

LEGISLATIVE COUNCIL.

No. S. 35.—The following Bills were read a first time at a meeting of the Council held on the 29th January, 1931 :—

C.S.O. 2572/27.

[No. 6 :—6 12.30.—5.]

A BILL

INTITULED

An Ordinance to provide for the registration of nurses for the sick.

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 Nurses Registration Ordinance, 1931.

Establishment and constitution of a Nursing Board. 2.—(1) For the purposes of this Ordinance there shall be constituted a Nursing Board for the Colony of Hong Kong (in this Ordinance referred to as “the Board”).

9 & 10 Geo. 5, c. 94, s. 1. (2) The Board shall be constituted in accordance with the provisions contained in the Regulations made under this Ordinance.

Register of Nurses. 3.—(1) It shall be the duty of the Board to form and keep a register of nurses for the sick (in this Ordinance referred to as “the register”) subject to and in accordance with the provisions of this Ordinance.

9 & 10 Geo. 5, c. 94, s. 2.

(2) The register shall consist of the following parts :—

(a) a general part containing the names of all nurses who satisfy the conditions of admission to that part of the register ;

(b) a supplementary part containing the names of male nurses ;

(c) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases ;

(d) a supplementary part containing the names of nurses trained in the nursing of sick children ;

(e) any other prescribed part.

Where any person satisfies the conditions of admission to any supplementary or prescribed part of the register, his or her name may be included in that part of the register notwithstanding that it is also included in the general part.

(3) A certificate under the Seal of the Board stating that any person is, or was at any date, or is not, or was not at any date, duly registered under this Ordinance shall be conclusive evidence in all courts of law of the fact stated in the certificate.

(4) Any reference in this Ordinance to the register shall, unless the context otherwise requires, be deemed to include a reference to any part of the register, and the expression “registered” shall be construed accordingly.

4.—(1) It shall be lawful for the Governor in Council to make regulations for any of the following purposes :—

Regulations.
9 & 10
Geo. 5, c. 94,
s. 3.

- (a) for regulating the formation, maintenance and publication of the register ;
- (b) for regulating the conditions of admission to the register ;
- (c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register, and any matter ancillary to or connected with any such examination ;
- (d) for prescribing the causes for which, the conditions under which, and the manner in which nurses may be removed from the register, and the procedure for the restoration to the register of nurses who have been removed therefrom ;
- (e) for prescribing the constitution of the Board and for regulating the summoning of meetings of the Board and the proceedings (including quorum) of the Board ;
- (f) for enabling the Board to constitute committees and for authorising the delegation to committees of any of the powers of the Board and for regulating the proceedings (including quorum) of committees ;
- (g) for prescribing the fees to be payable ;
- (h) generally for making provision with respect to any matters with respect to which the Governor in Council considers that provision should be made for the purposes of carrying this Ordinance into effect (including provision with respect to the issue of certificates to nurses registered under this Ordinance and with respect to the titles which may be used and the uniforms or badges which may be worn by nurses so registered), and for prescribing anything which under this Ordinance is to be prescribed.

(2) Regulations under this section shall contain provisions—

- (a) requiring as a condition of the admission of any person to the register that that person shall have undergone the prescribed training, and shall possess the prescribed experience, in the nursing of the sick ; and
- (b) requiring that the prescribed training shall be carried out either in an institution approved by the Board in that behalf or in the service of the Admiralty, the Army Council, or the Air Council ; and
- (c) enabling persons who, within a period of two years after the date on which the regulations to be made under the provisions of this paragraph first come into operation, make an application in that behalf (in this Ordinance referred to as “an existing nurse’s application”) to be admitted to the register on producing evidence to the satisfaction of the Board that they are of good character, are of the prescribed age, and are persons who were for at least three years before the first day of November, 1930, *bonâ fide* engaged in practice as nurses in attendance on the sick under conditions which appear to the

Board to be satisfactory for the purposes of this provision and have adequate knowledge and experience of the nursing of the sick.

(3) 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 such 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.

Admission to register of persons trained outside the Colony.

9 & 10
Geo. 5, c. 94,
s. 6.

5.—(1) Any person whose name is registered in any part or parts of the register kept by the General Nursing Council for England and Wales, or of the register kept by the General Nursing Council for Scotland, or of the register kept by the Joint Nursing and Midwives Council of Northern Ireland or of the register kept by the General Nursing Council for the Irish Free State and who produces a certificate under the seal of the said Council for England and Wales, or for Scotland, or for Northern Ireland or for the Irish Free State, certifying that his or her name is so registered as a nurse shall upon making an application in the prescribed manner, and upon satisfying the Board of his or her identity and good character, and upon paying the fee prescribed for ordinary applications for registration under this Ordinance, be entitled to be registered in a corresponding manner under this Ordinance.

