

LEGISLATIVE COUNCIL.

No. S. 206.—The following Bills were read a first time at a Meeting of the Council held on the 10th July, 1913 :—

A BILL

ENTITLED

An Ordinance to amend the New Territories Regulation Ordinance, 1910.

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 "New Territories Regulation Amendment Ordinance, 1913," and shall be read and construed as one with the "New Territories Regulation Ordinance, 1910," (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the New Territories Regulation Ordinances, 1910 and 1913.

Amendment of section 3 of Principal Ordinance.

2. Section 3 of the Principal Ordinance is hereby amended by the deletion of the definition of "land" contained therein and by the substitution therefor of the following definition :—

Definition of "land".

"Land" includes land covered by water or within the flow of the sea and houses and other buildings and any undivided share in land and every estate and interest in land and also includes any rent or profit issuing out of land and any easement affecting land and also any market-building or portion of such building and any rent or profit issuing out of any market-building or portion of such building.

Amendment of section 6 of Principal Ordinance.

3. Section 6 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-sections :—

"(3.) By notification published in the *Gazette* and by notice in the Chinese language posted at such place as any District Officer may think fit :—

- (a.) To declare that any specified place shall be the market for any area within the New Territories exclusive of New Kowloon.
- (b.) To determine the boundaries of the place within which any such market so declared shall be held.
- (c.) To determine the boundaries of the area for which any such market so declared shall be the market.
- (d.) To make rules both with regard to any market already in existence in the New Territories exclusive of New Kowloon or which may be declared under the provisions of this sub-section to be a market therein :—

(1.) Prescribing the construction and form of any building erected or to be erected in any market.

(2.) Providing for the management and inspection of any market and for the appointment, control and dismissal of the managers and inspectors thereof.

(3.) Prohibiting the sale or exposure for sale within any area delimited as aforesaid save and except in any market declared to be the market for such area of any article or substance of any kind whatsoever.

(4.) Prescribing the kinds of articles or substances which may be sold and the place and the buildings where such sales may take place within or without any market.

(5.) Providing for the regulation and sanitary maintenance of any market including the sale or removal therein, thereto or therefrom of any perishable articles or substances used or intended to be used for food or otherwise.

(6.) Providing for the control and appropriation of funds derived from and in connection with any market or hawkers or salesmen within or without any market.

(7.) Providing for the control and licensing of and the fees to be taken from hawkers or salesmen within or without any market.

(8.) Prescribing any other matter or thing in relation to the establishment, construction, maintenance or management of any market which may be deemed necessary or desirable in the interests of sanitation or good order."

Objects and Reasons.

The object of this Bill is to enable a proper control to be assumed and maintained over markets some few of which at present exist in the New Territories and which in future it may be desired should be established therein.

The object is effected by adding to section 6 of the New Territories Regulation Ordinance, 1910, to the powers which already exist under that section, further powers to the Governor-in-Council to fix and determine the boundaries of any market in the New Territories and to make rules for the proper construction of market buildings, the management and inspection of such markets, the class and nature of goods which may be sold therein, the sanitary conditions under which such markets are to be carried on, the purposes to which any funds derived from a market shall be devoted and for raising by means of fees the monies requisite for carrying on such market properly.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Tramway Ordinance,
1902.

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 Tramway Amendment Ordinance, 1913, and shall be read and construed as one with the Tramway Ordinance, 1902, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Tramway Ordinances, 1902-1913. Short title.

2. Section 21 of the Principal Ordinance is hereby amended by the insertion of the words "telephonic or electric" after the word "telegraphic" in the seventeenth line thereof. Amendment of section 21 of Principal Ordinance.

Amendment of section 23 of Principal Ordinance.

3. Section 23 of the Principal Ordinance is hereby amended by substituting a comma for the full stop at the end thereof, and by adding thereto the words "or, if there are any facts in dispute, by an action, and if any Department is a party to such difference, such special case may be stated by, or such action may be brought by or against, the chief officer in the Colony of such Department in the title of his office without naming any individual person."

Amendment of section 24 of Principal Ordinance.

4. Section 24 of the Principal Ordinance is hereby amended by substituting a comma for the full stop at the end thereof, and by adding thereto the words "or, if there are any facts in dispute, by an action."

Repeal of section 49 of the Principal Ordinance and substitution of new section therefor.

5. Section 49 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

Cheap tickets for workmen.

