

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 175.—The following bill, which it is proposed to introduce into the Legislative Council shortly, is published for general information.

C.S.O. 3145/26.

[No. 6 :—9.7.26.—2.]

A BILL

INTITLED

An Ordinance to amend the law relating to 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, 1926.
- Interpretation. 2. In this Ordinance,
- (a) "Telegraph" means an electric, galvanic or magnetic telegraph, and includes appliances and apparatus for sending or receiving telegraphic or telephonic messages, or other communications, by means of electricity, galvanism or magnetism.
- (b) "Wireless telegraphy" means any system of communication by telegraph without the aid of any wire connecting the points from and at which the messages or other communications are sent and received.
- (c) "Wireless telegraphy station" includes every apparatus or collection of apparatus which has been installed for the purpose of being used for wireless telegraphy, whether for sending or receiving or for sending and receiving, and whether such apparatus or collection of apparatus be complete or not.
- Regulations. 3.—(1) It shall be lawful for the Governor in Council to make regulations for the licensing, regulation and control of wireless telegraphy within the Colony and the waters thereof, and on board British ships registered in the Colony, including the prescribing of fees to be payable in respect of licences and permission granted under this Ordinance, and for prohibiting or restricting the use of wireless telegraphy at such times, on such occasions, and subject to such conditions, as may seem expedient to him.
- (2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the Gazette of the making of such regulations, and if a resolution be passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any regulation shall be rescinded, or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded, or amended as the case may be, as from the date of publication in the Gazette of the passing of such resolution.

4. No person shall establish, maintain, or have in his possession any wireless telegraph station 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 under this Ordinance.

Licences
required for
wireless
telegraphy.

5. If a magistrate is satisfied by information on oath that there is reasonable ground for believing that a wireless telegraph station has been established, or is being maintained, or used, or is in the possession of any person, without a valid licence under this Ordinance, he may grant a search warrant to any police officer to enter the place or ship (not being or having the status of a ship of war) where it is believed that the wireless telegraphy station has been established or is being maintained, or used, or is in the possession of some person, and to search such place or ship, and to seize any apparatus which appears to him to have been established or maintained, or used, or to be in the possession of any person, in contravention of this Ordinance.

Search.

6.—(1) Every person who contravenes any provision of this Ordinance or of any regulation made thereunder, and every person who fails to comply with any condition of any licence issued under this Ordinance, shall upon summary conviction be liable to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months.

Penalties.

(2) It shall be lawful for a magistrate to order to be forfeited to the Crown any apparatus with respect to which any offence against this Ordinance has been committed, whether any person shall have been charged with, or shall have been convicted of, such offence or not.

7. All ship station licences issued under the Wireless Telegraphy Ordinance, 1913, shall, notwithstanding the repeal of that Ordinance, continue in full force and validity until terminated by effluxion of time or by cancellation or in some other lawful manner.

Continuance
of ship
station
licences
issued under
Ordinance
No. 20 of
1913.

8. This Ordinance shall come into operation on the 1st day of _____, 1926.

Commence-
ment.

9. The Wireless Telegraphy Ordinance, 1913, is repealed

Repeal of
Ordinance
No. 20 of
1913.

Objects and Reasons.

1. One of the principal objects of this bill is to make it necessary for receiving sets to be licensed. This is accomplished by amending the definition of the term "telegraph" so as to include apparatus for receiving as well as apparatus for sending. This follows the policy of the Wireless Telegraphy (Explanation) Act, 1925, 15 & 16 Geo. 5, c. 67.

2. The other principal object of the bill is to make it an offence to maintain, or possess, a wireless telegraph station without a licence. The present Ordinance makes it an offence only to establish a station, or work apparatus, without a licence. It will be noticed that the term "wireless telegraph station" is defined in the bill as including any apparatus which have been installed for the purpose of being used for wireless telegraphy.

3. The opportunity has been taken to shorten and simplify the arrangement of the present Ordinance. For example, the whole subject of the licensing authority and the form and conditions of the licences is

relegated to regulations to be made under the Ordinance. In the present Ordinance this matter is scattered over four sections.

4. The definition of the term "wireless telegraphy" in the present Ordinance contains a proviso to the effect that nothing in the 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. This proviso was inserted in the Wireless Telegraphy Act of 1904 while the bill was in committee, the mover of the amendment urging that its addition was necessary to protect enterprise and scientific exploration from interference. The proviso was accepted without discussion, but it seems to have been of very doubtful necessity, and it has been omitted from this bill.

5. For the extraterritorial effect of the Ordinance in case of British ships registered in the Colony see the Wireless Telegraphy Order, 1908; Stat. R. & O., 1908, p 960.

6. Clause 7 of the bill saves existing ship station licences.

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Attorney General.

26th April, 1926.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 176.—Statement of Sanitary Measures adopted by Hongkong.

Disease.	Port or Place.	Restrictions in Force.	Authority.
Cholera.	Bangkok.	Medical examination; quarantine at the discretion of the Health Officer.	Notification No. 655 of 20th November, 1925.
Small-pox.	Amoy.	Do.	Notification No. 124 of 9th March, 1926.
Cholera.	Saigon.	Do.	Notification No. 225 of 26th April, 1926.
Plague.	Pakhoi.	Do.	Notification No. 273 of 20th May, 1926.
Cholera.	Hoihow.	Do.	Notification No. 274 of 20th May, 1926.
Cholera.	Haiphong.	Do.	Notification No. 338 of 24th June, 1926.