
- “**Adulterated liquor**” means any liquor mixed or coloured to the prejudice of the purchaser with any ingredient whatever or with water, either so as to increase its bulk and measure or so as injuriously to affect the quality of such liquor or to conceal its inferior quality, or any liquor which is not virtually of the nature and quality demanded by the purchaser or of the liquor which it is labelled as being or purporting to be, whether such adulterated liquor is injurious to health or not. Spirits shall not be considered adulterated if mixed with water only so as not to reduce the strength below twenty-five degrees under proof in the case of brandy, whisky, or rum, or below thirty degrees under proof in the case of gin.
- “**Duty**” means the duty from time to time payable by law upon any intoxicating liquors.
- “**Dutiable liquors**” mean intoxicating liquors and native wines and spirits on which the duty has not been paid.
- “**Pint bottle**” and “**quart bottle**” mean respectively the reputed pint and quart bottles ordinarily used in commerce.
- “**Gallon**” means the imperial gallon or six reputed quart bottles or twelve reputed pint bottles. In the case of Chinese wines and spirits seven and a half catties shall be deemed to be the equivalent of the imperial gallon.
- “**Wholesale**” means the sale of intoxicating liquors by the unopened cask, jar, or case, in quantities of not less than two gallons of one liquor at one time, such liquors not to be consumed on the premises.
- “**Retail sale**” or “**sale by retail**” means the sale of liquors in quantities not exceeding two gallons at one time.
- “**Publican’s licence**” means a licence to keep an inn or public house for the retail sale therein, but not elsewhere, of intoxicating liquors other than Chinese wines and spirits.
- “**Hotel keeper’s adjunct licence**” means a licence to hotel or boarding house keepers for the retail sale of intoxicating liquors for consumption on the premises,—
- (a.) to persons residing at the time of sale on the licensed premises ;
 - (b.) to persons other than such residents, only in the dining room and in conjunction with the regular meals of the establishment ;
- but does not authorise the keeping of a public or private bar.

- “Restaurant adjunct licence” means a licence to restaurateurs for the retail sale, between such hours as the Governor-in-Council may from time to time prescribe, of intoxicating liquors for consumption on the premises and only in conjunction with a *bonâ fide* meal for which a charge of at least thirty cents can be reasonably made; but does not authorise the keeping of a public or private bar.
- “Dealer’s licence” means a licence to sell intoxicating liquors (Chinese wines and spirits excepted) either wholesale or by the bottle, such liquors not to be consumed on the premises.
- “Chinese restaurant licence” means a licence to Chinese restaurateurs for the retail sale to persons of Chinese race only of intoxicating liquors in connection with a *bonâ fide* meal for which a charge of at least 30 cents can be reasonably made, such liquors to be consumed either on the premises or in conjunction with meals sent out, but not otherwise, and it does not authorize the keeping of a public or private bar.
- “Chinese wine and spirit shop licence” means a licence to sell Chinese wines and spirits by retail or wholesale, such liquors not to be consumed on the premises.
- “Eating-house licence” means a licence for the keeping of any eating-house, coffee house, or other similar house where no intoxicating liquors are sold on the premises.
- “Brewery licence” means a licence to sell beer not to be consumed on the premises.
- “Public house” means any house or place of entertainment where intoxicating liquors are sold by retail and may be consumed on the premises, but does not include any place of entertainment kept under an adjunct licence or a Chinese restaurant licence.
- “Barmaid” means any woman other than the licensee (if a woman) or the wife of a licensee who is employed to sell intoxicating liquors behind a bar or within any licensed premises.
- “King’s warehouse” means a warehouse or place of security appointed by the Governor-in-Council for the warehousing of dutiable liquors.
- “Licensed warehouse” means a place licensed by the Superintendent with the approval of the Governor for the warehousing of dutiable liquors.
- “Import” with its grammatical variations and cognate expressions means to bring or cause to be brought into the Colony and the waters thereof either by land or sea.
- “Export” with its grammatical variations and cognate expressions means to take or cause to be taken out of the Colony and the waters thereof by land or by sea.
- “Ship” means any steam or sailing vessel, motor boat, junk, boat, sampan or any kind of craft used or adapted to be used either for the conveyance of persons or things by water or for occupation by persons or storage of things whether afloat or not.
- “Superintendent” means the Superintendent of Imports and Exports.
- “Revenue Officer” means any person appointed to act as Revenue Officer under the provisions of this Ordinance.
- “Native Revenue Officer” means any Revenue Officer not of European race.
- “Colony” includes the New Territories.

“The New Territories” mean the additional territories acquired under the Convention dated the 9th day of June, 1898, between Her Majesty Queen Victoria and His Majesty the Emperor of China for the enlargement of the limits of the Colony including the city of Kowloon.

PART I.—LICENCES.

Distillery Licences.

Prohibition of distilling without licence and provision for issue of distilling licence. **3.—(1.)** No person shall make, distil, or rectify any spirits, or shall knowingly keep or have in his possession any still or other utensil or apparatus for making, distilling, or rectifying spirits, without a licence under this Ordinance.

First Schedule: Form No. 1. Second Schedule. **(2.)** The Captain Superintendent of Police may issue distillery licences, in the Form No. 1 in the First Schedule to this Ordinance, on each of which licences the fee specified in the Second Schedule to this Ordinance shall be payable in advance.

(3.) Such conditions as the Governor-in-Council may from time to time determine may be added to such licences.

(4) Every licensed distiller may sell the liquor which he distils, but only in quantities of not less than two gallons of one liquor at one time, and such liquor so sold must not be consumed on the premises.

(5.) Every holder of a distillery licence under this Ordinance or under the New Territories Regulation Ordinance, 1910, shall permit the Superintendent or any Revenue Officer to enter the premises in which distillation is being carried on at any time during the process of such distillation.

Issue of free licence for apothecary, chemist, or druggist to have still of eight gallons capacity. **4.—(1.)** It shall be lawful for the Captain Superintendent of Police to issue a licence, free of all charge, to any apothecary, chemist or druggist applying for the same, to keep and use on his premises a still of not more than eight gallons capacity for the purpose of his trade only: Provided that every such person shall give a bond to the Captain Superintendent of Police, with two sufficient sureties, in the sum of one thousand dollars, that the still shall not exceed eight gallons capacity, and that he will not make use of such still, or suffer it to be made use of, except for the preparation of medicines or other articles required *bonâ fide* for medical or scientific purposes.

(2.) Every such person found to have such still without having entered into such bond and obtained such licence shall be deemed to be guilty of an offence against this Ordinance.

Distilling, &c. adulterated liquor. **5.—(1.)** Every person who distils, makes, imports, sells, disposes of, or deals in any adulterated liquor shall be guilty of an offence against this Ordinance, and, if such adulterated liquor is proved to the satisfaction of a Magistrate to be injurious to health, he shall, on a second conviction, be liable to imprisonment, with or without hard labour, for any term not exceeding six months, besides any other penalties to which he may be liable under this Ordinance.

(2.) No person shall be convicted under this section if he shows, to the satisfaction of the Magistrate before whom he is charged, that he did not know that the liquor imported, sold, disposed of, or dealt in by him was adulterated, and that he could not have known it with any reasonable diligence.

Sale of Intoxicating Liquors.

6.—(1.) No person shall sell or dispose of, or advertise or expose for sale, any intoxicating liquor, either by wholesale or retail, within the Colony, or shall permit or suffer any such intoxicating liquor to be sold or disposed of, or advertised or exposed for sale, in his house or other place within the Colony, without the appropriate licence under this Ordinance.

Prohibition of sale of liquor without licence.

(2.) The delivery of any intoxicating liquor shall be taken, in any proceeding under this Ordinance, to be *prima facie* evidence of sale and that money or other consideration was given for the same.

(3.) No person shall for and on behalf of any other person or persons who are not licensed to deal in or sell intoxicating liquor within the Colony accept or receive orders for, or import on commission or act as agent for the import of any intoxicating liquor into the Colony in quantities exceeding two gallons at one time without an appropriate licence under this Ordinance under which the licensee is permitted to sell such liquor as a dealer.

7. The holder of a Chinese wine and spirit shop licence may also sell Chinese wines and spirits wholesale; but no person shall sell intoxicating liquors by retail without a licence to that effect, and this section shall apply to all retail sales of liquor to any person on pretence that he is a customer for other goods, as well as to all sales of quantities exceeding two gallons with an understanding that part is to be returned, and generally to any act whatever which, under whatever pretence, constitutes a retail sale of intoxicating liquor.

Wholesale and retail sale of liquor.

Temporary Licences.

8. The Colonial Treasurer may at any time issue to any holder of a publican's or adjunct licence a temporary licence for the sale of liquors at any public entertainment or on any public occasion, on payment of such fee, in each case, as to the Governor may seem fit.

Issue of temporary licence.

Publican's, Restaurant Adjunct Licences and Hotel Keeper's Adjunct Licences.

9.—(1.) All applications for the granting or transfer of licences shall be made to a Board of Licensing Justices. Such Board shall consist of a Chairman and Vice-Chairman appointed by the Governor and of five other Justices two of whom shall be appointed by the Governor and three be elected by the Justices of the Peace from among their number. Of the four Justices appointed by the Governor two shall be official and two shall be un-official Justices. The Members of the Board shall hold office for three years. Five Justices shall be a quorum. The First Clerk in the Magistracy at Hongkong shall be *ex-officio* Secretary to the Board.

Application for licences to be made to Licensing Board.

(2.) If any Licensing Justice appointed by the Governor shall die or be absent from the Colony or resign his seat the Governor may appoint another Justice to be a Member of the Board in the place of such Licensing Justice. Such Justice shall cease to be a Member of the Board if the Member in whose place he was appointed shall return to the Colony.

(3.) If an elected Justice shall die or be absent from the Colony or resign his seat the vacancy may be filled either substantially or *ad interim*, as the case may be, by election in the manner hereinafter provided.

10. The mode of election of the Licensing Justices not appointed by the Governor, the proceedings incident thereto, and other matters relating to the election of the said Licensing Justices, shall be governed by rules made by the Governor-in-Council, who may from time to time add to, vary or revoke any of the said rules.

Mode of election of Licensing Justices.

- Mode of deciding application. **11.** All questions arising at any meeting of the Board shall be determined by a majority of votes of the Justices present. In the case of an equality of votes the Chairman shall have a second or casting vote.
- Application for publican's or adjunct licence. **12.** Every person desirous of obtaining a publican's or an adjunct licence shall make application in writing to such Licensing Board in the Form No. 2 or the Form No. 3 in the First Schedule to this Ordinance according to the nature of the licence required. Such application shall state the name and address of the applicant, his nationality, the period or periods, if any, during which he has previously held a licence, and the address and the proposed name or sign of the premises in respect of which a licence is desired.
- Decision of Licensing Board subject to appeal to Governor-in-Council. **13.** The said Licensing Board may refuse such application or they may accept it absolutely or subject to conditions. The applicant or twenty householders within a radius of quarter of a mile of the premises licensed or to be licensed shall be entitled to appeal to the Governor-in-Council with respect to any decision of such Board under this section.
- Applications refused not to be renewed within twelve months. **14.** In the event of the refusal of an application by the Licensing Board the applicant shall not be entitled to make another application in respect of the same premises within a period of twelve months from the original application.
- Advertisement of application. **15.** The said Licensing Board shall in every case at least one week previous to the acceptance of an application cause advertisement to be made in the *Gazette* and in one local newspaper at the expense of the applicant setting forth the name and address of the applicant and the proposed name or sign of the premises in respect of which a licence is desired.
- Issue of licences and fees. **16.** As soon as may be after the acceptance of an application the said Licensing Board shall notify the Colonial Treasurer thereof: whereupon the Colonial Treasurer shall, upon payment of the fee specified in the Second Schedule to this Ordinance, issue to the applicant a licence in the Form No. 4, the Form No. 5 or Form No. 6 in the First Schedule to this Ordinance according to the nature of the licence applied for.
- Duration of licence. **17.** Every publican's or adjunct licence shall be valid only until the thirtieth day of November next following the date on which it is granted: Provided always that where this period is less than a year, a proportionate part only of the aforesaid fee shall be charged, to which (except in the case of the transfer of a licence) ten per cent. shall be added.

Transfer of Publican's and Adjunct Licences.

- Transfer of licence. **18.** The said Licensing Board may, in their discretion and subject to payment of the fee specified in the Second Schedule to this Ordinance, direct the transfer, in respect of the same premises, of any publican's or adjunct licence, such nominee making a like application as if applying for a licence on his own behalf. A note of such transfer shall be endorsed by the Colonial Treasurer upon the licence. The applicant or twenty householders within a radius of quarter of a mile of the premises licensed or to be licensed shall be entitled to appeal to the Governor-in-Council with respect to any decision of such Board under this section.

Death or Insolvency of Licensee.

- Provision for case of death or insolvency of licensee. **19.** In case of the death or insolvency of any person holding a publican's or an adjunct licence under this Ordinance, the executor or administrator or trustee of such licensee may carry on the business of such licensed house until the expiration of the licence, subject in every respect

Removal of Business.

20. The said Licensing Board may refuse to allow the business licensed under a publican's licence or an adjunct licence to be removed to other premises or they may permit such removal subject to the payment of the fee specified in the Second Schedule to this Ordinance. A note of the grant of such permission shall be endorsed by the Colonial Treasurer on the licence. The applicant or twenty householders within a radius of quarter of a mile of the premises to which the applicant desires to transfer shall be entitled to appeal to the Governor-in-Council with respect to any decision of such Board under this section.

Removal of
business.

Regulation of Business.

21. Every licensed publican or adjunct licensee shall have his full name painted in legible letters at least three inches long, with the words "Licensed to retail intoxicating liquors" constantly and permanently remaining, and plainly to be seen and read, on some conspicuous part of his house; and no person not actually holding a publican's licence or adjunct licence (except the keeper of a Chinese wine and spirit shop or the holder of a Chinese restaurant licence as hereinafter provided) shall keep up any sign, writing, painting, or other mark which may imply or give reasonable cause to believe that his premises are licensed for retail or barter of intoxicating liquors or that such liquors are sold, served, or retailed therein.

Affixing of
sign by
licensee, &c.

22. The business of every licensed publican or adjunct licensee shall be carried on subject to the following regulations:—

Regulations
relating to
business.

- (1.) No liquor shall be sold or drunk upon any licensed premises except between the hours of eight o'clock in the morning and twelve o'clock midnight. Provided that the Governor-in-Council may by Order from time to time alter such hours as aforesaid;
- (2.) No disorder shall be permitted on the premises;
- (3.) No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk;
- (4.) No game of chance shall be played on the premises;
- (5.) A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers;
- (6.) The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof;
- (7.) The licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account;
- (8.) The licensee shall not employ any barmaid in his licensed premises;
- (9.) The standard of quality of spirits as fixed by the Governor-in-Council shall be declared on the label of each bottle.

It shall be lawful for the Governor-in-Council from time to time to add to, alter, amend or repeal the regulations contained in this section.

23. No licensed publican or adjunct licensee shall maintain any action for, or recover any debt or demand on account of, intoxicating liquor, unless such debt has *bonâ fide* been contracted at one time to the amount of five dollars or upwards, nor shall any item in any account for such liquor be allowed where the liquor *bonâ fide* delivered at one time does not amount to the full sum of five dollars, nor shall any claim be allowed against any seaman or soldier in His Majesty's Service for debt for intoxicating liquor supplied: Provided always that nothing herein

Restriction
of right of
action for
liquor sold.

contained shall extend to prevent any innkeeper from keeping an account with a lodger in which any charge for liquors may be included, and recovering the amount thereof in a Court of Justice.

General Provisions.

Prohibition of taking pledge for liquor.

24. No person licensed under this Ordinance shall take or receive in payment or pledge for liquor or any entertainment whatever supplied in or out of his house any article or thing whatever, except money.

Measures or weights for sale of liquor.

25. Every person licensed under this Ordinance shall sell and dispose of his liquors by the measures or weights legalized in this Colony and not otherwise, except when the quantity is less than half a pint or except when the liquor is sold in bottles, and shall also measure or weigh such liquors in the presence of any customer who may require him to do so.

Power to search suspected premises.

26. If any person is convicted of unlawfully retailing any intoxicating liquor, the house and premises of such person and the house, lodging, shop, or warehouse where such offence has been committed, and any court or yard connected therewith shall be liable to be searched, at any time of the day or night, by any Police officer, with or without a warrant, for six months next after such conviction, provided that the same or any part thereof is then occupied by the person so convicted.

Drinking in unlicensed place.

27. Whenever any Police officer finds any person drinking in any place in which any intoxicating liquor is sold or disposed of by retail, and the licence for such sale is not, on demand, produced to such Police officer, it shall be lawful for such Police officer to apprehend all such persons so found drinking there; and every such person so found drinking shall, if such place is in fact unlicensed, forfeit and pay, on summary conviction, for every such offence a sum not exceeding twenty dollars, unless such person informs against such unlicensed person or voluntarily becomes a witness against him, in respect of such act of selling and retailing.

Prohibition of payment of journeymen, etc., at place where liquor is sold.

28. No master or other person employing journeymen, workmen, servants, or labourers, and not being the licensed keeper of a house in which any intoxicating liquor is sold or disposed of by retail, shall pay or cause any payment to be made to any such journeyman, workman, servant, or labourer in or at any such house.

General powers of Police.

29.—(1.) Every person licensed under this Ordinance shall produce his licence to any Police officer, on being required to do so.

(2.) Any European officer of Police shall have free access to every part of any house licensed under any of the Sections 16, 33 and 34 at any hour of the night or day.

Dealers' Licences.

Issue of dealers' licences. First Schedule: Form No. 7.

30.—(1.) Every person desirous of obtaining a dealer's licence to sell intoxicating liquors shall apply to the Colonial Treasurer, who may, in his discretion, grant to the applicant a licence in the Form No. 7 in the First Schedule to this Ordinance, upon payment of the appropriate fee specified in the Second Schedule to this Ordinance.

(2.) Such licence may be renewed annually on like conditions.

Making of regulations and conditions.

31.—(1.) It shall be lawful for the Governor-in-Council from time to time to make, alter, amend, and repeal regulations and conditions for the granting of a dealer's licence.

(2.) Such regulations or conditions may require the providing by applicants of one or more sureties, may alter the scale of fees, and may regulate the times of commencement and expiry of such licences, the hours and conditions of sale, and all other matters connected with such licences.

(3.) All such regulations shall be published in the *Gazette* in English and in Chinese.

Chinese Wine and Spirit Shop Licences.

32.—(1.) The Captain Superintendent of Police may grant a licence, in the Form No. 8 in the First Schedule to this Ordinance, to any person to sell Chinese wines and spirits, by retail and wholesale, such Chinese wines and spirits not to be consumed on the premises where they are sold.

Issue and transfer of Chinese wine and spirit shop licence.
First Schedule :
Form No. 8.

(2.) The holder of any such licence shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and the nature of such licence, on a sign, the size and design of which shall be approved by the Captain Superintendent of Police.

(3.) The fee for such licence shall be that specified in the Second Schedule to this Ordinance, and shall be paid to the Colonial Treasurer.