(2) If any person prove to the satisfaction of the Board that he or she has been trained in any place outside the Colony where the standard of training and examination is not lower than the standard of training and examination required under this Ordinance, either as a general nurse for the sick or as a nurse of some special class, and satisfy the Board as to his or her identity and good character, the Board may either after examination or without examination upon payment of the fee prescribed for registration under this Ordinance, direct that such person shall be registered in the appropriate part or parts of the register.

Appeal against removal from the register or against refusal to approve institution.

9 & 10
Geo. 5, c. 94,
s. 7.

6.—(1) Any person aggrieved by the removal of his or her name from the register may, within three months after the date on which notice has been served on him or her by the Board that his or her name has been so removed, appeal against the removal to the Governor in Council, and on such appeal the Governor in Council may give such directions in the matter as he thinks proper.

(2) Any person aggrieved by the refusal of the Board to approve any institution for the purpose of the regulations under this Ordinance relating to training may appeal against the refusal to the Governor in Council and the Governor in Council may give such directions therein as he thinks proper and the Board shall comply with any directions so given.

Service of notice.

7. Any notice, directed to be served on any person under the provisions of this Ordinance, or the regulations made thereunder, shall be deemed to have been served on such person if such notice shall have been posted, by registered post, to his address given in the register, or, if such person be not registered, then to the address furnished by him to the Board.

8. Whenever a right of appeal from any decision of the Board lies to the Governor in Council under this Ordinance, such appeal shall be by means of a written petition and such petition, unless otherwise provided, shall be presented within fourteen days of the date of service of the decision of the Board on the person concerned. With such petition the Governor may consider any written reply of the Board to such petition. The decision of the Governor in Council on such petition shall be final.

Appeal.

9.—(1) Every person who—

- (a) not being a person duly registered under this Ordinance, at any time after the expiration of three months from the date on which the Governor in Council gives public notice that a register of nurses has been compiled under this Ordinance, uses the title of registered nurse or its equivalent in any other language, either alone or in combination with any other words or letters, or uses any name, title, addition, description, uniform, or badge, implying that he or she is registered under this Ordinance or is recognised by law as a registered nurse, or uses any title, uniform or badge prescribed for the use of nurses registered under this Ordinance; or
- (b) being a person whose name is included in any part of the register, at any time after the expiration of the period aforesaid uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his or her name is included in some other part of the register in which it is not included; or
- (c) at any time with intent to deceive makes use of any certificate of registration as a nurse issued under this Ordinance to him or her or to any other person

Penalties for unlawful assumption of date of registered nurse and for falsification of register. 9 & 10 Geo. 5, c. 94, s. 8.

shall upon summary conviction be liable to a fine not exceeding five hundred dollars.

(2) Every person who wilfully makes, or causes to be made, any falsification in any matter relating to the register, shall upon summary conviction be liable to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months.

Objects and Reasons.

The object of the bill is to provide for the registration of nurses.

By this means the public will be safeguarded by knowing that the nurses registered under the proposed Ordinance have been properly trained and examined, and are competent to take charge of their patients. It will also enable persons requiring nurses, both the medical profession and private individuals, to inspect the register and select nurses trained in the particular work which they are desired to undertake.

The bill follows the English Act, The Nurses Registration Act, 1919, with this difference that a Board is substituted for the General Nursing Council, and regulations by the Governor in Council are substituted for rules made by the General Nursing Council. This latter course is taken in conformity with the usual practice in the Colony.

The bill is drafted with the further object of obtaining from the Nursing Councils for England and Wales, Scotland, Northern Ireland and the Irish Free State respectively similar treatment for Nurses which will be registered under it to that which the bill purposes conferring upon Nurses registered under the said Councils.

Provision is made also for the registration of nurses trained in any place outside the Colony provided that the training and examination is of the requisite standard. This will enable nurses trained in China, if efficiently trained, to be registered.

Chinese Institutions approved by the Board will be enabled to carry on the training of nurses.

This bill and proposed regulations have been submitted through the Secretary of State to the Nursing Authorities in England and Wales, Scotland, Northern Ireland and the Irish Free State and the recommendations made by them have been embodied in the bill and regulations.

C. G. ALABASTER,
Attorney General.

December, 1930.

C.S.O. 3099/25.

[No. 28 :—24.11.30.—1.]

A BILL

INTITLED

An Ordinance to amend further the Widows' and Orphans' Pension Ordinance, 1908.

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 Widows' and Orphans' Pension Amendment Ordinance, 1931.

