

LEGISLATIVE COUNCIL.

No. S. 99.—The following Bills were read a first time at a Meeting of the Council held on the 10th April, 1913:—

A BILL

ENTITLED

An Ordinance to declare the terms and conditions applicable to Loans authorised to be raised by the Government of Hongkong and to provide for the creation of Hongkong Inscribed Stock.

- Preamble. WHEREAS it is expedient to define in one Ordinance the terms and conditions applicable to loans hereafter authorised to be raised by the Legislature of the Colony of Hongkong:
- AND WHEREAS it is expedient to provide for the creation of inscribed stock, and to enable the Colony to take advantage of the provisions of an Act of the Imperial Parliament entitled "The Colonial Stock Act 1877" and the subsequent Acts on the same subject:—
- Enacting clause. BE it therefore enacted by the Governor of the Colony of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—
- Short title. 1. This Ordinance may be cited as "The General Loan and Inscribed Stock Ordinance, 1913."
- Interpretation. 2. In this Ordinance, unless the context otherwise requires,—
- The expression "Governor" means the person for the time being administering the Government of Hongkong.
- The expression "Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England.
- Loans to be raised by debentures or inscribed stock. 3. Whenever by any Ordinance authority shall have been given, or shall hereafter be given to raise any sum of money for the purposes mentioned in such Ordinance, the Governor, or the Crown Agents acting on his behalf, may, from time to time, as he or they may deem expedient, raise such sum either by debentures or by Hongkong inscribed stock, or partly by debentures and partly by inscribed stock.
- Loans to be a charge upon general revenue. 4. The principal moneys and interest represented by the debentures or inscribed stock issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Colony of Hongkong.
- Borrowing upon debentures. 5. When the Governor, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by debentures, such debentures shall be issued in London on behalf of the Government of Hongkong by the Crown Agents, upon the best and most favourable terms that can be obtained, and shall be signed by any one of them on that behalf.
- Amount of each debenture. 6. Every debenture issued under the provisions of this Ordinance shall be for the sum of not less than one hundred pounds sterling, and shall bear interest at a rate not exceeding five per centum per annum.
- Debentures may be redeemed by annual drawings or by purchase in the market or on a fixed date. 7. The debentures shall be redeemable at par at the option of the Government by purchase in the market, or by annual drawings, or on a date to be named in that behalf by the Governor or by the Crown Agents acting on his behalf, as determined when issuing the debentures, such date not being later than sixty years, from the date of issue, from and after which date all interest on the principal money represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

8. There shall be attached to every debenture coupons Interest for the payment of the interest to become due in each half coupons. year upon the principal represented by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the Government of Hongkong may determine.
9. The debentures, and the coupons thereto shall be in Form of debenture and coupons. his behalf, may direct or approve.
10. Every debenture and coupon, and the right to receive Debentures and coupons transferable by delivery. the principal and interest represented thereby, shall be transferable by delivery.
11. Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at Registry of debentures. the office in London of the Crown Agents.
12. The interest upon the principal represented by each Payment of interest. debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture at the office in London of the Crown Agents.
13. So long as any of the debentures remain outstanding, the Governor shall, in each half-year ending with the day on which the interest on the debentures falls due, appropriate out of the general revenues and assets of the Colony of Hongkong a sum equal to one half-year's interest on the whole of the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day on which it falls due. Mode of providing for payment of interest on debentures.
14. After the date specified in the Ordinance authorising the loan as that on which the contributions to the sinking fund shall commence, the Governor shall, in each half-year ending as aforesaid, appropriate out of the said revenues and assets of the Colony of Hongkong an additional sum for the formation of a sinking fund of not less than ten shillings sterling per hundred pounds on the total nominal amount of all the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned. Further sums to be remitted for the redemption of the debentures.
15. The sinking fund shall be applied in the first place Application of sinking fund. in payment of all expenses of, or incidental to, the redemption of the debentures and the cost and expenses of all notices required by this Ordinance to be given and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being represented by the debentures.
16. In the case of debentures redeemable on a date to be named when issuing the debentures, the Crown Agents shall invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by His Majesty's Principal Secretary of State for the Colonies as a sinking fund for the final extinction of the debt, and the Crown Agents shall also invest the dividends, interest or produce of such investments in the purchase of like securities, and may, from time to time, with the approval of the Secretary of State, change any such investments and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debentures. Creation of sinking fund for redemption of debentures payable on a fixed date.
17. In the case of debentures redeemable by annual Disposal of sinking fund when debentures are redeemed by purchase or by annual drawings. drawings, the Crown Agents shall place and keep the moneys so remitted to them or so much thereof as may not be required for immediate payments, at interest, and shall hold all such moneys and the accumulations thereon in trust, to apply them in the first place to the purchase of the debentures when they can be obtained at a price not exceeding par, and secondly, to the redemption of the debentures by means of annual drawings.