(4.) The Captian Superintendent of Police may permit the transfer of any such licence, in the Form No. 9 in the First Schedule to this Ordinance.

First Schedule :
Form No. 9.

Chinese Restaurant Licences.

33.—(1.) Application for Chinese restaurant licences shall be made to the Registrar General.

Applications for Chinese restaurant licences.

(2.) The Registrar General, after referring such applications to the Captain Superintendent of Police, may in his discretion and with the concurrence of the Captain Superintendent of Police, grant a licence, in the Form No. 10 in the First Schedule to this Ordinance.

First Schedule :
Form No. 10.

(3.) The fee for such licence shall be according to the scale set forth in the Second Schedule to this Ordinance, and shall be paid to the Colonial Treasurer before the issue of the licence.

Second Schedule.

(4.) The holder of such licence shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and nature of such licence, on a sign, the size and design of which shall be approved by the Captain Superintendent of Police.

(5.) Sub-sections (1), (2), (3), (5), (6) and (8) of Section 22 shall apply to the business carried on under a Chinese restaurant licence. Provided that the Governor-in-Council may from time to time add to, alter, amend or repeal regulations or conditions on the granting of a Chinese restaurant licence.

(6.) In case of the death or insolvency of any holder of a Chinese restaurant licence, the executor or administrator or trustee (as the case may be) of such licensee may carry on the business until the expiration of the then current licence, subject to all the same regulations as the original licensee.

(7.) The Registrar General may, in his discretion, permit the transfer of any such licence, in the Form No. 11 in the First Schedule to this Ordinance.

First Schedule :
Form No. 11.

Licences for Eating-houses.

34.—(1.) Eating-house licences shall be granted by the Colonial Treasurer in the Form No. 12 in the First Schedule to this Ordinance upon payment of the fee specified in the Second Schedule to this Ordinance.

Eating-houses.
First Schedule :
Form No. 12.
Second Schedule.

(2.) Such conditions as the Governor-in-Council may determine may be added to any licence granted under this section, and no intoxicating liquor shall be sold or opium smoked on such premises.

(3.) The Colonial Treasurer may, in his discretion, permit the transfer of such licence, and such transfer shall be by the indorsement of the Colonial Treasurer.

35.—No person licensed under the last preceding section shall knowingly or wilfully permit disorderly conduct in his house or other place of entertainment, or knowingly suffer any unlawful game or gaming therein, or knowingly permit or suffer any prostitute to frequent such house or other place or to remain therein.

Prohibition of disorderly conduct in licensed eating-house.

Brewery Licences.

Brewery licences.

36.—(1.) The Governor-in-Council may from time to time make, alter, amend, and repeal regulations and conditions for the grant of brewery licences and beer sold under such licence shall not be consumed on the premises.

(2.) Such regulations or conditions may prescribe a scale of fees in respect of such licences and may regulate the times and commencement and expiry of such licences, the conditions of sale and all other matters connected with such licences.

(3.) All such regulations shall be published in the *Gazette* in English and in Chinese.

Sale of Liquor by Licensed Auctioneers.

Saving as to sale of liquor by licensed auctioneer.

37. Nothing in this Ordinance shall render it illegal for an auctioneer, holding an auctioneer's licence, to sell intoxicating liquor by auction, without any licence under this Ordinance, upon his own premises for a principal holding an appropriate liquor licence, or upon premises in respect of which his principal holds an appropriate licence authorizing such principal to sell such intoxicating liquor, or in cases where such liquor is the property of the Imperial or Local Government, or forms part of the estate of a bankrupt or deceased person, or is sold by order of Court, or where, in any particular case, on application made, the Colonial Secretary grants permission for such sale by auction, whether upon licensed premises or elsewhere.

Licences by Resolution of Legislative Council.

Legislative Council empowered to alter all licence fees.

38. The Legislative Council by resolution may from time to time alter or amend any of the fees prescribed under this Ordinance in respect of all or any of the licences therein mentioned and may at any time substitute in whole or in part a schedule of fees for that contained in the Second Schedule to this Ordinance.

Special Forms of Licence by Governor-in-Council.

Governor-in-Council empowered to create new forms of licence.

39. In addition to the sundry forms of licences authorised by this Ordinance and notwithstanding anything herein contained it shall be lawful for the Governor-in-Council at any time hereafter to grant any similar licences in such form and subject to such terms and conditions in all respects as he may determine and subject to the payment of such fees as may be prescribed in such licences.

Transfer of Duties of Colonial Secretary by Governor-in-Council.

Provision for transfer of powers and duties of the Colonial Secretary to other officers.

40. It shall be lawful for the Governor-in-Council by notification to be published in the *Gazette* from time to time to appoint such officer as he may think fit to exercise all or any of the duties in connection with the issue of licences which are under this Ordinance vested in the Captain Superintendent of Police, the Register General or other officer of the Government.

PART II.—DUTIES.

Duty.

Duties.

41.—(1.) There shall be paid upon intoxicating liquors hereafter imported into distilled made or prepared in the Colony the duties following ; namely :—

On all brandy and liqueurs,.....	\$3.60 per gallon.
On all whisky,	\$2.40 per gallon.
On all gin, rum and other spirituous liquors,	\$1.20 per gallon.
On all champagnes and other sparkling wines,	\$2.40 per gallon.
On all port, sherry and madeira,	\$1.80 per gallon.
On all other still wines in bottle,	\$1.20 per gallon.
On all other still wines in wood,	\$0.60 per gallon.
On all other intoxicating liquors excepting spirits of wine and native wines and spirits.....	\$0.24 per gallon.
On all spirits of wine and arrack,	\$3.00 per gallon.

On all native wines and spirits :—

- (a.) \$0.15 cents a gallon on the native liquors known as Liu Pun and Sheung Ching and on the following sweetened, prepared and medicated wines :—

No Mai Tsau, Hak No Mai, Mau Kan, Yuk Lau, Ning Mun Tsau, Tsing Mui, Muk Kwa, Sun Fung, Wu Tau, Shit Li Tsau, Sam Kat, Lung San Tsau, Tei Kuk, San Pin, Tit Ta, Fung Shap and Wai Shang.

All such liquor shall contain not more than 25% of alcohol by weight.

- (b.) \$0.20 cents a gallon on the native liquor known as Sam Ching, containing not more than 35% of alcohol by weight.

- (c.) \$0.25 a gallon on the native liquor known as Fa Tsau and on the following sweetened, prepared or medicated wines :—

Ng Ka Pei, Mui Kwai Lo, Sz Kwok Kung, Fu Kwat Muk Kwa, Yan Chan Lo, and Ko Leung Kon.

All such liquor shall contain not more than 45% of alcohol by weight.

- (d.) \$0.35 a gallon on the native liquor known as Fan Tsau, if containing 50% or under of alcohol by weight, with the addition of two cents for every one per centum between 50% and 55% of alcohol by weight.

- (e.) \$0.50 cents a gallon with the addition of eight cents for every one per centum above 55% of alcohol by weight on any native liquor containing above 55% of alcohol by weight.

- (f.) \$0.05 per gallon on all native liquor distilled in the New Territories, not including New Kowloon and the Island of Cheung Chau, for consumption in the said Territories.

Provided always that

- (1.) On native wines and spirits declared or labelled as belonging to any of the above divisions the appropriate duty therein laid down shall be paid except that on any native liquor however declared or labelled found by the Government Analyst or such person as the Governor may from time to time appoint in that behalf to contain more alcohol than is permitted in the division to which it is declared or labelled as belonging there shall be paid the appropriate duty of the division in which the amount of alcohol found has placed it: each division in such case shall represent native liquor of the limit of strength in alcohol therein stated and irrespective of any definition or description of such liquor, and on any native wines and spirits not declared or labelled as belonging to any division there shall be paid the duty appropriate to the division in which the amount of alcohol found by the Government Analyst or such person as the Governor may from time to time appoint on that behalf has placed it.

- (2.) Stills in the New Territories (not including New Kowloon and the Island of Cheung Chau) shall be prohibited from sending liquor produced in these stills to Hongkong or to New Kowloon: provided that any licensee of a distillery who desires to send such liquor to Hongkong or New Kowloon may be granted a permit to do so, upon payment of the duties charged in Hongkong or New Kowloon.
- (3.) On intoxicating liquors, other than spirits of wine, arrack and native wines and spirits, imported into, distilled, made or prepared in the Colony above proof strength there shall be paid an additional duty of 4 cents for every degree above proof in the case of brandy, 3 cents for every degree above proof in the case of whisky, and 2 cents for every degree above proof in the case of any other liquor.

It shall be lawful for the Legislative Council at any time by resolution to alter or amend all or any of the foregoing duties.

(2.) The duty upon intoxicating liquors imported by sea shall be payable:—

(a.) if such liquors are not forthwith in accordance with the provisions of this Ordinance removed into a King's or licensed warehouse or into another ship

before the removal of them from the ship in which they are imported;

(b.) if such liquors are forthwith removed into a King's or licensed warehouse

before the removal of them from such King's or licensed warehouse, unless such removal is for export or into another King's or licensed warehouse.

(3.) The duty upon intoxicating liquors distilled made or prepared in the Colony shall be payable before the removal of such liquors from the factory or place in which they are distilled made or prepared unless such removal is for export or into a King's warehouse or licensed warehouse.

When contracts have been entered into before 17th September, 1909, amount of duty to be added to price.

42. When any written contract for the sale of intoxicating liquors entered into before the 17th September, 1909, contains no reference to the payment of customs duties the seller shall be deemed to have duly carried out his part of the contract upon his giving to the purchaser the necessary facilities to enable the purchaser to obtain a permit for the removal of the liquors under the provisions of Sections 47, 48, 50 or 61 of this Ordinance; and the purchaser shall pay the duty (if any) payable in respect of such liquors and also any additional charges for landing, storing, or denaturing such liquors occasioned by the operation of this Ordinance and not provided for in the contract, and if any of such additional charges are paid by the seller in the first instance the amount so paid may be added to the contract price for the liquors, and be recovered by the seller from the purchaser as if the same formed part of the contract price.

Provision for contracts for sale of goods duty paid when duties altered or repealed.

43.—(1.) Where any new duty is hereafter imposed, or where any duty is hereafter increased, and any goods in respect of which the duty is payable are delivered after the day on which the new or increased duty takes effect in pursuance of a contract made before that day, the seller of the goods may, in the absence of agreement to the contrary, recover, as an addition to the contract price, a sum equal to any amount paid by him in respect of the goods on account of the new duty or the increase of duty, as the case may be.

(2.) Where any duty is hereafter repealed or decreased, and any goods affected by the duty are delivered after the day on which the duty ceases or the decrease in the duty takes effect in pursuance of a contract made before that day, the purchaser of the goods, in the absence of agreement to the contrary, may, if the seller of the goods has had in respect of those goods the benefit of the repeal or decrease of the duty, deduct from the contract price a sum equal to the amount of the duty or decrease of duty, as the case may be.

(3.) Where any addition to or deduction from the contract price may be made under this section on account of any new or repealed duty, such sum as may be agreed upon or in default of agreement determined by the Superintendent as representing in the case of a new duty any new expenses incurred, and in the case of a repealed duty any expenses saved, may be included in the addition to or deduction from the contract price, and may be recovered or deducted accordingly.

(4.) This section applies although the goods have undergone a process of manufacture or preparation, or have become a part or ingredient of other goods.

44.—(1.) An allowance to be termed an "Import Allowance" may be paid annually, out of the public revenue of the Colony, as a rebate in whole or part of the duties paid on intoxicating liquors, as follows:—

Rebate to
Naval and
Military
Authorities.

(a.) to the Naval Authorities, in respect of the duties paid on intoxicating liquors (not being Naval Stores the property of His Majesty) consumed at the Royal Naval Canteen; at the Officers' Mess at the Royal Naval Hospital and at the Engineers' Mess in His Majesty's Dockyard;

(b.) to the Military Authorities in respect of the duties paid on intoxicating liquors (not being Military Stores the property of His Majesty) consumed at Head Quarters House and the Military Messes and Canteens in the Colony, or purchased by married officers or men borne on the strength of the Garrison for their own consumption.

(2.) The amount of the allowance shall be fixed each year by Resolution of the Legislative Council or otherwise as the Legislative Council may by Resolution determine.

(3.) The receipt of the Senior Naval Officer for the time being in Hongkong and the receipt of the Officer Commanding the Garrison shall respectively be sufficient discharges for the payment of any allowance.

(4.) The allowance paid to the Naval and Military Authorities shall be distributed by the said Authorities amongst His Majesty's Naval and Military Forces in the Colony in such manner as the Officers Commanding the said Forces may direct, but no part of such allowance shall be used or applied for the purpose of reducing prices or expenses in any canteen.

Import and Export of Intoxicating Liquors.

45.—(1.) No person shall import or export dutiable liquors or denatured spirits except into or from such ports or places as may be specified by the Governor and notified in the *Gazette*.

Restrictions
on import
and export.

(2.) No person shall import or export dutiable liquors or denatured spirits by land except under and in accordance with such regulations and restrictions as may from time to time be prescribed by the Governor-in-Council under this Ordinance.

46. No master of any ship shall allow any dutiable liquors or denatured spirits to be discharged from his ship without a permit from the Superintendent as hereinafter provided unless such liquors or spirits are received by the keeper of a King's warehouse and forthwith stored in a King's warehouse.

Shipmaster
not to allow
discharge of
dutiable
liquors etc.
without a
permit, un-
less to keeper
of King's
warehouse.

Dutiable liquors not to be removed from a ship without a permit, except by keeper of King's warehouse.

47.—(1.) No person except the keeper of a King's warehouse shall remove any dutiable liquors from any ship in which the same may have been imported without a permit in the Form No. 4 in the Third Schedule to this Ordinance in the case of liquors on which duty is to be paid before such removal, or in the Form No. 5 in the said Schedule in the case of liquors to be stored in a King's or licensed warehouse and except in accordance with the conditions in such permit contained.

Issue of permit in cases where duty is paid before removal.

(2.) In the case of liquors on which duty is to be paid before such removal the Superintendent shall upon receiving a requisition therefor in the Form No. 1 in the said Schedule issue a permit in the Form No. 4 in the said Schedule authorising the removal of such liquors on the conditions stated in such permit.

Issue of permit for removal to King's warehouse.

(3.) In the case of liquors to be stored in a King's or licensed warehouse the Superintendent shall upon receiving a requisition therefor in the Form No. 2 in the said Schedule issue a permit in the Form No. 5 in the said Schedule authorising the removal of such liquors on the conditions stated in such permit.

Provided that before issuing any permit under this section the Superintendent may demand the production of any invoices, bills of lading or other documents relating to the liquors in respect of which such requisition has been received and the person making the requisition shall on such demand produce the same.

Denatured spirits not to be removed from a ship without a permit, except by keeper of King's warehouse.

48.—(1.) No person except the keeper of a King's warehouse shall remove any denatured spirits from any ship in which the same may have been imported without a permit in the Form No. 6 in the Third Schedule to this Ordinance and except in accordance with the conditions in such permit contained.

Conditions of issue of permit.

(2.) Such permit shall be issued by the Superintendent on the conditions stated therein upon receiving a requisition therefor in the Form No. 3 in the said Schedule and shall not be granted except upon condition that such spirits shall be placed in a King's or licensed warehouse pending the production of proof by the master or agent of the ship or the importer of such spirits to the satisfaction of the Government Analyst or of such person as the Governor may from time to time appoint in that behalf that such spirits are denatured spirits within the meaning of this Ordinance.

Receipt by Superintendent for all duty paid.

49. The Superintendent shall grant a receipt in the Form No. 7 in the Third Schedule to this Ordinance for any sum received by him in respect of any duty upon intoxicating liquors on which duty is payable.

Removal of dutiable liquors for exportation.

50.—(1.) No person intending to export dutiable liquors shall remove the same for exportation from any King's or licensed warehouse where they may be stored without a permit in the Form No. 9 in the Third Schedule to this Ordinance and except in accordance with the conditions in such permit contained.

Form of permit and endorsement by master or mate.

(2.) Such permit shall be issued by the Superintendent upon receipt of a requisition in the Form No. 8 in the said Schedule and such permit shall be furnished in duplicate and one copy thereof shall be delivered to the keeper of such King's or licensed warehouse and the exporter shall on shipping such liquors procure a receipt for the same signed by the master or mate of the ship in which the liquors are to be exported to be endorsed on the duplicate copy of such permit, and shall forthwith deliver such duplicate copy and receipt to the Superintendent.

Permit may be refused until 72 hours before ship leaves.

(3.) The Superintendent may refuse to issue any permit to export dutiable liquors by any ship until 72 hours before such ship may be intending to leave the port.

Provided that before issuing any permit under this section the Superintendent may demand the production of any shipping orders, bills of lading or other documents relating to the liquors in respect of which such requisition has been received and the person making the requisition shall on such demand produce the same.

51. No dutiable liquors shall be removed for export from the King's or licensed warehouse in which they may be stored except in closed cases or vessels each containing not less than two gallons or the reputed equivalent of two gallons.

Dutiable liquors not to be removed for exportation except in closed cases.

52. No dutiable liquors except such as are exported to one consignee in one consignment in quantities of not less than forty gallons if in cask or the reputed equivalent thereof if in bottles shall be removed from any King's or licensed warehouse for export unless the cases or vessels containing the same shall be clearly and permanently marked by stencil or otherwise on at least three sides in letters not less than three inches long with the words "For Export".

Dutiable liquors to be marked for export.

53. The master owner or agent of any ship by which dutiable liquors may be imported shall within four hours after the arrival of such ship or as soon thereafter as the office of the Superintendent shall be open furnish to the Superintendent a true and correct statement of all dutiable liquors imported therein.

Master owner or agent of ship to furnish particulars of import to Superintendent.

54. The owner or agent of any ship by which dutiable liquors may be exported shall within twenty-four hours of the time of the departure of such ship furnish to the Superintendent a true and correct statement of all dutiable liquors exported therein which may have been entered on the ship's manifest or for the receipt of which for export such owners or agents or any persons acting on their behalf may have issued a receipt to any person.

Owner or agent of ship to furnish particulars of export to Superintendent.

55. Any person who has obtained a permit to move any liquors from any ship or to remove any liquors for exportation and has not availed himself thereof on the day stated therein shall within twenty-four hours from such date or as soon thereafter as the Superintendent's Office may be open for business return such permit to such office.

Permit not used to be returned in twenty-four hours.

56. No person shall reland or permit the relanding of any liquors shipped under any permit or knowingly neglect or omit to cause such liquors to be exported in accordance with the terms of such permit.

Liquors shipped under a permit not to be re-landed.

Storage of Dutiable Liquors.

57. The Governor-in-Council may from time to time approve and appoint warehouses or places of security to be King's warehouses for the warehousing of dutiable liquors and may from time to time revoke such approval and thereupon all dutiable liquors warehoused in a King's warehouse of which the approval has been revoked shall be removed as the Governor may direct.

King's warehouses.

58.—(1.) The Superintendent may from time to time with the approval of the Governor grant licences for the warehousing of dutiable liquors in places to be specified in such licences and to be called licensed warehouses and the Governor may at any time cancel any such licence and thereupon all dutiable liquors warehoused in a licensed warehouse the licence of which has been cancelled shall be removed as the Governor may direct.

