

LEGISLATIVE COUNCIL.

No. S. 350.—The following Bills were read a first time at a meeting of the Council held on the 1st October, 1931 :—

[No. 33 :—22.9.31.—1.]

A BILL

INTITULED

An Ordinance to apply a sum not exceeding Twenty-six million six hundred and forty-one thousand seven hundred and eighty-seven Dollars to the Public Service of the year 1932.

WHEREAS the expenditure required for the service of this Colony for the year 1932 has, apart from the contribution to the Imperial Government in aid of Military Expenditure and Charges on account of Public Debt, been estimated at the sum of Twenty-six million six hundred and forty-one thousand seven hundred and eighty-seven Dollars :

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 Appropriation Ordinance for 1932.
2. A sum not exceeding Twenty-six million six hundred and forty-one thousand seven hundred and eighty-seven Dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the year 1932, and the said sum so charged may be expended as hereinafter specified, that is to say :—

EXPENDITURE.

His Excellency the Governor	\$ 209,720
Cadet Service.....	755,321
Senior Clerical and Accounting Staff.....	409,634
Junior Clerical Service.....	973,480
Colonial Secretary's Department and Legislature.....	78,946
Secretariat for Chinese Affairs.....	27,938
Treasury.....	115,580
Audit Department.....	97,054
District Office, North	26,867
District Office, South	13,644
Post Office	448,592
Wireless Telegraph Services	156,604
Imports and Exports Office.....	802,437
Harbour Department	1,298,865
Air Services	52,807
Royal Observatory.....	88,160
Fire Brigade	363,965
Supreme Court	209,300
Attorney General	50,190
Crown Solicitor's Office	70,668
Official Receiver	24,641
Land Office	48,604
Magistracy, Hong Kong	2,274
Magistracy, Kowloon	2,117
Police Force	3,075,359
Prisons Department	942,910
Medical Department.....	1,628,764
Sanitary Department	1,033,504
Botanical and Forestry Department...	129,070
Education Department.....	2,046,096
Kowloon-Canton Railway.....	959,025
Volunteer Defence Corps	132,949
Miscellaneous Services	1,452,481
Charitable Services	175,762
Pensions	1,708,000
Public Works Department	2,335,114
Public Works Recurrent.....	1,521,800

C.S.O. 3211/1930.

W. PEEL,
Governor.

A BILL

INTITULED

An Ordinance to amend the Liquors Consolidation 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 Liquors Short title. Amendment Ordinance, 1931.

2. Paragraph (28) of section 2 of the Liquors Consolidation Ordinance, 1911, is amended:—

(i) by the deletion of the word “intoxicating” in the first line. Amendment of Ordinance No. 9 of 1911, s. 2.

(ii) by the deletion of the word “twenty” in the second line and by the substitution thereof of the word “ten”.

3. Section 41 of the Liquors Consolidation Ordinance, 1911, is amended:—

(i) by the insertion of the words “or spirituous liquors” after the word “liquors” in the third line of sub-section (1). Amendment of Ordinance No. 9 of 1911, s. 41.

(ii) by the deletion of the word “intoxicating” in the first lines of sub-sections (2) and (3) and by the substitution in each case of the word “such”.

Objects and Reasons.

This Ordinance defines “Spirituous liquors” as meaning liquors containing more than ten per cent. of pure alcohol by weight; and is passed to enable duties to be charged on spirits which are used in toilet preparations and for other purposes, but which are not intended generally for use as beverages. (Compare section 2 (17) of the Principal Ordinance).

C. G. ALABASTER,
Attorney General.

September, 1931.

A BILL

INTITLED

An Ordinance to amend the Gunpowder and Fireworks Ordinance, 1901.

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 Gunpowder and Fireworks Amendment Ordinance, 1931.

Amendment of Ordinance No. 14 of 1901, s. 4. 2. Section 4 of the Gunpowder and Fireworks Ordinance, 1901, is amended

(a) by the deletion of the figure (1) in the first line.

(b) by the repeal of sub-section (2).

Amendment of Ordinance No. 14 of 1901, s. 6. 3. Section 6 of the Gunpowder and Fireworks Ordinance, 1901, is amended by the repeal of sub-section (4).

Amendment of Ordinance No. 14 of 1901, s. 16. 4. Section 16 of the Gunpowder and Fireworks Ordinance, 1901, is amended by the insertion after the word "expedient" in the second line of the following words :—

"with regard to the fees to be paid by licensees and".

Objects and Reasons.

1. It is proposed to raise the fees for licences to manufacture gunpowder and fireworks. The fees for these, fixed by sections 4 and 6 of the principal Ordinance, are \$25 and \$10 per annum respectively.