- Appointment of day for drawing of debentures. 18. After the date specified in the Ordinance authorising a loan as that on which the contributions to the sinking fund shall commence in respect of that loan, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall, in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.
- Notice of time and place appointed for drawing. 19. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London Times newspaper, not less than fifteen days previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.
- Mode of drawing. 20. On the day and at the hour and place so specified, the Crown Agents shall hold a meeting, at which the holder of any debenture may if he think fit, be present, and shall then in the presence of such debenture holders, if any, as may attend, and of a notary public, draw by lot, out of the whole number of debentures for the time being outstanding, debentures of the specified nominal amount.
- Notice of debentures drawn for redemption. 21. The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall as soon as may be, by advertisement in the London Times newspaper, specify those numbers and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.
- Payment of drawn debentures. 22. On the day so appointed, the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures, with all interest payable thereon up to that day.
- Cesser of interest from day appointed for payment of principal. 23. From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.
- Redeemed debentures to be cancelled. 24. Upon the payment of the principal moneys represented by any debenture, the debenture with all the coupons thereunto belonging shall be delivered up to the Crown Agents to be by them cancelled and forwarded to the Government of Hongkong. Any debenture redeemed by purchase shall likewise be so cancelled and forwarded.
- Borrowing upon inscribed stock. 25. When the Governor, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by the issue of Hongkong inscribed stock, then such stock shall be issued in England by the Crown Agents under the provisions of the Act of the Imperial Parliament entitled "The Colonial Stock Act 1877" upon the best and most favourable terms that can be obtained, provided that the interest on such inscribed stock shall not exceed four pounds per centum per annum.
- When the principal is to be repaid. 26. All the inscribed stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue, from and after which date all the interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.
- Mode of providing for the payment of interest on inscribed stock. 27. So long as any of the inscribed stock shall remain unredeemed, the Governor shall, in each half-year ending with the day on which the interest on such inscribed stock falls due, appropriate out of the general revenues and assets of the Colony a sum equal to one half-year's interest on the whole of such inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

28. After the date specified in the Ordinance authorising an issue of inscribed stock as that on which the contribution to the sinking fund shall commence, the Governor shall further appropriate out of the said revenues and assets in each half-year ending as aforesaid an additional sum for the formation of a sinking fund of not less than ten shillings per centum on the total nominal amount of such inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Mode of providing for payment of principal of inscribed stock.

29. The Crown Agents shall, for the purpose of forming such sinking fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may from time to time be approved by His Majesty's Principal Secretary of State for the Colonies, and shall also invest the dividends, interest or produce of such investments in the purchase of like securities, and may from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for repayment of the principal moneys for the time being represented by the inscribed stock.

Creation of sinking fund.

30. In case the sinking funds provided for by this Ordinance shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Ordinance at the time the same shall have become due, the Governor shall make good the deficiency out of the general revenues and assets of the Colony of Hongkong.

Charge upon general revenue.

31. All expenses of or incidental to the management of the sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

Expenses to be paid out of sinking fund.

32. The Governor shall also have, and may from time to time exercise, the following powers and authorities or any of them:—

Powers of Governor.

(a.) He may authorise the Crown Agents when issuing any loan in the form of debentures to declare that such debentures will be convertible into inscribed stock at such dates and on such terms and conditions as may be prescribed by the Crown Agents at the time of the issue of the debentures

Debentures convertible into inscribed stock on conditions prescribed by Crown Agents at time of issue.

(b.) He may declare all or any of the Hongkong loans, whether existing in the form of stock or debentures, to be convertible into inscribed stock, to be issued under the provisions of this Ordinance.

Conversion of loans generally.

(c.) He may authorise the creation and issue of such an amount of inscribed stock in exchange for the securities held for such loans as may be necessary.

Creation and issue of stock in exchange for other securities.

(d.) He may authorise the creation and sale of any such inscribed stock or debentures for the purpose of raising money for redeeming any outstanding loans, for paying any expense in the creation of inscribed stock, and otherwise for carrying out the provisions of this Ordinance.

Creation and sale of inscribed stock or debentures to raise loans and for other purposes.