Amendment of Ordinance No. 15 of 1908, s. 3 (1). 2.—(1) Paragraph (a) of section 3 (1) of the Widows' and Orphans' Pension Ordinance, 1908, is repealed and the following paragraph is substituted therefor :—

(a) every male person permanently employed in the service of the Government, whose salary has suffered abatement under this Ordinance, or who on or after the first day of January, 1930, is in receipt of a salary of not less than four hundred and eighty dollars per annum ;

(2) The following provisions are added at the end of sub-section (1) of section 3 of the Widows' and Orphans' Pension Ordinance, 1908 :—

Provided that Governors, their Private Secretaries and Aides-de-Camp, if not contributors before they held these positions or if they be not holders of any other substantive appointment entitling them to be contributors, shall not be eligible to be contributors ; and provided

also that persons who have attained the age of forty-nine years, if not contributors before they attained that age, shall not be eligible to be contributors.

3. Section 3A of the Widows' and Orphans' Pension Ordinance, 1908, as enacted by section 4 of the Widows' and Orphans' Pension Amendment Ordinance, 1929, is amended by the addition after the words "approved scheme" at the end of sub-section (1) thereof of the following words :—

Amendment of Ordinance No. 15 of 1908, s. 3A. Ordinance No. 9 of 1929.

" ; or if he has completed his contributions to an approved scheme "

4.—(1) Notwithstanding anything contained in the said section 3A a claim to exemption under that section as amended by this Ordinance may be made within three months after the commencement of this Ordinance and if such claim is made any contributions made to the Widows' and Orphans' Pension Scheme of the Colony of Hong Kong shall be refunded.

Temporary provisions.

(2) Notwithstanding anything contained in section 3 (1) (a) of the Widows' and Orphans' Pension Ordinance, 1908, as amended by this Ordinance, every person, whose salary did not suffer abatement before the first day of January, 1930, and has suffered abatement since that date, by reason of his receipt of a salary of not less than four hundred and twenty dollars per annum but less than four hundred and eighty dollars per annum, shall receive a refund of his contributions, unless he claims the right to participate as a contributor within three months after the commencement of this Ordinance.

5. The following deletions are made in the Widows' and Orphans' Pension Ordinance, 1908.

Deletion of references to the Widows' and Orphans' Pension Fund.

- (i) the words "*the transfer to the Government of the Widows' and Orphans' Pension Fund and of the management and control of*" from the long title ;
- (ii) the preamble ;
- (iii) paragraph (b) of section 2 ;
- (iv) the words "to the Fund" at the end of section 3 (1) ;
- (v) the words "to the Fund" in line 3 and in line 7 of section 3 (3) ;
- (vi) the words "to the Fund" at the end of section 3 (4) ;
- (vii) the words "to the Fund" in the first line of section 29.

Objects and Reasons.

In view of the recent revision of salaries it has been considered desirable that the minimum annual salary rendering an officer liable or eligible for contribution to the Widows' and Orphans' Pension Scheme should be raised from four hundred and twenty to four hundred and eighty dollars, without prejudice to contributors prior to the revision whose revised salary has not reached the latter amount. Officers who are contributing to another approved scheme can claim exemption under section 3A of the principal Ordinance (No.

15 of 1908) which was introduced by the amending Ordinance No. 9 of 1929. It is considered that such officers should be permitted to claim exemption if they have completed their contributions to an approved scheme and obtained what amounts to a fully paid policy thereunder. The provisos added to section 3 (1) of the principal Ordinance by section 2 (2) of this Ordinance are derived from the Uganda Ordinance. These provisos exclude Governors, their Private Secretaries and Aides de-Camp and persons who have attained the age of forty-nine from being required to commence contributing under the principal Ordinance. Section 5 deletes the references to the Fund constituted under the Ordinance of 1900 and the transfer thereof to the Government. As the Ordinance stands in the 1924 Revision the long title and preamble are incorrect.

C. G. ALABASTER,
Attorney General.

November, 1930.

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.

Appoint-
ment of
Superinten-
dent of
Census.

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

Duties of
Superinten-
dent 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.

A BILL

INTITULED

An Ordinance to amend the Merchant Shipping Ordinance, 1899.

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 Merchant Shipping Amendment Ordinance, 1931.

2. Table I in the Schedule to the Merchant Shipping Ordinance, 1899, is repealed and the following Table is substituted therefor :—

Amendment of Ordinance No. 10 of 1899.

Substitution of new Table for Table I in Schedule.

Table I.

ENGAGEMENT AND DISCHARGE FEES.

1.—Engagement and discharge of seamen at the Mercantile Marine Office.

Fee for engagement or discharge of a mate, purser, engineer, surgeon, carpenter, steward or wireless telegraph operator\$ 1.00

Fee for engagement or discharge of every other seaman\$ 0.75

2.—Engagement and discharge of seamen on board ship.

