

LEGISLATIVE COUNCIL.

No. S. 362.—The following Bills were read a first time at a meeting of the Council held on the 3rd November, 1924 :—

[No. 18 :—29.10.24.—3.]

C.S.O. 2 in 4307/10.

A BILL

INTITULED

An Ordinance to amend the Crown Solicitors Ordinance, 1912.

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 Crown Solicitors Amendment Ordinance, 1924.

Amendment of Ordinance No. 35 of 1912, s. 2 (1). 2. Section 2 (1) of the Crown Solicitors Ordinance, 1912, is amended by the addition at the end thereof of the words, "The number of Assistant Crown Solicitors shall not be limited."

Amendment of section 3 (2) of Ordinance No. 35 of 1912. 3. Section 3 (2) of the Crown Solicitors Ordinance, 1912, is repealed and the following sub-section is substituted therefor :—

(2) Any person duly appointed and acting as Crown Solicitor, and any person duly appointed and acting as an Assistant Crown Solicitor who is qualified for appointment as Crown Solicitor, shall be entitled to appear on behalf of the Attorney General and prosecute persons at the criminal sessions.

Objects and Reasons.

1. The object of clause 3 of this bill is to enable any Assistant Crown Solicitor to prosecute at the criminal sessions provided that he is a barrister or solicitor.

2. The opportunity is taken, in clause 2, to make it clear that there may be more Assistant Crown Solicitors than one. For special reasons it is proposed that there shall be two Assistant Crown Solicitors for a few months next winter.

J. H. KEMP,
Attorney General.

3rd September, 1924.

C.S.O. 2570/24.

[No. 5 :—3.11.24.—3.]

A B I L L

INTITULED

An Ordinance to amend the Summary Offences Ordinance, 1845.

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 Summary Offences Amendment Ordinance, 1924. Short title.

2. Section 9 of the Summary Offences Ordinance, 1845, is repealed and the following section is substituted therefor :— Amendment of Ordinance No. 1 of 1845, s. 9.

Occupying Crown land without a licence.

9.—(1) No person shall, except under and in accordance with a licence or permit from the Director of Public Works which has not been withdrawn or cancelled and which has not terminated in any other way, occupy or continue to occupy, or erect or maintain any structure whatsoever upon, or place or maintain any thing upon or in, any land which is not held under lease from the Crown.

(2) Upon the conviction of any person of an offence against the provisions of sub-section (1), it shall be lawful for the magistrate, in lieu of or in addition to any penalty which he may impose, by order to authorise the forcible eviction of any person from the land and the demolition of any structure erected thereon and the removal of any thing placed thereon or therein.

(3) If the offender cannot be ascertained, or cannot be found, or does not appear, it shall be lawful for a magistrate, upon proof of any contravention of the provisions of sub-section (1), to make any such order as he might have made upon the conviction of the offender.

(4) Every person who contravenes any of the provisions of this section shall be liable to a fine not exceeding two hundred and fifty dollars, and shall also be liable to pay the cost of the demolition of any structure or the removal of any thing demolished or removed under an order made under this section.

3. Section 10 of the Summary Offences Ordinance, 1845, is amended by the addition of the following words at the end thereof :— Amendment of Ordinance No. 1 of 1845, s. 10.

Every person who contravenes the provisions of this section shall be liable to a fine not exceeding five dollars.

Repeal of Ordinance No. 1 of 1845, s. 11, and substitution of new section.

4. Section 11 of the Summary Offences Ordinance, 1845, is repealed and the following section is substituted thereof :—

Alteration of ship with a view to smuggling, etc.

11.—(1) Every person who alters in any way the construction of any ship, or of any part thereof, or any fittings therein, with a view to the unlawful possession, storage or conveyance of arms, ammunition, opium, dangerous drugs, or any other article or substance, shall be liable to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding one year.

(2) Every person who without lawful authority or excuse alters in any way the construction of any ship, or of any part thereof, or any fittings therein, shall, until the contrary is proved, be deemed to have done so with a view to the unlawful possession, storage and conveyance of some article.

(3) It shall be sufficient in any prosecution under this section to allege that the accused altered the construction of the ship, or of some part thereof, or of some fittings therein, with a view to the unlawful possession, storage or conveyance of some article, without specifying any particular article or substance.

Objects and Reasons.

1. Section 9 of the Summary Offences Ordinance, 1845, Ordinance No. 1 of 1845, makes it an offence to occupy Crown land without a licence. The section is, however, defective in two respects. In the first place, it is not clear that a continued occupation after the expiration of a licence is an offence against the section if the first occupation was lawful. In the second place, no procedure is provided for the removal from the land of the offender or his goods or buildings if he refuses to go or to remove them. Clause 2 of the bill repeals section 9 and substitutes a new section in which these two points are met.