(e.) Any conversion so authorised may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of inscribed stock, or partly in one way and partly in the other.

Arrangements for conversion.

33. Nothing in this Ordinance contained shall authorise an increase of the capital or of the annual charge on any loan, except:—

Exchange of securities for inscribed stock.

(a.) When securities exchanged for inscribed stock bear a rate of interest not less than the inscribed stock, an additional amount of inscribed stock may be created and issued to make up the difference in saleable value between the securities and the inscribed stock.

(b.) In the case of the conversion of securities into inscribed stock, the Crown Agents shall issue such an amount of inscribed stock as may be required to defray the stamp duties and all other expenses incidental to the conversion.

(c.) In accordance with such terms and conditions as may be prescribed under section 32 (a) of this Ordinance.

Converted securities to be cancelled.

34. The securities exchanged or otherwise converted into inscribed stock under the provisions of this Ordinance shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and transmitted to the Governor of Hongkong.

Trustees to apportion amount of sinking fund released by conversion.

35. The trustees of the sinking fund appointed under this Ordinance, and acting under any Ordinance, authorising the issue of any securities which may be exchanged into inscribed stock or cancelled or purchased under the provisions of this Ordinance, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such matters as the trustees may think fit to take into account.

Sinking funds released, how to be disposed of.

36. So much of the sinking funds as may be released shall either be transferred unto the trustees of the inscribed stock sinking fund, or be disposed of in such a manner as the Governor, with the advice and consent of the Legislative Council, may direct.

Creation, inscription, issue, conversion and transfer of inscribed stock.

37. The Crown Agents may from time to time, at the request of the Governor, make arrangements for all or any of the following things:—

- (1.) For inscribing stock in their books.
- (2.) For managing the creation, inscription, and issue of inscribed stocks.
- (3.) For effecting the conversion of loans into inscribed stock.
- (4.) For paying interest on inscribed stock and managing the transfers thereof.
- (5.) For issuing inscribed stock certificates to bearer, and, as often as occasion shall require, re-inscribing them.

Raising of loans in Hongkong.

38. This Ordinance shall be applicable only to the raising of loans in England, and nothing in this Ordinance contained shall prevent the raising of loans in the Colony upon such terms and conditions as shall be specified in any Ordinance authorising the raising of such loans.

Repeal of Ordinance No. 1 of 1893.

39. The General Loan and Inscribed Stock Ordinance, 1893, is hereby repealed.

Saving Clause.

40. Nothing in this Ordinance or in the repeal of Ordinance No. 1 of 1893 shall affect the rights of any person who holds stock or bonds issued under the authority of Ordinance No. 1 of 1893.

Objects and Reasons.

The object of this Bill is to place on a satisfactory basis the general local Statutory Law relative to Loans raised by the Government and to provide for the Colony being able to create Inscribed Stocks and take advantage of the Imperial Acts relating thereto.

The introduction of this Bill is made in compliance with instructions from the Secretary of State for the Colonies.

JOHN A. BUCKNILL,
Attorney General

A BILL

ENTITLED

An Ordinance to make provision for raising a Loan of Two hundred and fifty thousand pounds Sterling for the purposes of Railway Construction.

WHEREAS it is expedient to raise a Loan of Two hundred and fifty thousand pounds Sterling for the purposes specified in the Schedule hereto : Preamble.

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

1. This Ordinance may be cited as The Railway Loan Ordinance, 1913. Short title.

2. The Governor is hereby authorised to issue stock or debentures or both under the provisions of the General Loan and Inscribed Stock Ordinance, 1913, to an amount sufficient to produce as nearly as may be the sum of £250,000 for the purpose of defraying the cost of the completion of the Canton-Kowloon Railway and also to produce such further sum as will reimburse to the Crown Agents for the Colonies such advances as they have made or may make in anticipation of the repayment of the sum of £1,100,000 lent to the Viceroy at Wuchang so far as the advances may prove not to be fully covered by such repayment. A further amount of stock or debentures or both may also be issued in order to defray the expenses of issue of the loan hereby authorised. Authority to Governor to borrow by sale of debentures or inscribed stock.

3. The money to be borrowed under the authority of this Ordinance shall be appropriated and applied to the purposes specified in the Schedule hereto and to no other purpose. Application of loan.

4. Contribution to sinking fund, as contemplated by the provisions of sections fourteen and twenty-eight of the General Loan and Inscribed Stock Ordinance, 1913, shall commence after the expiration of one year from the date of the issue of debentures or inscribed stock to be issued under this Ordinance. Commencement of contribution to sinking fund.

