

LEGISLATIVE COUNCIL.

Draft Bills.

No. S. 10.—The following bills are published for general information :—

C.S.O. 3355/24.

[No. 32.—20.12.30.—1.]

A BILL

INTITLED

An Ordinance to amend further the Public Health and Buildings Ordinance, 1903, and an Enactment referring thereto.

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 Public Health and Buildings Amendment Ordinance, 1931.

Repeal of Ordinance No. 1 of 1903, s. 70. 2. Section 70 of the Public Health and Buildings Ordinance, 1903, is repealed.

Repeal of section 82 of Ordinance No. 1 of 1903, as enacted by Ordinance No. 19 of 1928, s. 8, and substitution of two new sections. 3. Section 82 of the Public Health and Buildings Ordinance, 1903, as enacted by section 8 of the Public Health and Buildings Amendment Ordinance, 1928, is repealed and the following sections are substituted therefor :—

Sale and possession of unwholesome food. 82.—(1) No person shall sell or expose for sale, or bring into the Colony or into any market, or have in his possession without reasonable excuse, any food for man in a tainted diseased or unwholesome state, or which is unfit for food for man.

Penalty. (2) Every person who contravenes any of the provisions of this section shall be liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for any period not exceeding six months.

Inspection of unwholesome food. 83.—(1) Any member of the Board, or any officer of the Department duly authorised by the Board in writing, may at all reasonable times enter into and inspect any place where he has reason to believe there is any food for man intended for sale, or where he has reason to believe there is any food for man in a tainted, diseased or unwholesome state, or which is unfit for food for man.

(2) Any member of the Board or any officer of the Department or of the police may inspect any food for man which he may find in any highway, street, road, pier, wharf, railway or vessel which he has reason to believe to be in a tainted diseased or unwholesome state, or unfit for food of man.

(3) Any such member or officer may seize any food which is or appears to be held in contravention of section 82 ; and, if authorised so to do in writing by the Head of the Department upon the recommendation of the Medical Officer of Health or any Assistant Medical Officer of Health or of the Colonial Veterinary

Surgeon, or Assistant Colonial Veterinary Surgeon, may destroy it or so dispose of it as to prevent it from being used as food for man.

4. In section 30A of the Summary Offences Ordinance, 1845, the figure "82," is deleted.

Amendment
of Ordinance
No. 1 of
1845, s. 30A.

Objects and Reasons.

The object of this Ordinance is firstly to repeal section 70 of the Public Health and Buildings Ordinance, 1903, which authorised the seizure of unmarked meat and which is unnecessary, as much meat may be lawfully sold and consumed in the Colony which does not bear the official mark of the Government slaughter houses; and secondly, to repeal section 82 of the Ordinance as enacted by the amending Ordinance of 1928, (No. 19 of 1928, s. 8) and to substitute two sections therefor based partly on that section and partly on the sections it replaced. These sections deal with the sale, possession, inspection, seizure and destruction of unwholesome food. The reference to section 82 of the Public Health and Buildings Ordinance in section 30A of the Summary Offences Ordinance is deleted because it is not considered necessary and because the penalty has been increased. So far as the power of arrest given by that section is concerned section 27 of the Police Force Ordinance (Ordinance No. 11 of 1900) provides all that is considered necessary.

C. G. ALABASTER,
Attorney General.

December, 1930.

A B I L L

INTITULED

An Ordinance to make provision for taking from time to time the Census of the Colony.

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 Census Ordinance, 1931.

Power to direct taking of Census.
10 & 11 Geo. 5, c. 41, s. 1.

2.—(1) Subject to the provisions of this Ordinance, it shall be lawful for the Governor in Council from time to time to order that a census shall be taken for the Colony or for any part thereof, and any order under this section may prescribe:—

- (a) the date on which the census is to be taken;
- (b) the persons by whom and with respect to whom the returns for the purpose of the census are to be made; and
- (c) the particulars to be stated in the returns.

(2) Any Order in Council made under this section may be revoked, amended or varied by a subsequent Order.

