

LEGISLATIVE COUNCIL.

No. S. 121.—The following Bills were read a first time at a Meeting of the Council held on the 23rd April, 1914 :—

A BILL

ENTITLED

An Ordinance to amend the Protection of Women and Girls Ordinance, 1897.

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 Protection of Women and Girls Ordinance, 1914, and shall be read and construed as one with the Protection of Women and Girls Ordinance, 1897, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Protection of Women and Girls Ordinances, 1897-1914.

Amendment of section 4 of Principal Ordinance. **2.** Section 4 of the Principal Ordinance is hereby amended by the substitution of the figures "20" for the figures "18" in the second line thereof.

Amendment of section 17 of Principal Ordinance. **3.** Section 17 of the Principal Ordinance is hereby amended as follows :—

cf. 2 & 3 George V c. 20 s. 7 (1).

(a.) by the deletion of the words "and has no visible means of subsistence" in the second and third lines of sub-section (3) thereof and by the substitution thereof of the words "or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to shew that he is aiding, abetting, or compelling her prostitution with any other person or generally";

(b.) by the addition thereto of the following sub-section (4) :—

cf. 2 & 3 George V c. 20 s. 7 (4).

"(4.) Every female who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to shew that she is aiding, abetting or compelling her prostitution with any person, or generally, shall be liable to imprisonment for any term not exceeding 3 months."

Amendment of section 31 of Principal Ordinance. **4.** Section 31 of the Principal Ordinance is hereby amended by the substitution of the figures "17" for the figures "18" in the third line thereof.

Objects and Reasons.

The International Convention for the suppression of the White Slave Traffic was signed at Paris on May 4, 1910. The ratification of the adherence of Great Britain to the terms of this important International Congress was deposited at Paris on August 8, 1912. This Colony has declared its accession to the Convention and it has accordingly become necessary that certain modifications should be made in the local law dealing with this matter in order to carry out the obligations which are imposed upon all those Governments which adhere to the resolutions of the Congress. This Bill carries out some of the required modifications in the local law by amendments of the local Protection of Women and Girls Ordinance, 1897.

In the first place the age of girls the subjects of procurement offences has been fixed by the Convention as that of 20 as a minimum; section 2 of the Bill brings up the age, which at present stands locally at 18, to the necessary minimum.

Secondly, by an amendment of section 17 of the existing Ordinance, the fact that a male person, who is proved to live or to be habitually in the company of a prostitute, has no visible means of subsistence is no longer to be taken into account but he is deemed to be guilty of the offence of living on the proceeds of prostitution if he is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to shew that he is aiding, abetting or compelling her prostitution with any other person or generally.

By a further amendment of the same section (17) it is made possible to proceed against a female who for the purposes of gain is proved to be exercising similar control over the movements of a prostitute.

The reason for these two last amendments is that Article 2 of the Convention contemplates the punishment of male *or* female persons who, by some more subtle means than direct fraud or violence, control and profit from the prostitution of others; the text of these amendments is taken from section 7 sub-section (1) and sub-section (4) respectively of the Criminal Law Amendment Act, 1912.

Lastly, by an amendment of section 31 of the same Ordinance, power is given to the Magistrate or the Court to inflict the penalty of flogging on a male person living on the proceeds of prostitution in respect of a second offence of this or similar character.

Although the power of flogging in the case of a second offence exists in respect of certain offences against the local Protection of Women and Girls Ordinance, such power does not exist at present in the case of the offence of living on the proceeds of prostitution against which section 17 of the Ordinance is directed.

The above amendment places this offence in the category of those for which the penalty of flogging may be inflicted in respect of a second offence of this character; and is taken from section 7 sub-section (5) of the Criminal Law Amendment Act, 1912.

The provisions of this Bill are supplemented by the provisions of two other Bills, namely, the Magistrates Amendment Bill, 1914, and the Flogging Amendment Bill, 1914, (laid before the Council simultaneously with this Bill) which also amplify punishments in certain cases connected with the White Slave Traffic.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Magistrates Ordinance, 1890.

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 Magistrates Amendment Ordinance, 1914, and shall be read and construed as one with the Magistrates Ordinance, 1890, (hereinafter called the Principal Ordinance), and the Ordinances amending the same and this Ordinance and the said Ordinances may be cited together as the Magistrates Ordinances, 1890-1914. Short title.

2. Section 85 of the Principal Ordinance as re-enacted by section 2 of the Magistrates Amendment Ordinance, 1913, is hereby amended by the deletion of paragraph (e) thereof and by the substitution therefor of the following new paragraph (e):— Amendment of section 85 of Principal Ordinance.

“(e.) Under the provisions of either section 4 or section 7 of the Protection of Women and Girls Ordinance, 1897.” No. 4 of 1897.

Objects and Reasons.

