

Draft Bill.

No. S. 410.—The following bill is published for general information:—

C.S.O. 3 in 4299/31

[No. 17 :—26.10.31.—8]

A BILL

INTITULED

An Ordinance to amend and consolidate the law relating to intoxicating liquors.

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 Liquors Ordinance, 1931.

Interpretation.

2. In this Ordinance,

(1) "Adulterated liquor" means any liquor mixed or coloured to the prejudice of the purchaser with any ingredient whatever or with water, either so as to increase its bulk and measure or so as injuriously to affect the quality of such liquor or to conceal its inferior quality, or any liquor which is not virtually of the nature and quality demanded by the purchaser or of the liquor which it is labelled as being or purporting to be, whether such adulterated liquor is injurious to health or not. Spirits shall not be considered adulterated if mixed with water only so as not to reduce the strength below twenty-five degrees under proof in the case of brandy, whisky, or rum, or below thirty degrees under proof in the case of gin.

(2) "Beer" includes ale, porter, stout, cider, perry, spruce beer, black beer, and any other description of beer, and extends to any liquor which is made or sold as a description of beer or as a substitute for beer, and which on analysis of a sample thereof at any time shall be found to contain more than two per cent. of proof spirit.

(3) "Brewery licence" means a licence to manufacture and sell beer or Shiu Tsau and Wong Tsau not to be consumed on the premises.

(4) "Chinese restaurant licence" means a licence to Chinese restaurateurs for the retail sale to persons of Chinese race only of intoxicating liquors in connexion with a *bona fide* meal for which a charge of at least thirty cents can be reasonably made, such liquors to be consumed either on the premises or in conjunction with meals sent out, but not otherwise; but does not authorise the keeping of a bar.

(5) "Chinese liquor shop licence" means a licence to sell Chinese type liquors, such liquors not to be consumed on the premises.

(6) "Chinese type liquor" means intoxicating liquor made in the Chinese manner and commonly consumed by the Chinese.

(7) "Dealer's licence" means a licence to sell intoxicating liquors (Chinese type liquors excepted) either wholesale or by the bottle, such liquors not to be consumed on the premises.

render the mixture in the opinion of a Government Medical Officer or the Government Analyst or of any Analyst in the employment of the Government unfit for use as a beverage.

(9) "Dutiable liquors" means intoxicating liquors on which the duty has not been paid.

(10) "Duty" means the duty payable by law upon any intoxicating liquors.

(11) "Export" means to take or cause to be taken out of the Colony or the waters thereof.

(12) "Gallon" means the imperial gallon or six reputed quart bottles or twelve reputed pint bottles.

(13) "General bonded warehouse" means a warehouse or place of security appointed by the Governor in Council for the warehousing of dutiable liquors.

(14) "Hotel keeper's adjunct licence" means a licence to hotel or boarding-house keepers for the retail sale of intoxicating liquors for consumption on the premises—

(a) to persons residing at the time of sale on the licensed premises;

(b) to persons other than such residents, only in the dining room and in conjunction with the regular meals of the establishment;

but does not authorise the keeping of a public bar.

(15) "Import" means to bring or cause to be brought into the Colony or the waters thereof.

(16) "Intoxicating liquors" includes spirits, liqueurs, wines, beer, stout, porter, cider, perry, and native wines and spirits, and all other liquors fit or intended for use as a beverage, containing more than two per cent. of proof spirit, but shall not include denatured spirits.

(17) "Native revenue officer" means any revenue officer not of European race.

(18) "Native wines and spirits" means intoxicating liquors such as are commonly distilled, made or prepared in any part of Asia for consumption by other than Europeans.

(19) "Person" except so far as relates to the imposition of the penalty of imprisonment, includes a body corporate and a firm.

(20) "Pint bottle" and "quart bottle" mean respectively the reputed pint and quart bottles ordinarily used in commerce.

(21) "Proof spirit" means a mixture of alcohol and water having a specific gravity of .91984 at sixty degrees Fahrenheit, distilled water at the same temperature being taken as unity, and containing 49.24 per cent. of alcohol by weight or 57.06 per cent. by volume. Spirits are described as so many degrees "over proof" or "under proof" according to the quantity of distilled water which must be added to or deducted from 100 volumes in order to produce spirit of proof strength.

