

LEGISLATIVE COUNCIL.

No. S. 158.—The following Bills were read a first time at a Meeting of the Council held on the 29th May, 1913 :—

A BILL

ENTITLED

An Ordinance to amend the Deportation Ordinances, 1912.

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 Deportation Ordinance, 1913, and shall be read and construed as one with the Deportation Ordinance, 1912, and the Deportation Amendment Ordinance, 1912, and this Ordinance and the said Ordinances may be cited together as the Deportation Ordinances, 1912 and 1913.

Repeal of sections 3, 4 and 5 of Ordinance No. 9 of 1912.

2. Sections 3, 4 and 5 of the Deportation Ordinance, 1912, are hereby repealed and the following sections substituted therefor :—

Summary deportation of locally convicted persons not subjects of His Majesty.

“3.—(1.) The Governor-in-Council may at any time summarily issue a Deportation Order against any person who has been convicted of any offence in the Colony and who in the opinion of the Governor-in-Council is not a natural born or naturalized subject of His Majesty and who in the opinion of the Governor-in-Council it is desirable should be deported from the Colony.

Deportation of British subjects imprisoned locally under sentence of His Majesty's Court in China.

(2.) The Governor-in-Council may at any time summarily issue a Deportation Order against any British subject not belonging to Hongkong who has been imprisoned in the Gaol of the Colony in pursuance of any sentence imposed by His Majesty's Supreme Court in China.

Form of Deportation Order.

(3.) Any Deportation Order issued under the provisions of this section shall be in the Form No. 7 in the Schedule.

Deportation of persons generally. Procedure.

4.—(1.) Whenever it shall appear to the Governor-in-Council that there are reasonable grounds for enquiry as to whether any person, other than a person whom it may be desirable to deport under the provisions of sections 3, 5 or 9 or who is prohibited from residing or being in the Colony under the provisions of section 11 of this Ordinance, should be deported, the Governor may issue a warrant in Form No. 1 in the Schedule authorising the Captain Superintendent of Police to arrest and detain such person for a period not exceeding six days.

(2.) The Captain Superintendent of Police may either lodge any person arrested or detained under any warrant referred to in the last sub-section in the House of Detention or keep such person in the custody of the Police.

(3.) The Captain Superintendent of Police shall cause the Registrar General to be notified when in pursuance of any warrant issued under the provisions of sub-section 1 of this section any person has been arrested or detained.

- (4.) So soon as may conveniently be after the receipt of any notification referred to in the last sub-section the Registrar General or any Assistant Registrar General shall, either at the House of Detention or at such other place as the Registrar General may direct, interview the person so arrested or detained and shall ask such person the questions set forth in Form No. 2 in the Schedule: provided however that if such person does not in answer to the third question in the said Form No. 2 say anything in answer to the charge preferred against him or give any reason why he should not be banished it shall not be necessary for such person to be asked to answer the questions 4, 5 and 6 in the said form.
- (5.) The officer who interviews such person shall take down in English with or without the assistance of an interpreter and whether such interpreter be sworn or not a full record of the answers given by the person interviewed to the questions asked him and such answers so taken down by such officer shall be read over to such person and may if such person is willing so to do be signed or in other manner signified as correct by such person and shall be signed as correct by such officer and the interpreter if any employed.
- (6.) So soon as may conveniently be after such interview referred to in sub-section (4) of this section the Registrar General shall transmit to the Colonial Secretary a report in Form No. 3 in the Schedule for the consideration of the Governor-in-Council.
- (7.) The Governor may from time to time by warrant in the Form No. 4 in the Schedule authorise the detention of a person, in custody under any warrant issued under this section, for a further period of four days from the date of the expiration of the previous warrant, provided that the Governor is satisfied that the said person ought to be detained in order that further enquiry may be made.
- (8.) A Magistrate may at any time admit any person, in custody under any warrant issued under this section, to bail in the Form No. 5 in the Schedule on his procuring or producing such surety or sureties as in the opinion of the Magistrate will be sufficient to ensure the appearance and surrender of such person at the House of Detention at any specified date and time.
- (9.) If as the result of the consideration of any report submitted for consideration it shall appear to the Governor-in-Council that any person to whom such report relates should be deported the Governor-in-Council may issue a Deportation Order against such person.
- (10.) The Colonial Secretary by direction of the Governor may by order in Form No. 6 in the Schedule direct the release of any person in custody under any such warrant as aforesaid and on receipt of such order the Superintendent of the House of Detention shall release such person.
- (11.) Any Deportation Order issued under the provisions of this section shall be in the Form No. 7 in the Schedule.

