

LEGISLATIVE COUNCIL.

Draft Bills.

No. S. 362.—The following Bills, which it is proposed to introduce into the Legislative Council shortly, are published for general information.

C.S.O. 1059/26.

[No. 17 :—13.12.26.—1.]

A BILL

INTITLED

An Ordinance to amend the Promissory Oaths Ordinance, 1869.

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 Promissory Oaths Amendment Ordinance, 1926.

Amendment of Ordinance No. 1 of 1869, s. 9 (1). 2. Sub-section (1) of section 9 of the Promissory Oaths Ordinance, 1869, is amended as follows :—

(a) The following words are inserted between the word "Councils" and the word "shall" in the first line thereof :—

"and the Deputy Clerk of Councils".

(b) The following words and signs are inserted between the word "Councils" and the word "in" in the third line thereof :—

"(or Deputy Clerk of Councils)."

Amendment of Ordinance No. 1 of 1869, Schedule, Part II. 3. Part II of the Schedule to the Promissory Oaths Ordinance, 1869, is amended by the substitution of "The Marine Magistrates" for "The Marine Magistrate".

Objects and Reasons.

1. Clause 2 is a technical amendment rendered necessary by the decision to appoint a Deputy Clerk of Councils to relieve the pressure on the Assistant Colonial Secretary, who is also Clerk of Councils. The intention is that the Deputy Clerk of Councils shall act as Clerk to the Legislative Council, but he might on occasion be required to act as Clerk to the Executive Council, and it is therefore convenient that he should take the oath required from the Clerk to the Executive Council.

2. The Magistrates Amendment Ordinance, 1926, provided for two marine magistrates, instead of one as formerly. Clause 3 of this bill makes a consequential amendment which has been awaiting a convenient opportunity. At present the Schedule to the Promissory Oaths Ordinance, requires only "The Marine Magistrate" to take the judicial oath. Clause 3 will make the Schedule read "The Marine Magistrates". Another consequential amendment still remains to be made, i.e., in section 2 (f) of the Merchant Shipping Ordinance, 1899.

J. H. KEMP,
Attorney General.

30th October, 1926

A BILL

INTITLED

An Ordinance to amend the Interpretation Ordinance, 1911.

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

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

2. Section 25 of the Interpretation Ordinance, 1911, is amended by the addition of the following sub-section at the end thereof :— Amendment of Ordinance No. 31 of 1911, s. 25.

(4) Where any Ordinance gives power to make an appointment to any office, it shall not be necessary in any such appointment to name any particular individual and the appointment may be of the holder of any other office in the name of that office, in which case the person who is from time to time for the time being performing the duties of the office last above referred to shall be deemed to have been appointed to the office first above referred to.

3. Group A of section 39 of the Interpretation Ordinance, 1911, is amended by the addition of the following paragraph at the end thereof :— Amendment of Ordinance No. 31 of 1911, s. 39 A.

Clerk of Councils. (14) "Clerk of Councils" means the person appointed by the Governor to be Clerk to the Executive Council and the Legislative Council, and includes any person appointed by the Governor to be Deputy Clerk of Councils.

4. Paragraph (7) of Group B of section 39 of the Interpretation Ordinance, 1911, is repealed and the following paragraph is substituted therefor :— Amendment of Ordinance No. 31 of 1911, s. 39 B²(7).

Harbour. (7) "Harbour" means the harbour of Victoria and includes the waters of the Colony within the following boundaries :—

On the east—A straight line drawn from the westernmost extremity of Siu Chau Wan Point to the westernmost extremity of A Kung Ngam Point (sometimes known as Kung An).

On the west—A straight line drawn from the westernmost point of the Island of Hong Kong to the westernmost point of Green Island, thence a straight line drawn from the westernmost point of Green Island to the westernmost point of Stonecutters Island, and thence a straight line drawn true north from the westernmost extremity of Stonecutters Island to the mainland.

Objects and Reasons.

