

LEGISLATIVE COUNCIL.

No. S. 215.—The following Bills were read a first time at a Meeting of the Council held on the 17th July, 1913 :—.

A BILL

ENTITLED

AN Ordinance to amend the Legal Practitioners Ordinance, 1871.

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 Legal Practitioners Amendment Ordinance, 1913, and shall be read and construed as one with the Legal Practitioners Ordinance, 1871, (hereinafter referred to as the Principal Ordinance), and the Ordinances amending the same.

Definition of Hongkong Law Society.

2. The following definition is added to section 2 of the Principal Ordinance :—

“The Hongkong Law Society” means the Society of that name incorporated under the Companies Ordinance, 1865, on the 8th day of March, 1907.

Amendment of section 3 of Ordinance No. 1 of 1871.

3. Section 3 of the Principal Ordinance is hereby amended by renumbering sub-section 2, sub-section 3, and by inserting after sub-section 1 and before the renumbered sub-section the following :—

“(2.) The Chief Justice may make an Order dispensing with such preliminary examination in the case of a person who has passed any examination which would in England exempt him from passing the preliminary examination of the Incorporated Law Society of England, or who is a graduate of the Hongkong University.”

Amendment of section 11 of Ordinance No. 1 of 1871.

4. Section 11 of the Principal Ordinance is hereby amended by inserting the following words between the words “fit persons” and the word “to” :—

“at least one of whom shall be a solicitor practising in the Colony”.

Amendment of section 16 of Ordinance No. 1 of 1871.

5. Section 16 of the Principal Ordinance is hereby amended by inserting the following words between the words “Registrar” and “of” :—

“and to the Secretary of the Hongkong Law Society”.

Repeal of section 22 of Ordinance No. 1 of 1871 and substitution of new section therefor.

6. Section 22 of the Principal Ordinance is hereby repealed and the following new section substituted therefor :—

“32. Every person who desires to be admitted under the last preceding section to practice in the Court in any of the capacities therein mentioned,

(a.) if a barrister or advocate, shall deposit with the Registrar his certificate of call to the bar, and shall file in the Court an affidavit of identity in such form as may be approved by the Chief Justice ;

(b.) if an attorney, solicitor, writer or proctor, shall give four months' previous notice in writing to the Registrar and to the Secretary of the Hongkong Law Society of such his desire, and shall deposit with the Registrar his certificate of admission, together with a certificate from the proper officer of the Court issuing such certificate of admission that such last mentioned certificate is still valid and in force, and a further certificate of fitness and character signed by two resident practitioners of at least five years' standing in such Court, and shall file in the Court an affidavit of identity in such form as may be approved by the Chief Justice.

Provided always that the Chief Justice may, on special grounds and on such conditions as he may think proper, exempt any such person from complying with the formalities prescribed by this section, either absolutely or for any specified period ”.

7. The following new section is inserted between sections 23 and 24 of the Principal Ordinance :—

Law Society
to have right
of audience.

“ 23A. The Hongkong Law Society shall subject to the approval of the Court first obtained have a right of audience by solicitor or counsel on the hearing of any application for admission as attorney, solicitor, writer or proctor under section 21 or section 23, or for exemption in the case of any attorney, solicitor, writer or proctor from complying with the formalities prescribed by section 22 or for striking the name of any solicitor or proctor off the rolls under section 52.”

Objects and Reasons.

The object of this Bill is to introduce some small but desirable amendments into the conditions which govern the admission of solicitors to practise in the Courts of the Colony. In particular it gives in this connection recognition to the Hongkong Law Society which was incorporated in 1907 and which represents the solicitors' profession in the Colony.

Section 1 of the Bill is formal.

Section 2 indicates what body is referred to under the name of the Hongkong Law Society.

Section 3 indicates precisely the degree of education necessary to enable a candidate, for admission under articles of clerkship, to dispense with the requisite preliminary examination.

Section 4 provides that one at least of the examiners appointed to conduct examinations under the provisions and for the purposes of the Ordinance shall be a solicitor practising in the Colony.

Section 5 prescribes that notice of a candidate's intention to apply for admission as a solicitor shall be given to the Secretary of the Hongkong Law Society.

