

Draft Bills.

No. S. 351.—The following bills are published for general information :—

[No. 28 :—15.9.31.—3.]

C.S.O. 2 in 4299/31.

A BILL

INTITULED

An Ordinance to amend the Code of Civil Procedure.

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 Code of Civil Procedure Amendment Ordinance, 1931.

Amendment of Ordinance No. 3 of 1901, s. 439. 2. Section 439 of the Code of Civil Procedure is amended—

- (i) by the deletion of the word “subsistence” in the third line and by the substitution therefor of the words “support and maintenance”; and
- (ii) by the deletion of the words “twenty-five cents” in the fourth line and by the substitution therefor of the words “two dollars”.

Objects and Reasons.

Under section 439 of the principal Ordinance, when a judgment debtor is committed to prison in execution of a judgment, the Court fixes whatever monthly allowance it may think sufficient for his subsistence, not exceeding twenty-five cents *per diem*, which is to be paid by the person at whose instance the judgment has been executed to the Superintendent of Prisons by monthly payments in advance. This maximum was the rate fixed by section 79 of the Hong Kong Code of Civil Procedure (Ordinance No. 13 of 1873) which has been replaced by the present Code of Civil Procedure (Ordinance No. 3 of 1901). The maximum is insufficient to meet the cost of maintenance; the average cost per prisoner in 1930 having been in excess of \$1.25 *per diem*. In 1931 it is expected to cost more. This Ordinance raises the maximum to \$2.00 and substitutes the words “support and maintenance”, which in relation to prisoners have been held to include the salaries of officers and the expense of keeping up the prison as well as house-keeping, food, clothing, bedding and fuel (The Queen v. Gravesend Borough Council 5 E. and B. 459), for the word “subsistence” which does not appear to have been the subject of judicial interpretation.

C. G. ALABASTER,
Attorney General.

September, 1931.

C.S.O. 21 in 3084/31.

A BILL

INTITULED

An Ordinance to amend further the Arms and Ammunition Ordinance, 1900.

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 Arms and Ammunition Amendment Ordinance, 1931. Short title.

2. This Ordinance shall come into operation on the first day of January, 1932. Commencement.

3. Section 3 of the Arms and Ammunition Ordinance, 1900, as amended by section 7 of the Arms and Ammunition Amendment Ordinance, 1929, is amended by the addition of the following sub-section at the end thereof,— Amendment of Ordinance No. 2 of 1900, s. 3.

Second Schedule. (3) The fee payable for such licence shall be that mentioned in the Second Schedule. Ordinance No. 32 of 1929.

4. Section 27 of the Arms and Ammunition Ordinance, 1900, is amended by the addition of the following words after the words "First Schedule" at the end thereof :— Amendment of Ordinance No. 2 of 1900, s. 27.

"or the Table of Fees in the Second Schedule".

5. The Second Schedule to the Arms and Ammunition Ordinance, 1900, is amended Amendment of Ordinance No. 2 of 1900, Second Schedule.

(i) by the deletion of the figure "S. 10" in the headline and by the substitution therefor of the figures "SS. 3 and 10".

(ii) by the addition of the following paragraph at the end thereof :—

3. Fee payable for a licence to carry and/or possess arms and ammunition } \$10 per annum payable in advance.

Objects and Reasons.

This Ordinance establishes a fee of \$10 for the issue of Arms licences under section 3 of the principal Ordinance from the beginning of 1932. It has not been the practice hitherto to charge any fee, even under the Official Signatures Fees Ordinance, 1888, for such licences. Section 27 of the principal Ordinance is amended so as to enable the Governor in Council to revoke, alter or add to the Table of Fees in the Second Schedule. The Governor in Council fixes fees in the case of many other Ordinances. Compare No. 1 of 1873, s. 5; 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.

C. G. ALABASTER,
Attorney General.

September, 1931.