2. Section 11 of the principal Ordinance deals with the penalties for breaches of section 9 and section 10. The penalty for breaches of the new section 9 is contained in that new section. Clause 3 of the bill inserts in section 10 the penalty for breaches of that section. This renders section 11 of the principal Ordinance unnecessary, and provides room for a new section which it is desired to insert in the principal Ordinance. This new section is referred to in paragraphs 3 and 4 below.

3. Clause 4 of the bill inserts in the principal Ordinance a section which makes it an offence to alter in any way the construction or fittings of any ship with a view to the unlawful possession, storage or conveyance of arms, ammunition, opium, dangerous drugs, or any other article or substance. The maximum penalty is fixed at a fine of \$1,000 and imprisonment for one year with or without hard labour. The practice aimed at is the construction of secret hiding places for the purpose of exporting, importing, and storing, arms, opium and dangerous drugs. It is obvious that every weapon and dangerous drugs. It is obvious that every weapon, importation and exportation of such things. Further, shipping companies are sometimes exposed to great risks, here and elsewhere, by the unlawful possession of such things by members of the crews of their ships.

4. Practically the only way at present of dealing with cases of this kind is by prosecution under section 42 or section 43 of the Malicious Damage Ordinance, 1865. Section 42 probably affords a sufficient remedy for cases where damage to an amount exceeding \$25 can be proved, but the section does not deal with any damage which does not exceed \$25. The maximum penalty on summary conviction is six months. Section 43 applies to cases where the damage does not exceed \$25, but the maximum penalty in that section is only two months or a fine of \$50. An objection to both sections is that cases may well arise where it may be difficult to say that any damage at all has been done to the ship. The question of damage is really irrelevant in the case of the evil now aimed at.

J. H. KEMP,
Attorney General.

20th June, 1924.

C.S.O. 646/22.

[No. 15 :--26.10.24.— 2.]

A BILL

INTITLED

An Ordinance to amend the Forgery Ordinance, 1922.

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 Forgery Amendment Ordinance, 1924. Short title.
2. Section 2 (1) of the Forgery Ordinance, 1922, is amended by the addition of the following paragraph at the end thereof :— Amendment of Ordinance No. 11 of 1922, s. 2 (1).
 - (i) "Currency note" includes any note issued as currency by or under the authority of the government of any part of His Majesty's dominions, or of any British protectorate, or of any foreign state, or of any part or colony or dependency of any foreign state.
3. Section 4 (1) of the Forgery Ordinance, 1922, is amended by the addition of the following paragraph at the end thereof :— Amendment of Ordinance No. 11 of 1922, s. 4 (1).
 - (d) any currency note.
4. Section 10 (1) of the Forgery Ordinance, 1922, is amended by the insertion of the words "or currency note" immediately after the words "bank note" in the fifth line thereof. Amendment of Ordinance No. 11 of 1922, s. 10 (1).
5. The following sub-section is added at the end of section 10 of the Forgery Ordinance, 1922 :— Addition of new sub-section to section 10 of Ordinance No. 11 of 1922.
 - (3) Every person shall be guilty of a misdemeanor and on conviction thereof shall be liable to imprisonment for any term not exceeding three years, who, without lawful authority or excuse, and knowing the same to be forged, has in his custody or possession any forged document the possession of which is not made illegal under this or any other enactment in force for the time being.

Amendment of Ordinance No. 11 of 1922, s. 11. 6. Section 11 of the Forgery Ordinance, 1922, is amended as follows:—

- (a) The words "or currency note" are inserted immediately after the words "bank note" in the second line of paragraph (a) (i).
- (b) The words "or currency note" are inserted immediately after the words "bank note" in the fifth line of paragraph (c).

Amendment of Ordinance No. 11 of 1922, s. 15(1). 7. Section 15 (1) of the Forgery Ordinance is amended as follows:—

- (a) The words "or currency note" are inserted immediately after the words "bank note" in paragraph (a).
- (b) The words "or currency notes" are inserted immediately after the words "bank notes" in the second line of paragraph (b).
- (c) The words "or currency note" are inserted immediately after the words "bank note" in the third line of paragraph (c).

Objects and Reasons.

1. One object of this bill is to provide specifically for the offence of forgery of currency notes, British and foreign, and for the offence of possession of such notes. The present Forgery Ordinance deals specifically with bank notes, but currency notes issued by the government of any British possession or foreign state do not fall within the definition of bank note. Cases do not fall from time to time of forgery and possession of such currency notes.

2. The other object of the bill is to provide generally for possession of forged documents. The present Ordinance makes possession of certain specified forged documents an offence but it contains no omnibus clause with regard to possession. Clause 5 deals with this point. The other clauses deal with currency notes.

J. H. KEMP,
Attorney General.

18th July, 1924.