Section 6 replaces section 22 of the Principal Ordinance (No. 1 of 1871) by a new section. It will be observed that the alterations do not apply to barristers at all. Under the provisions of the new section 22, a solicitor must give four months previous notice of his intention to apply for local admission to the Registrar of the Court and to the Secretary of the Hongkong Law Society ; and must deposit with the Registrar his certificate of admission, a second certificate that such certificate of admission is still in force and valid and a third certificate of good character ; he must also file an affidavit of his personal identity. Of these requirements the certificate that the original certificate of admission is still valid and the certificate of character are new but they are the same as those requirements which are demanded when application is made for admission in Great Britain.

A proviso is added to this section that on special grounds the Chief Justice may grant exemption from compliance with any of these formalities.

Section 7 gives a right of audience, subject to the approval of the Court, to the Hongkong Law Society on the hearing of any application for admission by a solicitor or for exemption from compliance with the formalities prescribed under section 22 or for striking the name of any solicitor off the rolls.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to provide for the regulation of
Wireless Telegraphy.

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 Wireless Telegraphy Ordinance, 1913".

Definitions: 2. "Telegraph" means an electric, galvanic or magnetic telegraph and includes appliances and apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity, galvanism or magnetism.

Wireless Telegraphy. The expression "Wireless Telegraphy" means any system of communication by "telegraph" (as defined in this Ordinance) without the aid of any wire connecting the points from and at which the messages or other communications are sent and received: provided that nothing in this Ordinance shall prevent any person from making or using an electrical apparatus for actuating machinery or for any purpose other than the transmission of messages.

Licences for wireless telegraphy may be granted by the Governor. 3. The Governor may whenever he shall deem it expedient to do so license the establishment of any wireless telegraph station or the installation or working of any apparatus for wireless telegraphy in any place in the Colony or on board any British ship registered in the Colony.

Licences for wireless telegraphy. 4.—(1.) No person shall establish any wireless telegraph station or instal or work any apparatus for wireless telegraphy in any place in the Colony or on board any British ship registered in the Colony except under and in accordance with a licence granted in that behalf by the Governor.

(2.) Every such licence shall be in such form and for such period as the Governor-in-Council may determine and shall contain such terms conditions and restrictions on and subject to which the licence is granted as the Governor shall consider desirable in the public interest.

Penalty for establishing a station or working apparatus without a licence. 5.—(1.) If any person establishes a wireless telegraph station without a licence in that behalf or installs or works any apparatus for wireless telegraphy without a licence in that behalf he shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence but no proceedings shall be taken against any person under this Ordinance except with the previous sanction of the Attorney General.

(2.) If a Magistrate is satisfied by information on oath that there is reasonable ground for believing that a wireless telegraph station has been established without a licence in that behalf or that any apparatus for wireless telegraphy has been installed or worked in any place or on board any ship within the jurisdiction without a licence in that behalf he may grant a search warrant to any police officer to enter and inspect the station place or ship and to seize any apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.

Power to make regulations. 6.—(1.) The Governor-in-Council may make regulations for all or any of the following matters:—

- (i.) for prescribing the form and manner in which applications for licences under this Ordinance are to be made;
- (ii.) for prescribing the fees payable on the grant of any licence;

- (iii.) for regulating the manner in which apparatus for wireless telegraphy on board a merchant ship whether British or foreign in the waters of the Colony shall be worked so as to prevent interference with naval signalling or the working of any wireless telegraph station lawfully established installed or worked in the Colony or the waters thereof and so as not to interrupt or interfere with the transmission of any wireless messages between wireless telegraph stations established as aforesaid on land and wireless telegraph stations established on ships at sea ;
- (iv.) for prohibiting except with the special or general permission of the Colonial Secretary the working or using of any apparatus for wireless telegraphy on board a merchant ship whether British or foreign whilst such ship is in any of the harbours of the Colony ;
- (v.) for prohibiting or regulating in case at any time in the opinion of the Governor an emergency has arisen in which it is expedient for the public service that His Majesty's Government should have control over the transmission of messages by wireless telegraphy on board merchant ships whether British or foreign in the waters of the Colony the use of wireless telegraphy on board such ships while in such waters by such further rules as the Governor may see fit to make from time to time and either in all cases or in such cases as may be deemed desirable.

(2.) Provided that no regulations made in respect of the matters described in paragraphs (iii), (iv) and (v) of this section shall apply to the use of wireless telegraphy for the purpose of making or answering signals of distress.