Summary
Deportation
during Peace
Proclama-
tion of
persons in
interests of
public safety
or order.

5.—(1.) Whenever during the continuance of any Proclamation issued under the provisions of the Peace Preservation Ordinance, 1886, it is represented by the Captain Superintendent of Police to the Governor-in-Council on written information that the removal from the Colony of any person not being a natural born subject of His Majesty whether such person has been naturalized or not is desirable for the public safety or in the interests of the peace or good order of the Colony, the Governor-in-Council may if it appears to him, after making enquiry, to be desirable for the public safety or in the interests of the peace or good order of the Colony that such person should be deported from the Colony summarily issue a Deportation Order against such person.

Summary
Deportation
Order under
this section
to be
reported to
Secretary
of State.

(2.) Every Deportation Order issued under the provisions of this section shall be forthwith reported to the Secretary of State.

Form of
Deportation
Order.

(3.) Any Deportation Order issued under the provisions of this section shall be in the Form No. 7 in the Schedule."

Amendment
of section 6
of Ordinance
No. 9 of
1912.

3. Section 6 of the Deportation Ordinance, 1912, is hereby amended by the addition thereto of the following words at the end of the section :—

"Where the period of banishment is for life such period shall be deemed to exceed fifteen years within the meaning of that expression in section 8."

Repeal of
section 7 of
Ordinance
No. 9 of
1912 and
substitution
of new
section
therefor.

4. Section 7 of the Deportation Ordinance, 1912, is hereby repealed and the following section substituted therefor :—

"7. So soon as may conveniently be after the issue of any Deportation Order issued under the provisions of this Ordinance the Captain Superintendent of Police shall cause a copy of such Deportation Order to be served on the person against whom it is made and such person shall be then taken into custody if on bail or otherwise at large and if already in custody such person shall remain in custody and shall be in either case deemed to be under lawful arrest and in lawful custody until he leaves the Colony."

Repeal
of section
12 (1) of
Ordinance
No. 9 of
1912 and
substitution
of new sub-
section
therefor.

5. Section 12 (1) of the Deportation Ordinance, 1912, is hereby repealed and the following sub-section is substituted therefor :—

"12.—(1.) For the purpose of any prosecution under the provisions of this Ordinance an order of banishment purporting to be signed or a copy of an order of banishment purporting to be certified by a Clerk of Councils of this Colony or by the Colonial Secretary or Acting Colonial Secretary of the Straits Settlements or by a British Resident or Secretary to Resident in any of the Federated Malay States or by the British Adviser in Kedah, Kelantan or Perlis or by the General Adviser in Johore or by the British Agent in Trengganu or by such other person or persons as may be at any time by notification published in the *Gazette* declared by the Governor-or-Council duly authorized to sign an order of banishment or to certify a copy of an order of banishment for the purposes of any prosecution under the provisions of this Ordinance shall be deemed to be sufficient proof, until the contrary is shewn, of the fact and date of such banishment."

6. Form Nos. 1, 2 and 4 in the Schedule to the Deportation Ordinance, 1912, are hereby repealed and the following forms substituted therefor :—

Amendment of Schedule of Ordinance No. 9 of 1912.

FORM No. 1.

New Form No. 1.

WARRANT FOR ARREST.

Hongkong.

In Government House in the Colony of Hongkong.

To the Captain Superintendent and to each and all of the Police Officers of the said Colony and to the Superintendent of the House of Detention in the said Colony.

