

LEGISLATIVE COUNCIL.

No. S. 222.—The following Bills were read a first time at a meeting of the Council held on the 2nd July, 1931 :—

[No. 16 :—18.6.31.—1.]

A BILL

INTITULED

An Ordinance to authorize the Appropriation of a Supplementary Sum of Two million four hundred and eighty-six thousand five hundred and seventy-seven Dollars and two Cents to defray the Charges of the year 1930.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the year 1930, in addition to the charge upon the revenue of the Colony for the service of the said year already provided for :

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

A sum of two million four hundred and eighty-six thousand five hundred and seventy-seven Dollars and two Cents is hereby charged upon the revenue of the Colony for the service of the year 1930, the said sum so charged being expended as hereinafter specified ; that is to say :—

His Excellency the Governor	\$ 46,833.32
Cadet Service.....	155,219.61
Senior Clerical and Accounting Staff	81,679.12
Junior Clerical Service.....	106,750.52
Colonial Secretary's Office and Legislature	21,529.19
Secretariat for Chinese Affairs.....	3,514.25
Treasury	17,660.06
Audit Department.....	17,923.44
District Office, North	1,420.96
District Office, South	336.61
Post Office and Wireless :—	
A.—Post Office	44,854.84
B.—Wireless	9,289.69
Imports and Exports Office	26,745.60
Harbour Department and Air Service :—	
A.—Harbour Department.....	3,263.03
Royal Observatory	17,031.40
Supreme Court	20,226.86
Attorney General	12,672.55
Crown Solicitor	12,993.93
Official Receiver and Registrar of Trade Marks	9,338.87
Land Registry	13,224.71
Police Force	410,429.42
Prison Department	91,901.16
Sanitary Department	77,386.89
Botanical and Forestry Department...	12,695.99
Education Department	312,478.33
Public Works Department	378,823.08
Miscellaneous Services	379,049.10
Charitable Services	23,482.50
Pensions	167,821.99

TOTAL.....\$2,486,577.02

C.S.O. 3096/25.

[No. 13:—11.6.31.—1.]

A BILL

INTITLED

An Ordinance to amend the Summary Offences Ordinance, 1845.

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 Summary Offences Amendment Ordinance, 1931. Short title.

2. Section 10 of the Summary Offences Ordinance, 1845, as amended by section 3 of the Summary Offences Amendment Ordinance, 1924, is amended by the deletion of the words "five dollars" and by the substitution therefor of the words "twenty five dollars". Amendment of Ordinance No. 1 of 1845, s. 10 as amended by Ordinance No. 10 of 1924, s. 3

Objects and Reasons.

The fine of five dollars for mendicancy in public highways or streets has been found inadequate.

C. G. ALABASTER,
Attorney General.

May, 1931.

[No. 9:—5.6.31.—4.]

C.S.O.

A BILL

INTITLED

An Ordinance to amend the Rating Ordinance, 1901.

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 Rating Amendment Ordinance, 1931. Short title.

2. Section 29 of the Rating Ordinance, 1901, is repealed and the following section is substituted therefor:— Repeal of Ordinance No. 6 of 1901, s. 29, and substitution of new section.

Amount of rates. 29. After the time for appealing has expired, 17 per cent on the valuation of every tenement enumerated in the list shall be payable as rates from the 1st day of July in each year or from such other day as may be fixed by the Governor in Council: Provided that the said percentage shall be reduced to 16 per

water supply of which from the Government Waterworks the only provision made is a supply of unfiltered water, and shall be reduced to 15 per cent, in the case of any tenement for which no provision is made for any supply of water from such waterworks. For the purposes of this section provision for water supply shall be deemed to be made for a tenement, although it has not connection with the Government water-mains or waterworks, if such tenement is situated within 200 yards of a Government water-main.

Amendment
of Ordinance
No. 6 of
1901, s. 43.

3. Section 43 of the Rating Ordinance, 1901, is amended as follows :—

- (i) by the deletion of all the words in the first four lines.
- (ii) by the deletion of the words "to a fine not exceeding one hundred dollars" in paragraphs (1), (2), (3), (4) and (7) and by the substitution therefor in each case of the words "upon summary conviction to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding six months".
- (iii) by the insertion of the words "upon summary conviction" after the word "liable" in the third line of paragraph (5), and in the second and fifth lines of paragraph (6).

Amendment
of Ordinance
No. 6 of
1901,
Schedule
Form No. 1.

4. The note at the foot of Form No. 1 in the Schedule to the Rating Ordinance, 1901, is repealed and the following note is substituted therefor :—

NOTE.—Every owner or occupier who refuses or neglects to furnish the particulars required, and every person who knowingly furnishes any false or incorrect particulars, is liable upon summary conviction to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months. If the above information is not furnished within ten days, no appeal from the assessment will be allowed.

Objects and Reasons.

Section 2 of this Ordinance substitutes for section 29 of the principal Ordinance a section in conformity with the resolution passed by the Legislative Council on the 7th May. Section 3 raises the maximum penalty of one hundred dollars, imposed for offences under paragraphs (1), (2), (3), (4), (5) and (7) of section 43 of the principal Ordinance, to five hundred dollars and to imprisonment for any term not exceeding six months. The penalties hitherto are considered inadequate for the offences enumerated. The new penalties are in accord with those provided for similar offences under other Ordinances (*c.f.* sections 47, 48, 58, and 59 of Ordinance No. 10 of 1916). Section 4 makes a consequential amendment in Form 1 in the Schedule.

C. G. ALABASTER,
Attorney General.

June, 1931.

C.S.O. 3151/26.

A BILL

INTITULED

An Ordinance to amend the Criminal Procedure 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 Criminal Procedure Amendment Ordinance, 1931. Short title.