7. When an applicant for a licence proves to the satisfaction of the Governor that the sole object of obtaining the licence is to enable him to conduct experiments in wireless telegraphy a licence for that purpose shall be granted subject to such special terms conditions and restrictions as the Governor may think proper but shall not be subject to any rent or royalty.

Licences for experimental purposes.

8.—(1.) Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of this Ordinance or of any Regulation made thereunder or in breach of the conditions and restrictions subject to or upon which any licence has been issued shall be deemed to be an offence against this Ordinance and for every such offence not otherwise specially provided for the offender shall in addition to the forfeiture of any articles seized be liable to a fine of five hundred dollars.

Penalties.

(2.) All convictions forfeitures and fines under this Ordinance or any Regulations made thereunder may be had and recovered before a Magistrate.

9. The Wireless Telegraphy Ordinance, 1903, the Wireless Telegraphy Ordinance, 1909, and the Wireless Telegraphy Amendment Ordinance, 1909, are hereby repealed.

Repeal of Ordinances No. 7 of 1903, No. 4 of 1909 and No. 42 of 1909.

Objects and Reasons.

This Bill is introduced on instructions from and on a model approved by the Secretary of State. It repeals the three existing enactments relative to Wireless Telegraphy and re-enacts them with modifications and in a more compendious form.

Section 1 of the Bill is formal.

Section 2 gives the standard definitions of "Telegraph" and "Wireless Telegraphy".

By Sections 3 and 4 the Governor is given power to grant licences for the establishment of Wireless Installations in the Colony or on board a British ship registered in the Colony and except under such licences Wireless Installations are prohibited.

Section 5 prescribes the penalty for the unlawful establishment of Installations or the working of any apparatus for Wireless Telegraphy without a licence and gives power to the proper authorities to search unlicensed premises or places and to seize any apparatus, found on any such unlicensed premises or places, which appears to be used or intended to be used for Wireless Telegraphy.

Under Section 6 the Governor-in-Council is given power to make regulations, prescribing the form and method of application for licences; the fees payable on the grant thereof; for regulating the working in the waters of the Colony of Wireless Telegraphy on board Merchant ships so as to prevent the interference by such working with the Naval signalling or with the working of any lawfully established local Installation or with the transmission of Wireless messages between local stations and ships at sea; for prohibiting the working or using of Wireless Telegraphy on board a Merchant ship whilst such ship is in the harbours of the Colony except under special or general permission and for prohibiting or regulating, in any exceptional emergency in which in the interests of the public service it is necessary that His Majesty's Government should assume complete control over the transmission of messages, the use of Wireless Telegraphy on board Merchant ships in the waters of the Colony. To the section is added a Proviso that the limiting or prohibitory regulations shall not apply to distress signals.

Under Section 7 special licences may be granted for experimental purposes.

Section 8 provides penalties for contravention of the provisions of the Ordinance or of any regulation made thereunder or for breach of any conditions or restrictions upon which a licence has been granted.

Section 9 repeals the existing enactments.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to give effect to the change in the name and style of the office heretofore known as that of the Registrar General.

Preamble. WHEREAS the Governor has been pleased to direct that the officer hitherto known as the "Registrar General" of this Colony shall be known as and styled the "Secretary for Chinese Affairs" AND WHEREAS it is expedient to give effect to such direction:

BE it therefore 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 Registrar General's (Change of Name) Ordinance, 1913.

Construction of Ordinance and other documents where the expression "Registrar General" occurs. 2. Whenever, in any Ordinance, Order of the Governor-in-Council, Order of the Governor, Rule, Regulation, Minute, By-law, deed, contract, official letter, or other document, the expression "Registrar General" occurs and, in order to give effect to such Ordinance, Order-in-Council, Order of the Governor, Rule, Regulation, Minute, By-law, or other document as aforesaid, it is necessary to substitute the expression "Secretary for Chinese Affairs", such Ordinance, Order-in-Council, Order of the Governor, Rule, Regulation, Minute, By-law and other document shall be read and construed accordingly.

Objects and Reasons.

It has been thought desirable to effect a change in the name of the office known as the "Registrar General" which is in fact responsible for Chinese affairs and to designate the office by the more appropriate title of "Secretary for Chinese Affairs".

JOHN A. BUCKNILL,
Attorney General.