LEGISLATIVE COUNCIL.

No. S. 181.—The following Bill was read a first time at a Meeting of the Council held on the 18th June, 1914:—

A BILL

ENTITLED

An Ordinance to make provision for the protection of certain Wild Birds and Game.

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 Wild Birds and Game Preservation Ordinance, 1914.

Repeal of Ordinance No. 6 of 1885.

2. The Wild Birds and Game Preservation Ordinance, 1885, is hereby repealed.

Definition.

- 3. In this Ordinance unless the context otherwise requires:—
 - "Game" means every description of deer, hare and rabbit.

Enumeration of offences for protection of birds in Schedule A.

- 4. No person shall :--
 - (1.) kill, wound or take, or attempt to kill, wound or take, any bird included in Schedule A;
 - (2.) take, remove, injure or destroy any nest or egg of any such bird;
 - (3.) expose or offer for sale, or knowingly have in his possession, any such bir4, or any part of any such bird, killed, wounded or taken in this Colony after the commencement of this Ordinance, or the nest or eggs of any such bird taken in this Colony after the commencement of this Ordinance; or,
 - (4.) export or attempt to export the skin or plumage of any such bird, killed, wounded or taken, or the nest or eggs of any such bird taken in this Colony after the commencement of this Ordinance.

Killing, etc., wild bird or game without licence. 5. No person shall kill, wound or take, or attempt to kill, wound or take, any wild bird or game, without having previously obtained a licence from the Captain Superintendent of Police in the form set forth in Schedule C, the fee for which shall be that specified in the said Schedule.

Close season for game and for birds in Schedule B.

6. No person shall in any year between the first day of February and the fifteenth day of October both days inclusive, which period is hereinafter called the close season, kill, wound or take, or attempt to kill, wound or take, any game or any bird specified in Schedule B, or take, remove, injure or destroy any nest or egg of any such bird, or knowingly have in his possession, or expose or offer for sale, or purchase, or export or attempt to export any such bird, or any part of any such bird killed, wounded or taken in this Colony during the close season, or the nest or eggs of any such bird taken in this Colony during the close season.

Onus of proof on person found in possession, etc., of bird, nest or eggs.

7. When any person is proceeded against for exposing or offering for sale or having in his possession or exporting or attempting to export any bird or any part of any bird, or the nest or eggs of any bird, the proof that the bird was killed, wounded or taken or the nest or eggs taken without this Colony or before the commencement of this Ordinance or otherwise than during the close season as the case may be shall be on such person.

Selling, etc., live pheasant or partridge without licence. 8. No person shall at any time offer for sale or have in his possession for the purpose of sale any live pheasant or partridge without having previously obtained a licence from the Captain Superintendent of Police.

9.—(1.) In the case of an offence against this Ordinance, Offender any person may require the offender to give his name, must give has enintian and place of abole description, and place of abode.

- (2.) If such offender does not truly give his name, description, and place of abode, he shall be guilty of an offence in addition to that which he shall have been found committing.
- 10. Every person who shall commit any offence against Penalty. this Ordinance, or who shall be guilty of a breach of any condition of a licence, shall on summary conviction be liable to a fine not exceeding fifty dollars.

11. Any bird or any part of any bird or the nest or Bird or any eggs of any bird in respect of which a conviction takes part thereof place shall be forfeited. place shall be forfeited.

12. Notwithstanding anything in this Ordinance the Authority Governor may by writing under his hand authorise any for scientific person for such time and subject to such conditions as he purposes, etc. thinks fit, for scientific or other purposes, to kill, wound or take any wild bird or to take or remove the nest or eggs of any wild bird.

13. The Governor-in-Council may with regard to any Governor-ingame or to any bird specified in Schedule B, and with respect to the whole or any particular part of the Colony, season.

extend or vary by Order-in-Council the prohibited time for killing wanted to the colony to the colony to the colony. for killing, wounding, taking, exposing, offering for sale, purchasing and exporting any game, or any such bird, or any part thereof, or for taking, removing, injuring or destroying the nest or eggs of any such bird.

14. The Governor-in-Council may by Order-in-Council Governor amend any of the Schedules to this Ordinance in any in-Council may be a second or the schedules to this Ordinance in any in-Council may be a second or the schedules to this Ordinance in any in-Council may be a second or the schedules to this Ordinance in any second or the schedules to the schedules the sche way whatsoever.

in-Council may amend Schedules.

SCHEDULE A.

This Schedule shall include every description of wild bird except the following:

- (a.) Snipe, woodcock, geese and swans.
- (b.) The wild birds specified in Schedule B.

SCHEDULE B.

Pheasants. Partridges. Plover. Quail. Wild Duck. Widgeon.

Teal. Pigeons of the scale back or large grey variety.

SCHEDULE C.

Audit No.....

LICENCE

TO SHOOT AND TAKE CERTAIN WILD BIRDS AND GAME.

The Wild Birds and Game Preservation Ordinance, 1914.

Permission is hereby granted to Mr. to shoot and take certain wild birds and game within the Colony of Hongkong subject to the following conditions:-

1. The wild birds included in the Wild Birds and Game Preservation Ordinance, 1914, Schedule A, a copy of which appears on the back of this licence, may not be shot or taken at any time.