2. Section 99 of the Criminal Procedure Ordinance, 1899, is amended as follows :— Amendment of Ordinance No. 9 of 1899, s. 99.

- (i) in sub-section (1) by the deletion of the words "before the close of the last day's sitting of the court at each session, make out a list of all" in the first, second and third lines and by the substitution therefor of the words "during or after the close of each session, make out a list or lists of";
- (ii) in sub-section (2) by the insertion of the words "or lists" after the word "list" in the first line.

Objects and Reasons.

Section 99 of the principal Ordinance purports to be based on section 31 of the Criminal Law Act, 1826; but, unlike that section, requires that the list of defaulters on recognizance be made out before the close of the last day's sitting of the court at each session. This Ordinance will remove that limitation which has been found inconvenient. Provision is also made for the preparation of more than one list as an interim list may be desirable in certain cases.

G. C. ALABASTER,
Attorney General.

May, 1931

C.S.O. 3907/28.

[No. 7:—4.5.31.—1.]

A BILL

INTITULED

An Ordinance to amend further the Public Health and Buildings Ordinance, 1903.

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 (No. 2) Ordinance, 1931.

Amendment of Ordinance No. 1 of 1903, s. 54. 2. Section 54 of the Public Health and Buildings Ordinance, 1903, is amended by the repeal of sub-section (3) thereof and by the substitution therefor of the following sub-section:—

(3) The maximum compensation shall be four hundred dollars in the case of any head of cattle and forty dollars in the case of any other animal.

Objects and Reasons.

Until 1923, section 54 of the Public Health and Buildings Ordinance, 1903, provided for the payment of compensation, not exceeding \$100 for each animal, for the slaughter of infected cattle. "Cattle" is defined under the Ordinance, and means "bulls, cows, oxen, heifers, calves and buffaloes". The amending Ordinance, No. 21 of 1903, based to some extent on the Disease of Animals Act, 1894, provided for a maximum compensation of \$40 in the case of a pig and \$400 in the case of any other animal. It is considered that the latter figure should only be applied, as it was prior to 1923, in the case of cattle and that the figure then settled as the maximum in the case of a pig should apply to other animals.

C. G. ALABASTER,
Attorney General.

May, 1931.

A BILL

INTITULED

An Ordinance to provide for the incorporation of the Hop Yat Tong Church of Christ in Hong Kong.

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 Hop Yat Tong Church of Christ Hong Kong Incorporation Ordinance, 1931. Short title.

2. The Trustees for the time being of the Hop Yat Tong Church of Christ Hong Kong shall be a corporation sole (hereinafter called the corporation) and shall have the name of "The Trustees of the Hop Yat Tong Church of Christ Hong Kong" and in that name shall have perpetual succession and shall and may sue and be sued in all Courts in the Colony and shall and may have and use a common seal.

3.—(1) The Corporation shall have power to acquire, Powers of accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situated and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares, or securities of any Government, municipality, corporation, company or person, and also to purchase acquire and possess vessels and other goods and chattels of what nature and kind soever.

(2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or vessels or other goods and chattels, which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit.

4. The legal estate in any property whatsoever transferred to the corporation in any manner whatsoever shall in the event of the death of any of the Trustees for the time being or in the event of any Trustee ceasing to hold office as such Trustee pass to his successor in such office when appointed. Property transferred to corporation to pass to successors.

5.—(1) Ng Man Hin (吳文軒) of No. 144, Des Vœux Road Central General Inspector of the National Commercial and Savings Bank, Ltd. and Au Sz Cham (區斯湛) of No. 31, Des Vœux Road Central Doctor of Medicine and Fung Iu Cheung (馮耀璋) of No. 6, Des Vœux Road Central Assistant Accountant of Bank of Canton, Ltd. having furnished to the Governor satisfactory evidence of their appointment as Trustees shall for the purposes of this Ordinance be deemed to be the Trustees in Hong Kong of the Hop Yat Tong Church of Christ until the appointment in their stead of some other persons as such Trustees. Trustees.

(2) When any other persons are appointed to the Office of Trustees of the Hop Yat Tong Church of Christ such persons shall within three weeks after their appointment or within such further time as may be allowed by the Governor furnish to the Governor satisfactory evidence of their appointment.

(3) A notification in the Gazette under the hand of the Colonial Secretary that such evidence has been furnished to the Governor by such person shall be conclusive evidence of such appointment.

Execution of documents. 6 All deeds and other instruments requiring the corporate seal of the Corporation shall be sealed in the presence of the Trustees and shall be signed by them.

Vesting of properties. 7. All that piece or parcel of ground registered in the Land Office as Section D of Inland Lot No. 590 together with all rights, easements and appurtenances thereto belonging or usually held occupied or enjoyed therewith, are hereby transferred to and vested in the Corporation for the unexpired residues of the terms of years created by the Crown Lease thereof, subject to the payment of the rents and the performance and observance of the covenants and conditions therein contained and subject to all mortgages and charges in respect thereof.

Saving of the rights of the Crown and of certain other persons. 8. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs or Successors, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by from or under them.

Objects and Reasons.

1. The Hop Yat Tong Church of Christ in Hong Kong was formed by Chinese members of certain Christian Congregations under the management of the trustees of the said church.

2. For this purpose the trustees purchased the leasehold property known and registered in the Land Office as Section D of Inland Lot No. 590 and erected a church thereon.

3. The Hop Yat Tong Church of Christ in Hong Kong is independent of other churches bearing the same name in South China.

4. In order to secure perpetual succession it is proposed that the church shall be incorporated as a corporation sole under the management of Trustees and the Bill now proposed follows in its main lines other incorporating ordinances which have been passed from time to time.