"49—(1.) The Company shall during such period prior to the hour of 7 a.m. and subsequent to the hour of 5 p.m. as shall be prescribed by by-laws to be made under the provisions of this section carry as passengers on all cars running during such period at fares not exceeding two cents for a single journey all *bonâ fide* workmen who reside outside of the City of Victoria who produce to the conductor of the car workmen's tickets purchased under the provisions of sub-section 2 hereof.

Workmen's tickets ; conditions of sale.

(2.) The workmen's tickets referred to in sub-section 1 hereof shall only be sold to *bonâ fide* workmen residing outside the City of Victoria. Such sale shall be made under such conditions as shall be prescribed by by-laws to be made under the provisions of this section.

Workmen's car service to be adequate for ordinary traffic as well as for workmen.

(3.) The Company shall during the period referred to in sub-section (1) hereof maintain a service of cars adequate for the carriage of all workmen who may hold workmen's tickets under the provisions of this section and for the carriage of ordinary passengers.

Company to make by-laws as to definition of workmen and sale and issue of tickets.

(4.) It shall be lawful for the Company to make and the Company shall make by-laws providing for :—

(a.) The persons who shall be entitled to be classed as *bonâ fide* workmen.

(b.) The place or places where workmen's tickets may be purchased.

(c.) The conditions under which workmen's tickets may be purchased.

(d.) The evidence which shall be produced to shew that any person producing a workman's ticket is the person to whom the same has been sold.

(e.) The period in the morning and evening during which such workmen's tickets shall be available.

(f.) The length of a journey which shall constitute a single journey within the provisions of sub-section (1) hereof.

(g.) The prevention of the use of a workman's ticket by a person other than the workman to whom it was sold.

(h.) Penalties for the infringement of any by-law made hereunder provided that no such penalty shall exceed the sum of \$10 in respect of a single offence.

- (5.) All by-laws made by the Company under the provisions of this section shall be submitted to the Governor-in-Council for approval and, if so approved, shall come into force one month after the date of their publication in the *Gazette*. By-laws to be approved by the Governor-in-Council.
- (6.) If any complaint is made to the Governor-in-Council that the service of cars provided by the Company in accordance with the provisions of sub-section (3) hereof is inadequate for the purposes of this section the Governor-in-Council shall have power to enquire into such complaint and, after hearing the Company or its representative in regard thereto, may, if satisfied of such inadequacy, regulate such service in such manner as may in the opinion of the Governor-in-Council be necessary to render the same adequate for the purposes of this section. If service inadequate, Governor-in-Council to have power, after enquiry, to rectify inadequacy.
- (7.) The Company may from time to time cancel, alter or add to any by-laws made by it under the provisions of this section. Any such cancellation, alteration, or addition shall be submitted to the Governor-in-Council for approval and, if approved, shall come into force one month after the date of their publication in the *Gazette*. The Company to have power to amend by-laws subject to approval of Governor-in-Council.
- (8.) In the event of the Company failing to make by-laws or making by-laws under the provisions of this section which shall not be approved by the Governor-in-Council it shall be lawful for the Governor-in-Council to make all such by-laws as may be required under the provisions of this section, and any such by-law so made shall be of like force and effect as if made by the Company under the provisions of this section." If Company fails to make by-laws or by-laws made by it not approved by Governor-in-Council, Governor-in-Council to have power to make by-laws.

Objects and Reasons.

The object of this Bill is to amend the Tramway Ordinance, 1902, in certain respects.

Section 1 of the Bill is formal.

By section 2 of the Bill, an accidental omission from that section of the words "telephonic or electric" after the word "telegraphic" in the seventeenth line of the section is rectified.

Sections 3 and 4 simplify the procedure to be adopted in case of dispute or difference between the Tramway Company and the Government or between the Tramway Company and any other person.

By section 5 a re-arrangement of the conditions under which the Tramway service for workmen as hitherto fixed by section 49 of the old Ordinance is effected and it is thought that the new arrangement will be more satisfactory than the former one both to the public affected and the Company itself.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to extend the provisions of the Steam Launch (Protection against Piracy) Ordinance, 1900, to certain classes of steamers.