Licensed warehouse.

(2.) The fee for such licence shall be two hundred and fifty dollars per annum, or such other sum as the Legislative Council may by resolution from time to time direct, but no fee shall be charged for a licence granted to the Naval or Military Authorities for Naval or Military purposes.

(3.) No such licence shall be transferable without the consent of the Governor.

59.—(1.) The keeper of any King's warehouse and the licensee of any licensed warehouse shall at all times during the usual business hours allow the Superintendent or any revenue officer to enter such warehouse and to inspect the stocks of liquors kept therein and to take samples thereof and to inspect and make copies of and extracts from any books of account kept in connection therewith.

Inspection of warehouses. Prescribed books to be kept.

(2.) The keeper of any King's warehouse and the licensee of any licensed warehouse shall at all times keep proper books showing such particulars of all dutiable liquors warehoused therein and of all liquors removed therefrom as shall be prescribed by regulations from time to time to be made under this Ordinance by the Governor-in-Council.

(3.) The keeper of a King's warehouse and the licensee of a licensed warehouse shall be liable to the Superintendent for the payment of any duties which may become payable in respect of the dutiable liquors warehoused in such King's or licensed warehouse and shall prevent the removal of dutiable liquors and denatured spirits from such King's or licensed warehouse except in accordance with the provisions of Section 61.

No person to keep dutiable liquors except in King's or licensed warehouse. **60.—(1.)** No person shall store or keep or have in his possession or control any dutiable liquors except in a King's or licensed warehouse or in the ship in which the same may have been imported.

No person to have in his possession in King's or licensed warehouse liquors illegally imported or possessed. (2.) No person shall have in his possession or control in a King's or licensed warehouse any intoxicating liquors or denatured spirits imported contrary to the provisions of this Ordinance or which may be or have come into his possession or control contrary to the provisions of this Ordinance.

Restrictions on buying and selling dutiable liquors. (3.) No person shall sell or offer for sale and no person shall buy any dutiable liquors stored elsewhere than in a King's or licensed warehouse, or in the ship in which the same may have been imported.

Restrictions on removals of dutiable liquors. **61.—(1.)** No person shall remove any dutiable liquors or denatured spirits from any King's or licensed warehouse except for export under an export permit without a permit from the Superintendent in the Form No. 11 in the Third Schedule to this Ordinance and except in accordance with the conditions in such permit contained.

(2.) Such permit shall be issued by the Superintendent upon receipt of a requisition in the Form No. 10 in the said Schedule, provided always that the Superintendent shall refuse to issue a permit

(a.) for the removal of any such dutiable liquors except in closed cases or vessels each containing not less than two gallons or the reputed equivalent of two gallons;

(b.) if such liquors are to be removed for purposes other than export to any place other than a King's or licensed warehouse except upon payment to him of the duty thereon.

Deficiency of dutiable liquors in a King's or licensed warehouse. **62.** If it shall appear at any time that there is a deficiency in any King's or licensed warehouse in the quantity of dutiable liquors which ought to be found stored therein the keeper of such King's warehouse and the licensee of such licensed warehouse shall be liable to pay to the Superintendent the duty leviable upon such deficiency and shall in the absence of proof to the contrary be presumed to have illegally removed such liquors: provided always that such person in charge or licensee shall not be held liable for any deficiency which he may prove to have been caused by leakage or breakage or other accident.

Distillation and Manufacture.

Restrictions on making and preparing liquors. **63.—(1.)** All intoxicating liquors distilled, made or prepared by any person holding a licence under this Ordinance or under any Ordinance repealed by this Ordinance or under the New Territories Regulation Ordinance, 1910, shall be deemed to be dutiable liquors and the place of distillation making or preparation shall be deemed to be a licensed warehouse for the purpose of storing such liquors and the person holding a licence for such place shall for the purposes of this Ordinance be deemed to be the licensee of such licensed warehouse.

(2.) Such licensed warehouse shall not be used for the storage of any dutiable liquors whatsoever other than that distilled, made or prepared therein as aforesaid.

(3.) There shall be no fee payable in respect of such licensed warehouse.

64. Nothing in this Ordinance contained shall apply to any distillation by a duly qualified medical practitioner or person registered as a chemist and druggist under the Pharmacy Ordinance, 1908, which may be proved to be for genuine medicinal or scientific purposes or to any distillation of essential oils. Ordinance not to apply to distillation for medical purposes.

Keeping of Intoxicating Liquors by Licensees.

65. Every person who holds a licence under this Ordinance or under any Ordinance repealed by this Ordinance or under the New Territories Regulation Ordinance, 1910, shall Licensed person to give amount of stocks;

(a.) on demand by the Superintendent render an account in writing of the quantity and description of the intoxicating liquors in his possession custody or control;

(b.) permit the Superintendent or any revenue officer to enter the premises in which such liquors are stored at any time between the hours of six in the morning and six in the evening and inspect the same. permit entry

66. No person who holds a licence as above shall store or keep on his licensed premises any dutiable liquors and in the absence of proof to the contrary any dutiable liquors found on such premises shall be presumed to be stored or kept by such licensee. Licensed person not to keep dutiable liquors on the premises.

Revenue Officers.

67.—(1.) The Superintendent may grant to any person approved by him a warrant in the Form No. 12 in the Third Schedule to this Ordinance to act as a revenue officer under this Ordinance. Revenue Officers.

(2.) The Superintendent shall have power to withdraw at any time any warrant so granted by him.

(3.) Every revenue officer shall be supplied with a suitable badge of office which shall be returned to the Superintendent when the warrant is withdrawn.

(4.) Every such revenue officer shall be deemed to be a public officer.

(5.) Every native revenue officer shall, before appointment, be examined and approved by the Superintendent and Principal Civil Medical Officer, and having been so examined and approved according to the Forms in the Fifth Schedule to this Ordinance shall go before a Magistrate and answer the questions, and subscribe and take the oath or make the declaration in the Sixth Schedule to this Ordinance

(6.) Every native revenue officer shall engage and bind himself to serve in that office for the term of three years, during which term he shall not be at liberty to resign his office or to withdraw himself from the duties thereof, except as is hereinafter provided.

(7.) In case any native revenue officer who has completed his period of three years' service is desirous of continuing to serve in the same capacity, he shall be at liberty to engage and bind himself for a further term of three years on similar terms and conditions and shall take the oath or make the declaration prescribed by subsection (3) of this section: Provided always that his re-enlistment is approved by the Superintendent.

(8.) The Governor is hereby empowered to grant to any native revenue officer who is re-enlisted under subsection (5) a sum by way of bonus not exceeding one hundred dollars.

(9.) Any native revenue officer shall be entitled to claim his discharge at any time on his giving to the Superintendent three months' notice of his wish to withdraw and paying a sum equivalent to two months' pay for each unexpired year of his term of appointment: Pro-

vided always that it shall be lawful for the Governor to remit the whole or any part of the said sum.

(10.) Whenever any native revenue officer, having duly engaged and bound himself to serve in that office, deserts therefrom or refuses to perform his duty therein, he shall on summary conviction before a Magistrate be liable to a penalty not exceeding two hundred dollars and in default of payment to imprisonment with or without hard labour for any term not exceeding six months.

(11.) Any native revenue officer imprisoned under the preceding sub-section, shall forfeit all pay during his imprisonment.

(12.) The Superintendent shall, in case of breach of discipline or neglect of duty by any native revenue officer, on proof thereof to his satisfaction, have power to order the offender to forfeit and pay a sum not exceeding ten dollars.

(13.) All sums forfeited under the preceding sub-section shall be paid into the Treasury and shall be applied to such purposes in connection with the Imports and Exports Office as the Governor may from time to time direct.

(14.) Every revenue officer when acting against any person under this Ordinance shall declare his office and produce his badge of office to the person against whom he is acting.

Penalty for refusing or neglecting to return badge.

(15.) Any revenue officer who refuses or neglects without reasonable cause to return his badge to the Superintendent in contravention of this Ordinance shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

Powers of police officers.

68.—(1.) All police officers shall have the powers of a revenue officer under this Ordinance.

(2.) Every police officer when acting against any person under this Ordinance shall if not in uniform declare his office and produce to the person against whom he is acting such badge as the Captain Superintendent of Police may direct to be carried by police officers when employed on secret or special service.

Search of baggage and goods.

69.—(1.) Every person landing from any ship or entering the Colony by land accompanied by any goods or baggage shall :—

(a.) On demand by any revenue or police officer either permit his goods and baggage to be searched by such officer or together with such goods and baggage accompany such officer to a police station and there permit his goods and baggage to be searched by any revenue or police officer in the presence and under the supervision of a European police officer or other police officer not below the rank of sergeant. If the person landing is of European race the demand shall be made by a European officer.

(b.) On demand by any European revenue or police officer or other police officer not below the rank of sergeant permit his goods and baggage to be searched by such police officer or by any revenue officer in the presence and under the supervision of such police officer provided always that :

The goods and baggage of any person who may claim to be present when they are searched shall not be searched except in his presence.

(2.) Any person who may refuse to comply with any lawful demand under this section may be arrested by the officer making the demand without warrant.

Examination of articles on ship, wharf, etc.

70. Any box chest package or other article (not being passenger's baggage accompanied by the owner) which is being landed or has been recently landed from any ship or which is in or upon any ship (not having the status of a ship of war) islet landing place wharf warehouse or place adjoining any wharf and used in connection therewith or which is being removed from any such ship islet or other place or which is being brought into or has recently been brought in the Colony by land—

(a.) may be examined and searched by any revenue

officer and may be detained until any person in charge thereof shall have opened the same to admit of such examination and search and in default of such opening may be removed by such officer to a police station ;

(b.) may be broken open by the orders of any European police officer or other police officer not below the rank of sergeant to facilitate such examination and search provided that any person in charge or possession of such box chest package or other article shall be afforded every reasonable facility for being present at such breaking open examination and search.

71. No search of goods or baggage shall be made under the provisions of the two preceding sections unless there is reasonable cause to suspect that such goods or baggage contain dutiable liquors or denatured spirits.

No search except where reasonable cause to suspect.

72. Any revenue officer may board any ship not being the status of a ship of war and remain on board as long as such ship remains in the waters of the Colony.

Revenue officer may board ship.

73.—(1). Any revenue officer may arrest without warrant—

Revenue officer may arrest without warrant in certain circumstances.

(a.) Any person found committing or attempting to commit an offence or employing, aiding or assisting any person to commit an offence against this part of this Ordinance or the rules made thereunder or against Part III of this Ordinance.

(b.) Any person whom he may reasonably suspect to have in his possession any intoxicating liquors denatured spirits or other articles subject to forfeiture under this part of this Ordinance or the rules made thereunder or under Part III of this Ordinance.

(2.) Every person so arrested shall together with any article as to which an offence may have been committed or attempted to have been committed be taken to a police station.

74. If any search made without warrant under this Ordinance be unsuccessful and there be no reason to suppose that any intoxicating liquors denatured spirits or other articles liable to forfeiture under this Ordinance have been thrown away or otherwise disposed of in order to avoid detection the Superintendent shall repack or cause to be repacked any goods unpacked during such search and shall make good any damage caused thereby. In the event of any dispute as to the amount of damage to be made good by the Superintendent not being settled within twenty-four hours from the time of such dispute first arising such amount shall be ascertained by a Magistrate and the Superintendent shall pay such amount so ascertained immediately upon production by the aggrieved person of a certificate thereof under the hand of the Magistrate.

If an unsuccessful search made compensation to be paid.

PART III.

Warrants, Proceedings, Offences, Penalties and Forfeitures.

75. Whenever it appears to any Magistrate upon the oath affirmation or declaration of any person of repute that there is good cause to believe that there are in any building vessel (not being a ship of war or ship having the status of a ship of war) or place any intoxicating liquors or denatured spirits or other articles subject to forfeiture under this Ordinance or under the regulations made thereunder as to which an offence has been committed or is about to be committed against any of the provisions of this Ordinance or the regulations made thereunder, such Magistrate may, by warrant directed to any European police officer or any European revenue officer empower such officer with such assistants as may be necessary, by day or night (1) to enter and if necessary to break into such building vessel or place and to search for and take possession of any such intoxicating liquors denatured

Issue of search warrant by Magistrate.

spirits or other articles (2) to arrest any person or persons who may appear to have such intoxicating liquors denatured spirits or other articles in his or their possession custody or control.

Recovery of fines and forfeitures. 76. All convictions and fines and penalties under this Ordinance or any regulation made thereunder shall be had and recovered in a summary way before a Magistrate but proceedings for the recovery of any such fine or penalty shall be commenced within six months after the offence was committed.

Adjudication of fine and disposal of forfeited articles. 77.—(1.) The Magistrate may adjudicate any portion not exceeding half of a fine under this Ordinance to the informer.

(2.) All articles seized and forfeited under this Ordinance shall be sold or if unsaleable be destroyed or otherwise disposed of by the Superintendent. The proceeds of any such sale shall be paid into the Treasury as part of the general revenue of the Colony.

Manner of seizure not to be enquired into by Court. 78. On any trial before any Magistrate and in any proceedings on appeal in the Supreme Court relating in any of the above cases to the seizure of articles subject to restriction under this Ordinance it shall be lawful for such Magistrate or Court and such Magistrate or Court is hereby required to proceed to such trials and to the hearing of such appeals on the merits of the case only without reference to matters of form and without enquiring into the manner or form of making any seizure excepting in so far as the manner or form of seizure may be evidence on such merits.

Extracts from register of requisitions and permits to be evidence. 79. Every requisition received and a copy of every permit issued by the Superintendent shall be entered in the Superintendent's office in a book or books and the production of any extracts from the said books or of any certificate as to requisitions for and grants of permits certified or purporting to be certified under the hand of the Superintendent shall on the trial of any person charged with an offence under this Ordinance be proof of the facts set out in the said extracts and certificates till the contrary be shown by or for the person so charged and the absence of requisitions and of copies of permits from the said books shall be proof till the contrary is shown in like manner that application has not been made for the permit required and that the permit has not been issued.

Certificate of Government Analyst to be sufficient evidence. 80. At the hearing of any charge under this Ordinance the production of a certificate purporting to be signed by the Government Analyst shall be sufficient evidence of the facts therein stated, unless the defendant requires that the Analyst should be called as a witness, but if the defendant shall require the Analyst to be called the Magistrate may order him in addition to any other penalty to pay a fee of \$25 for the attendance of the Analyst, such fee to be recoverable in the same way as a penalty imposed under this Ordinance is recoverable, and to be paid into the Treasury.

Magistrate may employ an analyst to report on technical points. 81. The Magistrate hearing any charge under this Ordinance may employ an analyst or other skilled person to report on any technical point, and may order the payment of the fee of such analyst by the defendant in addition to any other penalty, and such fee shall be recoverable in the same way as a penalty imposed under this Ordinance is recoverable.

Governor may stop proceedings and order restitution of articles forfeited. 82. It shall be lawful for the Governor to suspend or stop any prosecution or proceeding instituted or proposed to be instituted under this Ordinance and to direct the refund of the whole or any part of any fine or penalty and the restoration of the whole or any portion of any articles ordered to be forfeited to any person from whom the same may have been taken.

Protection of informers from discovery. 83. Except as hereinafter mentioned no information laid under this Ordinance shall be admitted in evidence in any civil or criminal proceeding whatsoever and no witness shall be obliged or permitted to disclose the name or

address of any informer under this Ordinance or state any matter which might lead to his discovery. Moreover if any books documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contain any entry in which any informer is named or described or which might lead to his discovery the Court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery but no further. But if on the trial of any offence under this Ordinance the Magistrate after full enquiry into the case believes that the informer wilfully made in his information a material statement which he knew or believed to be false or did not believe to be true or if in any other proceeding the Magistrate is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer it shall be lawful for the Magistrate to require the production of the original information and permit inquiry and require full disclosure concerning the informer.

§ 4.—(1) Whenever two or more persons shall be charged with any offence against this Ordinance the Magistrate may permit one or more of them to give evidence as a witness or witnesses for the prosecution. Examination of accused persons.

(2.) Every person so permitted to give evidence who shall in the opinion of the Magistrate make true and full discovery of all things as to which he is lawfully examined shall be entitled to receive a certificate of indemnity under the hand of the Magistrate stating that he has made a true and full discovery of all things as to which he was examined and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid. Indemnity if true and full discovery made.

(3.) Provided always that any person charged with an offence against this Ordinance may if he thinks fit tender himself to be examined in his own behalf and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness. Accused may tender himself for examination.

§ 5.—(1.) No action shall be brought against any person for any thing done or *bonâ fide* intended to be done in the exercise or supposed exercise of the powers given by this Ordinance or by any rules made thereunder:— Notice of actions.

- (a.) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof;
- (b.) after the expiration of three months from the date of the accrual of the cause of action;
- (c.) after tender of sufficient amends.

(2.) In every action so brought it shall be expressly alleged that the defendant acted maliciously and without reasonable or probable cause and if at the trial the plaintiff shall fail to prove such allegation judgment shall be given for the defendant. Malice to be alleged.

(3.) Though judgment shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Court before whom the action is tried shall certify its approbation of the action. Costs.

§ 6. Every person who shall import or aid abet procure or be interested or concerned in or knowingly derive any profit from the importation of any intoxicating liquors or denatured spirits contrary to the provisions of this Ordinance shall be guilty of an offence against this Ordinance. Importing or being concerned in the importation of intoxicating liquors or denatured spirits.

§ 7. Every person who shall contrary to the provisions of this Ordinance receive into or have in his possession custody or control any intoxicating liquors on which the duty leviable by law shall not be proved to have been paid or which have been illegally imported made or prepared shall be guilty of an offence against this Ordinance. Provided that no person shall be convicted under this section if he proves to the satisfaction of the Court before which he is tried that he had good and sufficient reason to believe that such duty had been paid or that such intoxicating liquors had been legally imported or legally manufactured. Being in possession of intoxicating liquors on which duty has not been paid or of intoxicating liquors illegally imported made or prepared.

Making false requisition, return, etc. 88. Every person who shall under the provisions of this Ordinance deliver any requisition or supply any particulars returns or account or other written statement required by this Ordinance or by any regulation made thereunder shall if such requisition particulars return account or written statement be false or incorrect either in whole or in part to the knowledge of the person so making delivering or supplying the same whether the same be signed by him or not be guilty of an offence against this Ordinance.

Penalty for obstructing revenue officer. 89. Every person who assaults resists or wilfully obstructs any revenue officer in the execution of his duty shall be liable in the discretion of the Magistrate to a penalty not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for one year.

Other penalties. 90. Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of this Ordinance or of any regulation made thereunder or permit granted or Order-in-Council issued thereunder and any refusal to permit or obstruction of any act commanded by this Ordinance and any breach on the part of a licensed person of the terms or conditions of his licence or recognisance shall be deemed to be an offence against this Ordinance and for every such offence not otherwise specially provided for the offender shall in addition to the forfeiture (if any) of the article seized as hereinafter provided be liable to the following penalties:—

- (a.) for every first offence a fine not exceeding five hundred dollars or imprisonment with or without hard labour for any period not exceeding six months,
- (b.) for every second offence a fine not exceeding one thousand dollars or imprisonment with or without hard labour not exceeding twelve months,
- (c.) for every subsequent offence a fine not exceeding two thousand five hundred dollars or imprisonment with or without hard labour not exceeding twelve months or to both fine and imprisonment.

