

LEGISLATIVE COUNCIL.

No. S. 117.—The following Bill was read a first time at a Meeting of the Council held on the 18th May, 1911 :—

A BILL

ENTITLED

An Ordinance to amend the Foreign Offenders Detention Ordinance, 1872.

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 Foreign Offenders Detention Amendment Ordinance, 1911”.

Amends Ordinance No. 1 of 1872.

2. The Foreign Offenders Detention Ordinance, 1872, is hereby amended as follows :—

- (a.) in the preamble by the deletion of the words “to their respective countries”;
- (b.) in section 3 thereof by the deletion of the words “to his own country”;
- (c.) in section 5 thereof by the deletion of the word “and” at the end of sub-section (3) and by the repeal of sub-section (4);
- (d.) by the deletion of section 6 and by the substitution of the following :—“The Magistrate shall commit the offender to gaol, there to await the order of the Governor.”

Objects and Reasons.

Ordinance No. 1 of 1872 permits the Governor to warrant the temporary detention of subjects of Foreign Governments who, having been accused or convicted of crimes committed in China, are brought within the Colony in course of transmission to their own country for trial or punishment. Owing to the growth of consular jurisdiction such persons are tried in their Consular Courts in China more often than in their own country and as it is as important to detain prisoners being transmitted East as it is to detain prisoners being transmitted West the amendments are made in the preamble and in section 3 of the principal Ordinance.

Moreover as the principal Ordinance is not an extradition Ordinance but an Ordinance which authorises the detention of prisoners already in lawful custody when, in course of transmission, they are brought to the Colony, sub-section (4) of section 5 which is based on extradition precedents seems unnecessary and His Honour the Chief Justice who is now engaged in the revision of the Ordinances has advised its repeal.

The amendment to section 6 is consequential on the amendment to section 5.

C. G. ALABASTER,
Attorney General.