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 Steam Launch and River Trade Steamer (Protection against Piracy) Ordinance, 1913, and shall be read and construed as one with the Steam Launch (Protection against Piracy) Ordinance, 1900, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Steam Launch and River Trade Steamer (Protection against Piracy) Ordinances, 1900 and 1913.
- Amendment of section 1 of Principal Ordinance. 2. Section 1 of the Principal Ordinance is hereby amended by the insertion of the words "and River Trade Steamer" after the word "Launch" in the first line thereof.
- Amendment of section 2 of Principal Ordinance. 3. Section 2 of the Principal Ordinance is hereby amended by the addition thereto of the following paragraph :—
"In this Ordinance, 'River Trade Steamer' means a steamship of more than 60 tons register, regularly plying with cargo or passengers between the Colony and any port or place on the Canton River or the West River or any river in the interior of the Kwang Tung or Kwang Si Provinces, or Macau, and any British steamship of more than 60 tons register so plying from, to, or between such ports."
- Amendment of section 3 of Principal Ordinance. 4. Section 3 of the Principal Ordinance is hereby amended as follows :—
(a.) by the addition of the words "owner, agent, charterer or" after the word "The" in the first line thereof ;
(b.) by the addition of the words "or river trade steamer" after the word "launch" in the first, sixth and seventh lines thereof ;
(c.) by the addition of the words "in the case of a steam launch and in the sum of five thousand dollars in the case of a river trade steamer" after the word "dollars" in the fifth line thereof.
- Amendment of section 4 of Principal Ordinance. 5. Section 4 of the Principal Ordinance is hereby amended by the addition of the words "or river trade steamer" after the word "launch" in the second line thereof.
- Amendment of section 5 of Principal Ordinance. 6. Section 5 of the Principal Ordinance is hereby amended as follows :—
(a.) by the addition of the words "or river trade steamer" after the word "launch" in the second line of sub-section (1) thereof ;
(b.) by the addition of the words "owner, agent, charterer or" after the word "each" in the first line of sub-section (2) thereof.
- Amendment of section 7 of Principal Ordinance. 7. Section 7 of the Principal Ordinance is hereby amended by the addition of the words "or river trade steamer" after the word "launch" in the sixth line thereof.
- Amendment of section 9 of Principal Ordinance. 8. Section 9 of the Principal Ordinance is hereby amended as follows :—
(a.) by the addition of the words "or passenger certificate" after the word "licence" in the second, third and fifth lines thereof ;

(b.) by the addition of the words "or river trade steamer" after the word "launch" in the second line thereof.

Objects and Reasons.

The object of this Bill is to extend to certain classes of steamers defined in this Ordinance as River Trade Steamers the compulsory maintenance of certain precautionary measures, against piracy and robbery, which under the provisions of the Steam Launch (Protection against Piracy) Ordinance, 1900, have now to be taken in the case of Steam Launches.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to provide for the registration and supervision of certain schools.

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

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the Education Short title. Ordinance, 1913.

2. For the purposes of this Ordinance:—

Definitions.

"Exempted School" means a school which has obtained a certificate of exemption from supervision under the provisions of Part III of this Ordinance.

"Existing School" means any school in existence at the date of the coming into operation of this Ordinance.

"Government School" means a school entirely maintained and controlled by the Government.

"Inspector" means an inspector appointed under the provisions of section 4 of this Ordinance.

"Manager" means any person taking part in the management or teaching of a school. The master of a school or if there be more than one master of such school then the head master or if there be no head master then the master who is in the opinion of the Registrar the master in charge of such school shall in the absence of proof to the contrary be deemed to be the manager.

"Military School" means a school entirely maintained and controlled by the Military Authorities.

"New School" means a school started after the date of the coming into operation of this Ordinance.

"Register" means the Register of Schools kept under the provisions of section 18 of this Ordinance.

"Registered School" means a school registered in accordance with the provisions of this Ordinance.

"Registrar" means the Registrar of Schools appointed under the provisions of section 4 of this Ordinance.

"Regulations" mean regulations made under the provisions of section 12 of this Ordinance.

"School" means a place where ten or more persons are being or are habitually taught whether in one or more Classes.

"Sub-Inspector" means a sub-inspector appointed under the provisions of section 4 of this Ordinance.

Schools to which the Ordinance does not apply.

3. The provisions of this Ordinance shall not apply to:

- (a.) Government Schools.
- (b.) Military Schools.
- (c.) Such other schools as the Governor-in-Council may at any time by notification published in the *Gazette* direct.

Appointment of Registrar of Schools.

4.—(1.) It shall be lawful for the Governor to appoint such person as he may think fit to be Registrar of Schools for the purposes of this Ordinance.

Appointment of Inspectors and Sub-Inspectors of Schools.

(2.) It shall be lawful for the Governor to appoint such persons as he may think fit to be Inspectors and Sub-Inspectors of Schools for the purposes of this Ordinance.

Payment of Registrar, Inspectors and Sub-Inspectors.