Regulations.
10 & 11 Geo. 5, c. 41, s. 3.

3.—(1) When any such Order has been made, it shall be lawful for the Governor in Council to make regulations:—

- (a) providing for the division of the Colony into districts for the purpose of the census and the appointment of persons to act in these districts in connection with the census;
- (b) requiring such persons as may be employed for the purpose of the census, to perform such duties in connection with the taking of the census as may be prescribed;
- (c) requiring persons employed for the purpose of taking the census to make a statutory declaration with respect to the performance of their duties;
- (d) requiring the chief officer of public or charitable institutions or of any other institution prescribed by the regulations to make returns with respect to the inmates thereof;
- (e) requiring the proprietor, master, keeper, manager or person in charge, of any place where not less than twenty people are employed, or of any dock, factory, workshop, school, hospital, hotel or vessel lying within the waters of the Colony to make returns of the inmates therein;
- (f) requiring information to be given to the persons liable to make returns by the persons with respect to whom the returns are to be made;
- (g) with respect to the forms to be used in the taking of the census;

- (h) directing the Superintendent of Census to make reports on the census returns;
- (i) directing the publication of the reports made by the Superintendent of Census or any of them; and
- (j) making provision with respect to any matter necessary to carry into effect the order for taking the census.

(2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting 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 such regulations shall be rescinded or amended in any manner whatsoever, the said regulations 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. When any order has been made under section 2 of this Ordinance the Governor shall appoint a Superintendent of Census for the purpose of carrying the order for the taking of the census into effect.

Appointment of Superintendent of Census.

5.—(1) It shall be the duty of the Superintendent of Census:—

Duties of Superintendent of Census.
10 & 11 Geo. 5, c. 41, ss. 2 and 4.

- (a) to make such arrangements and to do all such things as are necessary for the taking of the census in accordance with the provisions of this Ordinance, and of any regulations made thereunder, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection of the forms when filled in;
- (b) as soon as may be possible after the collection of the filled in forms to prepare reports on the census returns.

(2) Any expense incurred with the sanction of the Governor by the Superintendent of Census in connection with the taking of the census or otherwise in connection with the exercise of his powers or the performance of his duties under this Ordinance or the regulations made thereunder shall be defrayed out of the Revenues of the Colony.

6.—(1) If any person:—

Penalties.
10. & 11 Geo. 5, c. 41, s. 8.

- (a) refuses or neglects to comply with or acts in contravention of any of the provisions of this Ordinance or any regulations made thereunder; or
- (b) being a person required under this Ordinance or the regulations to make a statutory declaration with respect to his duties makes a false one; or
- (c) being a person required by regulations made under this Ordinance to make, sign or deliver any document makes, signs or delivers or causes to be made, signed or delivered a false document; or
- (d) being a person required by this Ordinance or the regulations to answer any questions, refuses to answer or gives a false answer to that question;

he shall for each offence be liable upon summary conviction to imprisonment for any term not exceeding three months or to a fine not exceeding one hundred dollars.

Duty of
secrecy.
10. & 11
Geo. 5,
c. 41, s. 8.

(2) Every person who:—

- (a) being employed in the taking of a census, without lawful authority publishes or communicates to any other person otherwise than in the ordinary course of such employment, any information acquired by him in the course of such employment; or
- (b) being in possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, publishes or communicates that information to any other person;

shall be guilty of a misdemeanour and shall upon conviction be liable to imprisonment for any term not exceeding two years and to a fine not exceeding two hundred and fifty dollars.

Repeal of
Ordinance
No. 2 of
1881.

7. The Census Ordinance, 1881, is repealed.

Objects and Reasons.

This Ordinance which follows very closely the provisions of the Census Act, 1920, (10 & 11 Geo. 5, c. 41.) is intended to replace the Census Ordinance, 1881. Paragraph 3 (1) (e) imposing duties as to returns on persons in charge of places where more than twenty persons are employed is derived from section 6 of the repealed Ordinance.

C. G. ALABASTER,
Attorney General.

August, 1930.