Fee, where not more than 40 seamen are engaged or discharged, for each seaman\$ 0.75

Minimum fee in such case\$15.00

Fee, where more than 40 and not more than 100 seamen are engaged or discharged, for each visit\$30.00

Fee, where more than 100 and not more than 150 seamen are engaged or discharged, for each visit\$37.50

Fee where more than 150 seamen are engaged or discharged, for the first 150\$37.50

for every additional 50 or less...\$ 7.50

Where seamen are re-engaged on board the ship at the time of discharge the fee payable shall be the discharge fee plus half the engagement fee. In all the above cases the actual travelling expenses of the Officers of the Mercantile Marine Office, between that Office and the ship, shall be charged in addition.

3.—Overtime fees where seamen are engaged or discharged.

On Sundays or other General or Public holidays :—
Before 6 a.m., and after 8 p.m.....\$20 per hour.
at other times.....\$10 per hour.

On Saturdays :—
From 8 a.m. to 9 a.m.\$ 5 per hour.
From 6 a.m. to 8 a.m., and from 1 p.m. to 8 p.m.\$10 per hour.
Before 6 a.m., and after 8 p.m.\$20 per hour.

On other Days :—
From 8 a.m. to 9 a.m., and from 5 p.m. to 6 p.m.\$ 5 per hour.
From 6 a.m. to 8 a.m., and from 6 p.m. to 8 p.m.\$10 per hour.
Before 6 a.m., and after 8 p.m.....\$20 per hour.

On all the above occasions any portion of an hour shall count as one hour.

Amendment of Ordinance No. 10 of 1899, Schedule Table J.

3. Table J in the Schedule to the Merchant Shipping Ordinance, 1899, is amended :—

- (i) by the deletion of the word "crews" in the first line of paragraph 1 thereof and by the substitution therefor of the word "seamen".
- (ii) by the deletion of the words "or steward" in the fourth line of paragraph 1 and in the fourth line of paragraph 2 thereof and by the substitution therefor in each case of the words "steward or wireless telegraph operator".
- (iii) by the deletion of the words "all others, except apprentices" in the last line of paragraph 1 and in the last line of paragraph 2 thereof and by the substitution therefor in each case of the words "from wages of all other seamen".

Suspending clause.

4. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

Objects and Reasons.

1. Table I in the Schedule to the Merchant Shipping Ordinance (Ordinance No. 10 of 1899) in the Ordinances of Hong Kong, 1844-1923 as it appears in the Revised Edition of 1924 is as follows :—

Table I. [ss. 5 (5) & 43 (3).]

FEEs TO BE CHARGED AT THE MERCANTILE MARINE OFFICE.

1.—Engagement or discharge of crews.

In ships under 100 tons	\$ 5.00
100 to 400 tons	10.00

400 to 700 tons	15.00
700 to 1,000 tons	20.00
and so on for ships of larger tonnage adding for every 300 tons or part of 300 tons, 5 dollars.	

2.—Engagement or discharge of seamen.

Separately 80 cents each.

Overtime fee, when engagement or discharge takes place on board ships.

From 8 a.m. to 9 a.m., and 5 p.m. to 6 p.m.	\$ 5 per hour.
From 6 a.m. to 8 a.m., and 6 p.m. to 8 p.m.	10 per hour.
Before 6 a.m., and after 8 p.m.....	20 per hour.

Any portion of an hour shall count as one hour.

2. Section 5 (5) of the said Ordinance provides for the payment upon all engagements and discharges of "such fees, not exceeding the sums specified in Table I in the Schedule, as may be fixed by the Governor in Council".

3. The unprecedented fall in the sterling exchange value of the local dollar and the necessity for revising and adjusting the sources of revenue to meet current needs has brought this Table of fees under review with the result that the new Table I set out in section 2 has been approved by the Government of the Colony.

4. Section 3 includes wireless telegraph operators in Table J so as to bring it into line with the new Table I. Such persons were not contemplated at the time of the passing of Ordinance No. 10 of 1899. Table J is also revised by the substitution of the word "seamen" for the word "crew" as being a word the precise meaning of which is ascertainable from the provisions of the principal Ordinance, under section 2 of which "seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship.

5. Clause 4 repeats the suspending clause which was included in the principal Ordinance (section 47 of Ordinance No. 36 of 1899, as numbered before the renumbering as Ordinance No. 10 of 1899 in Sir John Carrington's Revised Edition of the Ordinances from 1844-1901) is consequence of section 735 of the Merchant Shipping Act, 1894. The principal Ordinance of 1899 and the amending Ordinances of 1901 and 1903 were confirmed by His Majesty's Order in Council of the 10th August, 1903 (No. 674 on p. 313 of Vol. 8 of the Statutory Rules and Orders Revised to 31st December, 1903) and was proclaimed in the Colony on the 18th September, 1903 (Proclamation No. 6 in Hong Kong Government Gazette of the 18th September, 1903, p. 1071).

C. G. ALABASTER,
Attorney General.

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