(3.) The Registrar of Schools, the Inspectors of Schools and the Sub-Inspectors of Schools shall be paid such fees as the Governor may from time to time determine.

All schools to be registered.

5. Subject to the exceptions contained in section 3 of this Ordinance every school in the Colony whether such school is in existence at the date of the coming into operation of this Ordinance or whether such school comes into existence after the date of the coming into operation of this Ordinance shall be registered under the provisions of this Ordinance and any school not so registered shall be deemed to be an unlawful school.

Penalty for maintenance of unlawful school.

6.—(1.) Any person who is the manager of an unlawful school shall be guilty of an offence against the provisions of this Ordinance and may be prosecuted before any Magistrate upon the complaint of the Registrar and shall be liable upon summary conviction to a fine not exceeding \$500 and to a further fine of \$20 in respect of each day during which such unlawful school shall remain open after the date of such conviction.

Closing of unlawful school.

(2.) Any Magistrate upon the complaint of the Registrar shall order that any unlawful school shall be closed and it shall be lawful for such Magistrate to give effect to such order in such manner as he may deem fit.

PART II.—REGISTRATION OF SCHOOLS.

A.—Existing Schools.

Existing schools must be registered

7. It shall not be lawful for any person to manage, teach in or maintain any existing school in this Colony unless and until such person shall have applied for and obtained a certificate of registration of such school in manner hereinafter provided.

Registration; how applied for.

8.—(1.) In order that an existing school may obtain a certificate of registration referred to in section 7 of this Ordinance it shall be necessary for the manager of such school to apply within six months from the date of the coming into operation of this Ordinance to the Registrar for a certificate of registration in the form and giving the particulars prescribed in form 1 of the Schedule to this Ordinance.

Penalty if application not made.

(2.) In the event of the manager of any such school referred to in sub-section (1) of this section failing to make such application within such period such school shall at the expiration of such period become and be an unlawful school within the meaning of this Ordinance.

Registration when granted.

(3.) If the Registrar is of the opinion that any school in respect of which an application for registration is made under the provisions of this section should be registered he shall register the same and shall issue to the manager of such school a certificate of registration which shall be in the form set forth in form 2 of the Schedule to this Ordinance.

(4.) If the Registrar is of the opinion that any school in respect of which an application for registration is made under the provisions of this section should not be registered he may refuse to register the same and upon such refusal such school shall become and be an unlawful school within the meaning of this Ordinance. And when refused.

B.—New Schools.

9. It shall not be lawful for any person to open, start, manage, teach in or maintain any new school in this Colony unless and until such person shall have applied for and obtained a certificate of registration of such school in manner hereinafter provided. New schools must be registered before opening.

10.—(1.) Any person desiring to open, start or maintain a new school in this Colony shall make application for permission so to do in the form and giving the particulars prescribed in form 3 of the Schedule to this Ordinance. Procedure when applying to open new school.

(2.) If the Registrar is of the opinion that any school in respect of which an application is made under the provisions of sub-section 1 of this section should be registered he shall register the same and shall issue to the manager of such school a certificate of registration which shall be in the form set forth in form 2 of the Schedule to this Ordinance. Registration: when granted.

(3.) If the Registrar is of the opinion that any school in respect of which an application for registration is made under the provisions of this section should not be registered he may refuse to register such school and if after such refusal such school is opened, started or maintained it shall be deemed to be an unlawful school within the meaning of this Ordinance. And when refused.

PART III.—EXEMPTION OF SCHOOL FROM SUPERVISION.

11.—(1.) It shall be lawful for the manager of any registered school to apply to the Registrar for exemption from supervision of such school. Exemption from supervision.

(2.) If the Registrar is of opinion that any school in respect of which an application for exemption from supervision has been made under the provision of this section should be so exempted, he shall in his discretion exempt the same, and shall issue to the manager a certificate of exemption from supervision in the form set forth in form 2 of the Schedule to this Ordinance and such school shall thereupon become subject only to the provisions of sections 12 (a), (b) and (e), 14 (2), 18, 19 and 20 of this Ordinance. When granted: and its effect.

(3.) It shall be lawful for the Registrar at any time and at his discretion by notice in writing to withdraw his certificate of exemption from supervision referred to in this section; and thereupon such school shall cease to be an exempted school. Cancellation of exemption.

PART IV.—CONTROL AND SUPERVISION OF SCHOOLS.

12. It shall be lawful for the Governor-in-Council to make regulations and from time to time to rescind or vary the same providing for:— Power to Governor-in-Council to make regulations relative to schools.