Forfeitures. 91. All intoxicating liquors and denatured spirits in respect of which any offence may have been committed against this Ordinance or against any regulation made or permit granted thereunder or any breach of the restrictions and conditions subject to or upon which any licence has been granted together with any still or part thereof vat or other vessel used in distillation wash or other materials preparing or prepared for the distillation of such liquors utensil or apparatus or any vessel package cart carriage or conveyance in which the same may be found or which may have been used in connection with such offence may be seized by any police or revenue officer and all such intoxicating liquors denatured spirits stills utensils apparatus vessels packages carts carriages or conveyances, as also any ship of less than fifteen tons in which the same may be found, may be forfeited to the Crown.

Unclaimed articles to be forfeited to the Crown. 92. All intoxicating liquors and denatured spirits and all stills utensils apparatus vessels packages or conveyances used for the preparation packing or conveyance of intoxicating liquors or denatured spirits shall, if found without any apparent owner or if unclaimed after such notice given as to a Magistrate may seem fit, be forfeited to the Crown.

Forfeiture of licence. 93. On the conviction of any licensed person for a second or any subsequent offence against this Ordinance, the Magistrate may order his licence to be forfeited, in addition to any other penalties hereinbefore provided.

PART IV.

General.

Licensed persons to be responsible for acts of agents and servants. 94.—(1.) Whenever any person to whom any licence has been granted under this Ordinance or under any Ordinance repealed by this Ordinance or under the New Territories Regulation Ordinance, 1910, or any keeper of a King's warehouse or any licensee of a li-

censed warehouse shall be liable under the provisions of this Ordinance to any punishment penalty or forfeiture for any act omission or neglect he shall be liable to the same punishment penalty or forfeiture for every similar act omission or neglect of any agent or servant employed by him in or about his licensed premises or King's or licensed warehouse and every agent or servant employed by him in or about his licensed premises or King's or licensed warehouse shall also be liable to every punishment penalty or forfeiture prescribed for such acts omissions or neglect contrary to the provisions of this Ordinance as fully and effectually as if such agent or servant had been the person to whom such licence had been granted or had been the keeper of such King's or licensed warehouse.

Agents and servants to be also liable to punishment, etc

(2.) Every person employed in or about any licensed premises or King's or licensed warehouse shall be deemed to have been so employed by the person mentioned in the licence or by the keeper of the King's or licensed warehouse as the case may be unless and until the contrary be proved.

Presumption of employment.

95. Every requisition required by the provisions of Part II of this Ordinance shall contain the particulars required by the forms in the Third Schedule to this Ordinance and shall be signed by the person applying for such requisition or by some person duly authorised by him provided that in the case of any Chinese firm such requisition shall in addition to such signature be stamped with the chop of such firm.

Contents and signature of requisitions.

96. The Governor-in-Council shall have power from time to time to make regulations for any of the following purposes—

Power to make regulations.

- (a.) to regulate the standard of quality or to determine the quality of any intoxicating liquors to be manufactured and sold under the provisions of this Ordinance and to regulate the material to be used therein and for the branding or labelling of such liquors and such wines and spirits ;
- (b.) to regulate the import and export of intoxicating liquors by land or by sea, and the licensing of persons and ships for those purposes ;
- (c.) to regulate the management of King's warehouses, and to prescribe fees for storage in such warehouses and to authorize the forfeiture to the Crown of any intoxicating liquors or denatured spirits not cleared from such warehouse within periods to be fixed by such rules ;
- (d.) to regulate the licensing and management of licensed warehouses ;
- (e.) to regulate the management of distilleries and places for distilling making and preparing intoxicating liquors and the safeguarding of the revenue to be derived from the duty upon liquors distilled made or prepared therein ;
- (f.) to regulate the examination of the baggage and goods of persons landing at any port ;
- (g.) to alter add to or rescind any of the forms contained in the Schedules of this Ordinance and to substitute others therefor ;
- (h.) for granting exemption from payment of duty on dutiable goods or from any of the provisions of this Ordinance ;
- (i.) to regulate the substances to be used and the quantities thereof for denaturing spirits ;
- (j.) for the supervision of the breaking down blending mixing and bottling of dutiable liquors ;
- (k.) generally to give effect to the provisions of this Ordinance.

All such regulations shall be published in the *Gazette* and shall have the force of law.

Provided always that all regulations and rules hitherto made under any of the Ordinances repealed by this Ordinance shall be as valid and binding as though those Ordinances had not been repealed. Provided also that the Governor-in-Council may at any time amend vary or revoke any such regulation or rule.

Exemption of Naval and Military stores, etc. 97. This Ordinance shall not apply to Naval or Military stores the property of His Majesty or to any intoxicating liquors imported on account of His Majesty's Government or of the Government of the Colony.

Repeal. 98. The Ordinances set out in the Fourth Schedule to this Ordinance are hereby repealed: Provided that nothing in this Ordinance contained shall affect any rights or liabilities acquired or incurred under and by virtue of any of the said Ordinances.

Date of operation of Ordinance. 99. This Ordinance shall come into operation on the day of _____, 191 .

FIRST SCHEDULE.

Section 9. FORM No. 1.
DISTILLERY LICENCE.

Hongkong.
The Liquors Consolidation Ordinance, 1910.

DISTILLERY LICENCE.
In consideration of the fee of _____ dollars paid by I hereby license him to have stills, of _____ gallons capacity, at _____ and to distil spirits therewith, and to sell such spirits from this date until the _____ day of _____, 19 _____, in quantities of not less than two gallons of one liquor at one time, and not to be consumed on the premises.

The holder of this licence shall permit the Superintendent or any Revenue Officer to enter the premises in which distillation is being carried on at any time during the process of such distillation.

Dated the _____ day of _____, 19 _____.
(Signed) _____
Captain Superintendent of Police.

Section 12. FORM No. 2.
APPLICATION FOR PUBLICAN'S LICENCE.

Hongkong.
The Liquors Consolidation Ordinance, 1910.
APPLICATION FOR PUBLICAN'S LICENCE.

Name of Applicant _____ Address _____
Nationality _____ Has held a licence for _____ years.
Licensed House to be at No. _____ Street _____
Its name or sign to be _____
Sureties _____ of _____ and _____
of _____

To the Licensing Board.
I give notice that I intend to apply at the next Licensing Meeting to His Majesty's Justices of the Peace for a licence to sell by retail intoxicating liquors (except Chinese wines and spirits) in the house and appurtenances thereunto belonging above named, which I intend to keep as an Inn or Public-house.

Dated the _____ day of _____, 19 _____.
(Signed)

We, the undersigned householders, residing at _____ in the said Colony, and being in no way directly or indirectly connected with the sale of liquor to the applicant, certify that the above-named applicant is a person of good fame and reputation and fit and proper to be licensed to keep an Inn or Public-house.

Dated the _____ day of _____, 19 _____.
(Signed)

- 1.
- 2.
- 3.

FORM No. 3.

Section 12.

APPLICATION FOR ADJUNCT LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

APPLICATION FOR ADJUNCT LICENCE.

Name of Applicant

Address

Nationality . . . Has held a licence for . . . years.

Licensed house to be at No. . . . Street

Other business carried on

Sureties . . . of . . . and
of . . .

To the Licensing Board.

I give notice that I intend to apply at the next Licensing Meeting to His Majesty's Justices of the Peace for a licence to sell by retail intoxicating liquors, in the house and appurtenances thereunto belonging above named, as an Adjunct to the business which I am carrying on in the said house and premises.

Dated the . . . day of . . . , 19 . . .

FORM No. 4.

Section 16.

PUBLICAN'S LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

PUBLICAN'S LICENCE.

Licensee

Sign of House

No. . . . Street

Period of Licence, from . . . to . . . both days inclusive.

Fee, \$. . .

I license the above-named person to keep an Inn or Public-house, and to sell by retail in such house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, intoxicating liquors (except Chinese wines and spirits) during the period above written.

Conditions.

(1.) No liquor shall be sold or drunk upon any licensed premises except between the hours of eight o'clock in the morning and twelve o'clock midnight. Provided that the Governor-in-Council may by Order from time to time alter such hours as aforesaid.

(2.) No disorder shall be permitted on the premises.

(3.) No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.

(4.) No game of chance shall be played on the premises.

(5.) A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.

(6.) The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.

(7.) The licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account.

(8.) The licensee shall not employ any barmaid in his licensed premises.

(9.) The standard of quality of spirits as fixed by the Governor-in-Council shall be declared on the label of each bottle.

Dated the . . . day of . . . 19 . . .

No. . . .

(Signed)

Colonial Treasurer.

Section 16.

FORM No. 5.

RESTAURANT ADJUNCT LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

RESTAURANT ADJUNCT LICENCE.

Licensee

Business

No.

Street

Period of Licence, from to both days inclusive.

Fee, \$

I license the above-named person to sell by retail intoxicating liquors, in quantities not exceeding two gallons at one time, in the house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, as an Adjunct to the business he carries on there and without keeping a public bar during the period above written.

Conditions.

- (1.) No Public or Private Bar to be kept.
- (2.) Intoxicating liquors shall only be sold for consumption on the premises and only in conjunction with a *bonâ fide* meal for which a charge of at least thirty cents can be reasonably made.
- (3.) Intoxicating liquors shall only be sold between the hours of 12.30 p.m. and 2.30 p.m. and 6 p.m. and 9 p.m. and at no other time.
- (4.) No disorder shall be permitted on the premises.
- (5.) No person shall be allowed to become drunk on the premises nor shall liquor be supplied to any person who is drunk.
- (6.) No game of chance shall be played on the premises.
- (7.) A decent and suitable privy and urinal shall be maintained in a state of cleauliness and good repair for the use of customers.
- (8.) The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.
- (9.) The licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account.

Dated the day of , 19 .

(Signed)

Colonial Treasurer.

Section 16.

FORM No. 6.

HOTEL KEEPER'S ADJUNCT LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

HOTEL KEEPER'S ADJUNCT LICENCE.

Licensee :

Business :

No.

Street

Fee, \$

I license the above-named person to sell by retail intoxicating liquors, in quantities not exceeding two gallons at one time, in the house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, as an Adjunct to the business he carries on there during the period above written.

Conditions.

- (1.) No Public or Private Bar shall be kept.
- (2.) Intoxicating liquor shall only be sold for consumption on the premises, and
 - (a.) To persons residing at the Hotel, at any time.
 - (b.) To persons other than residents, only in the dining room and in conjunction with the regular meals of the establishment.
- (3.) No disorder shall be permitted on the premises.
- (4.) No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
- (5.) No game of chance shall be played on the premises.

(6.) A decent and suitable privy and urinal shall be maintained in a state of cleauliness and good repair for the use of customers.

(7.) The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.

(8.) The licensee shall not employ any person to sell or dispose of any liquors outside of his licen-ed premises, nor shall he allow or suffer any liquors to be so disposed of on his account.

Dated the _____ day of _____, 19__.

(Signed)

Colonial Treasurer.

No. _____

FORM No. 7.

Section 30.

DEALER'S LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

DEALER'S LICENCE.

is licensed to sell intoxicating liquors (Chinese wines and spirits excepted) by wholesale or by the un-opened bottle on the premises known as

Conditions.

Such intoxicating liquors are not to be consumed on the premises.

No intoxicating liquor shall be sold under this licence between the hours of 10 p.m. and 6 a.m.

Dated this _____ day of _____, 19__.

(Signed)

Colonial Treasurer.

FORM No. 8.

Section 32.

CHINESE WINE AND SPIRIT SHOP LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

CHINESE WINE AND SPIRIT SHOP LICENCE.

is licensed to sell Chinese Wines and Spirits, both by retail and wholesale, such wines and spirits not to be consumed on his premises, at No. _____ the sign or shop name of which is _____ until the _____ day of _____, 19__.

Conditions.

(1.) No Chinese Wines or Spirits shall be sold by retail, directly or indirectly, to persons other than Chinese.

(2.) None but Chinese Wines and Spirits shall be sold on the premises.

(3.) No Chinese Wines or Spirits shall be sold between the hours of 10 p.m. and 6 a.m.

(4.) Any change in the place of business shall be forthwith reported to the Captain Superintendent of Police.

(5.) The licensee shall provide adequate security, to the satisfaction of the Captain Superintendent of Police, for the regular payment for one year of the fee for this licence.

(6.) The holder of this licence shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and the nature of his licence, on a sign, the size and design of which shall be approved by the Captain Superintendent of Police.

Dated the _____ day _____, 19__.

(Signed)

Captain Superintendent of Police.

FORM No. 9.

Section 32.

TRANSFER OF CHINESE WINE AND SPIRIT LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

TRANSFER OF CHINESE WINE AND SPIRIT LICENCE.

The Chinese Wine and Spirit Licence No. _____ granted to _____ is transferred to _____, who is hereby licensed to sell Chinese Wines and Spirits, both by retail and whosesale, such Wines and Spirits not to be consumed on the premises, at No. _____ the sign or shop name of which is _____ until the _____ day of _____, 19__.

Conditions.

- (1.) No Chinese Wines or Spirits shall be sold by retail, directly or indirectly, to persons other than Chinese.
- (2.) None but Chinese Wines and Spirits shall be sold on the premises.
- (3.) No Chinese Wines or Spirits shall be sold between the hours of 10 p.m. and 6 a.m.
- (4.) Any change in the place of business shall be forthwith reported to the Captain Superintendent of Police.
- (5.) The Licensee shall provide adequate security, to the satisfaction of the Captain Superintendent of Police, for the regular payment for one year of the fee for this licence.
- (6.) The holder of this licence shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and the nature of his licence, on a sign, the size and design of which shall be approved by the Captain Superintendent of Police.

Dated the _____ day of _____, 19 ____ .
 (Signed)

Captain Superintendent of Police.

Section 33.

FORM No. 10.

CHINESE RESTAURANT LICENCE.

Hongkong.

The Liquors Consolidation Ordinance, 1910.

CHINESE RESTAURANT LICENCE.

No. _____
 Name of Licensee _____
 Business _____
 Sign of House _____
 Address _____
 Period of Licence, from _____ to _____
 Fee, \$ _____

I license the above-named person during the period set forth above to sell by retail to persons of Chinese race only intoxicating liquors, in quantities not exceeding two gallons at a time, on the above-mentioned premises, to be consumed on such premises in connection with a *bonâ fide* meal for which a charge of at least 30 cents can be reasonably made or in conjunction with meals sent out from such premises, but not otherwise.

Conditions.

- (1.) No public or private bar may be kept on the premises under this licence.
- (2.) No liquor shall be sold or drunk upon the licensed premises except between the hours of eight o'clock in the morning and twelve o'clock midnight. Provided that the Governor-in-Council may by Order from time to time alter such hours as aforesaid.
- (3.) No disorder shall be permitted on the premises.
- (4.) No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
- (5.) A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.
- (6.) The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.
- (7.) The licensee shall not employ any barmaid in his licensed premises.
- (8.) The licensee shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and nature of such licence, on a sign, the size and design of which shall be approved by the Captain Superintendent of Police.

Dated the _____ day of _____, 19 ____ .
 (Signed)

Registrar General.

FORM No. 11.

Section 33.

TRANSFER OF CHINESE RESTAURANT LICENCE.
Hongkong.
The Liquors Consolidation Ordinance, 1910.

TRANSFER OF CHINESE RESTAURANT LICENCE.
New Licensee
Business
Sign of House
Address
Period of New Licence, from _____ to _____
Former Licensee

I license the above-named person during the period set forth above to sell by retail to persons of Chinese race only intoxicating liquors, in quantities not exceeding two gallons at a time, on the above-mentioned premises, to be consumed on such premises in connection with a *bonâ fide* meal for which a charge of at least 30 cents can be reasonably made or in conjunction with meals sent out from such premises, but not otherwise.

Conditions.

- (1.) No public or private bar may be kept on the premises under this licence.
- (2.) No liquor shall be sold or drunk upon the licensed premises except between the hours of eight o'clock in the morning and twelve o'clock midnight. Provided that the Governor-in-Council may by Order from time to time alter such hours as afo. esaid.
- (3.) No disorder shall be permitted on the premises ;
- (4.) No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
- (5.) A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.
- (6.) The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.
- (7.) The licensee shall not employ any barmaid in his licensed premises.
- (8.) The licensee shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and nature of such licence, on a sign, the size and design of which shall be approved by the Captain Superintendent of Police.

Dated the _____ day of _____, 19____.

(Signed)

Registrar General.

FORM No. 12.

Section 34.

EATING-HOUSE LICENCE.

Hongkong.
The Liquors Consolidation Ordinance, 1910.
EATING-HOUSE LICENCE.

Name of Licensee
Business
Sign of House (if any)
Address
Period of Licence, from _____ to _____
Fee, \$ _____

I license the above-named person during the period set forth above to keep an Eating-house (or Coffee House, or as the case may be) at the above-mentioned premises.

Warning.

No intoxicating liquors shall be sold or opium smoked on the licensed premises.

The keeper shall not knowingly or wilfully permit disorderly conduct on his premises, or knowingly suffer any unlawful games or gaming therein, or knowingly permit or suffer any prostitute to frequent such premises or to remain therein.

Note.—There may be added such other conditions, if any, to this licence as the Governor-in-Council may from time to time determine.

Dated the _____ day of _____, 19____.

(Signed)

Colonial Treasurer.

SECOND SCHEDULE.

Schedule of Fees.