5. Ordinance No. 12 of 1905 and also Ordinance No. 11 of 1905 so far as the latter Ordinance has not been acted upon, are hereby repealed, but nothing in the repeal of Ordinance No. 11 of 1905 shall affect the rights of any person who holds stock under the authority of that Ordinance. Repeal.

SCHEDULE.

Purposes referred to in section 3 :—

Terminal Railway Station.
Manager's House and Staff Quarters.
Purchase of Land in connection with above items.
Stations at Tai Po Market and Sheung Shui.
Ganghuts and Cable through Tunnel.
Additions to Engine Shops.
Locomotives and Rolling Stock.

Objects and Reasons.

The object of this Bill is to authorize the raising of a Loan of £250,000 for defraying the cost of the completion of the Canton-Kowloon Railway and is introduced in compliance with instructions from the Secretary of State for the Colonies.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Offences against the Person Ordinance, 1865.

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 Offences against the Person (Amendment) Ordinance, 1913, and shall be read and construed as one with the Offences against the Person Ordinance, 1865, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Offences against the Person Ordinances, 1865 and 1913.

Amendment of Ordinance No. 2 of 1865 by addition of new section 26a.

2. The Principal Ordinance is hereby amended by the addition thereto after section 26 thereof of the following section :—

Ill-treatment or neglect by those in charge of child or young person.

cf. 8 Edw. VII c. 67 s. 12.

“26a.—(1.) If any person over the age of sixteen years who has the custody, charge or care of any child or young person under that age wilfully assaults, ill-treats, neglects, abandons or exposes such child or young person or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, or any mental derangement) such person shall be guilty of a misdemeanour and shall be liable :—

- (a.) on conviction on indictment to a fine not exceeding one thousand dollars or alternatively or in default of payment of such fine or in addition thereto to imprisonment with or without hard labour for any term not exceeding two years; or
- (b.) on summary conviction to a fine not exceeding two hundred and fifty dollars or alternatively or in default of payment of such fine or in addition thereto to imprisonment with or without hard labour for any term not exceeding six months;

and for the purposes of this section a parent or other person over the age of sixteen having the custody, charge or care of a child or young person under that age shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing or lodging for the child or young person, or if, being unable otherwise to provide such food, clothing or lodging, he knowingly and wilfully fails to take steps to procure the same to be provided by some authority, society or institution which undertakes to make such provision for necessitous children or young persons.

Offence committed even if full effect obviated by interposition of third party.

(2.) A person may be convicted of an offence under this section, either on indictment or by a Court of summary jurisdiction, notwithstanding that actual suffering or injury to health or the likelihood of such suffering or injury to health was obviated by the action of another person.

Offence committed even if death of individual offended against occurs.

(3.) A person may be convicted of an offence under this section, either on indictment or by a Court of summary jurisdiction, notwithstanding the death of the child or young person in respect of whom the offence is committed.”

Objects and Reasons.

The object of this Bill is to provide an amplification of the present local Statutory Law dealing with cruelty to children.

Under the present section 26 of The Offences against the Person Ordinance, 1865, abandonment or exposure of a child under the age of two years by which the life of the child is endangered or its health likely to be permanently injured is punishable with imprisonment for a period not exceeding three years.

There is also no doubt that, under the Common Law which obtains in the Colony, it would be possible to proceed, in some cases, against persons guilty of serious cruelty to children but not only is the procedure under the Common Law more cumbrous than when the principles are concisely contained in an Ordinance but also there may exist instances in which the Common Law affords unsatisfactory loopholes for escape.

The provisions of this Bill are intended to remedy both these defects and they provide that any adult who wilfully assaults or neglects a child or young person so as to cause it unnecessary suffering or injury shall be duly punishable.

JOHN A. BUCKNILL,
Attorney General.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 100.—Statement of Sanitary Measures adopted against Hongkong.

Place or Port.	Nature of Measures.	Date.	Reference to Government Notification.
Singapore.	Hongkong declared an infected port on account of Small-pox.	4th April, 1913.	No. S. 85

No. S. 101.—Statement of Sanitary Measures adopted by Hongkong.

Disease.	Port or Place.	Restrictions in Force.	Authority.
Small-pox.	Hoihow.	Medical examination; quarantine at the discretion of the Health Officer.	Proclamation No. 1 dated 3rd January, 1913.
Plague.	Pakhoi.	Do.	Proclamation No. 4 dated 28th February, 1913.

A. M. THOMSON,
Colonial Secretary.

11th April, 1913.