The object of this Bill is to give power to a Magistrate to inflict the penalty of flogging upon a male person convicted of a procuration offence under section 4 of the Protection of Women and Girls Ordinance, 1897. The Hongkong law does not at present provide for the infliction of this penalty in the case of a first procuration offence. The amendment is taken from section 3 of the Criminal Law Amendment Act, 1912.

This Bill should be read together with the Protection of Women and Girls Bill, 1914, and the Flogging Amendment Bill, 1914, simultaneously laid before Council.

This Bill is introduced in order to bring up to the standard which exists in Great Britain the penalties in connection with procuration offences which have been made more severe in consequence of the Paris International Convention of 1910 for the suppression of the White Slave Traffic.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Flogging Ordinance, 1903.

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 Flogging Amendment Ordinance, 1914, and shall be read and construed as one with the Flogging Ordinance, 1903, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Flogging Ordinances, 1903-1914.

Amendment of section 3 of Principal Ordinance.

2. Section 3 of the Principal Ordinance is hereby amended as follows:—

(a.) by the insertion of a new sub-section (6) after sub-section (5) as follows :—

“(6) of any crime made punishable under section 4 of Ordinance No. 4 of 1897.”

(b.) by re-numbering sub-sections (6) and (7) as sub-sections (7) and (8) respectively.

Objects and Reasons.

The object of this Bill is to give power to the Supreme Court to inflict the penalty of flogging upon a male person convicted of a procuration offence under section 4 of the Protection of Women and Girls Ordinance, 1897. The Hongkong law does not at present provide for the infliction of this penalty in the case of a first procuration offence. The amendment is taken from section 3 of the Criminal Law Amendment Act, 1912.

This Bill should be read together with the Magistrates Amendment Bill, 1914, and the Protection of Women and Girls Bill, 1914, simultaneously laid before Council.

This Bill is introduced in order to bring up to the standard which exists in Great Britain the penalties in connection with procuration offences which have been made severe in consequence of the Paris International Convention of 1910 for the suppression of the White Slave Traffic.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Airships Ordinance,
1912.

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 Airships Short title.
(Amendment) Ordinance, 1914, and shall be read and construed as one with the Airships Ordinance, 1912, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Airships Ordinances, 1912 and 1914.

2. In this Ordinance, "Aircraft" means and includes Definition.
any airship, aeroplane, hydroplane or balloon whether navigable, dirigible or otherwise.

3.—(1.) The Governor shall have power by order to Power to
prescribe such place or places in the Colony within which Governor to
aircraft coming from any place or ship outside the Colony prescribe
or the waters of the Colony are to land and any other landing
conditions to be complied with by such aircraft, and if any places for
person contravenes any of the provisions of any such order aircraft
he shall be guilty of an offence and shall be liable on coming into
summary conviction to a fine not exceeding 2,000 dollars and Colony from
to imprisonment for a term not exceeding six months, outside
unless he proves that he was compelled to commit such Colony.
contravention by reason of stress of weather or other
circumstances over which he had no control.

(2.) If without the permission required by section 2 of Power to
the Principal Ordinance an aircraft flies or attempts to fly compel
over or above any portion of the Colony or of the waters compliance
of the Colony or in the case of an aircraft coming from when
any place or ship outside the Colony or the waters of the aircraft
Colony fails to comply with any of the conditions as to disobeys
landing which may be prescribed by an order made under signal.
the last foregoing sub-section, it shall be lawful for any
officer, designated for the purpose by regulations made
by the Governor, to cause such signal as may be prescribed
by those regulations to be given, and, if, after such signal
has been given, the aircraft fails to respond to the signal
by complying with such regulations as may be made by
the Governor prescribing the action to be taken on such a
signal being given, it shall be lawful for the officer to fire
at or into such aircraft and to use any and every other
means necessary to compel compliance, and every and any
such officer and every other person acting in his aid and
by his direction shall be and is hereby indemnified and
discharged from any indictment, penalty, action, or other
proceeding for so doing.

Objects and Reasons.

The object of this Bill is to give statutory power to enable force to be used to compel the descent of aircraft which disobey the law.

This Bill is introduced under instructions from the Secretary of State and is modelled upon the Aerial Navigation Act, 1913.

The scheme of the Bill is that the Governor shall have power to prescribe places within which foreign aircraft coming from outside the Colony must descend and if any aircraft which without the requisite permission by the Governor makes an ascent or any foreign aircraft arriving from outside the Colony fails to comply with the published and public signals requiring it to descend then officers, designated for the purpose by regulation made by the Governor, may use force against such aircraft so disobeying the requirements of the law.

It need hardly perhaps be pointed out that at a place such as this Colony which is of a fortified character the provisions introduced by this Bill are highly necessary.

JOHN A. BUCKNILL,
Attorney General.

A BILL

ENTITLED

An Ordinance to provide for the public lighting of the Colony and for the protection of the appliances used in connection therewith.