The following fees shall be paid for the licences herein mentioned and in the manner herein specified, that is to say :—

<i>Nature of Licence.</i>	<i>Fee.</i>	<i>Manner of payment.</i>	
Distillery Licence,	\$ 400	Annually in advance.	
Brewery Licence,	\$ 400	Do.	
Temporary Licence,—At the discretion of the Governor.		In advance.	
Publican's Licence:—			
<i>(a.) In Victoria and in the Hill Districts:—</i>			
When the rateable value of the premises is—			
	<i>Fee.</i>		
Under \$ 2,000.....	\$1,000	Annually in advance, subject to the provisions of the Liquor Licences Consolidation Ordinance, 1910.	
" 4,000.....	\$1,500		
" 8,000.....	\$2,000		
" 16,000.....	\$2,500		
" 32,000.....	\$3,000		
\$32,000 and over	\$3,500		
<i>(b.) Elsewhere in the Colony the publican's licence fees shall be at half the above rates.</i>			
Restaurant Adjunct Licence and Hotel Keeper's Adjunct Licence:—			
	<i>Fee.</i>		
<i>(a.) For premises situate in and to the North of Queen's Road, Victoria, and at Victoria Gap,</i>	\$ 700		
<i>(b.) For premises situate in any other part of the Island and in Kowloon and New Kowloon,</i>	\$ 400		
Removal Licence,	\$ 20	In advance.	
<i>Note.</i> —If the new premises are of a higher annual valuation than those from which the licence is removed a proportionate part of the extra fee, if any, payable in respect of such difference of valuation must also be paid.			
	<i>Fee.</i>		
Transfer of Publican's Licence,	\$ 200	In advance.	
Transfer of Adjunct Licence,	\$ 40		
Dealer's Licence,	\$ 1,000	Annually in advance.	
Chinese Wine & Spirit Shop Licence:—			
<i>(a.) City of Victoria West of the line formed by the Albany Nullah,</i>	\$ 650	Payable in four quarterly instalments, in advance.	
<i>(b.) City of Victoria East of the line formed by the Albany Nullah,</i>	\$ 550		
<i>(c.) Quarry Bay from Tsat Tsz Mui Police Station to the S.E. boundary of Shaukiwan M.L. I,</i>	\$ 490		
<i>(d.) Shaukiwan from the S.E. boundary of Shaukiwan M.L. I to the boundary of War Department land East of Ah Kung Nuan,</i>	\$ 400		
<i>(e.) Aberdeen and Aberdeen,</i>	\$ 350		
<i>(f.) Tsim Sha Tsui, Yau-mati and Hong-hem, and that portion of the Kowloon Peninsula which is South of a line drawn from Nullah Street, Mong Kok Tsui, to the centre of the road between K.M. Lots 52 and 53 at Shek Shan,</i>	\$ 550		
<i>(g.) Sham Shui Po and the remaining portion of Kowloon not included under (f),</i>	\$ 400		
<i>(h.) Kowloon City and the remainder of New Kowloon,</i>	\$ 350		
Chinese Restaurant Licence:—			
When the valuation of the premises occupied is—			
Under \$500,	\$ 300	Annually in advance.	
\$500 or over, but under \$2,000,	\$ 600	Do.	
Over \$2,000,	\$ 900	Do.	
Eating-houses (where no intoxicating liquors are sold):—			
In Victoria,	\$ 20	Annually in advance.	
Elsewhere,	\$ 5	Do.	
Canteen Licence,	\$ 1	Do.	

THIRD SCHEDULE.

FORM No. 1.

Section 47.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
*Requisition to land Liquors on Payment of
Duty under Section 47 (2).*

To the Superintendent of Imports and Exports.

Sir,
Please issue a Permit to land on the _____ day of
19 _____ between the hours of _____ a.m.
and _____ p.m. the liquors described hereunder from the
steamship _____ which arrived on the
_____ from _____

DESCRIPTION OF LIQUORS :

<i>Nature of liquors. Date</i>	<i>Marks on casks, cases &c.</i>	<i>Quantity of liquors. Importers.</i>
--	--	---

FORM No. 2.

Section 47.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
*Requisition to land Liquors to be stored in a King's
or Licensed Warehouse under Section 47 (2).*

To the Superintendent of Imports and Exports.

Sir,
Please issue a Permit to land on the _____ day of
19 _____ between the hours of _____ a.m.
and _____ p.m. the liquors described hereunder from the
steamship _____ which arrived on the
_____ from _____

and to store the same in the
warehouse at _____

DESCRIPTION OF LIQUORS :

<i>Nature of liquors. Date</i>	<i>Marks on casks, cases, &c.,</i>	<i>Quantity of liquors. Importers.</i>
--	--	---

FORM No. 3.

Section 48.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
*Requisition to land Denatured Spirits under
Section 48 (2).*

To the Superintendent of Imports and Exports.

Sir,
Please issue a Permit to land on the _____ day of
19 _____ between the hours of _____ a.m.
and _____ p.m. _____ gallons of denatured
spirits from the steamship _____ which
arrived on the _____ from _____
the said spirits being contained in _____ marked
Date _____

Importers.

FORM No. 4.

Section 47.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
*Permit to land Liquors on which Duty has been
paid under Section 47 (1) and (2).*

Permission is hereby given to _____ to land
on the _____ day of _____ 19 _____ between the
hours of _____ a.m. and _____ p.m. from the steamship
_____ the liquors described below upon which duties
have been duly paid.

DESCRIPTION OF LIQUORS :

<i>Nature of liquors. Date</i>	<i>Marks on casks, cases, &c.</i>	<i>Quantity of liquors.</i>
--	---	---------------------------------

Superintendent of Imports and Exports.

Note.—If this Permit is not made use of on the day in
respect of which it is issued it must be returned within 24
hours to the office of the Superintendent of Imports and
Exports (Section 55).

Section 47.

FORM No. 5.

"THE LIQUORS CONSOLIDATION ORDINANCE, 1910."
*Permit to land Liquors to be placed in a King's or
 Licensed Warehouse under Section 47 (1) and (3).*

Permission is hereby given to _____ to land
 on the _____ day of _____ 19 between the
 hours of _____ a.m. and _____ p.m. from the steamship _____
 the liquors described below provided that the
 said liquors shall be immediately stored in the
 warehouse at _____

DESCRIPTION OF LIQUORS :

<i>Nature of liquors.</i>	<i>Marks on casks, cases, &c.</i>	<i>Quantity of liquors.</i>
-------------------------------	---	---------------------------------

Date _____

Superintendent of Imports and Exports.

Note.—If this Permit is not made use of on the day in
 respect of which it is issued it must be returned within 24
 hours to the office of the Superintendent of Imports and
 Exports (Section 55).

Section 48.

FORM No. 6.

"THE LIQUORS CONSOLIDATION ORDINANCE, 1910."
Permit to land Denatured Spirits under Section 48 (1).

Permission is hereby given to _____ to land on the _____ day of _____ 19 between
 the hours of _____ a.m. and _____ p.m. from the steamship _____
 gallons of denatured spirits contained
 in _____ marked _____
 provided that the said spirits shall be immediately placed
 and retained in the _____ warehouse at _____
 pending production of proof that
 the same are denatured spirits as defined in the Ordinance.

Date _____

Superintendent of Imports and Exports.

Note.—If this Permit is not made use of on the day in
 respect of which it is issued it must be returned within 24
 hours to the office of the Superintendent of Imports and
 Exports (Section 55).

Section 49.

FORM No. 7.

"THE LIQUORS CONSOLIDATION ORDINANCE, 1910."
 Audit No. _____

Form of Receipt of Duty under Section 49.

I the Superintendent of Imports and Exports hereby
 acknowledge the receipt from _____ of the sum of dollars
 and cents _____ being the amount
 payable as duty on the liquors described below which are
 now stored at _____

DESCRIPTION OF LIQUORS :

<i>Nature of Liquors.</i>	<i>Marks on casks, cases, &c.</i>	<i>No. of gallons.</i>	<i>Duty per gallon.</i>	<i>Total duty.</i>
-------------------------------	---	----------------------------	-----------------------------	------------------------

Date _____

Superintendent of Imports and Exports.

Section 50.

FORM No. 8.

"THE LIQUORS CONSOLIDATION ORDINANCE, 1910."
Requisition to export under Section 50 (2).

To the Superintendent of Imports and Exports.

Sir,

Please issue a Permit to move from
 warehouse at _____ on the _____ day of _____ 19
 between the hours of _____ a.m. and _____ p.m. the dutiable
 liquors described below for export to _____ by
 steamship _____ . The said liquors are being
 consigned to _____

DESCRIPTION OF LIQUORS :

<i>Nature of liquors.</i>	<i>Marks on casks. cases, &c.</i>	<i>Quantity of liquors.</i>
-------------------------------	---	---------------------------------

Date _____

Exporters.

FORM No. 9.

Section 50.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
Permit to move for Export under Section 50 (1).

Permission is hereby given to _____ to
move from _____ warehouse at _____
on the _____ day of _____ 19
between the hours of _____ a.m. and _____ p.m. the dutiable
liquors described below for export to
by steamship _____

DESCRIPTION OF LIQUORS :

<i>Nature of liquors.</i>	<i>Marks on casks, cases, &c.</i>	<i>Quantity of liquors.</i>
Date		

Superintendent of Imports and Exports.

Note.—If this permit is not made use of on the day in respect of which it is issued it must be returned within 24 hours to the office of the Superintendent of Imports and Exports (Section 55).

FORM No. 10.

Section 61.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
Requisition to move under Section 61 (2).

To the Superintendent of Imports and Exports.

Sir,

Please issue a Permit to move from _____
warehouse at _____ on the _____ day of _____ 19
between the hours of _____ a.m. and _____ p.m. the liquors
described below.

(Add “to _____ warehouse at _____”
or “Duty will be paid on the said liquors before removal”
or (in case of denatured spirits) “Proof has been afforded
that the said liquors are denatured spirits as defined in the
Ordinance” as the circumstances may require.)

DESCRIPTION OF LIQUORS :

<i>Nature of liquors.</i>	<i>Marks on casks, cases, &c.</i>	<i>Quantity of liquors.</i>
Date		

Owners or Importers.

FORM No. 11.

Section 61.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
Permit to move under Section 61 (1).

Permission is hereby given to _____
to move from _____ warehouse at _____
on the _____ day of _____ 19
between the hours of _____ a.m. and _____ p.m. the liquors
described below.

(Add if so required “on condition that the said liquors
shall be immediately placed in _____
warehouse at _____”.)

DESCRIPTION OF LIQUORS :

<i>Nature of liquors.</i>	<i>Marks on casks, cases, &c.</i>	<i>Quantity of liquors.</i>
Date		

Superintendent of Imports and Exports.

FORM No. 12.

Section 67.

“THE LIQUORS CONSOLIDATION ORDINANCE, 1910.”
Appointment of Revenue Officers under Section 67 (1).

A. B. of _____ whose
photograph is hereto attached is hereby appointed to be a
Revenue Officer under the Liquors Revenue Ordinance,
1910, and is duly vested with all the rights powers and
immunities of such office under the provisions of the said
Ordinance from this date until the _____ day of
_____ 19 _____

Date

Superintendent of Imports and Exports

FOURTH SCHEDULE.

ORDINANCES REPEALED BY THIS ORDINANCE.

No.	Year.	Title.
8	1898	The Liquor Licences Ordinance 1898.
8	1908	The Liquor Licences Extension Ordinance 1908.
27	1909	The Liquors Ordinance 1909.
30	1909	The Liquors Ordinance Amendment Ordinance 1909.
46	1909	The Liquor Licences Amendment Ordinance 1909.
2	1910	The Liquors Ordinance Amendment Ordinance 1910.
16	1910	The Liquors Amendment (No. 2) Ordinance 1910.
31	1910	The Liquor Licences Amendment Ordinance 1910.

FIFTH SCHEDULE.

**EXAMINATION OF A CANDIDATE FOR THE POST OF
NATIVE REVENUE OFFICER.**

Questions.

Answers.

1. Name.
2. Age.
3. Where born.
4. Trade or calling.
5. Single or married.
6. Number of children.
7. What previous service under Government.
8. When discharged.
9. And why.
10. With whom last employed.
11. And where.
12. What dialects of Chinese can you speak?

Dated the _____ day of _____, 19 .

(Signed)

Candidate.

Approved for medical examination.

Dated the _____ day of _____, 19 .

(Signed)

Superintendent.

MEDICAL CERTIFICATE.

I hereby certify that I have examined the above candidate as to his health and bodily strength, and that I consider him _____ for service as a Native Revenue Officer.

Dated the _____ day of _____, 19 .

(Signed)

Principal Civil Medical Officer.

SIXTH SCHEDULE.

EXAMINATION AND OATH BEFORE A MAGISTRATE.

Questions to be put separately by the Magistrate to a person engaging to serve as a Native Revenue Officer.

Questions.

Answers.

1. What is your name?
2. In what place were you born?
3. What is your trade or calling?
4. Have you any disability or disorder which impedes the free use of your limbs or unfits you for ordinary labour?
5. Are you willing to serve as a Native Revenue Officer for the term of _____ years from _____

I, _____ make oath that the above questions have been separately put to me, that the answers thereto have been read over to me, and that they are the same that I gave and are true.

I also make oath that I will well and faithfully serve His Majesty, His Heirs and Successors, for the term of _____ years as a Native Revenue Officer.

(Signed)

Candidate.

(Signed)

Witness.

Sworn before me at Victoria, Hongkong, this _____ day of 19 .

(Signed)

Magistrate.

DECLARATION IN LIEU OF OATH.

I, _____, solemnly, sincerely, and truly declare that the above questions have been separately put to me, that the answers thereto have been read over to me, and that they are the same that I gave and are true.

I also solemnly, sincerely, and truly declare that I will well and faithfully serve His Majesty, His Heirs and Successors, for the term of _____ as a Native Revenue Officer.

(Signed) _____
Candidate.

(Signed) _____
Witness.

Declared before me at Victoria, Hongkong, this _____ day of _____ 19 _____.

(Signed) _____
Magistrate.

THE LIQUORS CONSOLIDATION BILL, 1910.

<i>Clause.</i>	<i>Where taken from.</i>		
3	Section 3 of 8 of 1898.		
4	" 4 "		
5	" 5 "		
6	" 6 "	as amended by s. 3 of 46 of 1909.	
7	" 7 "	as amended by s. 4 of 46 of 1909.	
8	" 8 "		
9	" 5 of 46 of 1909.		
10	" 5 "		
11	" 5 "		
12	" 5 "		
13	" 5 "		
14	" 5 "		
15	" 5 "		
16	" 5 "		
17	" 5 "		
18	" 5 "		
19	" 5 "		
20	" 5 "		
21	" 19 of 8 of 1898.		
22	" 20 "	as amended by s. 6 of 46 of 1909 and 31 of 1910.	
23	" 22 "		
24	" 23 "		
25	" 24 "		
26	" 25 "		
27	" 26 "		
28	" 27 "		
29	" 36 "	as amended by s. 10 of 46 of 1909.	

<i>Clause.</i>	<i>Where taken from.</i>
30	Section 28 of 8 of 1898.
31	" 29 "
32	" 30 "
33	" 31 "
34	" 32 "
35	" 33 "
36	" 3 and 4 of 8 of 1908.
37	" 34 of 8 of 1898.
38	" 6 of 8 of 1908.
39	" 7 "
40	" 19 of 46 of 1909.
41	" 3 of 27 of 1909 as amended by the Legislative Council Resolution published in <i>Gazette</i> of 3rd December, 1909.
42	" 2 of 30 of 1909.
43	" 2 "
44	" 2 " as amended by 16 of 1910.
45	" 4 of 27 of 1909.
46	" 5 "
47	" 6 " and New Proviso.
48	" 7 "
49	" 8 "
50	" 10 " "
51	" 11 "
52	" 12 "
53	" 13 "
54	" 14 "
55	" 15 "
56	" 16 "
57	" 17 "
58	" 18 "
59	" 19 "
60	" 20 "
61	" 21 "
62	" 22 "
63	" 23 "
64	" 24 "
65	" 25 "

<i>Clause.</i>	<i>Where taken from.</i>	
66	Section 26 of 27 of 1909.	
67	"	27 "
68	"	28 "
69	"	29 "
70	"	30 "
71	"	31 "
72	"	32 "
73	"	33 "
74	"	35 "
75	"	34 " and section 35 of 8 of 1898.
76	"	36 "
77	"	37 "
78	"	38 "
79	"	39 "
80	"	40 "
81	"	41 "
82	"	42 "
83	"	43 "
84	"	44 "
85	"	45 "
86	"	46 "
87	"	47 "
88	"	48 "
89	"	49 "
90	"	50 " and section 37 of 8 of 1898.
91	"	51 " and section 38 of 8 of 1898.
92	"	52 "
93	"	39 of 8 of 1898.
94	"	53 of 27 of 1909.
95	"	54 "
96	"	55 " (as amended).
97	"	56 "
98	New.	
99	New.	

THE UNIVERSITY ORDINANCE, 1911.

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An Ordinance for the incorporation and regulation of the University of Hongkong.

WHEREAS it is desirable to establish an University within the Colony of Hongkong for the promotion of Arts, Science and Learning, the provision of higher education, the conferring of degrees, the development and formation of the character of students of all races, nationalities and creeds, and the maintenance of the good understanding with the neighbouring Empire of China :

Recitals.

AND WHEREAS through the liberality and munificence of Sir Hormusjee Nowrojee Mody suitable buildings for an University are in course of erection upon certain Crown Land in the Colony which His Majesty the King has been graciously pleased to grant for that purpose, AND WHEREAS many firms and individuals of British, Chinese and other nationalities have generously subscribed funds for the equipment and endowment of such University :

AND WHEREAS it is desirable to incorporate the University and to provide for its regulation :

AND WHEREAS the Hongkong College of Medicine (incorporated under Ordinance No. 2 of 1907) has agreed to become incorporated with the University of Hongkong constituted by this Ordinance.

BE IT THEREFORE ENACTED by the Governor of Hongkong, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. There shall be established in the Colony of Hongkong an University with the name and style of "The University of Hongkong", by which name the Chancellor and other Members of the University for the time being are hereby constituted one body politic and corporate with perpetual succession and a Common Seal, and with full power by and in such name to sue and be sued, and without any further licence to take by gift or otherwise, purchase and hold, grant, demise or otherwise dispose of real or personal estate and with the other powers conferred by this Ordinance or by any Statute or Regulation made thereunder.

Constitution.

2.—(1.) Should His Majesty the King himself deign to become a Visitor of the University or to appoint a member of the Royal Family in that behalf, His Majesty or such member of the Royal Family shall forthwith become a Visitor as aforesaid and shall exercise such powers of supervision as may seem good to him.

Visitor.

(2.) The Governor of Hongkong and Chang Jên-Chun, lately Governor General of the Liang Kuang provinces, shall be Patrons of the University. Additional Patrons may be appointed on the recommendation of the Court approved by the Governor-in-Council.

Patrons.

3. The Governor-in-Council may at all times exercise a power of veto if he should disapprove of any decision of the Court of the University on the grounds that the interests of the Colony would be injuriously affected or that the proposal is *ultra vires* or unconstitutional or for other good cause, but the said Court may if they so desire appeal to the Secretary of State against the veto of the Governor-in-Council.

Veto of Governor-in-Council.

4. The University shall have the powers following:—

Powers.

(1.) To grant and confer Degrees and other academic distinctions to and on persons who shall have pursued an approved course of study in the University and shall have passed the examinations prescribed by the University under conditions laid down in its Statutes or Regulations.

- (2.) To admit Graduates of other Universities to Degrees of equal or similar rank in the University.
- (3.) To confer Degrees of the University on any persons who hold office in the University as Professors, Staff Lecturers, Lecturers, or otherwise.
- (4.) To grant Diplomas, Certificates or other distinctions to persons who have pursued a course of study approved by the University under conditions laid down by the University.
- (5.) To confer Honorary Degrees or other distinctions subject to any provisions which are or may be made in reference thereto by the Statutes or Regulations of the University.
- (6.) On good cause shown to deprive persons of any Degrees, Diplomas, Certificates or Distinctions granted to or conferred upon them.
- (7.) To provide for instruction in such branches of learning as the University may think fit and also to make provision for research and for the advancement and dissemination of knowledge.
- (8.) Upon request by the proper authority to examine and inspect schools and other educational institutions and grant Certificates of proficiency or other distinctions and to provide such lectures and instruction for persons not members of the University as the University may determine.
- (9.) To accept the examinations and periods of study passed by Students of the University at other Universities or places of learning (including therein the Hongkong College of Medicine) as equivalent to such examinations and periods of study in the University as the University may determine, and to withdraw such acceptance at any time. Provided that (subject to sub-sections 2, 3 and 5 of this section) the University shall in no case confer a Degree in Medicine or Surgery upon any person who has not attended in the University during two years at least courses of study recognised for such Degree, nor a Degree in any other Faculty upon any person who has not attended in the University during one year at least courses of study recognised for such Degree: and Provided also that no Degree in Medicine or Surgery shall be conferred unless after a total period of five years' study at the University or other place of learning as aforesaid, nor a Degree in any other Faculty unless after a total period of four years' study at the University or other place of learning as aforesaid.
- (10.) To affiliate other institutions or to admit the members thereof to any of its privileges, and to accept attendance at courses of study in such institutions in place of such part of the attendance at courses of study in the University and upon such terms and conditions and subject to such regulations as may from time to time be determined by the University, and to recognise any members of the teaching staff of any College or institution, whether affiliated to the University or not, as teachers of the University.