Information having been laid before me that _____ is a person who ought to be deported under the provisions of the Deportation Ordinance, 1912, and I having been satisfied that a warrant for the arrest and detention of the said _____ should be issued: These are therefore to command you the said Police Officers in His Majesty's name, forthwith to apprehend the said _____ and either to convey the said _____ to the House of Detention and there to deliver _____ to the Superintendent thereof with this warrant or to keep _____ in police custody. And these are therefore further to command you the said Superintendent in His Majesty's name to receive the said _____ (should _____ be so delivered to you) into your custody in the said House of Detention and there safely keep _____ for a period of six days from the date of the arrest of the said _____ or until _____ shall have been sooner discharged under the provisions of the said Ordinance provided that you shall, should the Registrar General at any time during the period of such detention so direct you by writing under his hand, deliver the said _____ to the Registrar General for such period as the Registrar General may so order and such written direction by the Registrar General for the delivery to him of such person shall be sufficient warrant for you to deliver to and receive back from the Registrar General the said person. And these are therefore further to command you the said Police Officers in His Majesty's name having apprehended the said _____ safely to keep such person in police custody (should such person not be delivered over to the House of Detention as aforesaid) for a period of six days from the date of the apprehension of the said _____ or until _____ shall have been discharged under the provisions of the said Ordinance.

Dated this _____ day of _____ 191 .

(Signed)

Governor.

FORM No. 2.

New Form No. 2.

Questions.

Answers.

1. What is your name and how old are you ?
2. Where were you born ?
3. It is alleged against you that

Have you anything to say in answer to this charge or any reason to give why you should not be banished ?

4. How long have you resided in this Colony ?
5. Have you any relations living in this Colony and if yes what are their names and where do they reside ?
6. Have you any and what witnesses or other evidence to adduce in support of what you say and where are such witnesses, if any, to be found ?

New Form
No. 4.

FORM No. 4.

WARRANT FOR FURTHER DETENTION.

Hongkong.

In Government House in the Colony of Hongkong.

To the Captain Superintendent and to each and all of the Police Officers of the said Colony and to the Superintendent of the House of Detention in the said Colony.

Whereas _____ is detained by you or one of you by virtue of a warrant issued by me under the provisions of the Deportation Ordinance, 1912, and whereas I am satisfied that the said _____ ought to be so detained for a further period in order that further enquiry may be made: Now therefore I do hereby order that the aforesaid Warrant issued by me shall be of full force and effect for a period of four days after the date on which it would, save for this Order, have expired.

Dated this _____ day of _____ 191 .

(Signed)

Governor.

Removes doubts as to validity of acts done under Ordinance No. 9 of 1912.

7. Nothing in this Ordinance shall be deemed to imply that the Governor-in-Council had no power to fix a life period in the case of any prisoner deported and banished under the provisions of the Deportation Ordinance, 1912. Such power shall be deemed to have existed under the said Ordinance.

Objects and Reasons.

The object of this Bill is to simplify somewhat the procedure which exists under the present law in connection with the banishment of persons from the Colony. In the first place the Bill provides that the Governor-in-Council may summarily deport persons who have been convicted of any crime in the Colony and who are not natural born or naturalized subjects of His Majesty. This power no doubt existed under the Deportation Ordinance, 1912, but was not very clearly expressed in that Ordinance. Secondly the Bill provides that a summary deportation order may be issued by the Governor-in-Council against any British subject not belonging to Hongkong who is imprisoned in the Colony in pursuance of any sentence passed by His Majesty's Supreme Court in China.

This power already existed under section 5 sub-section 3 of the Deportation Ordinance, 1912.

The Bill next re-arranges the provisions of section 3 of the Deportation Ordinance, 1912, which dealt with the procedure which has to be gone through in connection with the banishment of persons whom for any reason it may be desirable to banish but who do not fall within the classes mentioned above or within the classes of those capable of being banished during the continuance of any Proclamation under the Peace Preservation Ordinance, 1886, or of deportees from the Straits Settlements or Federated Malay States.

Under this Bill the old procedure is somewhat modified although the principles on which the enquiries to be made as to the desirability of banishing any individual are not materially altered nor are the safeguards of the individual in any way materially diminished.

The principal points of re-arrangement are that the person into whose conduct enquiry is being made is placed normally in the custody of the Police whilst the actual enquiry conducted by the Registrar General or his officers is rendered capable of being somewhat shortened in the event of the person under conviction being unable to give any answer to the charge preferred against him.