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 Public Lighting Ordinance, 1914.

Director of Public Works to have power to erect lamp posts and affix lamps thereon. **2.** It shall be lawful for the Director of Public Works to cause a sufficient number of posts, standards and brackets for the lighting of the public or private streets, roads, ways and thoroughfares in the Colony to be provided, and to be set up, fixed or erected in all suitable situations for such lighting, and either in any of the said streets, roads, ways and thoroughfares or in any place adjacent thereto or upon or against the wall of any house or building or the side of any wall or fence, or elsewhere, as he may think proper; and it shall also be lawful for him to cause to be provided and put and affixed upon the said posts, standards and brackets such a number of lamps and of such sizes and sorts respectively as may be found requisite for the lighting of the said streets, roads, ways and thoroughfares respectively.

Property in lamp posts and lamps to be vested in Director of Public Works. **3.** The laws relating to the removing, taking, carrying away or stealing of fixtures and chattels respectively shall be interpreted to apply to the removing, taking, carrying away or stealing of any of the posts, standards, brackets or lamps provided under this Ordinance; and the property of and in all or any of such posts, standards, brackets or lamps shall be deemed to be vested in the Director of Public Works for all the purposes of any proceedings civil or criminal in relation thereto.

Penalty for damaging or interfering with lamp post or lamp or light of lamp provided under this Ordinance. **4.** Any person who wilfully injures, displaces or damages any of the posts, standards or brackets provided under this Ordinance or who wilfully extinguishes, obscures or interferes in any way with the light of any lamp provided under this Ordinance shall on conviction thereof before a Magistrate be liable to a fine not exceeding 50 dollars in addition to the full amount of the damage and all incidental costs and expenses.

Apprehension, without warrant, of offender against section 3. **5.** It shall be lawful for any person witnessing the commission of an offence against section 3 to seize the said offender and to deliver him to any constable or to a Magistrate; and no warrant shall be in any case necessary to justify the apprehension of any such offender.

Compensation to be paid for damage other than wilful. **6.** When any danger or injury has been occasioned to any of the posts, standards, brackets or lamps provided under this Ordinance by any person otherwise than wilfully and such person has not made satisfaction for the same, it shall be the duty of a Magistrate, on complaint thereof made, to order and compel the said person to make full satisfaction for the amount of such damage or injury, together with all incidental costs and expenses.

Procedure. **7.** All proceedings before a Magistrate under this Ordinance, except as provided by section 4, shall be had, and the payment of all pecuniary penalties, costs and damages shall be enforced according to the law governing the summary jurisdiction of Magistrates.

Saving of section 186 of Ordinance No. 1 of 1903. **8.** Nothing in this Ordinance contained shall be deemed to affect any liability imposed by section 186 of the Public Health and Buildings Ordinance, 1903, upon the owners of the land fronting, adjoining, or abutting on any street on land held under lease from the Crown on which buildings front, adjoin or abut.

Repeal of Ordinance No. 3 of 1856. **9.** The Victoria (Lighting) Ordinance, 1856, is hereby repealed.

Objects and Reasons.

The object of this Bill is to provide for the protection of public lighting appliances throughout the Colony. The existing Ordinance, namely, the Victoria (Lighting) Ordinance, 1856, applies only to the City of Victoria, and it has been found desirable that the provisions dealing with the protection against damage to, or improper interference with, public lighting appliances should be extended to the whole Colony.

As the Bill will cover rural as well as urban districts, the second clause has been thrown into a permissive form.

Opportunity has also been taken to introduce some modern technical terms, and to provide that any improper interference with the light of a street lamp shall be punishable even if the light of the lamp be not actually extinguished.

The liability imposed by section 186 of the Public Health and Buildings Ordinance, 1903, (No. 1 of 1903), upon the owners of the land adjoining private streets to contribute to the cost of providing lighting apparatus for the street is saved.

J. H. KEMP,
Attorney General.

A BILL

ENTITLED

An Ordinance to amend the Stamp Ordinance,
1901.

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 Stamp Ordinance, 1914, and shall be read and construed as one with the Stamp Ordinance, 1901, (hereinafter called the Principal Ordinance) and this Ordinance and the said Ordinance may be cited together as the Stamp Ordinances, 1901 and 1914. Short title.

2. The duty upon a receipt may be denoted by an adhesive stamp, which shall be cancelled by the person by whom the receipt is given before he delivers it out of his hands. Provisions as to duty upon receipts. of 54 & 55 Viet. c. 39 s. 101 (2).

Objects and Reasons.

The object of this Bill is to provide that the stamp on a receipt is to be cancelled by the person by whom the receipt is given before he delivers it out of his hands. Under the present law there is no obligation on any one to cancel a receipt stamp. This would enable dishonest persons to use the same stamp over and over again.

J. H. KEMP,
Attorney General.