(22) "Public house" means any house or place of entertainment where intoxicating liquors are sold by retail and may be consumed on the premises, but does not include any place of entertainment kept under an adjunct licence or a Chinese restaurant.

(23) "Publican's licence" means a licence to keep an inn or public house for the retail sale therein, but not elsewhere, of intoxicating liquors other than Chinese wines and spirits.

(24) "Restaurant adjunct licence" means a licence to restaurateurs for the retail sale, between such hours as the Governor in Council may prescribe, of intoxicating liquors for consumption on the premises and only in conjunction with a *bonâ fide* meal for which a charge of at least thirty cents can be reasonably made; but does not authorise the keeping of a bar.

(25) "Retail sale" or "sale by retail" means the sale of liquors in quantities not exceeding two gallons at one time.

(26) "Ship" means any steam or sailing-vessel, motor boat, junk, boat, sampan, or any kind of craft used or adapted to be used either for the conveyance of persons or things by water or air or for occupation by persons or storage of things whether afloat or not.

(27) "Spirituous liquors" means liquors containing more than ten per cent. of pure alcohol by weight.

(28) "Superintendent" means the Superintendent of Imports and Exports, and any Assistant Superintendent of Imports and Exports.

(29) "Wholesale" means the sale of intoxicating liquors by the unopened cask, jar, or case, in quantities exceeding two gallons of one liquor at one time, such liquors not to be consumed on the premises.

PART I.—LICENCES.

Prohibition of distilling without licence; and issue of distilling licence.

3.—(1) No person shall except under and in accordance with a licence issued under this Ordinance—

- (a) make, distil, or rectify any spirits; or
- (b) knowingly keep or have in his possession any still or other utensil or apparatus suitable for making distilling or rectifying spirits; or
- (c) without lawful authority or excuse have in his possession, custody, or control any fermenting or fermented material.

First Schedule. Form No. 1. Second Schedule.

(2) The Superintendent may issue distillery licences, in Form No. 1 in the First Schedule, each of which licences the fee specified in the Second Schedule shall be payable in advance.

(3) Such conditions as the Governor in Council may determine may be added to such licences.

(4) Every licensed distiller may sell the liquor which he distils, but only in quantities exceeding two gallons of one liquor at one time, and such liquor so sold must not be consumed on the premises.

(5) Every holder of a distillery licence under this Ordinance shall permit the Superintendent or any revenue officer to enter the premises in which distillation is being carried on at any time during the process of such distillation.

4.—(1) It shall be lawful for the Superintendent to issue a licence, free of all charge, to any apothecary, chemist, or druggist applying for the same, to keep and use on his premises a still of not more than eight gallons capacity for the purpose of his trade only: Provided that every such person shall make

the Superintendent with two sufficient sureties, in that sum, that the still shall not exceed eight gallons capacity, and that he will not make use of such still, or suffer it to be made use of except for the preparation of medicines or other articles required *bonâ fide* for medical or scientific purposes.

Issue of free licence for apothecary, chemist, or druggist to have still of eight gallons capacity.

(2) Every such person found to have such still without having entered into such bond and obtained such licence shall be deemed to be guilty of an offence.

5.—(1) Every person who distils, makes, imports, sells, disposes of, or deals in any adulterated liquor shall be guilty of an offence, and, if such adulterated liquor is proved to the satisfaction of a magistrate to be injurious to health, he shall, on a second conviction, be liable to imprisonment for any term not exceeding six months, besides any other penalties to which he may be liable under this Ordinance.

Distilling, etc., adulterated liquor.

(2) No person shall be convicted under this section if he shows, to the satisfaction of the magistrate, that he did not know that the liquor imported, sold, disposed of, or dealt in by him was adulterated, and that he could not have known it with any reasonable diligence.

Sale of intoxicating liquors.

6.—(1) No person shall sell or dispose of, either by wholesale or retail, or shall permit or suffer any intoxicating liquor to be sold or disposed of, or advertised or exposed for sale, in his house or other place, without the appropriate licence.

Prohibition of sale of liquor without licence.