The Bill fourthly provides a slight modification of the circumstances under which during the continuance of any Proclamation issued under the provisions of the Peace Preservation Ordinance, 1886, it may be possible to effect the deportation of undesirable persons; the chief alterations being that whereas in the old Ordinance the grounds for such deportation were confined to the necessity for the public safety, the reasons in the present Bill include also the condition that it may be either desirable for the public safety or in the interests of the peace or good order of the Colony; some definition is also made as to the channel of communication in this connection between the Governor-in-Council and the complainants.

Sections 3 and 7 of the Bill remove certain doubts which have been expressed as to the power to fix life periods of deportation.

Section 4 introduces a modification which is mainly necessitated by the alteration of the procedure in clause 2 of the Bill.

Section 5 of the Bill enlarges the number of the Officers by whom may be duly signed or certified the formal orders of deportation, the necessity for this enlargement having been found to arise not infrequently in practice.

Section 6 of the Bill makes the requisite alterations in the Forms of Warrant and Examination necessitated by the re-arrangement of procedure dealt with in section 3 of the Bill.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to authorize the Appropriation of a Supplementary Sum of Thirty thousand six hundred and nine Dollars and fifty-seven Cents, to defray the Charges of the Year 1912.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the year 1912, in addition to the charge upon the revenue of the Colony for the service of the said year already provided for:

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

A sum of Thirty thousand six hundred and nine Dollars and fifty-seven Cents, is hereby charged upon the revenue of the Colony for the service of the year 1912, the said sum so charged being expended as hereinafter specified; that is to say:—

Miscellaneous Services, - - - -	\$12,054.04
Public Works, Recurrent, - - - -	18,536.44
Charitable Services, - - - -	19.09
Total, - - - -	<u>\$30,609.57</u>

A BILL

ENTITLED

An Ordinance to prohibit the importation and circulation of certain Foreign Coins.

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 Silver and Nickel Coin Ordinance, 1913.
- Definitions. 2. In this Ordinance :—
“Foreign silver coin” means any coin composed wholly or partly of silver other than those coins specified in Her Majesty’s Order-in-Council dated the second day of February, 1895, and published in the *Gazette* of the thirtieth day of March, 1895.
“Nickel coin” means any coin composed wholly or partly of nickel or other white metal not including silver.
- Prohibition of importation or circulation of foreign coin. 3. The importation into or circulation in this Colony of any foreign silver or nickel coin is prohibited.
- Penalty for importing foreign coin. 4. Any person who imports or attempts to import into this Colony any foreign silver or nickel coin shall be guilty of an offence against the provisions of this Ordinance and shall be liable on summary conviction to a fine not exceeding one thousand dollars.
- Penalty for circulation of foreign coin. 5. Any person who circulates or attempts to circulate any foreign silver or nickel coin in this Colony shall be guilty of an offence against the provisions of this Ordinance and shall be liable on summary conviction to a fine not exceeding fifty dollars.
- Penalty for being in possession of foreign coin. 6. Any person who shall be found in this Colony to be in possession of any foreign silver or nickel coin the face value of the aggregate of which exceeds fifty dollars shall be guilty of an offence against the provisions of this Ordinance and shall be liable on summary conviction to a fine not exceeding the face value of the aggregate of the coin so found in his possession.
- Confiscation of foreign coin in respect of which proceedings are brought resulting in conviction. 7. If any person is convicted of any offence against the provisions of this Ordinance the Magistrate shall order all the foreign silver or nickel coin in respect of which the prosecution which has resulted in the conviction has been brought to be confiscated and the same shall be forfeited to the Treasury.
- Definitions. 8. For the purposes of this Ordinance :—
Importation. (a) a person shall be deemed to import foreign silver or nickel coin if he brings or causes to be brought into this Colony any foreign silver or nickel coin the face value of the aggregate amount of which exceeds ten dollars ;
Circulation. (b) a person shall be deemed to circulate foreign silver or nickel coin if he tenders, utters, buys, sells, receives, pays, or puts off any foreign silver or nickel coin in the Colony.
- Exemption of bankers and money changers. 9. The provisions of sections 5 and 6 of the Ordinance shall not apply to any *bonâ fide* banker or licensed money changer.
- Date of coming into operation. 10. This Ordinance shall come into operation on the 1st day of January, 1914.

Objects and Reasons.

