

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 253.—The following bill, which it is proposed to introduce into the Legislative Council shortly, is published for general information.

C.S.O. 2916/26

[No. 14:—8.9.26.—1.]

A BILL

INTITULED

An Ordinance to amend the Volunteer Ordinance, 1920.

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title. 1. This Ordinance may be cited as the Volunteer Amendment Ordinance, 1926.

Amendment of Ordinance No. 2 of 1920, s. 2. 2. Paragraph (d) of section 2 of the Volunteer Ordinance, 1920, is amended by the addition at the end thereof of the words “, except that in the second line of paragraph (a) the term ‘officer’ includes an officer of His Majesty’s regular forces.”

Amendment of Ordinance No. 2 of 1920, s. 12. 3. Section 12 of the Volunteer Ordinance, 1920, is amended as follows:—

(a) Sub-section (1) is amended by the insertion of the words “or local” between the word “national” and the word “emergency” in the first line thereof.

(b) Sub-section (1) is also amended by the insertion of the words “or in case it may be desirable to take precautions against the possibility of serious local disturbance,” between the word “disturbance” and the word “the” in the third line thereof.

(c) The following sub-section is added at the end thereof:—

(6) In any proceedings whatsoever the production of a copy of a number of the Gazette, purporting to be printed by the Government printers, and containing what purports to be a proclamation by the Governor under sub-section (1), shall for all purposes whatsoever be conclusive proof that the said proclamation was issued and was lawfully issued, and that the volunteer corps, or the portion of the volunteer corps, referred to in the said proclamation, was duly called out for actual military service on the date which purports to be the date of the said number of the Gazette.

Amendment of Ordinance No. 2 of 1920, s. 13. 4. Section 13 of the Volunteer Ordinance, 1920, is repealed and the following section is substituted therefor:—

Pay and allowances or actual military service and in camp.

13. All officers and volunteers, when called out on actual military service, and when undergoing training in camp, shall be entitled to such pay and allowances, if any, as may be prescribed by the Governor in Council, provided that no officer or volunteer shall be entitled to any pay or allowances for more than seven days in any one year in respect of attendance in camp.

5. Section 16 of the Volunteer Ordinance, 1920, is re-numbered as sub-section (1) of section 16 and the following sub-sections are added at the end thereof :—

Amendment
of Ordinance
No. 2 of
1920, s. 16.

(2) Without prejudice to anything contained in sub-section (1), every officer and volunteer who reports in person to undergo training in camp, other than training together with some part of His Majesty's regular forces, shall, until he is permitted to leave the camp, be subject, within the Colony, to the same control, discipline and punishments as are provided in the Army Act in the case of members of His Majesty's regular forces, with the following modifications only :—

(a) that no officer or volunteer shall for any offence except for the offence of murder be subject to the penalty of death; and

(b) that no sentence of a court martial for the trial of an officer or volunteer shall be carried into execution unless confirmed by the Governor.

(3) Disciplinary measures may be imposed, court martial proceedings may be commenced and carried on, and punishments may be imposed, in respect of acts or omissions of any officer or volunteer while undergoing training in camp, even though the officer or volunteer in question may have been permitted to leave the camp, and even though the camp may have been broken up, and even though the officer or volunteer in question may have been released from arrest or custody under the provisions of paragraph (4) of sub-section (1).

Objects and Reasons.

1. The main object of this bill is to provide for the discipline and pay of the volunteer corps during camp. The opportunity is taken to make some other amendments also.

2. The effect of the interpretation clause of the principal Ordinance, as it stands at present, is that the administrative commandant must be a volunteer officer. The present intention is that he should continue to be a volunteer officer, but during the war the administrative commandant was at one time a regular officer, and it is just possible that a similar arrangement might be desirable at some time in the future. Clause 2 of the bill, therefore, amends section 2 of the principal Ordinance by providing in effect that the administrative commandant may be a regular officer.

3. Under section 12 of the principal Ordinance, as it stands at present, the three cases in which the volunteers may be called out for actual military service are (a) great national emergency, (b) actual or apprehended invasion of or attack on the Colony, and (c) serious local disturbance. These three cases do not seem to exhaust all possible cases in which it might be desirable to call out the volunteers. For example, a local emergency is perhaps more probable than a national emergency. Again, it should not be necessary to delay the call out of the volunteers until serious local disturbances had actually broken out. Accordingly, clause 3 of the bill gives power to call out the volunteers in case of great local emergency, and in case it is desirable to take precautions against the possibility of serious local disturbance.

4. Section 12 of the principal Ordinance, at it stands at present, leaves open to question the legality of any given proclamation under it, and the occurrence of the facts which are a condition precedent to any proclamation. Such uncertainty might be very disturbing and very embarrassing. Accordingly clause 3 of the bill proposes to add to section 12 a sub-section which makes the gazette containing the proclamation conclusive evidence that the proclamation was lawfully issued.

5. Section 13 of the principal Ordinance provides that when the volunteers are on actual military service they are entitled to pay and allowances and billeting in the same way as His Majesty's regular forces, so far as the regulations relating to the regular forces are by the Governor in Council deemed applicable to the volunteers. Nothing is said about camp, and it is obvious that the circumstances of the volunteers and of the regular forces might often be very different. Clause 4 of the bill, therefore, proposes to substitute a section providing that the volunteers, when called out on actual military service, and when in camp, shall be entitled to such pay and allowances as may be prescribed by the Governor in Council. A proviso is added that no volunteer is to be entitled to any pay or allowance for more than 7 days in any one year in respect of camp.

6. Clause 5 of the bill provides that volunteers, while in a volunteer camp, are to be subject to the same control, discipline and punishments as are provided in the Army Act in the case of members of His Majesty's regular forces, with the proviso that no volunteer shall be subject to a penalty of death except for murder, and that no sentence of a court martial on a volunteer shall be carried into execution unless confirmed by the Governor. This amendment merely extends to the case of volunteer camps the provision which already apply to the case of volunteers who are on actual military service or who are undergoing training or doing duty with the regular forces.

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Attorney General.

9th August, 1926.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 254.—Statement of Sanitary Measures adopted by Hong Kong.

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.
Cholera.	Hoihow.	Do.	Notification No. 274 of 20th May, 1926.
Cholera.	Shanghai.	Do.	Notification No. 391 of 26th July, 1926.
Cholera.	Tsingtao.	Do.	Notification No. 471 of 2nd September, 1926.
Cholera.	Amoy.	Do.	Notification No. 505 of 16th September, 1926.