[No. 13:—26.10.24.—2.]

C.S.O. 2940/24

A BILL

INTITLED

An Ordinance to amend the Telegraphic Messages Ordinance, 1894.

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 Telegraphic Messages Amendment Ordinance, 1924.

Amendment of Ordinance No. 3 of 1894, s. 2. 2. Section 2 of the Telegraphic Messages Ordinance, 1894, is amended as follows:—

- (1) The words " , telephone, wireless telegraphy or wireless telephony," are inserted between the word "telegraph" and the word "from" in the first line thereof.

- (2) The words "or retransmit by telegraph, telephone, wireless telegraphy, or wireless telephony," are inserted immediately after the word "communication", in the eleventh line thereof.
- (3) The word "telegraphic" in the twelfth line thereof is deleted.

3. Section 3 of the Telegraphic Messages Ordinance, 1894, is repealed, and the following section is substituted therefor :—

Amendment of Ordinance No. 3 of 1894, s. 3.

Penalty for printing, etc., matter contrary to the Ordinance.

3. Every person who prints or publishes, or causes to be printed or published, or retransmits, any matter, contrary to the provisions of this Ordinance shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars.

4. Section 4 of the Telegraphic Messages Ordinance, 1894, is amended as follows :—

Amendment of Ordinance No. 3 of 1894, s. 4.

- (1) The word "telegraphic" in the first line thereof is deleted.
- (2) The words "By Telegraph" in the third line thereof are deleted and the words "Telegraphic Messages Ordinance, 1894," are substituted therefor.

5. Section 5 of the Telegraphic Messages Ordinance, 1894, is amended as follows :—

Amendment of Ordinance No. 3 of 1894, s. 5.

- (1) The word "company" is substituted for the word "office" in the third line thereof.
- (2) The words "or by wireless telegraphy" are inserted between the word "telegraph," and the word "from" in the sixth line thereof.

6. Section 6 (1) (c) of the Telegraphic Messages Ordinance, 1894, is amended by the insertion of the words "or by wireless telegraphy" between the word "telegraph" and the word "as" in the first line thereof.

Amendment of Ordinance No. 3 of 1894, s. 6 (1) (c).

7. Section 6 (3) (a) of the Telegraphic Messages Ordinance, 1894, is amended as follows :—

Amendment of Ordinance No. 3 of 1894, s. 6 (3) (a).

- (1) The words "or by wireless telegraphy" are inserted immediately after the word "telegraph" in the third line thereof.
- (2) The words "or by wireless telegraphy", are inserted between the word "telegraph" and the word "and" in the fifth line thereof.

Objects and Reasons.

1. The Telegraphic Messages Ordinance, 1894, Ordinance No. 3 of 1894, provides that when a telegraphic message has been received by any person in the Colony for publication in a newspaper or for circulation to subscribers, no other person shall publish in a newspaper, or in any printed or written communication, the substance thereof or an extract therefrom, until after thirty six hours from the time of the first publication of the message by the person receiving the same. This provision is defective in three points. In the first place, it does not prohibit the retransmission of such by telegraph. In the second place, it is not clear whether the section applies to messages received or sent by wireless telegraphy. In the third place, it does not apply to messages received or sent by telephone or by wireless telephony.

2. Clause 2 of the bill amend these defects in the main operative section of the Ordinance, *i.e.*, section 2.

3. This necessitates an amendment of section 3 of the principal Ordinance. The opportunity is taken to get rid of the distinction between first offences and subsequent offences, and to substitute what is now the standard fine for summary offences, *i.e.*, \$250. The provision that any imprisonment in default shall be without hard labour has been omitted. The whole section has been repealed and re-enacted with amendment.

4. Consequential amendments are also made in section 4 of the principal Ordinance.

5. Clause 5 inserts in section 5 of the principal Ordinance a reference to wireless telegraphy. The opportunity is taken to substitute the words "telegraph company" for "telegraph office". The term "telegraph company" is defined in section 6 (3) (b).

6. Clauses 6 and 7 amend section 6 of the principal Ordinance so as to make it apply to wireless telegraphy.

J. H. KEMP,
Attorney General.

23rd July, 1924.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 363.—Statement of Sanitary Measures adopted against Hongkong.

Place or Port.	Nature of Measures.	Date.	Reference to Government Notification.
Manila.	Inspections outside Manila harbour from 20th April. Third class passengers and new crew must comply with the vaccination requirements.	16th April, 1924.	...

No. S. 364.—Statement of Sanitary Measures adopted by Hongkong.

Disease.	Port or Place.	Restrictions in Force.	Authority.
Small-pox.	Dutch East Indies.	Medical examination; quarantine at the discretion of the Health Officer.	Notification No. 475 of 19th August, 1924.