(2) The delivery of any intoxicating liquor shall be taken, in any proceeding under this Ordinance; to be *primâ facie* evidence of sale and that money or other consideration was given for the same.

7. The holder of a Chinese liquor shop licence may also sell Chinese type liquors, if so licensed, but no person shall sell intoxicating liquors by retail without a licence to that effect, and this section shall apply to all retail sales of liquor to any person on pretence that he is a customer of other goods, as well as to all sales of quantities exceeding two gallons with an understanding that part is to be returned, and generally to any act whatever which, under whatever pretence, constitutes a retail sale of intoxicating liquor.

Wholesale and retail sale of liquor.

Temporary licences.

8. The Treasurer may at any time issue to any holder of a publican's or adjunct licence a temporary licence for the sale of liquors at any public entertainment or on any public occasion, on payment of such fee, in each case, as to the Governor may seem fit.

Issue of temporary licence.

Publican's licences, restaurant adjunct licences, and hotel keeper's adjunct licences.

9.—(1) All applications for the granting or transfer of publican's licences, restaurant adjunct licences and hotel keeper's adjunct licences shall be made to a board of licensing justices, hereinafter called the Board.

Licensing Board.

(2) The Board shall consist of a chairman, vice-chairman and five other members. The members shall hold office for three years. The magistrates' clerk shall be *ex officio* secretary to the Board.

(3) The chairman, vice-chairman and two other members shall be appointed by the Governor, and of the four members appointed by the Governor under this sub-section two shall be official and two unofficial justices of the peace.

(4) Three of the members of the Board shall be elected by the unofficial justices of the peace from among their number: Provided that if no nomination is received, or if nominations are not received for all the vacancies announced, it shall be lawful for the Governor to appoint a justice or justices to fill the vacancy or vacancies.

(5) If any licensing justice who was appointed by the Governor under sub-section (3) is absent from the Colony, it shall be lawful for the Governor to appoint another justice to act as a member of the Board during the absence of the substantive member. Such acting member shall be an official or an unofficial justice according as the substantive member is an official or an unofficial justice.

(6) If any licensing justice who was elected or appointed under sub-section (4) is absent from the Colony, it shall be lawful for the unofficial justices of the peace to elect from among their number a justice to act as a member of the Board during the absence of the substantive member: Provided that an acting member may be appointed by the Governor if no nomination is received for the acting appointment.

(7) Three members of the Board, one of whom must be the chairman or vice-chairman, shall form a quorum.

Mode of election of licensing justices.

10. The mode of election of licensing justices, the proceedings incident and other matters relating thereto, shall be governed by rules made by the Governor in Council.

Mode of deciding application.

11. All questions arising at any meeting of the Board shall be decided by a majority of votes of the justices present. In the case of an equality of votes the chairman shall have a second or casting vote.

Application for publican's or adjunct licence. First Schedule. Forms Nos. 2, 3.

12. Every person desirous of obtaining a publican's or an adjunct licence shall make application in writing to the Board in Form No. 2 or Form No. 3 in the First Schedule, according to the nature of the licence required. Such application shall state the name and address of the applicant, his nationality, the period or periods, if any, during which he has previously held a licence, and the address and the proposed name or sign of the premises in respect of which a licence is desired.

Decision of Board subject to appeal to Governor in Council.

13. The Board may refuse such application or they may grant it absolutely or subject to conditions. The applicant or twenty householders within a radius of quarter of a mile of the premises licensed or to be licensed shall be entitled to appeal to the Governor in Council with respect to any decision of the Board under this section.

Applications refused not to be renewed within twelve months.

14. In the event of the refusal of an application by the Board, maintained on appeal (if any), the applicant shall not be entitled to make another application in respect of the same premises within a period of twelve months from the original application.

Advertisement of application.

15. The Board shall in every case at least one week previous to the grant of an application cause advertisement to be made in the Gazette and in one local newspaper at the expense of the applicant setting

forth the name and address of the applicant and the proposed name or sign of the premises in respect of which a licence is desired.

16. As soon as may be after the granting of an application the Board shall notify the Treasurer thereof: whereupon he shall, upon payment of the fee specified in the Second Schedule, issue to the applicant a licence in Form No. 4, Form No. 5, or Form No. 6 in the First Schedule, according to the nature of the licence applied for.