- (11.) To co-operate by means of Joint Boards or otherwise with other Universities and Authorities for the regulation and conduct of Matriculation and other Examinations, for the examination and inspection of schools and other academic institutions, and for the extension of University teaching and influence in academic matters, and for such other purposes as the University may from time to time determine.
- (12.) To accept the Examiners of the London or other University either wholly or in part as examiners for any degree or distinction of the University and to adopt the verdict of such examiners as the basis of the qualification for such degree.
- (13.) To enter into an agreement under the Seal of the University in the terms set out in the Third Schedule hereto with the Hongkong College of Medicine for the incorporation of that College in the University and for taking over its property liabilities and engagements.
- (14.) To enter into any agreement with any other institution for the incorporation of that institution in the University and for taking over its property and liabilities and for any other purpose not repugnant to this Ordinance.
- (15.) If necessary to promote a Bill or Bills in the Legislative Council of Hongkong to confirm or carry out any such agreement as above referred to.
- (16.) To institute Professorships, Staff Lectureships, Lectureships, Teacherships and any other offices required by the University and to appoint to such offices.
- (17.) To institute and award Fellowships, Scholarships, Exhibitions, Bursaries and Prizes.
- (18.) To license Halls and Hostels for the residence of Students.
- (19.) To make provision for Research, and to furnish Scientific Advice for public purposes, and for these objects to enter into such arrangements with other institutions or with public bodies as may be thought desirable.
- (20.) To appoint a Committee in England or elsewhere for the purpose of recommending or of selecting for the approval of the Court of the University the Principal and other Academic Officers of the University, with power if it be deemed advisable to act finally on behalf of the said Court in any case in which the Court may empower it to so act.
- (21.) To do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a Teaching and Examining Body and to cultivate and promote Arts, Science and Learning.

5. The Authorities of the University shall be the Chancellor, Vice-Chancellor, the Court, the Council and the Senate. Authorities.

6. The Chancellor of the University shall be the President of the Court. The Governor shall be the Chancellor of the University. Chancellor.

Pro-Chancellor. 7. The Court shall from time to time elect one of its members as Pro-Chancellor of the University. The Pro-Chancellor may (subject to the Statutes of the University) in the absence of the Chancellor, or during any vacancy in the office of Chancellor, exercise the functions of Chancellor Provided that he shall not confer Degrees except in the absence of both Chancellor and Vice-Chancellor.

Principal and Vice-Chancellor. 8. The Principal of the University shall be nominated by the Council after consultation with the Senate and appointed by the Court and shall be Vice-Chancellor of the University and ex-officio Chairman of the Senate and shall in the absence of the Chancellor confer Degrees. The first Principal may be appointed before the Senate is constituted.

Pro-Vice-Chancellor. 9.—(1.) There shall be a Pro-Vice-Chancellor of the University. He shall be appointed by the Council from the members of the Senate after consultation with the Senate and shall subject to the Statutes of the University act for the Vice-Chancellor during any vacancy in that office or during the absence or inability of the Vice-Chancellor.

Other Officers. (2.) The Treasurer, Registrar, Bursar and such other officers as may be necessary shall be nominated by the Council and appointed by the Court.

THE COURT.

Court. 10. The Supreme Governing Body of the University shall be the Court which, subject to this Ordinance, the Statutes of the University and the Laws of the Colony, shall exercise all the powers and authority of the University. The constitution of the Court shall be defined by the Statutes of the University.

The Court shall have power by such Statutes to increase or diminish the number of its members by increasing or diminishing the number to be nominated or appointed by the persons or bodies possessing the right of nomination or appointment or by adding other bodies with a right to nominate or appoint representatives or in any other manner.

The first Members of the Court shall be the persons named, indicated or referred to in the first part of the First Schedule hereto. Except as herein provided and subject to the Statutes of the University the Court may determine all matters relating to the appointment and election of future Members of the Court and their respective periods or terms of office and all other matters relating to the constitution of the Court.

The Statutes of the University shall regulate the election and continuance in office of the Members of the Court (including the continuance in office of the first Members), the filling of vacancies among the Members, and all other matters relative to the Court which it may be thought are proper to be so regulated.

THE COUNCIL.

Council. 11. There shall be a Council which shall be the Executive Body of the University and shall have power to direct the use of the University Seal, and, subject to the Statutes of the University and the control of the Court as regulated by the Statutes, shall have the government and control of the Finances of the University and of the affairs and property of the University, and subject to the provisions of this Ordinance and of the Statutes all such other powers as may be delegated to it by the Court.

The Chairman of the Council other than the first Chairman shall be elected from among its members by the Council.

The first Chairman and Members of the Council shall be the persons named, indicated or referred to in the second part of the First Schedule hereto.

The Statutes of the University shall regulate the election and continuance in office of the Members and Chairman of the Council (including the continuance in office of the first Members and Chairman), the filling of vacancies among the Members, and all other matters relative to the Council which it may be thought are proper to be so regulated.

THE SENATE.

12.—(1) There shall be a Senate which shall, subject to the Statutes and Regulations of the University and the control and approval of the Council, have the regulation and control of the Curriculum and Education afforded by the University and such other powers as may be conferred upon it by the Statutes of the University.

(2.) Subject to the agreement in the Third Schedule hereto, the Vice Chancellor, the Professors of the University, the Director of Education, the Staff Lecturers and such other Lecturers as shall from time to time be determined by the Statutes of the University, shall form the Senate.

(3.) In this Ordinance and in all Statutes made thereunder the expression "Staff Lecturer" means a lecturer (not being a Professor of the University) whose services are wholly at the disposal of the University, subject to such Regulations as may from time to time be made by the Court and Council.

THE FACULTIES.

13.—(1) There shall be Faculties of Medicine and Engineering and thereafter such other Faculties as may from time to time be constituted by the Court, priority being given to an Arts Faculty in which due provision shall be made for the study of Chinese language and literature.

(2.) There shall be a Board and a Dean of each Faculty with such powers respectively as may be prescribed by Statute or Regulation subject however as to the Faculty of Medicine to the agreement with the Hongkong College of Medicine set forth in the Third Schedule hereto.

STATUTES AND REGULATIONS.

14. The Statutes set forth in the Second Schedule hereto shall be the first Statutes of the University. The Court may add to, amend, alter or repeal the Statutes for the time being (including those set forth in the said Second Schedule hereto), but no such addition, amendment, alteration or repeal shall be valid or operative until allowed by the Governor-in-Council and published in the *Gazette*.

The Statutes of the University may direct that any of the matters by this Ordinance authorised or directed to be prescribed, governed or regulated by Statutes of the University shall be prescribed, governed or regulated by Regulations of the University.

15. Regulations shall be made in such manner and by such bodies and in respect of such matters as may be prescribed by the Statutes of the University.

Regulations may add to, amend, alter or repeal Regulations from time to time in force.

EXAMINERS AND EXAMINATIONS.

16. All Examinations held by the University shall be conducted in such manner as the Statutes and Regulations shall prescribe, provided that at least one external and independent Examiner shall be appointed for each group of subjects forming part of the course of studies required for University Degrees, but this proviso shall not apply to Examinations for admission or entrance to the University.

GENERAL PROVISIONS.

- Rules of procedure.** 17. The Court, the Council, the Senate and the Faculties respectively may from time to time make Rules for governing, subject to this Ordinance and the Statutes and Regulations of the University, the proceedings of those bodies respectively. The power to make Rules shall include the power to add to, amend, alter or repeal any theretofore made. Copies of all such Rules shall be laid before the Court and Council.
- Race, Nationality and Religion.** 18. It is a fundamental condition of the constitution of the University that no distinction of race or nationality shall be permitted and that no test of religious belief or profession shall be imposed upon any person in order to entitle him to be admitted as a Member, Professor, Teacher or Student of the University or to hold office therein or to graduate thereat or to hold any advantage or privilege thereof.
- Dividends prohibited.** 19. The University shall not make any dividend, gift, division or bonus in money unto or between any of its members except by way of prize, reward or special grant.
- Real Property.** 20. The area of Crown Land situate to the South of Bonham Road and to the East of Pokfulam Road in the Colony of Hongkong and delineated and described on the plan thereof signed by the Governor and by the Director of Public Works and deposited in the Land Office of the Colony of Hongkong, and all buildings now erected or in course of erection or hereafter to be erected thereon, and all rights, easements and appurtenances thereto belonging shall immediately upon the passing of this Ordinance vest in the University of Hongkong and its Successors in fee simple for ever for the purposes of this Ordinance free of Crown Rent: Provided always that the University of Hongkong or its successors shall not sell, convey or dispose of the said area of Crown Land or buildings or any part thereof to any person or corporation without the written licence of His Majesty, His Heirs or Successors first had and obtained. Provided also that if the said land and buildings or any part thereof shall at any time hereafter cease to be used for the purposes of this Ordinance or any Ordinance hereafter enacted amending this Ordinance or in substitution for this Ordinance the said land and buildings or part thereof as the case may be shall revert to and become the absolute property of the Crown as part of the Crown Lands of the Colony.
- Personal property.** 21. All monies already subscribed for the purposes of the University whether on deposit in any name or names in any Bank or not and all investments of such monies, and all interest, income and profits arising from such investments and all securities therefor shall vest in the University of Hongkong absolutely.
- Mortgages.** 22. All the leasehold lands, buildings, tenements and premises described in the first column of the Fourth Schedule hereto which were immediately before the passing of this Ordinance vested in the persons whose names are stated in the second column of the said Schedule as Trustees for the University and all rights, easements and appurtenances thereto belonging and the Mortgage debts secured by the several Indentures of Mortgage of the said leasehold lands, buildings, tenements and premises specified in the third column of the said Schedule and all interest accrued or accruing thereon and the benefit of all the covenants powers and provisoes in the said Indentures of Mortgage contained shall immediately after the commencement of this Ordinance vest in the University of Hongkong and its Successors for all the unexpired residues of the respective terms of years assigned to the said Trustees or other the interest of the said Trustees therein subject to the equities affecting the same respectively.

23. This Ordinance shall ever be construed benevolently and in every case most favourably to the University of Hongkong and the promotion of the objects of this Ordinance.

24. This Ordinance may be cited as the University Ordinance, 1911.

THE FIRST SCHEDULE.

PART I.

THE COURT.

The following persons shall be the first Members of the Court:—

CHANCELLOR.

His Excellency Sir Frederick John Dealtry Lugard, K.C.M.G., C.B., D.S.O., Governor and Commander-in-Chief of Hongkong and its Dependencies (or the Officer Administering the Government of Hongkong).

THE VICE-CHANCELLOR.

HON. TREASURER.

Hon. Sir Paul Chater, Kt., C.M.G.

LIFE MEMBERS.

Sir Frederick John Dealtry Lugard, K.C.M.G., C.B., D.S.O.

Sir Hormusjee Nowrojee Mody, Kt.

Hon. Sir Paul Chater, Kt., C.M.G.

J. Henry Scott, Esq.

Cheung Pat Sz.

Sir F. H. May, K.C.M.G.

Francis William Clark,

M.D., M.R.C.P., D.P.H.

Hon. Mr. Henry Edward

Pollock, K.C.

Gregory Paul Jordan,

M.B., C.M., M.R.C.S.

Rev. T. W. Pearce.

Hon. Dr. Ho Kai, C.M.G.,

M.B., M.R.C.S.

Robert MacLean Gibson,

M.D., C.M.

*Members of the Court
of the Hongkong
College of Medicine.*

EX-OFFICIO MEMBERS.

The Chief Justice.

The Honourable Members of the Executive Council of Hongkong.

The Honourable Members of the Legislative Council of Hongkong.

The Registrar General.

The Principal Civil Medical Officer.

The Director of Education.

The Dean of each Faculty of the University.

The Registrar of the University.

NOMINATED MEMBERS.

(Not being Life Members or Ex-Officio Members.)

(To be nominated by His Excellency the Governor.)

Four British residents in the Colony.

Six Chinese residents in the Colony.

One Parsi resident in the Colony.

One Mahomedan resident in the Colony.

Three representatives of the Grant-in-Aid Schools in Hongkong to be selected by the Governor from among the nominees of the Governing Bodies of such schools.

Provided that the Court shall be deemed to be sufficiently constituted for the purpose of transacting business immediately after the commencement of this Ordinance although any of the above named members requiring to be appointed, selected or nominated have not been so appointed, selected or nominated.

PART II.
THE COUNCIL.

FIRST CHAIRMAN OF COUNCIL.

Sir F. J. D. Lugard, K.C.M.G., C.B., D.S.O., for two years from the commencement of the Ordinance.

The following persons shall be the first Members of the said Council :—

The Vice-Chancellor.
The Treasurer of the University.
The Pro-Vice-Chancellor
The Director of Public Works.
The Registrar General.
The Principal Civil Medical Officer.
The Director of Education.

Two British Members and three Chinese Members of the Court elected by the Court.

Four members of the Senate elected by the Senate of whom two shall be Professors or Staff Lecturers and two Lecturers.

Provided that the Council shall be deemed to be sufficiently constituted for the purpose of transacting business immediately after the commencement of this Ordinance although any of the above named members requiring to be appointed or elected have not been so appointed or elected.

THE SECOND SCHEDULE.

STATUTES OF THE UNIVERSITY

Statute 1.

PRELIMINARY.

These Statutes shall be interpreted in such manner as not to conflict with the Ordinance.

Words defined in the Ordinance or the Statutes shall have the same meaning in the Regulations unless the context be repugnant thereto.

Statute 2.

THE MEMBERS OF THE UNIVERSITY.

The following persons shall be Members of the University :—

The Officers of the University, *viz.* :—
The Chancellor, Vice-Chancellor, Treasurer,
Pro-Vice-Chancellor, Deans of the
Faculties, Registrar and Bursar.
The Members of the Court.
The Members of the Council.
The Members of the Senate.
The Members of the Faculties.
The Emeritus and Honorary Professors.
The Teaching Staff of the University.
The Graduates.
The Undergraduates.

Membership of the University shall continue so long as one at least of the qualifications above enumerated shall continue to be possessed by the individual member.

Statute 3.

THE OFFICERS OF THE UNIVERSITY.

1. The Pro-Chancellor shall be elected for three years, and shall be eligible for re-election.
2. The Vice-Chancellor shall hold office for such period and under such conditions as shall be set forth in his Letter of Appointment as Principal.

3. The Pro-Vice-Chancellor shall hold office for three years, and be eligible for re-election.

4. The Dean of each Faculty shall be elected by the Board of that Faculty subject to the approval of the Senate and shall be appointed by the Council.

5. The Dean shall, unless the Council with the consent of the Faculty otherwise direct, be Chairman of the Board of the Faculty and prepare business for it. He shall be Member *ex-officio* of all Committees of the Faculty and shall present candidates for Degrees (except Honorary Degrees) in the subjects of the Faculty. He shall, except when otherwise directed by the Council, hold office for one year, and shall be eligible for re-election.

6. The Council shall from time to time appoint a Registrar and also may from time to time appoint a Bursar and such other officers of the University as may be found desirable with such duties, at such remuneration and upon such terms and conditions as it shall deem fit.

7. The Registrar, if so required by the Council, shall act as Bursar of the University and may in that capacity be called upon to find such security as the Council may require.

8. The Court shall from time to time appoint an Auditor or Auditors who shall not be a member or members of any of the University Governing Bodies.

9. The Auditor's term of office shall be one year. The Auditor or Auditors shall be eligible for re-election.

Statute 4.

THE COURT.

1. The Court shall consist of the following persons:—

CLASS 1:—THE CHANCELLOR, THE VICE-CHANCELLOR,
THE PRO-VICE-CHANCELLOR AND THE
HON. TREASURER.

CLASS 2:—LIFE MEMBERS.

Sir Frederick John Dealtry Lugard, K.C.M.G.,
C.B., D.S.O.

Sir H. N. Mody, Kt.

The Hon. Sir Paul Chater, Kt., C.M.G.

J. Henry Scott, Esq.

Cheung Pat Sz.

Sir F. H. May, K.C.M.G.

Francis William Clark,

M.D., M.R.C.P., D.P.H.

Hon. Mr. Henry Edward

Pollock, K.C.

Gregory Paul Jordan,

M.B., C.M., M.R.C.S.

Rev. T. W. Pearse.

Hon. Dr. Ho Kai, C.M.G.,

M.B., M.R.C.S.

Robert MacLean Gibson,

M.D., C.M.

*Members of the Court
of the Hongkong
College of Medicine.*

And such other Life Members as the Court may from time to time appoint.

CLASS 3:—EX-OFFICIO MEMBERS.

The Chief Justice.

The Honourable Members of the Executive Council of Hongkong.

The Honourable Members of the Legislative Council of Hongkong.

The Registrar General.

The Principal Civil Medical Officer.

The Director of Education.

The Dean of each Faculty of the University.

CLASS 4:—NOMINATED MEMBERS.

(To be nominated by His Excellency the Governor not being already included in either of the foregoing classes, and being resident in the Colony.)

Four British.

Six Chinese.

One Parsi.

One Mahommedan.

Three representatives of the Grant-in-Aid Schools in Hongkong from among the nominees of the Governing Bodies of such schools.

2. The *ex-officio* members shall continue members so long only as they hold the office in virtue of which they became members of the Court.

3. The nominated members shall hold office for three years.

4. Vacancies shall be filled as they occur and as soon thereafter as conveniently may be.

5. Members retiring by effluxion of time may be re-appointed or re-elected.

6. Any member of the Court may resign by writing addressed to the Court, and in that case the vacancy shall be filled by the Court.

7. The above provisions so far as applicable shall apply to the first members of the Court.

8. The appointment of each member of the Court shall be notified in the *Gazette*.

Statute 5.

MEETINGS OF THE COURT AND QUORUM.

1. The Meetings of the Court shall be held at such times, and in such places and its procedure shall be controlled in such manner as shall be prescribed by Rules made by the Court.

2. Seven Members of the Court shall form a quorum.

Statute 6.

POWERS OF THE COURT.

The Court may upon the recommendation of the Council and Senate appoint Honorary Professors and upon the like recommendation confer the title of Emeritus Professor upon any Professor who has retired from his office: Provided that an Honorary or Emeritus Professor shall not *ex-officio* have the right to a seat on the Senate or on the Board of any Faculty but may be invited by the Council on the recommendation of the Senate to take such part in the teaching of the University as may be determined from time to time.

Statute 7.