- (a.) the hygienic character and the proper sanitation of schools or school buildings;
- (b.) the methods of enforcement of discipline in schools;
- (c.) the prohibition in registered schools of the use of any book, the use of which appears undesirable.
- (d.) the proper keeping of school registers and books of account at registered schools;
- (e.) any other matter regarding the proper conduct and efficiency of schools.

13. All regulations made under the provisions of the preceding section shall be published in the *Gazette* and shall be of full force and effect as from the date of such publication. Regulations to be published in *Gazette*.

Inspection of registered schools. 14. — (1.) It shall be the duty of the Registrar to inspect personally or to cause to be inspected by an inspector or sub-inspector at least once in every year every registered school for the purpose of ascertaining if all the regulations made under the provisions of section 12 of this Ordinance are being complied with and if such school is being properly and efficiently carried on and if such school is necessary for educational purposes.

Inspection of exempted schools. (2.) It shall be the duty of the Registrar to inspect personally at least once a year every exempted school for the purpose of ascertaining whether the regulations made under the provisions of section 12 (a), (b) and (c) of this Ordinance are being complied with and whether having regard to the general nature and conduct of the school it is such that it may properly continue to be exempt from supervision.

Right of entry of inspecting officers. 15. For the purpose of carrying out the provisions of section 14 of this Ordinance it shall be lawful for the Registrar or any inspector or sub-inspector to visit and enter upon any school at any time during school hours.

Effect of inspection. 16. If as a result of any inspection made under the provisions of section 14 of this Ordinance it shall be made to appear to the Registrar to his satisfaction that any of the regulations made under the provisions of section 12 of this Ordinance is not being or has not been complied with or that such school is not being properly or efficiently carried on he may by notice in writing to the manager of such school call upon such manager to comply with or cause to be complied with any such regulation which is not being complied with at such school or to carry on such school in a proper and efficient manner before the expiration of such period as may by the Registrar be determined in such notice and if at the expiration of such period so determined in such notice such manager has failed to comply with any requisition made in such notice it shall be lawful for the Registrar to strike such school off the register and such school shall forthwith be deemed to be an unlawful school within the meaning of this Ordinance.

Further effect of inspection. 17. If as a result of any inspection made under the provisions of section 14 of this Ordinance it shall be made to appear to the Registrar to his satisfaction that any such school is not necessary for educational purposes he shall in writing notify such fact to the manager of such school and at the expiration of a period of three months or of such further period as the Registrar may allow from the date of such notification he shall strike such school off the register and in the event of such school continuing in existence after such date it shall be deemed to be an unlawful school within the meaning of this Ordinance.

PART V.—GENERAL.

Register of Schools. 18. The Registrar shall keep a Register of Schools in which shall be entered the name and the name of the manager of every registered and exempted school and such particulars in connection therewith as may from time to time be required for the purposes of carrying out the provisions of this Ordinance.

Appeal from decision of Registrar. 19. If any person against whom any decision of the Registrar has been made is dissatisfied with such decision he may appeal from such decision to the Governor-in-Council whose decision upon such matter shall be final and conclusive provided that any such appeal shall be notified in writing to the Clerk of Councils within one month from the date of the decision of the Registrar.

Power of Governor-in-Council to close school. 20. If it shall appear to the Governor-in-Council that any school is being conducted in such a manner as to be prejudicial to the interests of this Colony or of the public or of the pupils of such school it shall be lawful for the Governor-in-Council to declare such school to be an unlawful school within the meaning of this Ordinance.

Abolition of Chinese Vernacular Educational Board. 21. The Chinese Vernacular Educational Board constituted by Order-in-Council dated the 7th September, 1911, is hereby abolished.

SCHEDULE.

FORM 1.

Hongkong,19

To the Registrar, Education Department.

SIR,

I have the honour to submit particulars as under of a school of which I am the Manager at and to request you to be so good as to issue a certificate of registration for the same as an Existing School under the Education Ordinance, 1913.

I am, Sir,
Your obedient servant,

Manager.

1. Name and address of school.
2. Whether for boys, girls, or both.
3. The dimensions of each Class room.
4. The average attendance for the past two months.
5. The syllabus of each Class or Standard.
6. The weekly time table of each Class or Standard.
7. The times of roll call.
8. The regular holidays.
9. The name, age, qualifications, experience and salary of each teacher.
10. The fees and any remissions or reductions therefrom.
11. Any other sources of revenue.
12. The rent of the school premises.
13. Any debt or charge on the school.

FORM 2.

This is to certify that school has been registered as an existing [new, exempted]* school under the Education Ordinance, 1913.