Issue of licences and fees.
First Schedule.
Forms Nos. 4, 5, 6.
Second Schedule.

17. Every publican's or adjunct licence shall be valid until the 30th day of November next following the date on which it is granted: Provided always that where this period is less than a year, a proportionate part only of the aforesaid fee shall be charged, to which (except in the case of the transfer of a licence) ten per cent. shall be added.

Duration of licence.

Transfer of publican's and adjunct licences.

18. The Board may, in their discretion and subject to payment of the fee specified in the Second Schedule, direct the transfer, in respect of the same premises, of any publican's or adjunct licence to the nominee of the original holder of such licence, such nominee making a like application as if applying for a licence on his own behalf. A note of such transfer shall be indorsed by the Treasurer upon the licence. The applicant or twenty householders within a radius of quarter of a mile of the premises licensed or to be licensed shall be entitled to appeal to the Governor in Council with respect to any decision of the Board under this section.

Transfer of licence.
Second Schedule.

Death or insolvency of licensee.

19. In case of the death or insolvency of any person holding a publican's or an adjunct licence, the executor or administrator or trustee of such licensee may carry on the business of such licensed house until the expiration of the licence, subject in every respect to the same regulations and conditions as the original licensee.

Provision for case of death or insolvency of licensee.

Removal of business.

20. The Board may refuse to allow the business licence to be removed to other premises, or they may permit such removal subject to the payment of the fee specified in the Second Schedule. A note of the grant of such permission shall be indorsed by the Treasurer on the licence. The applicant or twenty householders within a radius of quarter of a mile of the premises to which the applicant desires to remove shall be entitled to appeal to the Governor in Council with respect to any decision of the Board under this section.

Removal of business.

Regulation of business.

21. Every licensed publican or adjunct licensee shall have his full name painted in legible letters at least three inches long, with the words "Licensed to retail intoxicating liquors" constantly and permanently remaining, and plainly to be seen and read, on some conspicuous part of his house; and no person not actually holding a publican's licence or adjunct licence (except the keeper of a Chinese wine and spirit shop or the holder of a Chinese restaurant licence as hereinafter provided) shall keep up any sign, writ-

Affixing of sign by licensee, etc.

ing, painting, or other mark which may imply or give reasonable cause to believe that his premises are licensed for retail or barter of intoxicating liquors, or that such liquors are sold, served, or retailed therein.

Conditions relating to business.

22. —(1) The business of every licensed publican or adjunct licensee shall be carried on subject to the following conditions:—

- (a) no liquor shall be sold or drunk upon any licensed premises other than premises licensed under a Chinese restaurant licence except between 8 a.m. and midnight: Provided that the Governor in Council may by notification alter such hours: Provided also that the Inspector General of Police in his discretion and in respect of occasions deemed by him to be "special occasions" may grant permits in writing extending the hours during which liquor may be sold or drunk upon the licensed premises of any publican. Of such permits there shall be two classes, that is to say, Class A, allowing sale to and drinking by the general public, and Class B, allowing sale to and drinking by members of a class, group, body or institution, exclusively.
- (b) no disorder shall be permitted on the premises;
- (c) no person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk;
- (d) no game of chance shall be played on the premises;
- (e) a decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers;
- (f) the licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof;
- (g) the licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account; and
- (h) the licensee shall not allow any person to occupy or use any portion of the premises for any immoral purpose.

(2) In the case of the business of every licensed publican the following conditions shall also apply:—

- (a) the licensee excepted, no woman or girl whether belonging to the licensee's family or not, shall be permitted to serve or act in any capacity in the bar room or in any room directly opening out of the bar room; and
- (b) the standard of quality of spirits as fixed by the Governor in Council shall be declared on the label of each bottle.

(3) It shall be lawful for the Governor in Council to amend or repeal the conditions contained in this section.

Restriction of right of action for liquor sold.

23. No licensed publican or adjunct licensee shall maintain any action for, or recover any debt or demand on account of intoxicating liquor, unless such debt has *bonâ fide* been contracted at one time to the amount of five dollars or upwards, nor shall any item in any account for such liquor be allowed where the liquor *bonâ fide* delivered at one time does not amount to the full sum of five dollars, nor shall any claim be allowed against any seaman or soldier in His Majesty's service for debt for intoxicating liquor supplied: Provided always that nothing herein contained shall extend to prevent any innkeeper from

keeping an account with a lodger in which any charge for liquors may be included, and recovering the amount thereof in any court.