2. Under the analogous Dangerous Goods Ordinance (No. 1 of 1873, s.5) the fees prescribed for licences are dealt with by Regulations made by the Governor in Council.

3. The Governor in Council also fixes fees for licences under several other Ordinances. (See No. 8 of 1887, s. 3; No. 7 of 1906, s. 5; No. 40 of 1912, s. 3; No. 22 of 1919, s. 6; No. 15 of 1922, s. 15; No. 30 of 1923, s. 3; No. 21 of 1927, s. 3; and No. 11 of 1930, s. 4). It is intended that a fee of \$250 shall be fixed for each class of licence.

4. This Ordinance, therefore, repeals sub-section (2) of section 4 and sub-section (4) of section 6 of the principal Ordinance and, by an amendment of section 16, enables the Governor in Council to make rules with regard to the fees to be paid by licensees under that Ordinance.

C. G. ALABASTER,
Attorney General.

August, 1931

A BILL

INTITLED

An Ordinance to amend the law relating to the Registration of Births and Deaths.

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 Births and Deaths Registration Amendment Ordinance, 1931. Short title.

2.—(1) Section 3 (1) of the Births and Deaths Registration Ordinance, 1896, is amended by the substitution of the words "Medical Department" for the words "Sanitary Department". Amendment of Ordinance No. 7 of 1896, s. 3 and Regulations.

(2) Section 3 (2) of the said Ordinance is amended by the substitution of the words "Director of Medical and Sanitary Services" for the words "Head of the Sanitary Department".

(3) Corresponding substitutions shall be made wherever the words "Sanitary Department" or "Head of the Sanitary Department" occur in the Births and Deaths Registration Regulations made under sections 4 and 29 of the said Ordinance and published in Regulations of Hong Kong, 1844-1925, under the Regulations Ordinance, 1926.

Ordinance No. 1 of 1926.

3. The following sub-section is added at the end of section 6 of the Births and Deaths Registration Ordinance, 1896 :— Amendment of Ordinance No. 7 of 1896, s. 6.

(3) In every case where information is given of the death of any citizen of the United States of America in the Colony, the Registrar shall at once inform the Official Administrator of the fact, in order that the necessary information may be immediately forwarded to the nearest consular officer of the said United States.

4. Section 10 (2) of the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the words "for every year or part of a year that has elapsed since the birth". Amendment of Ordinance No. 7 of 1896, s. 10 (2).

5. Section 11 of the Births and Deaths Registration Ordinance, 1896, is amended as follows :— Amendment of Ordinance No. 7 of 1896, s. 11.

(a) by the deletion of the words "one dollar" in the fourth line of sub-section (2) and by the substitution therefor of the words "two dollars and fifty cents".

(b) by the deletion of the words "one dollar" in the second line of sub-section (3) and by the substitution therefor of the words "two dollars and fifty cents".

(c) by the deletion of the words "two dollars" in the fourth line of sub-section (3) and by the substitution therefor of the words "five dollars".

6. Section 18 of the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the last eight lines thereof and by the substitution therefor of the words :— Amendment of Ordinance No. 7 of 1896, s. 18.

"stated is the true cause, and, in every case in which he is not satisfied in this regard, it shall be his duty to institute or cause to be instituted immediate inquiries with a view to ascertaining the true cause of death".

- Amendment of Ordinance No. 7 of 1896, s. 19.** 7. Section 19 of the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the words "one dollar" in the fifth line of sub-section (1) and by the substitution therefor of the words "two dollars and fifty cents".
- Amendment of Ordinance No. 7 of 1896, s. 20.** 8. Section 20 of the Births and Deaths Registration Ordinance, 1896, is amended as follows :—
- (a) by the deletion of the words "one dollar" in the seventh line of sub-section (1) and by the substitution therefor of the words "two dollars and fifty cents".
 - (b) by the deletion of the words "two dollars" in the fifth line of sub-section (2) and by the substitution therefor of the words "five dollars".
 - (c) by the deletion of the words "fifty cents" in the fourth line of sub-section (3) and by the substitution therefor of the words "one dollar".
- Amendment of Ordinance No. 7 of 1896, s. 27.** 9. Section 27 of the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the words "one dollar" in the fourth line of sub-section (3) and by the substitution therefor of the words "two dollars and fifty cents".
- Amendment of Ordinance No. 7 of 1896. Schedule. Forms 2, 5, 6 and 16.** 10.—(1) Form No. 2 in the Schedule to the Births and Deaths Registration Ordinance, 1896, is amended by the addition of the words "and nationality, so far as is known" after the word "occupation" in the sixth column.
- (2) Form No. 5 in the Schedule to the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the figure "\$1.00" at the end thereof and by the substitution therefor of the figures "\$2.50".
 - (3) Form No. 6 in the Schedule to the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the figure "\$1.00" at the end thereof and by the substitution therefor of the figures "\$2.50".
 - (4) The Notice on the back of the certificate in Form No. 16 in the said Schedule is amended by the insertion of the words "and nationality, so far as is known", after the word "occupation" in the first line of paragraph (4).
- Commencement.** 11. This Ordinance shall come into operation on the first day of January, 1932.