The Order-in-Council published in the *Gazette* of the 30th March, 1895, regulates the currency of the Colony while Ordinance No. 11 of 1912 prohibits the importation and circulation of foreign copper coins.

There is however no law in force on the subject of the importation and circulation of foreign silver and nickel coins.

This Bill, drafted on the lines of Ordinance No. 11 of 1912 above referred to, remedies this defect which it is highly desirable to remove in order that proper measures may be taken for the rehabilitation of the subsidiary currency of the Colony; a matter in regard to which the exclusion of foreign coin is the first essential.

The confusion presently existing on account of the impossibility of regulating the total amount of small coin in circulation and so maintaining their token value and on account of the uncertainty in regard to tender will disappear on the Bill becoming law.

The Bill is understood to have the unanimous approval of the Mercantile Community.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to prohibit the circulation of Foreign Notes.

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 Foreign Notes (Prohibition of Circulation) Ordinance, 1913. Short title.

2. In this Ordinance the word "note" includes all promissory notes made by a banker, payable to bearer on demand, and intended to circulate as money, and also all deeds, papers, or parchments, written or printed, or partly written and partly printed, by whomsoever issued, purporting to be or to represent money and intended to circulate as money. Definition of note.

3. The circulation of all kinds of notes other than those of the Hongkong and Shanghai Banking Corporation, the Chartered Bank of India, Australia and China and the Mercantile Bank of India is prohibited. Circulation of notes prohibited save in certain authorized cases.

4.—(1.) If any person circulates or attempts to circulate any note or notes the circulation of which is prohibited by this Ordinance, he shall be liable on summary conviction to a fine not exceeding twenty-five dollars and the note or notes so circulated or attempted to be circulated shall be forfeited. Penalty for unlawful circulation of notes.

(2.) For the purposes of this section a person shall be deemed to circulate notes if he tenders, utters, buys, sells, receives or pays them, or puts them off: Provided that a person shall not be deemed to circulate notes if he gives or receives such notes to or from a *bonâ fide* banker or licensed money changer in exchange for other notes or coin or for any other purpose, and provided also that this section shall not be construed so as to prevent or restrict the legitimate business of a *bonâ fide* exchange banker or licensed money changer. Circulation defined.

5. Whenever a notification shall appear in the *Gazette* under the hand of the Colonial Secretary to the effect that the issue of notes other than those specified in section 3 above has been sanctioned by Royal Charter or Ordinance then such notes shall be exempted from the provisions of this Ordinance in the same manner as those specified in the said section. Provisions for addition to authorized exemptions from Ordinance.

Date of coming into operation.

6. This Ordinance shall come into operation on the day of _____, 1913.

Objects and Reasons.

Ordinance No. 2 of 1866 with amending Ordinances regulates and controls, *inter alia*, the issue of notes by the Hongkong and Shanghai Banking Corporation, Ordinance No. 65 of 1911 that of the Mercantile Bank of India, while the issue by the Chartered Bank of India, Australia and China is regulated by its Charter.

Ordinance No. 2 of 1895 prohibits any unauthorised issue by other Banks doing business in the Colony but there is no law at present to restrain the circulation of notes issued by parties having their headquarters at places adjacent to Hongkong.

It is obviously desirable to protect the public against a note issue in respect of which Government holds no security and over which it possesses no control.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to revive the Rope Company's Tramway Ordinance, 1901.

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 Rope Company's Tramway (Revival) Ordinance, 1913, and shall be read as one with the Rope Company's Tramway Ordinance, 1901.

Revives retrospectively rights, etc., conferred by Ordinance No. 21 of 1901.

2. Notwithstanding anything in section 12 of the Rope Company's Tramway Ordinance, 1901, to the contrary, the rights, powers and privileges granted by the said Ordinance shall be deemed not to have expired but to have been and to be in full force and effect and to so continue up till the 15th day of December, 1913, provided that nothing in this section shall be deemed to affect or curtail the power given to the Governor-in-Council, by the proviso to the said section, to extend the duration of such rights, powers and privileges.

Objects and Reasons.

The object of this Bill is to continue in force the rights, powers and privileges granted by the Rope Company's Tramway Ordinance, 1901, to the Hongkong Rope Manufacturing Company, Limited, which has been allowed to lapse.

JOHN A. BUCKNILL,
Attorney General.