General.

24. No person licensed under this Ordinance shall take or receive in payment or pledge for liquor or any entertainment whatever supplied in or out of his house any article or thing whatever, except money.

Prohibition of taking pledge for liquor.

25. Every person licensed under this Ordinance shall sell and dispose of his liquors by the measures or weights legalized in the Colony and not otherwise, except when the quantity is less than half a pint, or except when the liquor is sold in bottles; he shall also measure or weigh such liquors in the presence of any customer who may require him to do so.

Measures or weights for sale of liquor.

26. If any person is convicted of unlawfully retailing any intoxicating liquor, the house and premises of such person and the house, lodging, shop, or warehouse where such offence has been committed, and any court or yard connected therewith, shall be liable to be searched, at any time of the day or night, by any police officer, with or without a warrant, for six months next after such conviction, provided that the same or any part thereof is then occupied by the person so convicted.

Power to search suspected premises.

27. Whenever any police officer finds any person drinking in any place in which any intoxicating liquor is sold or disposed of by retail, and the licence for such sale is not, on demand, produced to such police officer, it shall be lawful for him to apprehend all such person so found drinking therein; and every such person so found drinking shall, if such place is in fact unlicensed, be liable upon summary conviction, to a fine not exceeding twenty dollars, unless such person informs against such unlicensed person or voluntarily becomes a witness against him, in respect of such act of selling and retailing.

Drinking in unlicensed place.

28. No master or other person employing journey-men, workmen, servants, or labourers, and not being the licensed keeper of a house in which any intoxicating liquor is sold or disposed of by retail, shall pay or cause any payment to be made to any such journeyman, workman, servant or labourer in or at any such house.

Prohibition of payment of journey-men, etc., at place where liquor is sold.

29.—(1) Every person licensed under this Ordinance shall produce his licence to any police or revenue officer, on being required to do so.

Production of licence and police powers of access.

(2) Any European officer of police shall have free access to every part of any house licensed under sections 16 or 33 at any hour of the night or day.

Dealer's licences.

30.—(1) Every person desirous of obtaining a dealer's licence to sell intoxicating liquors shall apply to the Superintendent, who may, in his discretion, grant to the applicant a licence in Form No. 7 in the First Schedule, upon payment of the appropriate fee specified in the Second Schedule.

Issue of dealer's licences, First Schedule. Form No. 7. Second Schedule.

(2) Such licence may be renewed annually on like conditions.

31.—(1) It shall be lawful for the Governor in Council to make regulations and conditions for the granting of a dealer's licence.

Making of regulations and conditions.

(2) Such regulations or conditions may require the providing by applicants of one or more sureties, and may regulate the times of commencement and expiry of such licences, the hours and conditions of sale, and all other matters connected with such licences.

Chinese liquor shop licences.

Issue and transfer of Chinese liquor shop licence.
First Schedule.
Form No. 8.
Second Schedule.

32.—(1) The Superintendent may grant a licence, in Form No. 8 in the First Schedule, to any person to sell Chinese type liquors, by retail or wholesale, such Chinese type liquors not to be consumed on the premises where they are sold. Any such licence may be general or may be restricted to sale in connection with a grocery business.

(2) The holder of any such licence shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and the nature of such licence, on a sign, the size and design of which shall be approved by the Superintendent.

(3) The fee for such licence shall be that specified in the Second Schedule and shall be paid to the Superintendent.

(4) The Superintendent may permit the transfer of any such licence.

Chinese restaurant licences.

Applications for Chinese restaurant licences.

First Schedule.
Form No. 9.

Second Schedule.

33.—(1) Application for Chinese restaurant licences shall be made to the Secretary for Chinese Affairs.

(2) The Secretary for Chinese Affairs, after referring such applications to the Inspector General of Police, may with his concurrence grant a licence, in Form No. 9 in the First Schedule.

(3) The fee for such licence shall be according to the scale set forth in the Second Schedule, and shall be paid to the Treasurer before the issue of the licence.