Objects and Reasons.

1. The Registrar General (whose title was changed to Secretary for Chinese Affairs by Ordinance No. 21 of 1913) was Registrar of Births and Deaths under the Births and Deaths Registration Ordinance, 1896, (No. 7 of 1896) until 1909 when by the Public Service Transfer of Duties Ordinance (No. 15 of 1909) the Head of the Sanitary Department was substituted. It is now considered, as a part of the scheme for re-organization of the Medical and Sanitary Services of the Colony, that the Director of those Services should be the Registrar of Births and Deaths. Sections 2 and 6 of this Ordinance accordingly make the necessary changes in the principal Ordinance and Regulations. As the Medical and the Sanitary Departments are in the same Building the transfer of office and staff from one department to another involves no changes in the routine of registration.

2. Sections 3 and 10 (1) and (4) implement section 41 (2) of the Probates Ordinance, 1897, (No. 2 of 1897 as amended by No. 21 of 1930) in order to give effect to an arrangement which has been arrived at between His Majesty's Government and the United States Government, relating to the manner in which the provisions of Article 3 of the Real and Personal Property Convention of Washington of the 2nd March, 1899, which has been applied to this Colony, may be carried out. Under that arrangement, provision is made for notification to the nearest American Consul whenever a citizen of the United States dies in the Colony. Under section 14 of the Probates Ordinance, the notification is made by the Official Administrator. The amendments made in the principal Ordinance by this Ordinance make provision for informing the Official Administrator. Informants for purposes of Registration of Death are therefore required to state, in addition to the usual particulars, the nationality of the deceased, if known; and where the information is of the death of a citizen of the United States, the Registrar is required to pass such information on to the Official Administrator and through him to the Consul.

3. Section 4 of this Ordinance amends section 10 (2) of the principal Ordinance. Under that sub-section, which was introduced into the principal Ordinance by Ordinance No. 26 of 1923, the late registration fee, after twelve months, is at the rate of five dollars for every year or part of a year that has elapsed since birth. It is considered that the progressive fee defeats its object as it deters persons from registering who might otherwise do so particularly in the New Territories where the absence of district registries has been conducive to late registration.

4. Sections 5, 7, 8, 9 and 10 (2) and (3) raise the statutory fees for certificates and searches.

5. Section 11 postpones the operation of this Ordinance until the 1st January, 1932.

C. G. ALABASTER,
Attorney General.

July, 1931.

[No. 25 :—1.9.31.—1.]

A BILL

INTITULED

An Ordinance to amend the Money-lenders Ordinance, 1911.

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 Money-lenders Amendment Ordinance, 1931.

Amendment of Ordinance No. 16 of 1911, s. 4. 2. Section 4 of the Money-lenders Ordinance, 1911, is amended

(i) by the deletion of the words “, not exceeding ten dollars for each registration or renewal,” in the sixth and seventh lines of sub-section (1).

(ii) by the deletion of the words “three years” in the second and fourth lines of sub-section (2) and by the substitution therefor in each case of the words “one year”.

Objects and Reasons.

1. Section 4 of the Money-lenders Ordinance, 1911, following as closely as local circumstances permitted the form of section 3 of the Act of 1900 (63 & 64 Vict. c. 51), limited the registration and renewal fees for money-lenders to \$10 and made registration and renewal effective for periods of three years.

2. Section 3 of the Act of 1900 was repealed by section 19 of the Act of 1927 (17 and 18 Geo. 5, c. 21), under section 1 of which annual money-lenders excise licences have to be taken out, the excise duty being £15.

3. It is intended to provide, in the Regulations made by the Governor in Council under section 4 of the principal Ordinance, for an annual registration or renewal fee of \$50.

4. This Ordinance therefore deletes from section 4 (1) the limitation of the fee to \$10 and by amendments to section 4 (2) reduces the effectiveness of registrations and renewals from three years to one year.

C. G. ALABASTER,
Attorney General.

September, 1931.

C.S.O. 26 in 3084/31.