- 2. The wild birds specified in the Wild Birds and Game Preservation Ordinance, 1914, Schedule B, a copy of which appears on the back of this licence, may be shot or taken only from the 16th day of October in any year to the 31st day of January in the following year.
- 3. Game as defined by the said Ordinance, namely, deer, hares, and rabbits, may be shot or taken only from the 16th day of October in any year to the 31st day of January in the following year.
- 4. The licensee must observe all the provisions of the said Ordinance.
- 5. No wild birds or game shall be shot on the Kowloon Peninsula to the south of a line drawn east and west through Yaumati Railway station.
- 6. No wild birds or game shall be shot on that part of the Island of Hongkong which is bounded on the north by the harbour, on the south by the range of hills on which the Victoria Gap Police Station is situated, on the east by a line drawn north and south through Whitfield Police Station, and on the west by a line drawn north and south through Belchers' Battery, Mount Davis.
- 7. No deer shall be shot or taken in that portion of the Island of Hongkong which lies to the west of a line drawn north and south through Magazine Gap.
- 8. Care must be taken that injury is not done to crops. and paddy fields in car must be scrupulously avoided by both men and dogs.
- 9. The licensee must carry this licence with him when engaged on, or setting out for, or returning from, any shooting expedition, and must produce it when required to do so by any member of the Police force.
- 10. This licence is not transferable.
- 11. This licence is valid from the 16th day of October, 191, to the 15th day of October, 191, but may be revoked at once by the Captain Superintendent of Police in his discretion if the said commits any breach of the conditions of this licence, or acts in any way contrary to anything herein contained, or infringes any of the provisions of the said Ordinance.

Fee \$10.

Captain Superintendent of Police.

Received the fee of \$10.

Colonial Treasurer.

Police Office,

Hougkong,......191...

[Back.]

WILD BIRDS AND GAME PRESERVATION ORDINANCE, 1914.

SCHEDULE A.

This Schedule shall include every description of wild bird except the following :-

- (a.) Snipe, Woodcock, Geese and Swans.
- (b.) The wild birds specified in Schedule B.

SCHEDULE B.

Pheasants. Partridges.

Plover.

Quail. Wild Duck.

Widgeon.

Teal.

Pigeous of the scale back or large grey variety.

Objects and Reasons.

The main object of this Bill is the protection of non-edible wild birds throughout the year and the prohibition of the export of the plumage and skins of such birds, and the protection of certain edible birds during the breeding season.

As it seemed desirable that all matters relating to wild birds and game should be dealt with in one Ordinance, it is proposed to repeal the Wild Birds and Game Preservation Ordinance, 1885, the provisions of which, with unimportant alterations, are incorporated in the Bill.

The general scheme of the Bill is to divide wild birds into three classes. The first class consists of birds which may be shot and taken at any time by any one who holds a licence from the Captain Superintendent of Police; these birds are snipe, woodcock, geese and swans. The second class consists of birds which may, under licence, be shot or taken at any time except during the close season prescribed by the Bill; these birds are pheasants, partridges, plover, quail, wild duck, widgeon, teal, and pigeons of the scale back or large grey variety. The third class consists of all wild birds other than those mentioned above; these may not be shot or taken at any time. The nests and eggs of the birds in the third class are protected throughout the year, and the nests and eggs of the birds in the second class are protected during the close season.

The provisions of the Bill relating to "game", which is defined as meaning every description of deer, hare and rabbit, are practically the same as those of the existing Ordinance, except that the close season is now made to extend from the 1st February to the 15th October.

The main provisions which will be new law in the Colony are contained in clauses 4, 6 and 7 of the Bill.

Clause 4 makes it an offence to kill, wound or take any bird included in Schedule A, which is the class of birds protected throughout the whole year. It also makes it an offence to take or injure any nest or egg of any such bird, or to offer for sale or have in possession any part of any such bird or the nest or eggs of any such bird, or to export the skin, plumage, nest or eggs of any such bird. The offences of offering for sale, having in possession, and exporting, will however apply only to birds, nests or eggs taken in the Colony after the commencement of the Ordinance.

Clause 6 makes it an offence to kill, wound or take, or to attempt to kill, wound or take during the close season any bird specified in Schedule B, which is the class of birds protected during the breeding season. It also makes it an offence to take or injure the nests or eggs of such birds, or to have in possession, or to offer for sale, or purchase, or export any such bird, or any part of any such bird, or the nest or eggs of any such bird. The offences of having in possession, offering for sale, purchasing and exporting, are confined to the case of birds, nests or eggs taken in the Colony during the close season.

The close season has been altered so as to extend from the 1st February to the 15th October as it appears that the shorter period fixed under the existing Ordinance is not long enough to include the whole of the breeding season of all the birds which it is desired to protect.

Clause 7 provides that where any person is proceeded against for offering for sale or having in possession or exporting any bird, nest or eggs, the onus of proof that the bird, nest or eggs were taken without the Colony or before the commencement of the Ordinance or otherwise than during the close season, as the case may be, shall be on the defendant.

The penalty for offences against the Ordinance, and for breaches of the conditions of the licence, has been fixed at \$50.

It is also provided that any bird, nest or eggs in respect of which a conviction takes place shall be forfeited.

Power is given to the Governor-in-Council to amend the Schedules in any way, and to alter the close season.

The form of licence to be issued appears in Schedule C to the Bill.

J. H. KEMP, Attorney General.