(4) The holder of such licence shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and nature of such licence, on a sign, the size and design of which shall be approved by the Inspector General of Police.

(5) The provisions of section 22 (1), (b), (c), (e) and (f) shall apply to a business carried on under a Chinese restaurant licence: Provided that the Governor in Council may make regulations or conditions on the granting of a Chinese restaurant licence.

(6) In case of the death or insolvency of the holder of a Chinese restaurant licence, the executor or administrator or trustee (as the case may be) of such licensee may carry on the business until the expiration of the then current licence, subject to the same regulations and conditions as the original licensee.

(7) The Secretary for Chinese Affairs may, in his discretion, permit the transfer of any such licence.

Brewery licences.

Brewery licences.
Second Schedule.

34.—(1) It shall be lawful for the Governor in Council to make regulations and conditions for the grant of brewery licences, and beer sold under such licences shall not be consumed on the premises. in Form No. 11 in the First Schedule.

(2) Such regulations or conditions may regulate the times of commencement and expiry of such licences, the conditions of sale and all other matters connected with such licences.

(3) The fee for such licences shall be that specified in the Second Schedule and shall be paid to the Superintendent.

Sale of liquor by licensed auctioneers.

35. Nothing in this Ordinance shall render it illegal for an auctioneer, holding an auctioneer's licence, to sell intoxicating liquor by auction, without any licence, upon his own premises for a principal holding an appropriate liquor licence, or upon premises in respect of which his principal holds an appropriate licence authorising such principal to sell such intoxicating liquor, or in cases where such liquor is the property of the Imperial or Colonial Government, or forms part of the estate of a bankrupt or deceased person, or is sold by order of court, or where, in any particular case, on application made, the Colonial Secretary grants permission for such sale by auction, whether upon licensed premises or elsewhere. Saving as to sale of liquor by licensed auctioneer.

Alteration of licence fees.

36. The Governor in Council may alter any of the fees prescribed under this Ordinance in respect of all or any of the licences therein mentioned, and may at any time substitute in whole or in part a schedule of fees for that contained in the Second Schedule. Governor in Council may alter licence fees. Second Schedule.

Special forms of licence.

37. In addition to the forms of licences authorised by this Ordinance and notwithstanding anything herein contained, it shall be lawful for the Governor in Council at any time to grant any similar licences in such form and subject to such terms and conditions in all respects as he may determine, and subject to the payment of such fees as may be prescribed in such licences. Governor in Council may create new forms of licence.

Power to transfer duties.

38. It shall be lawful for the Governor in Council by notification to appoint such officer as he may think fit to exercise all or any of the duties in connexion with the issue of licences which are under this Ordinance vested in the Superintendent, the Secretary for Chinese Affairs or other officer of the Government. Governor in Council may create new forms of licence.

PART II.

DUTIES.

39.—(1) It shall be lawful for the Council by resolution to assess the duty to be paid upon intoxicating liquors or spirituous liquors imported into, distilled, made or prepared in the Colony. Duties.

(2) The duty upon such liquors imported shall be payable—

(a) if such liquors are not forthwith in accordance with the provisions of this Ordinance removed into a general bonded warehouse or into another ship—

before the removal of them from the ship in which they are imported;

(b) if such liquors are forthwith removed into a general bonded warehouse—

before the removal of them from such general bonded warehouse, unless such removal is for export or into another general bonded warehouse

(3) Subject to the provisions of section 59 the duty upon such liquors, made or prepared in the Colony shall be payable before the removal of such liquors from the place in which they are made or prepared, unless such removal is for export or into a general bonded warehouse.

(4) Until other provision is made under subsection (1) the duties to be paid shall be in accordance with the resolutions in force at the commencement of this Ordinance.

Provision for contracts for sale of goods duty paid when duties altered or repealed.

40.—(1) Where any new duty is imposed, or where any duty is increased, and any goods in respect of which the duty is payable are delivered after the day on which the new or increased duty takes effect in pursuance of a contract made before that day, the seller of the goods may, in the absence of agreement to the contrary, recover, as an addition to the contract price, a sum equal to any amount paid by him in respect of the goods on account of the new duty or the increase of duty, as the case may be.