A BILL

INTITULED

An Ordinance to amend the Land Registration Ordinance, 1844.

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 Land Registration Amendment Ordinance, 1931. Short title.

2. Section 26 of the Land Registration Ordinance, 1844, is amended by the repeal of sub-section (2) thereof and by the substitution therefor of the following sub-sections :— Amendment of Ordinance No. 1 of 1844, s. 26.

(2) Subject to the provisions of sub-section (3), the true consideration shall be stated in all documents registered in the Land Office.

(3) Where the amount or value of the consideration money is not stated in any deed, assignment, mortgage or other instrument tendered for registration in the Land Office, or where no consideration money or merely nominal consideration money passes thereunder, the value of the property, to which such deed, assignment or other instrument relates, shall be determined by the Land Officer and the like fees shall be paid as if the value so determined were the amount or value of the consideration money.

3. The Second Schedule to the Land Registration Ordinance, 1844, is amended— Amendment of Ordinance No. 1 of 1844, Second Schedule.

(i) by the addition of the following proviso at the end of the paragraph 2 :—

“ Provided that where the amount or value of the consideration money exceeds \$20,000 and the deed, assignment, mortgage or other instrument relates to three or more lots, or sections or portions of lots, a further fee of \$3 shall be paid in respect of the third and of each subsequent lot, section or portion.”

(ii) by the addition of the following words after the word “certificate” in the fourth line of paragraph 3 :—

“ for each lot, section or portion of a lot to which such document relates ”.

(iii) by the addition of the following paragraphs at the end thereof :—

15. For legal charges for and incidental to the preparation and issuing of a Crown Lease and counterpart\$ 30

16. For the Survey when a Crown Lease is issued for the whole or any portion of a lot formerly held under demise by Crown Lease.\$ 20

Objects and Reasons.

1. Section 2 of this Ordinance substitutes two sub-sections for section 26 (2) of the principal Ordinance, the meaning of which was obscure and appeared to limit the Land Officer's valuations to property worth under \$5,000, with no provision for valuations of property worth more than that amount. Thus in the case of a Partition, Exchange, Gift *inter vivos* or Assignment by a Trustee to a *Cestuique trust* (wherein no consideration money is stated) there has been, in most cases, no proper statutory method of determining the appropriate fee.

2. Section 3 of this Ordinance makes certain additions to the fees set out in the Second Schedule to the principal Ordinance.

C. G. ALABASTER,
Attorney General.

September, 1931.

[No. 23 :—14.9.31.—2.]

C.S.O. 3181/14 Part IV.

A BILL

INTITULED

An Ordinance to amend further the Stamp Ordinance, 1921.

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 Stamp Amendment Ordinance, 1931.
- Commence- 2. This Ordinance shall come into operation on the first
ment. day of January, 1932.
- Amendment 3. Sub-section (1) of section 21 of the Stamp Ordinance, 1921 is amended
of Ordinance (i) by the insertion after the word "chemist" in the
No. 8 of fourth line of the words "and auditor on the current
1921, authorised list published under section 113 (1)
s. 21 (1). of the Companies Ordinance, 1911, as amended
Ordinance by the Companies Amendment Ordinance,
No. 58 of 1930."
1911. (ii) by the insertion at the end of the said sub-section
Ordinance of the following proviso :—
No. 26 of "Provided that this sub-section shall not be
1930. deemed to require an additional certificate
 in respect of practice under a firm name
 where the names of the individual profes-
 sional partners, assistants and servants of
 the firm appear on the said current autho-
 rised list."
- Amendment 4. Heading No. 13 in the Schedule to the Stamp Ordinance, 1921, is amended in the third column by the deletion of the figure "\$25" and by the substitution thereof of the figure "\$50".
of Ordinance No. 8 of
1921,
Schedule
Heading
No. 13.

Objects and Reasons.

1. The principal Ordinance (No. 8 of 1921, s. 21 and Schedule Heading 13) requires annual certificates in the case of architects, barristers, dentists, medical practitioners, pharmaceutical chemists and solicitors practising in the Colony.

2. The object of this Ordinance is to add auditors authorised to audit companies accounts, who practise in the Colony, and to raise the annual fee from \$25 to \$50.

3. Section 2 defers the commencement of the amendment until the 1st January, 1932, so as to permit current certificates to expire.

4. Sections 3 and 4 effect the amendments contemplated.

5. The proviso added by section 3 (ii) is inserted because by section 113 (10) of the Companies Ordinance, 1911, as amended by section 8 of Ordinance No. 15 of 1925, the word "person" in reference to authorised auditors includes a firm.

C. G. ALABASTER,
Attorney General.

September, 1931.