THE COUNCIL.

1. The Council shall consist of the following members, *viz.* :—

Class 1. The Chancellor, the Vice-Chancellor, the Treasurer, the Director of Public Works, the Registrar General, the Principal Civil Medical Officer and the Director of Education.

Class 2. Two British Members and three Chinese Members of the Court to be elected by the Court.

Class 3. Four Members of the Senate elected by the Senate, of whom two shall be Professors or Staff Lecturers and two shall be Lecturers.

2. The members in Class 2 shall, subject as hereinafter mentioned, hold office for three years. At the first yearly meeting of the Court and at every subsequent yearly meeting of the Court two of the members of this Class shall retire, those longest in office retiring on each occasion. The Council shall determine by ballot the order in which the members of this Class shall retire. Any members retiring may be re-elected.

3. The members in Class 3 shall, subject as hereinafter mentioned, hold office for two years. At the first yearly meeting of the Senate, and at every subsequent yearly meeting of the Senate, one-half of the members of this class shall retire, those longest in office retiring on each occasion. The Senate shall determine the order in which the first members of this class shall retire. Any members retiring may be re-elected.

4. All vacancies in Class 2 may be filled up temporarily by the Council pending the next Assembly of the Court.

5. Any member of the Council may resign by writing addressed to the Registrar of the University.

6. The above provisions so far as applicable shall apply to the first members of the Council.

7. The appointment of each member of the Council shall be notified in the *Gazette*.

8. Seven Members of the Council shall form a quorum.

Statute 8.

POWERS OF THE COUNCIL.

Subject to the provisions of the Ordinance the Council shall in addition to all other powers vested in them have the following powers:—

1. To nominate the first Vice-Chancellor and also after consultation with the Senate the successors to the first Vice-Chancellor for appointment by the Court.
2. To appoint the Pro-Vice-Chancellor from the members of the Senate after consultation with the Senate.
3. Subject to the provisions of Schedule I Part II to elect its own Chairman and Vice-Chairman and to prescribe their periods of office. Provided that the Vice-Chancellor shall be Vice-Chairman unless elected to be Chairman.
4. To select and appoint Professors, Staff Lecturers, Lecturers and other Academic Officers of the University and after report from the Senate to appoint external examiners, provided that when the Senate is constituted no appointment shall be made without consulting it.
5. To appoint a Registrar and other officers of the University.
6. To recommend to the Court names for Honorary Degrees.
7. To institute Professorships, Readerships, Lectureships or other teaching offices after report from the Senate subject to the approval of the Court.
8. To abolish or hold in abeyance after report from the Senate any Professorship, Readership or other academic office in the University subject to the approval of the Court.
9. To draft Statutes as and when it sees fit and submit the same to the Court for consideration and enactment.

10. To make Regulations subject to the veto of the Court, in regard to any matters in respect of which Regulations are authorised to be made, except that in matters referring to Courses of Study, Degrees or Diplomas and Affiliation of Colleges or Recognition of Teachers, Regulations shall be submitted by the Senate to the Council which shall forward them to the Court for confirmation with such amendments as they may suggest.

All Regulations made under this subsection shall be operative from the date on which they are made pending the necessary confirmation by the Court.

11. To exercise all such powers as are conferred on the Council by the Ordinance and Statutes and to carry the Ordinance, Statutes and Regulations into effect.

12. To govern manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University and for that purpose to appoint Bankers, Counsel, Solicitors and any other officers or agents whom it may seem expedient to appoint.

13. To invest any moneys belonging to the University, including any unapplied income, in such stocks, funds, fully paid shares or securities, mortgages, debentures or debenture stock as the Council shall from time to time think fit, whether authorised by the general law for the investment of trust moneys or not, and whether within the Colony of Hongkong or not, or in the purchase of leasehold property in the Colony, with the like power of varying such investments from time to time by sale and re-investment or otherwise.

14. To purchase, grant, sell, convey, assign, surrender and yield up, exchange, partition, mortgage, demise, reassign, transfer and accept leases of real and personal property on behalf of the University.

15. To provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University, and to allocate such buildings, premises, furniture, apparatus and means to the different faculties with power to alter such allocation at any time.

16. To borrow money on behalf of the University and for the purpose (if the Council think fit) to mortgage all or any part of the property of the University whether real or personal or give such other security whether upon such real or personal property or otherwise as the Council think fit, provided that the moneys borrowed and owing by the University shall not at any time exceed in the whole the sum of \$100,000 except with the sanction of a Resolution passed at one meeting of the Council and confirmed by the vote of three-fourths of the members present and voting at a subsequent meeting of the Council specially convened for the purpose and held not less than seven days after the former.

17. To enter into, vary, carry out, and cancel contracts on behalf of the University.

18. To review the Instruction and Teaching of the University.

19. To promote research within the University and to require reports from time to time on such research.
20. To review, refer back, control, amend or disallow any act of the Senate and give directions to the Senate without prejudice to the rights of the Senate under paragraph 9 of this Section.
21. To entertain, adjudicate upon, and if thought fit redress any grievances of the Officers of the University, the Professors, the Teaching Staff, the Graduates, Undergraduates and the University Servants who may for any reason feel aggrieved otherwise than by the action of the Court.
22. To select a Seal, Arms and a Mace for the University subject to the approval of the Court and have the sole custody and use of the Seal.
23. To approve Halls, Hostels and quarters for the residence of Undergraduates and to frame or approve Regulations for the same.
24. To appoint (subject to the approval of the Court) the Committee of selection referred to in Section 4 (20) of the Ordinance.

Statute 9.

THE SENATE.

(1.) The Senate shall consist of the following persons :—

- (a.) The Vice-Chancellor.
- (b.) The Professors and Staff Lecturers of the University.
- (c.) The Director of Education.
- (d.) A Number of other lecturers equal to that of the Staff Lecturers to be nominated by the Boards of the Faculties, approved by the Council and appointed by the Court. The Board of each Faculty shall be entitled to nominate such number of lecturers for this purpose as the Court, having due regard to the proportionate representation of each Faculty upon the Senate, shall determine: Provided that in the nomination of Members representing the Faculty of Medicine the persons who on the day on which the University is declared to be open are Lecturers in the College of Medicine shall have priority of claim over any other lecturers for nomination to the Senate;

Provided also that the Senate shall be deemed to be sufficiently constituted for the purpose of transacting business as soon as five of its members have been appointed.

(2.) Five members of the Senate shall form a quorum.

Statute 10.

POWERS OF THE SENATE.

The Senate shall have the powers following :—

1. To have the direction and general regulation of the instruction and education within the University and the Examinations held by the University (subject to the control of the Council).
2. To appoint Internal Examiners after report from the Board of Faculty or Boards of Faculties concerned.

3. To recommend External Examiners for appointment by the Council after report from the Board of Faculty or Boards of Faculties concerned.
4. To report to the Council after report from the Board of Faculty or Boards of Faculties concerned on all Regulations relating to Courses of Study, Degrees or other distinctions of honour or research.
5. To review, refer back, control, amend or disallow any act of any Faculty and to give directions to the Faculties.
6. To report to the Council on Statutes or Regulations or proposed changes of Statutes or Regulations.
7. To report on any matter referred to or delegated to them by the Court or the Council.
8. To discuss and declare an opinion on any matter whatsoever relating to the University.
9. To make recommendations to the Council as to the appointment of Professors, Staff Lecturers, and Lecturers of the University and on delegation of the Council to appoint other Academic Officers of the University not being Professors, Staff Lecturers or Lecturers.
10. To make recommendations to the Council as to the removal of any of the teaching staff of the University or as to the appointment of additional teaching staff.
11. To formulate and modify or revise schemes for the organisation of Faculties of Medicine, Engineering, Arts and Science and any other Faculties of the University, and to assign to such Faculties their respective subjects, and to formulate, modify or revise schemes for the organisation of Schools and Departments and to submit such schemes to the Council.
12. To fix, subject to any conditions made by the Founders which are accepted by the Council and to Statute 22 the times and mode and conditions of competition for Fellowships, Scholarships and other Prizes and to award the same.
13. To regulate subject to Statute 21 and to the Regulations of the University the admission of persons to courses of the University.
14. To make provision for the discipline of the Undergraduates and Students of the University and to suspend or expel any Undergraduate or Student when thought necessary and generally to carry out the same provisions.
15. To take cognisance of and encourage research.
16. To remove Examiners for negligence or misconduct during their term of office and in case of such removal to appoint a substitute during the remainder of the Examinations.
17. To recommend to the Council for submission to the Court names for Honorary Degrees.
18. To do such other acts and things as the Court or Council shall authorise.
19. The Vice-Chancellor or in his absence the Pro-Vice-Chancellor shall preside at the meetings of the Senate.

20. No new Degree shall be established or other distinction of honour or merit adopted except after consultation with the Senate.

Statute 11.

THE FACULTIES.

The Board of each Faculty shall consist of the following members, viz. :—

1. The Vice-Chancellor.
2. The Dean of the Faculty.
3. The Professors and Staff Lecturers in the Subjects of the Faculty.
4. Such other Professors and Lecturers as the Council may determine after report from the Senate.
5. Such other persons (if any) as the Council may determine after report from the Senate provided that their number shall at no time exceed one-fourth of the total number of the members of the Board of that Faculty.

Statute 12.

POWERS OF THE BOARDS OF FACULTIES.

The Board of each Faculty shall have the powers following :—

1. To regulate subject to the control of the Council and Senate the conduct of Examinations in the subjects assigned to the Faculty.
2. To recommend to the Senate the examiners for appointment.
3. To nominate Departmental Committees to consider and report on any special subject or combination of subjects and such Departmental Committees may include members of other Faculties.
4. To report to the Senate on Statutes and Regulations dealing with courses of study for Degrees and other distinctions and on any questions relating to the work of the Faculty.
5. To deal with any matter referred to it by the Senate.
6. The Boards of Faculties shall be responsible to the Senate for the teaching of the subjects assigned to their respective Faculties and shall report to the Senate thereon from time to time.

Statute 13.

CONGREGATIONS.

Congregations of the whole University for the conferring of Degrees or other purposes shall be held in a manner to be prescribed by Regulations and shall be presided over by the Chancellor or in his absence by the Vice-Chancellor.

Statute 14.

EXAMINATIONS.

1. The Examinations for the degrees of the University shall be conducted by such of the members of the Teaching Staff as may in that behalf be appointed under the powers hereinbefore mentioned and by external and independent Examiners.

2. The Vice-Chancellor may without any report if he shall think fit in case of a vacancy occurring during an examination or of other emergency requiring an immediate appointment appoint an examiner (such examiner if the case be that of an external examiner to be an external examiner) to act for the examination then pending.

3. Subject to the agreement with the Hongkong College of Medicine set forth in the Third Schedule to the Ordinance the period of study necessary to qualify any student for graduation shall not be less than five years in the Faculty of Medicine and not less than three years in any other Faculty all of which shall be subsequent to the date at which the student passes the Matriculation Examination, or such equivalent examination as may be recognised by the University.

Statute 15.

COMMITTEES.

1. The Court, Council, Senate and Faculties may respectively appoint such and so many standing and special Committees as may seem to them fit for the purpose of dealing with any subjects or matters delegated to such Committee and any such Committees (if appointed by the Court or Council) may (if thought advisable) include persons who are not members of the bodies appointing them. The powers and duties of such Committees shall be such as the bodies appointing them from time to time direct and may be revoked, altered or enlarged as to the appointing bodies shall seem meet.

2. The Council may make regulations for the proceedings of all Committees but subject thereto every Committee may regulate its own procedure, times and places of meeting.

3. The Chairman of the Council and the Vice-Chancellor or if these be identical the Pro-Vice-Chancellor shall *ex-officio* be members of every Committee of the Court, Council and Senate and of every joint Committee of the Court, Council and Senate.

4. The Vice-Chancellor shall be *ex-officio* a Member of all Committees of the Senate and Faculties.

5. The Deans of Faculties shall be *ex-officio* Members of all Committees of their respective Faculties.

Statute 16.

ADVISORY BOARDS.

1. Subject to this Ordinance and the Statutes and after consultation with the Senate the Council may from time to time appoint or concur with any other body in appointing Advisory Boards including (if thought advisable) members unconnected with the University upon such terms, for such purposes and with such powers as the Council may consider advisable, and may refer to them for advice and report any subject or matter which in the opinion of the Council can advantageously be so dealt with.

2. The Senate at the instance of any Faculty may approve the institution of a Board which subject to review by the Faculty and under conditions to be determined by Regulation may undertake matters delegated to it with regard to organisation, administration or instruction in any subject or group of subjects within the province of that Faculty. Such Boards shall include the Examiners in the subject or subjects concerned and in addition to members of the Faculty may include other persons whether teachers or members of the University or not. The Senate on the nomination of the Faculty concerned shall appoint the members of the respective Boards.

Statute 17.

REMOVAL OF OFFICERS AND MEMBERS.

1. The Vice-Chancellor, the Pro-Vice-Chancellor, the Dean of any Faculty, any member of the Court or of the Council or of the Senate or of any Faculty, the Auditor or Auditors and all other Officers of the

University may be removed for good cause by the Chancellor upon the decision of the Council if confirmed by the Court.

2. "Good Cause" when used in reference to removal from office, membership or place means:—(1) misbehaviour in office, (2) being a lunatic, (3) conviction of any felony, (4) actual incapacity in or for the execution of the duties of the office, membership or place, or (5) any misbehaviour of an immoral, scandalous or disgraceful nature rendering the holder of the office, membership or place unfit to continue in office.

Statute 18.

ACTS DURING VACANCIES.

No act or resolution of the Court, the Council or the Senate shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification by or invalidity in the election or appointment of any *de facto* member of the body whether present or absent.

Statute 19.

CONTRACTS, &c.

(1.) Contracts made by or on behalf of the University shall be validly made and binding on the University if made as follows:—

- (a.) Any contract, which if made between private persons would be by law required to be in writing and if made according to English law to be under Seal, may be made on behalf of the University in writing under its Seal, and such contract may be in the same manner varied or discharged.
- (b.) Any contract, which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the University in writing signed by any person acting under the express or implied authority of the Council, and such contract may in the same manner be varied or discharged.
- (c.) Any contract, which if made between private persons would by law be valid although made verbally only and not reduced into writing, may be made either in writing or verbally on behalf of the University by any person acting under the express or implied authority of the Council, and such contract may be in the same way varied or discharged.

(2.) Instruments under Seal made on behalf of the University, sealed with the Seal of the University, and signed by either the Chancellor, Pro-Chancellor, Vice-Chancellor or Pro-Vice-Chancellor and countersigned by either the Registrar or the Bursar shall be deemed to be duly executed.

Statute 20.

RESIDENCE OF UNDERGRADUATES.

Undergraduates shall reside either in the University Buildings or in approved Halls or Hostels established under supervision and subject to such regulations as the Council may prescribe: Provided that in any very special or exceptional case the Council on report from the Senate may grant exemption from the provisions of this section.

Statute 21.

ENTRANCE TO THE UNIVERSITY.

1. The Senior Oxford Local Examination with a certificate of exemption from responsions and such other examinations as the Council after consultation with the Senate may subject to the provisions of clause 2 (c) in the Agreement contained in Schedule III prescribe shall be accepted as equivalent to and in lieu of the entrance examinations of the University. Provided that any Board of Faculty may with the approval of the Senate and of the Council require special subjects of examination and may prescribe the standard in such subjects for entrance to its Faculty.

The minimum age of entrance to the University shall be sixteen years.

2. Any person who has passed the prescribed examination and is over 16 years of age may on payment of the prescribed fee be admitted as an undergraduate of the University. Provided that the Senate may in its absolute discretion refuse to admit any such person if satisfied that he is not of good moral character, but such person shall have a right of appeal to the Council.

Statute 22.

BENEFACTIONS AND SCHOLARSHIPS.

Subscribers who prior to the opening of the University have subscribed a sum of \$500 and upwards will have their names inscribed on a tablet in the wall of the Hall of the University. Subscribers of \$10,000 to the Endowment Fund may have one scholar at a time at the University without payment of fees (or alternatively without payment for board) provided he is duly qualified as required by Statute 21. The privilege lapses during any period that no such free scholar is at the University. For each additional \$10,000 another scholar may be nominated by the donor on the same conditions up to a maximum of four: Provided that the total number of scholars who are admitted without fees (or without payment for board) shall not without the consent of the Council exceed 50. A subscriber of \$50,000 shall in addition to the above be entitled to have a framed portrait or a bust of himself in the Hall of the University of such dimensions and so placed as the Council may determine. A subscriber of \$100,000 will in addition be made a Life Member of the Court. Any qualified donor who desires to exercise any or all of these privileges must do so at the time that he gives his subscription. Any provincial city, town or village in or out of China may exercise the like privileges so far as they are applicable, but the scholars can only be nominated by the representatives of the subscribers properly accredited to the satisfaction of the Council.

On the death of a donor entitled to nominate one or more scholars under the above conditions the right of nomination may be exercised by his legal heir or representative, provided that the name of such heir or representative shall be notified to the Council within a year of the death of the donor. Failing such notification the right of nomination shall lapse to the Council who may exercise it or not at their discretion.

All British subjects of whatever race shall be eligible for the King Edward VII scholarships.

Statute 23.

THE TAI KOO CHAIR OF ENGINEERING.

A Chair of Engineering in the University shall be called the Tai Koo Chair of Engineering.

THE THIRD SCHEDULE.

AGREEMENT WITH THE HONGKONG
COLLEGE OF MEDICINE.

Whereas an arrangement was come to on March 13th, 1908, between the Court of the College of Medicine on the one hand and the Governor on the other hand together with Mr. A. H. RENNIE representing the Donor of the University buildings, Now, Therefore, the following agreement dated the day of , 1911, is hereby made in pursuance of the arrangement aforesaid between the University of Hongkong (hereinafter called "The University") of the one part and the Hongkong College of Medicine incorporated under Ordinance No. 2 of 1907 (hereinafter called "The College") of the other part whereby it is agreed as follows:—

1. Up to the day on which the University is declared to be open the Hongkong College of Medicine shall continue to issue its diplomas, etc., under its present style and title, and upon the said day the College shall be dissolved and shall be merged in the University to which all the property of the College shall be transferred.

2. (a.) The members of the Court of the College named in the First Schedule to the Ordinance shall be life members of the Court of the University.

(b.) All Lecturers of the College at the date referred to in paragraph 1 hereof shall be offered lectureships in the University so far as the funds of the University permit and so far as the subjects in which they lecture are retained as part of the curriculum of the University Provided that if owing to the appointment of the permanent staff of the University or for any other cause any such lectureship shall in the opinion of the Council and Senate become unnecessary it may be discontinued.

All the aforesaid lecturers shall be members of the Board of the Faculty of Medicine in the University provided they continue to lecture in the University and such proportion of them shall be members of the Senate as the Court having due regard to the representation of other Faculties may decide.

(c.) All students of the College at the date of the opening of the University who are recommended by the Court of the College shall be entitled to become Undergraduates of the University without entrance examination with the seniority of curriculum which they had attained in the College, but no such student shall become a graduate of the University until he shall have followed a course of two academical years at least in the University and a further course of three academical years at least either in the College or in the University, or partly in one and partly in the other, and shall have passed the examinations prescribed by the University.

