

No. S. 139.—The following draft of a bill which it is intended to introduce shortly, is published for general information.

CLAUD SEVERN,
Colonial Secretary.

20th May, 1921.

A BILL

INTITLED

An Ordinance to amend the Crown Lands Resumption Ordinance, 1900.

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 Crown Lands Resumption Ordinance, 1921, and shall be read and construed as one with the Crown Lands Resumption Ordinance, 1900, hereinafter called the principal Ordinance, and the said Ordinance and this Ordinance may be cited together as the Crown Lands Resumption Ordinances, 1900 and 1921. Short title and construction. Ordinance No. 10 of 1900.

2. In the determination of the compensation to be paid under the principal Ordinance:— Additional rules for determining compensation.

(a.) No allowance shall be made on account of the resumption being compulsory: 9 & 10 Geo. 5, c. 57, s. 2 (1), (2).

(b.) Subject to the provisions of section 11 of the principal Ordinance, and to the provisions of paragraph (c.) of this section, the value of the land resumed shall be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise: and

(c.) No compensation shall be given in respect of any use of the land which is not in accordance with the terms of the Crown lease under which the land is held.

3. Section 2 of this Ordinance shall not apply to any case in which the notice under section 4 of the principal Ordinance shall have been published in the *Gazette* before the commencement of this Ordinance, or to any case in which the notice under section 5 of the principal Ordinance shall have been given to the owner before the commencement of this Ordinance. Application of s. 2.

4. Sub-section (1) of section 3 of the principal Ordinance is amended by the addition of the words "or in case the owner is absent from the Colony or cannot be found," after the word "is" in the eighth line thereof. Amendment of Ordinance No. 10 of 1900, s. 3 (1).

5. If any co-owner of land which is to be resumed is absent from the Colony or cannot be found proceedings under the principal Ordinance may be taken in all respects as if such person were non-existent. Absence of co-owner.

6. The proviso which is contained in the last seven lines of section 11 of the principal Ordinance is repealed. Amendment of Ordinance No. 10 of 1900, s. 11.

Objects and Reasons.

1. This bill contains the three following main provisions:—

(a.) The customary 10% allowance for compulsory acquisition is to be abolished.

(b.) The compensation is to be based on the amount which the property would fetch in the open market if sold by a willing seller.

(c.) No compensation is to be given in respect of any use of the land which is not in accor-

2. Paragraphs (a) and (b) of clause 2 are adopted from the Acquisition of Land (Assessment of Compensation) Act, 1919, 9 & 10 Geo. 5, c. 57, s. 2 (1) and (2).

3. Paragraph (c) of clause 2 is intended to prevent claims being made on public moneys in respect of uses of the land which are not in accordance with the terms of the Crown lease. Such claims are sometimes made, and they are generally supported by the production of permits to use the land in that particular way. Though such permits are intended to be only temporary they are often renewed from year to year for long periods, and the argument is that the Crown must be taken to have waived the breach of the Crown lease. It has also been argued that the expectation of the continued renewal of such permits must be taken into account in fixing the compensation.

4. Clause 3 of the bill is intended to save existing arbitrations from coming under the stricter provisions of clause 2 of the bill.

5. Clauses 4 and 5 are intended to get over a difficulty which sometimes occurs in the New Territories when owners, or co-owners, are absent from the Colony or cannot be found.

6. Clause 6 is a minor amendment which is consequential on paragraph (a) of clause 2.

J. H. KEMP,
Attorney General.

6th May, 1921.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 140.—Statement of Sanitary Measures adopted by Hongkong.

Disease.	Port or Place.	Restrictions in Force.	Authority.
Cholera.	Saigon.	Medical examination; quarantine at the discretion of the Health Officer.	Notification No. 442 of 26th August, 1920.