Registrar.

EDUCATION DEPARTMENT,

.....19

FORM 3.

Hongkong,19

SIR,

I have the honour to submit particulars as under of a school which I propose to open and manage at and to request that you will be so good as to issue a certificate of registration of the same, under the Education Ordinance, 1913.

I am, Sir,
Your obedient servant,

Manager.

1. **Name** and address of school.
2. Whether for boys, girls, or both.
3. The dimensions of each Class room.
4. The syllabus of each Class or Standard.
5. The weekly time table of each Class or Standard.
6. The times of roll call.
7. The regular holidays.
8. The name, age, qualifications, experience and salary of each teacher.
9. The fees and any remissions or reductions therefrom.
10. Any other sources of revenue.
11. The rent of the school premises.
12. Any debt or charge on the school.

* Strike out the unnecessary words.

Objects and Reasons.

The object of this Bill is to provide for some means of controlling and supervising to some extent certain of the Educational establishments which exist or may be brought into existence in the Colony. The scheme of this Bill is that every school shall be compulsorily brought within the knowledge of the Department of Education. The provisions of the Bill are not to apply in any way to Government schools, Military schools or any other schools which the Governor-in-Council may think fit to declare not to be included within the purview of the Bill. Under the scheme of this Bill, schools are to be divided into two main classes: firstly those of superior type which will only be subject to a very limited amount of supervision and control by the Education Department; secondly schools of less superior type which will be subject to more close supervision and control by the Education Department.

Section 1 of the Bill is formal.

Section 2 defines the various special phrases which are used in the Bill in connection with its provisions.

Section 3 deals with those schools to which the Bill does not apply.

Section 4 provides for the appointment of the necessary officers for the purpose of carrying out the objects of the Bill.

Section 5 is important, providing as it does that every school with the exceptions referred to in Section 3 must be registered under the provisions of the Bill.

Section 6 provides the penalties which are necessary in order to enable the provisions of the Bill to be carried out effectively.

Sections 7, 8, 9 and 10 provide a simple method by which schools may obtain registration under the Bill.

Section 11 similarly provides the means by which a school of the superior type mentioned above may obtain a certificate which will give it the advantages of limitation of its supervision and control by the Department of Education.

Section 12 gives power to the Governor-in-Council to make regulations for the proper sanitation of, enforcement of discipline in, the prohibition of unsuitable books in, and the proper keeping of school registers in and other general matters relative to schools and under Section 13 any such regulations must be published in the *Gazette*.

Section 14 prescribes the inspection of registered schools and for the more limited supervision of exempted schools.

Section 15 gives a right of entry to schools at suitable hours for the principal officers of the Education Department.

Sections 16 and 17 are important and provide for the steps which may be taken in the event of a school being found as a result of inspection by the Education Department not to be complying with regulations applicable or not being conducted satisfactorily; and if the errors are not, after formal notice has been given for their rectification, duly amended, it is even possible for such school to be closed; similarly under Section 17 the career of unnecessary schools may after a suitable period be determined.

Section 18 provides for the keeping by the Registrar of a register of schools containing such particulars in connection therewith as may be necessary.

Section 19 gives an appeal from any decision of the Registrar to the Governor-in-Council.

By Section 20 power is reserved to the Governor-in-Council to put a stop to any school which is being conducted in a manner prejudicial to the interests of the Colony, to the public or to its pupils.

By Section 21 the Chinese Vernacular Educational Board which was constituted on the 7th September, 1911, and the existence of which, after the passage of this Bill, will be no longer of utility is abolished.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Companies Ordinance, 1911.

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 Companies Amendment Ordinance, 1913, and shall be read as one with the Companies Ordinance, 1911, (hereinafter called the Principal Ordinance), and this Ordinance and the Principal Ordinance may be cited together as the Companies Ordinances, 1911 and 1913. Short title.

2. Section 3 of the Principal Ordinance is hereby amended by the insertion of the words “which must be in the English language” between the words “association” and “and” in the fifth line thereof. Amendment of section 3 of Principal Ordinance.

3. Section 13 of the Principal Ordinance is hereby amended by the addition, in heading (a), of the words “in the English language” after the word “printed”. Amendment of section 13 of Principal Ordinance.

4. Section 26 of the Principal Ordinance is hereby amended :— Amendment of section 26 of Principal Ordinance.

(a.) by the insertion of the words “in the English language” after the word “books” in the first line of sub-section (1) ;

(b.) by the insertion of the words “both in English and” between the words “given” and “in” in the ninth line of sub-section (1) (i).