1. This Bill makes three amendments in the Interpretation Ordinance, 1911.

2. Clause 2 adds to section 25 of the Interpretation Ordinance, 1911, a sub-section which provides that in an appointment to an office it shall not be necessary to name any particular individual but that the appointment may be of the holder of some other office in the name of that office. The sub-section goes on to provide that upon an appointment being made in that form the person who is from time to time, for the time being, performing the duties of the latter office shall be deemed to have been appointed to the former office. A particular provision to this effect was inserted recently in the Marriage Amendment Ordinance, 1926. Under that particular provision it will be possible to appoint "the Land Officer" to be Registrar of Marriages, and that one appointment will be sufficient for so long as the Land Office remains the Registry of Marriages. Without this power it would be necessary to make a fresh appointment whenever a new Land Officer or acting Land Officer were appointed. Clause 2 of the Bill proposes to make a general provision for this class of case. It is possible that the express provision in the Marriage Amendment Ordinance was not strictly necessary, and it is possible that the general sub-section now to be added to section 25 of the Interpretation Ordinance, 1911, is also strictly not necessary, but it has been thought better to deal with the matter expressly so as to avoid any doubts being raised. No doubt sub-section (1) of section 25 of the Interpretation Ordinance, 1911, refers to references in Ordinances.

3. In order to reduce the pressure of work on the Assistant Colonial Secretary, it is proposed that, while retaining his duties as Clerk to the Executive Council, he should be relieved of his duties as Clerk to the Legislative Council. There is at present a technical obstacle in the way of this being done, in that the Ordinances generally contemplate only one clerk for both Councils. Clause 3 of the Bill meets this difficulty by providing in effect, for a Deputy Clerk of Councils. The intention is to appoint a Deputy Clerk of Councils who will act as Clerk to the Legislative Council.

4. Sub-sections (3) and (5) of section 22 of the Merchant Shipping Ordinance, 1899, give the Harbour Master certain powers over merchant ships, including, *inter alia*, power to allot berths, and power to give special directions for typhoon weather. It appears, however, that these powers apply only when the merchant ship in question is in a port of the Colony, and, therefore, so far as the port of Victoria is concerned, they do not extend beyond the harbour limits. Table W in the Schedule to the Merchant Shipping Ordinance, 1899, makes Victoria Harbour a port of the Colony, and section 39 B (7) of the Interpretation Ordinance, 1911, gives the boundaries of the Harbour of Victoria. Broadly speaking, those boundaries, as at present laid down, exclude everything east of a straight line drawn from North Point to Kowloon City, and they also exclude a large part of the area between Stonecutters Island and the mainland. It has been found in practice that ships anchoring to the eastward of the eastern boundary of the harbour, being outside the harbour limits and thus not being bound to obey orders issued by the Harbour Master under section 22 (5) of the Merchant Shipping Ordinance, sometimes fail in typhoon weather to raise steam or take other necessary precautions. Such ships sometimes drag their anchors down to the westward into the harbour

limits and thus constitute a very grave danger to ships within the harbour limits which have taken all precautions in accordance with the orders of the Harbour Master. For this purpose, if for no other, it is essential that the authority of the Harbour Master should extend to the natural boundary of the harbour on the eastward, *i.e.*, to Lyemun Pass. The definition in this Bill extends the harbour to Lyemun Pass on the eastward, and also includes the area north of Stonecutters Island above referred to. This amendment is desirable also for the purposes of section 39 (18) of the Merchant Shipping Ordinance, which gives the Harbour Master certain powers over junks, lighters, cargo boats and small craft.

5. It should be noticed that the following results will also flow from the proposed amendment of the harbour limits:—

- (a) Vessels affected by the Quarantine Regulations in Table L in the Schedule to the Merchant Shipping Ordinance, 1899, if arriving in Hong Kong between 6 p.m. and 6 a.m., will have to anchor outside Lyemun Pass.
- (b) Under Regulation 7 of Table M in the Schedule to the Merchant Shipping Ordinance, 1899, vessels exceeding 60 tons will have to reduce their speed to 9 knots upon entering Lyemun Pass from the east.

J. H. KEMP,
Attorney General.

30th October, 1926.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 363.—Statement of Sanitary Measures adopted against Hong Kong.

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.	—
All ports in the United States of America, including the Hawaiian Islands.	Inspections outside the ports from 1st April. Steerage passengers must comply with the vaccination requirements. Cabin passengers must produce a vaccination certificate or be vaccinated by ships doctor or quarantine authorities.	30th April, 1926.	—
Bangkok.	Vessels detained at river mouth and passengers and crew vaccinated unless they can produce evidence of successful recent vaccination.	29th October, 1926.	No. S. 301.