3. Mr. TANG CHUK KAI's fund will on the date of opening be transferred to the University. The University undertakes to build an Anatomical Theatre out of the funds at its disposal and agrees to admit Mr. TANG's son as an Undergraduate without payment of any fees for tuition, provided he fulfils the conditions laid down in the Ordinance and Statutes for admission to the University.

4. When the University is opened the Faculty of Medicine shall be simultaneously inaugurated, and no other Faculty shall be established before it.

5. The Belilios and Blake Scholarships will be open to Medical Students only of the University.

6. The University undertakes to appoint a Lecturer to be paid from the funds of the University in anticipation of the opening of the University to prepare the students of the College for entrance to the University.

THE FOURTH SCHEDULE.

Property.	Persons in whose name vested.	Mortgage debts.
Inland Lot No. 963 comprising Nos. 1 to 10 Queen's Gardens.	Alexander Macdonald Thomson and William Chatham.	\$77,500
<p>1. Kowloon Inland Lot No. 412 comprising:—</p> <p>a. Nos. 1, 2, 3 & 4 Carnarvon Villas.</p> <p>b. Nos. 9, 10, 11, 12 & 13 Humphreys Avenue.</p> <p>c. Nos. 30, 32, 34 & 36 Nathan Road, (13 houses in all).</p> <p>2. Kowloon Inland No. 550, comprising Nos. 38, 40 & 42 Nathan Road, 3 houses in all.</p> <p>3. Kowloon Inland Lot No. 551, comprising Nos. 1 to 7 (inclusive) Lochiel Terrace, 7 houses in all.</p> <p>4. Kowloon Inland Lot No. 1205, comprising Nos. 1 to 8 (inclusive) Humphreys Avenue, 8 houses in all, and</p> <p>5. Section B of Kowloon Inland Lot No. 609, comprising Nos. 18 to 28 Nathan Road, 6 houses in all.</p>	Do.	\$300,000
<p>1. Section A of the Reclamation to the Remaining Portion of Section F of Marine Lot No. 54, comprising Nos. 139, 141 and 143 Des Vœux Road Central.</p> <p>2. The Remaining Portion of the Reclamation to the Remaining Portion of Section F of Marine Lot No. 54, comprising Nos. 69, 70, 71, 72 & 73 Connaught Road Central; Nos. 145 and 147 Des Vœux Road Central and Nos. 25, 27, 29 and 31 Gilman Street.</p> <p>3. Permanent Pier No. 12.</p>	Do.	\$190,000
Marine Lot No. 2 C.	Do.	\$125,000

Note.—This Schedule must be brought up to date while the Bill is in Committee.

A BILL

ENTITLED

An Ordinance to introduce into the Criminal Law Ordinances of 1865 certain provisions of the Criminal Law Amendment Acts of the United Kingdom of 1861, and for other purposes.

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

1. This Ordinance may be cited as The Criminal Law Amendment Ordinance, 1911. Short title.

2. The following provisions are added to the Offences against the Person Ordinance, 1865, and shall be numbered sub-sections (1), (2) and (3) respectively of a new section numbered 30A :— Amendment of Ordinance No. 2 of 1865.

“30A.—(1) Every person who unlawfully and maliciously puts or throws upon or across any railway any wood, stone, or other matter or thing, or unlawfully and maliciously takes up, removes, or displaces any rail, sleeper, or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves, or diverts any points or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes, any signal or light upon or near to any railway, or unlawfully and maliciously does or causes to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, shall be guilty of felony, and shall be liable to imprisonment with hard labour for any term not exceeding fourteen years, and, if a male under the age of sixteen years, with or without whipping. Placing wood etc. on a railway with intent to endanger passengers.

(2.) Every person who unlawfully and maliciously throws, or causes to fall or strike, at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which such first-mentioned engine, tender, carriage, or truck shall form part, shall be guilty of felony and shall be liable to imprisonment with hard labour for any term not exceeding fourteen years. Casting stone etc. upon a railway carriage with intent to endanger the safety of any person therein.

(3.) Every person who, by any unlawful act, or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person conveyed or being in or upon a railway, or aids or assists therein, shall be guilty of misdemeanor, and shall be liable to imprisonment for any term not exceeding two years. Doing or omitting anything to endanger passengers by railway.

(4.) For the purposes of this section, “railway” shall include “tramway”.

3—(1.) Sections 3 and 4 of the Malicious Damage Amendment Ordinance, 1910, are added to the Malicious Damage Ordinance, 1865, and shall be numbered sub-sections (1) and (2) respectively of a new section numbered 27A. Amendment of Ordinance No. 6 of 1865 as amended by Ordinance No. 10 of 1910.

(2.) Section 2 of the said Ordinance is repealed, and in lieu thereof the following shall be added as sub-section (3) of the aforesaid new section 27A :—

“(3.) For the purposes of this section “railway” includes “tramway”.

Objects and Reasons.

When the Criminal Law Amendment Ordinances were framed in 1865 the English Consolidation Ordinances of 1861 were copied almost verbatim. But in connection with offences relating to Railways two sets of sections were omitted, because there were no railways in the Colony. These two sets of provisions dealt with practically the same acts—putting wood, stones, etc., on the railway, and other kindred matters, but the criminal intent in the two statutes was different—in the Malicious Damage Act it was damage to the railway, carriages, etc.; in the Offences against the Person Act, it was damage endangering the safety of passengers. The provisions of the former Act were introduced into the Colony by Ordinance No. 10 of 1910; this draft introduces those of the latter Act, and like No. 10 of 1910 it is made applicable to tramways.

I think that now that the New Edition of the Revised Laws is being prepared serious omissions in the law of the Colony should be remedied; in this case the object is to bring the law of the Colony into line with the English law on which it is based. Provision is made for introducing both the new sections and those of No. 10 of 1910 into their proper position in the Criminal Law Ordinances of 1865.

Part II of No. 10 of 1910, which deals with a different matter, will remain as a substantive enactment.

F. T. PIGGOTT,
Chief Justice.

A BILL

ENTITLED

An Ordinance to abolish Minimum Penalties, and to bring the Law of the Colony as to Penalties into uniformity with the Law of England, and for other purposes.

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 "Penalties Amendment Ordinance, 1911".

Abolition of minimum penalties. 2. In any enactment now in force which provides for the imposition of minimum penalties, whether of imprisonment or of a fine, the provisions, if any, relating to such minimum penalties are repealed in manner provided by the following sections; and unless the enactment as printed in the New Revised Edition of the Laws of Hongkong otherwise provides, where a Court is empowered or required to award a sentence of imprisonment with hard labour for life or for a term of years, or of a fine, the Court may award a sentence less than for life or for the term of years, and with or without hard labour, or less than the fine, specified in the enactment.

Where imprisonment imposed it may be with or without hard labour. 3. Where under any enactment now in force or in any future enactment, a Court shall sentence a person for an offence for which the penalty of imprisonment is provided, the Court may, unless the enactment as printed in the New Revised Edition of the Laws of Hongkong or any such future enactment otherwise provides, inflict imprisonment with or without hard labour.

Alternative penalties in existing legislation repealed. 4. Wherever in any enactment now in force there is provided in addition to the penalty of imprisonment for life or for a term of years an alternative penalty of "imprisonment (for any term) with or without hard labour", either with or without the farther alternative "with or without solitary confinement", both or each of such alternative penalties, as the case may be, are repealed; and where either of the aforesaid alternative penalties is provided as alternative to any other penalty, it is repealed; and where the aforesaid alternative as to solitary confinement is provided as an alternative to a penalty of imprisonment, whether with or

5. In all enactments now in force the words "at or in the discretion of the Court", or other words of like meaning, wherever they occur in relation to the imposition of penalties, are repealed. Repeal of words of discretion.

6. Sentences imposing penalties can only be imposed after the person charged has been found guilty and convicted according to law; it is therefore hereby enacted that in all enactments now in force the words "on conviction thereof", or "and being convicted", or other words of like meaning, wherever they occur in relation to the imposition of penalties, are repealed. Repeal of words of conviction.

7. In all editions of the Laws of Hongkong hereafter to be printed the provisions which are repealed by this Ordinance shall be omitted; and the sections so affected are hereby authorised to be printed in manner and form corresponding as nearly as may be with the following "example", and the sections in which such provisions occur shall be construed and enforced accordingly:— Authority to incorporate repeals in new editions of the Laws of the Colony.

Example.

Ordinance No. 6 of 1865, s. 4:—

"Every person who unlawfully and maliciously destroys any part of any ship or vessel which is in distress, or wrecked, stranded or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony and being convicted thereof, shall be liable, at the discretion of the Court, to imprisonment with hard labour for any term not exceeding fourteen years and not less than three years, or to imprisonment for any term not exceeding two years, with or without hard labour and with or without solitary confinement."

The aforesaid section shall be printed as follows:—

"Every person who unlawfully and maliciously destroys any part of any ship or vessel which is in distress, or wrecked, stranded or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and shall be liable to imprisonment with hard labour for any term not exceeding fourteen years."

8.—(1.) In the sections of the Ordinances mentioned in Part I of the schedule, the words "with or without hard labour" after the word "imprisonment" are repealed. Repeals and amendments in Ordinances in schedule.

(2.) In the sections of the Ordinances mentioned in Part II of the schedule, in lieu of the words "for the term of" there shall be read "for any term not exceeding".

(3.) In the sections of the Ordinances mentioned in Part III of the schedule, after the word "imprisonment" there shall be inserted the words "without hard labour".

(4.) The Ordinances mentioned in Part IV of the schedule, are repealed to the extent therein mentioned.

9. Nothing in this Ordinance contained shall be construed as giving to a Court the power of inflicting a punishment less than the minimum punishment, if any, provided for offences against any revenue, customs or quarantine law now in force or hereafter to be enacted. Saving of minimum penalties in certain Ordinances.

10. Wherever in any enactment now in force it is provided that in case a person is convicted of an offence before a Magistrate he shall either be "committed to the common gaol, there to be imprisoned, or to be imprisoned and kept to hard labour for any term", or other like words are used which have the same meaning, the person shall be liable to imprisonment, with or without hard labour, as the case may be, for the same term; and in all editions of the Laws of Hongkong hereafter to be printed the provisions above referred to are hereby authorised to be printed in manner and form corresponding as nearly as may be with the following "example", and the sections in which such provisions occur shall be construed and enforced accordingly:— Amendment of words of conviction before Magistrate in existing Ordinances.

Example.

Ordinance No. 5 of 1865, section 12 (1), in part :—

“Every person who steals any dog shall, on conviction thereof before any Police Magistrate, either be committed to the common gaol, there to be imprisoned, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or...”

This part of the aforesaid section shall be printed as follows :—

“Every person who steals any dog, shall on conviction before a Magistrate, be liable to imprisonment for any term not exceeding six months, or...”

Amendment of words imposing fine in existing Ordinances.

11. Whenever in any enactment now in force it is provided that in case a person is convicted of an offence before a Magistrate he shall be “liable to pay”, or “to forfeit and pay”, a sum of money, or such sum of money not exceeding a specified sum “as to the Magistrate may seem meet”, or other like words are used which have the same meaning, the person shall be liable to a fine of the amount, or not exceeding the amount so specified, as the case may be : and in all editions of the Laws of Hongkong hereafter to be printed, the provisions above referred to are hereby authorised to be printed in manner and form corresponding as nearly as may be with the following “example”, and the sections in which such provisions occur shall be construed and enforced accordingly.

Examples.

(a.) Ordinance No. 5 of 1865, section 12 (1), continued :—

“.....or shall forfeit and pay, over and above the value of such dog, such sum of money not exceeding one hundred dollars as to the Magistrate may seem meet.”

This part of the aforesaid section shall be printed as follows :—

“.....or shall be liable, over and above payment of the value of such dog, to a fine not exceeding 100 dollars.”

(b.) Ordinance No. 5 of 1865, section 13 :—

“Every person who unlawfully has in his possession or on his premises any stolen dog, *etc.*, shall on conviction thereof before a Police Magistrate, be liable to pay such sum of money not exceeding one hundred dollars, as to the Magistrate may seem meet.”

This section shall be printed as follows :—

“Every person who unlawfully has in his possession or on his premises any stolen dog, *etc.*, shall, on conviction before a Magistrate, be liable to a fine not exceeding 100 dollars.”

Amendment of words giving summary jurisdiction to the Magistrate in existing legislation.

12. Whenever in any enactment now in force provisions to the following effect occur, or other like words are used which have the same meaning, in relation to the exercise of summary jurisdiction by a Magistrate over offences, that is to say, “under and in accordance with the provisions of any Ordinance for the time being in force relating to the jurisdiction of Magistrates and the practice and procedure before them in relation to offences punishable on summary conviction”, they shall be held to be the equivalent of the following provision :—

“the Magistrate may deal with the case summarily and may impose a fine not exceeding” such sum as may be provided.

And in all editions of the Laws of Hongkong hereafter to be printed, the provisions firstly above referred to are hereby authorised to be printed in manner and form corresponding as nearly as may be with the provision above substituted therefor, and the sections in which such provisions occur shall be construed and enforced accordingly.

13. The following sections of Ordinances, being rendered unnecessary by the provisions of this Ordinance, are hereby repealed:—

- In Ordinance No. 2 of 1865, sections 59 and 60.
- „ No. 4 of 1865, sections 51 and 52.
- „ No. 5 of 1865, sections 99 and 100.
- „ No. 6 of 1865, sections 59 and 60.
- „ No. 7 of 1865, sections 30 and 31.

Repeal of enactments rendered unnecessary by this Ordinance.

14.—This Ordinance shall come into force by proclamation of the Governor, which shall not be issued until after the Council has authorised the New Edition of the Laws of Hongkong now in course of preparation to be the only authorised version of such Laws.

Coming into force of Ordinance.

SCHEDULE.

PART I.

Sections of Ordinances in which the words “with or without hard labour” after the word “imprisonment” are repealed.

- Ordinance No. 1 of 1845, sections 36, 38, and 44; and section 3 of the amending Ordinance, No. 7 of 1905.
- „ No. 1 of 1860, section 25.
- „ No. 1 of 1868, sections 6 and 8.
- „ No. 1 of 1873, section 13.
- „ No. 1 of 1875, section 4.
- „ No. 4 of 1875, sections 7, 8, and 11 (2).
- „ No. 7 of 1875, sections 18, 28, and 32.
- „ No. 1 of 1882, section 5.
- „ No. 1 of 1884, section 16.
- „ No. 10 of 1886, sections 4, 5, 7 (2), 8 (2), 9 (3), and 12.
- „ No. 2 of 1887, sections 2 (2), 2 (3), 7, and 8.
- „ No. 4 of 1887, sections 6, 10 (1), and 11 (4).
- „ No. 3 of 1888, sections 46, 47, and 48.

PART II.

Sections of Ordinances in which in lieu of the words “for the term of” there are to be read the words “for any term not exceeding”.

- Ordinance No. 2 of 1865, sections 19, 25, 26, 30, 42, and 48.
- „ No. 5 of 1865, sections 5, 10, 19, 21, 30, 33, 46, 75, and 77.
- „ No. 6 of 1865, sections 19, 20, and 22 (2).

PART III.

Sections of Ordinances in which after the word “imprisonment” there are to be inserted the words “without hard labour”.

- Ordinance No. 1 of 1845, sections 19, 20, 21, 22, and 23.
- „ No. 7 of 1865, section 19, in relation to

- Ordinance No. 4 of 1886, sections 4, 19 (1).
„ No. 1 of 1887, section 7.
„ No. 3 of 1888, sections 31 (2), 53.

PART IV.

Sections of Ordinances which are amended by the repeal of the following words.

- Ordinance No. 1 of 1844, in section 24, the words
“and not less than seven years”.
- „ No. 1 of 1868, in sections 2 (2), 3 (2),
and 4, the words from “and not
less” to the end of the sections res-
pectively ;
and in section 5, the words from
“and not less” to “hard labour”.
- „ No. 3 of 1868, in section 3, the words
“or for any term” to the end of
the section ;
and in section 8 (2), the words
from “with or without hard” to
the end of the section.
- „ 4 of 1875, in section 9, the words from
“or to imprisonment” to the end of
the section.
-

Objects and Reasons.

The object of this Ordinance is to bring the law of the Colony on the subject of punishments into line with the law of England. It accomplishes this first, by abolishing minimum penalties, and thus gives the Judge the power of dealing leniently with cases which deserve to be so treated.

The Ordinance also does away with the confusion and redundancy of language which now exist in the penalty clauses of the Criminal Laws of the Colony. In the English Acts, from which our laws have been copied, there were alternative penalties provided of penal servitude for a maximum and minimum term (which was usually three years), and imprisonment with or without hard labour for not more than two years. The Criminal Law Ordinances, as originally passed, followed this form of alternative penalty. By Ordinance No. 3 of 1887, penal servitude was abolished, and imprisonment with hard labour substituted for it. In the Ordinances as they appear in the Revised Edition, “imprisonment with hard labour” has been substituted for “penal servitude”; but no further change was made, with the result, as in the “example” given in s. 7, that the alternatives became “imprisonment with hard labour for not more than 14 and not less than 3 years” and “imprisonment with or without hard labour for not more than 2 years”. This is meaningless and the Ordinance eliminates the second alternative. It should be noted that the penalty of “imprisonment with or without hard labour” as an alternative to penal servitude has been eliminated in England, but by a different process.

The use of “examples” is based on Indian legislation, and due recognition of it will be made in the new “Interpretation Ordinance” now being drafted.

A further effective change is made by making the penalty of imprisonment always subject to the discretionary “with or without hard labour” (as it is in fact in the majority of cases) unless any Ordinance expressly provides otherwise. This is made to apply to future enactments, and will make the drafting of Ordinances uniform.

The superfluous words "at the discretion of the Court" and "on conviction thereof" are eliminated.

The result of these changes so far as mere revision is concerned will be to reduce the bulk of the criminal laws of 1865, by at least one-third. But the more important result will be to let each offence clearly appear, and to condense the penalty clauses as much as possible, leaving them to be governed by the general principles laid down by this Ordinance.

The schedule makes corresponding alterations in the other Criminal Ordinances. The changes effected in Part II are in Ordinances where the penalty is in this form—"imprisonment with hard labour for three years, or imprisonment with or without hard labour for not more than two years". In these cases the "three years" is not an absolute penalty because there is an alternative, and therefore the alteration is warranted.

Solitary confinement is a prison disciplinary measure and it is unusual for it to be put within the province of the Court to impose it as part of the original sentence; it is therefore proposed to delete the words "with or without solitary confinement" wherever they occur. This has been done with the concurrence of the Police and Prison authorities.

The schedule carries the amendments down to the stage at which the Revision Manuscript has at present arrived. In due course, as the Revision proceeds, legislation will be introduced adding other Ordinances to the different Parts of the schedule.

Three other clauses have been introduced, sections 10, 11 and 12, which deal with old, cumbersome, and out of date expressions, substituting therefor modern formulas.

It is not proposed that the Ordinance should come into force until the Council has sanctioned the New Edition as the authoritative version of the Ordinances of the Colony.

F. T. PIGGOTT,
Chief Justice.