5. Section 27 of the Principal Ordinance is hereby amended :— Amendment of section 27 of Principal Ordinance.

(a.) by the insertion of the words “both in English and” between the words “any” and “in” in the fourth line of sub-section (2) ;

(b.) by the insertion of the words “shall be in the English language and shall contain the auditors’ report required under the provisions of sub-section (2) of section 114, and it” between the words “summary” and “must” in the first line of sub-section (4).

6. Section 66 of the Principal Ordinance is hereby amended :— Amendment of section 66 of Principal Ordinance.

(a.) by the insertion of the words “which shall be in the English language” between the words “report” and “and” in the second line of sub-section (2) ;

(b.) by the addition at the end of sub-section (3) of the following paragraph :—

“In the case of every Company formed for the purpose of taking over a business as a going concern the statutory report shall also contain a statement of the assets and liabilities acquired showing what part of such assets and liabilities have been realised or discharged respectively between the date of the incorporation of the Company and the date of the statutory report.”

(c.) by the insertion between the words “account” and “be” in the fourth line of sub-section (4) of the following words :—
“and in the case of a Company formed for the purpose of taking over a business as a going concern to the assets and liabilities of such business realised or discharged respectively”.

Amendment of section 71 of Principal Ordinance. 7. Section 71 of the Principal Ordinance is hereby amended by the insertion of the words "in the English language" between the words "printed" and "and" in the fourth line of sub-section (1).

Amendment of section 76 of Principal Ordinance. 8. Section 76 of the Principal Ordinance is hereby amended by the insertion of the words ("which shall be in the English language)" between the words "thereof" and "and" in the fourth line of sub-section (1).

Amendment of section 77 of Principal Ordinance. 9. Section 77 of the Principal Ordinance is hereby amended by the addition at the end of sub-section (1) of the following words:—

"And for this purpose they shall cause to be kept the following books namely:

(a.) A cash book or books which shall contain a full and complete record of all sums of money paid to the Company or to any agent of the Company and of all sums of money expended by the Company or by any agent of the Company and of the matters in respect of which such receipt and expenditure take place.

(b.) A journal or other book or books in which shall be recorded all financial transactions of the Company other than cash transactions and all transactions which in any way affect the accretions and diminutions on capital and revenue accounts of the Company with full explanations of such transactions.

(c.) A ledger or other book or books in which shall be entered each to its proper account the transactions recorded in the cash book and journal so as to show the financial relations of the Company with every party with whom it has dealings and the financial position of the Company itself.

Provided that, if such book or books are kept in a language other than English, there shall also be kept in the English language a book which shall contain a daily summary of all the receipts which are recorded in the cash book or books. There shall be set out in such summary under appropriate heads the daily totals of receipts and payments in such a manner as to shew clearly their respective sources and the accounts in respect of which they are made, and full particulars shall be given of all receipts and payments on account of capital and of all payments made to Directors of the Company. The entries in such book shall in every case be made at a date not later than one month from the date under which the transactions of which they are a record are entered in the cash book or books."

Amendment of section 83 of Principal Ordinance. 10. Section 83 of the Principal Ordinance is hereby amended by the insertion of the words "must be in the English language and" after the word "Company" in the third line of sub-section (1).

Amendment of section 84 of Principal Ordinance. 11. Section 84 of the Principal Ordinance is hereby amended by the insertion of the words "in the English language" between the words "statement" and "in" in the fifth line of sub-section (1).

Amendment of section 89 of Principal Ordinance. 12. Section 89 of the Principal Ordinance is hereby amended by the deletion of the words "which does not issue a prospectus inviting the public to subscribe for its shares" at the end of sub-section (6).

Amendment of section 90 of Principal Ordinance. 13. Section 90 of the Principal Ordinance is hereby amended by the addition thereto of the following sub-section:—

"(4.) Any return, contract in writing, particulars of contract or other document required to be filed with the Registrar of Companies under the provisions of this section shall be in the English language."

14. Section 103 of the Principal Ordinance is hereby amended by the insertion of the words "the Company and" after the word "refused," at the end of the first line of sub-section (2). Amendment of section 103 of Principal Ordinance.

15. Section 109 of the Principal Ordinance is hereby amended by the insertion of the words "in the English language" between the words "statement" and "in" in the sixth line of sub-section (1). Amendment of section 109 of Principal Ordinance

16. Section 113 of the Principal Ordinance is hereby amended :— Amendment of section 113 of Principal Ordinance.

(a.) by the insertion of the following sub-section, to be numbered (1) :—

"The Registrar shall prepare and publish by notification in the *Gazette* a list of the names of all such persons who, having made application to be appointed auditors for the purposes of this Ordinance, are in his opinion qualified to perform the duties required by this Ordinance to be performed by an auditor. The Registrar may in his discretion add to such list the names of any other persons whom he may deem to be qualified, as aforesaid, and he may remove from such list any of such names. All such alterations shall be published in the *Gazette*. Such list as altered from time to time shall be deemed to be the list of authorised auditors, and no person other than those whose names are included in such list shall be appointed to be an auditor under the provisions of this Ordinance. Any decision of the Registrar under this sub-section shall be subject to appeal to the Court."

(b.) by the re-numbering of sub-sections (1), (2), (3), (4), (5), (6) and (7) as (2), (3), (4), (5), (6), (7) and (8).

(c.) by the addition at the end of sub-section (4) of the following words :—

"If a Company shall appoint a single Auditor, he shall not be a shareholder in the Company of which he is so appointed Auditor and if a Company shall appoint more than one Auditor, at least one of such Auditors shall not be a shareholder in the Company of which such Auditors are so appointed Auditors."

(d.) by the addition at the end of sub-section (5) of the following proviso :—

"Provided further that if the name of the retiring auditor is not included in the list of authorized auditors no such notice as is provided for in this sub-section shall be required."

17. Section 185 of the Principal Ordinance is hereby amended by the addition of the following sub-section :— Amendment of section 185 of Principal Ordinance.

"(7.) The words 'transferee company' shall include any company whether incorporated in or outside the Colony."

18. Section 253 of the Principal Ordinance is hereby amended :— Amendment of section 253 of Principal Ordinance.

(a.) by the insertion of the words "elsewhere than in the United Kingdom or a British Possession" after the word "Colony" in the first line of sub-section (1).

(b.) by the insertion of the following sub-section to be numbered (2) :—

"(2.) A company incorporated in the United Kingdom or in a British Possession outside the Colony, which shall have filed with the Registrar of Companies the documents specified in paragraphs (a), (b) and (c) of sub-section (1) of section 252, shall have the same

power to acquire, hold and dispose of lands in the Colony as if it were a company incorporated under this Ordinance.”

(c.) by the re-numbering of sub-section (2) as sub-section (3).

Objects and Reasons.

1. The object of this Bill is to introduce some amendments into the Companies Ordinance, 1911: amendments the majority of which have been suggested by members of the Commercial Community.

2. Section 1 of the Bill is formal.

3. Sections 2, 3, 4, 5, 6 (a), 7, 8, 10, 11, 13 and 15 introduce the obligation that Companies which propose to obtain the benefits under the law must provide in the English language their memorandum of association, articles of association, register of members, annual list of members, annual summary, statutory report, copies of special or extraordinary resolutions, prospectus or statement in lieu of prospectus, and the special statement required to be made by banking, insurance, benefit and similar Companies. The reason for this obligation, apart from the facilities which will thus be accorded to the Registry, is the greater practical publicity which will be afforded in connection with those statutory documents from which the public are entitled to ascertain the standing of an incorporated body.

4. Section 6 (b) provides that where a Company is formed for the purpose of taking over a business, the statutory report shall show any change taking place in the financial position of the Company between its incorporation and the date of the report. The reason for this proposal is that shareholders or intending shareholders may be able to know precisely what the financial position of the Company really is. Sub-section (c) of the same section provides for the audit of the above mentioned statement.

5. Section 9 lays down the minimum requirements of the books which a Company must keep and it would not appear that any respectable Company could reasonably object to the maintenance of these normal business records.

6. Section 12 amends a mistake in sub-section (6) of section 89: the qualifying words which are now deleted imposed a restriction to which, obviously, a very large number of local Companies which had issued a prospectus could not be amenable.

7. Section 14 renders a Company as well as its officers liable to penalty for refusal to permit inspection of its registrable mortgage liabilities by duly legally authorized parties.

8. Section 16 provides for some definite check over the appointment and capacity of auditors in order to insure that the integrity of audit may be expected.

9. Section 17 is designed to remove a difficulty which arises in the language of section 185, by which it would appear that a Company was not able to transfer its assets to any Company other than a local Company—a hardship which it seems desirable to remove.

10. Section 18 has as its object the giving of power to a Company incorporated in the United Kingdom or in a British Possession to acquire immovable property without some of the restrictions with which this power is limited in the case of Foreign Corporations.

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Attorney General.