(2) Where any duty is repealed or decreased, and any goods affected by the duty are delivered after the day on which the duty ceases or the decrease in the duty takes effect in pursuance of a contract made before that day, the purchaser of the goods, in the absence of agreement to the contrary, may, if the seller of the goods has had in respect of those goods the benefit of the repeal or decrease of the duty, deduct from the contract price a sum equal to the amount of the duty or decrease of duty, as the case may be.

(3) Where any addition to or deduction from the contract price may be made under this section on account of any new or repealed duty, such sum as may be agreed upon, or in default of agreement determined by the Superintendent, as representing in the case of a new duty any new expenses incurred, and in the case of a repealed duty any expenses saved, may be included in the addition to or deduction from the contract price, and may be recovered or deducted accordingly.

(4) This section applies although the goods have undergone a process of manufacture or preparation, or have become a part or ingredient of other goods.

Import and export of intoxicating liquors.

Restrictions on import and export.

41.—(1) No person shall import or export dutiable liquors or denatured spirits except into or from such ports or places as may be notified by the Governor.

(2) No person shall import or export dutiable liquors or denatured spirits by land except under and in accordance with such regulations and restrictions as may be prescribed by the Governor in Council.

Dutiable liquors not to be allowed to be discharged except under a permit or into a general bonded warehouse.

42.—(1) The owners, charterers, agents, master and compradore of every ship shall not allow any dutiable liquors or denatured spirits to be discharged from the ship without a permit from the Superintendent as hereinafter provided, unless such liquors or spirits are received by the person in charge of a general bonded warehouse and forthwith stored in a general bonded warehouse.

(2) If any liquor is discharged from a ship without a permit and is not delivered direct to the licensee of a general bonded warehouse or his servant for removal direct into a general bonded warehouse, the owners, charterers, agents, master and comradore of the ship shall be deemed to have allowed the liquor to be so discharged and shall be deemed to be guilty of an offence against this Ordinance, unless it shall be proved to the court or magistrate that the liquor was so discharged without the knowledge of the person charged and that such person had taken all reasonable precautions to prevent any such discharge.

43.—(1) No person except the person in charge of a general bonded warehouse shall remove any dutiable liquors from any ship in which the same have been imported without a permit in Form No. 1 in the Third Schedule in the case of liquors on which duty is to be paid before such removal, or in Form No. 2 in the Third Schedule in the case of liquors to be stored in a general bonded warehouse, and except in accordance with the conditions in such permit contained. Dutiable liquors not to be removed from ship without a permit, except by keeper of bonded warehouse. Third Schedule. Forms Nos. 1, 2.

(2) In the case of liquors on which duty is to be paid before such removal, the Superintendent shall upon receiving a requisition filled in in duplicate therefor, in Form No. 1 in the Third Schedule, issue a permit in Form No. 1 in the Third Schedule authorising the removal of such liquors on the conditions stated in such permit. Issue of permit in cases where duty is paid before removal.

(3) In the case of liquors to be stored in a general bonded warehouse, the Superintendent shall upon receiving a requisition filled in in duplicate therefor in Form No. 2 in the Third Schedule, issue a permit in Form No. 2 in the Third Schedule authorising the removal of such liquors on the the conditions stated in such permit. Issue of permit for removal to bonded warehouse.

Provided that before issuing any permit under this section the Superintendent may demand the production of any invoices, bills of lading, or other documents relating to the liquors in respect of which such requisition has been received, and the person making the requisition shall on such demand produce the same.

44.—(1) No person except the person in charge of a general bonded warehouse shall remove any denatured spirits from any ship in which the same have been imported without a permit in Form No. 4 in the Third Schedule, and except in accordance with the conditions in such permit contained. Denatured spirits not to be removed from ship without a permit, except by keeper of bonded warehouse. Third Schedule. Form No. 4.

(2) Such permit shall be issued by the Superintendent on the condition stated therein upon receiving a requisition filled in in duplicate therefor in Form No. 4 in the Third Schedule, and shall not be granted except upon condition that such spirits shall be placed in a general bonded warehouse pending the production of proof by the master or agent of the ship or the importer of such spirits to the satisfaction of the Government Analyst, or of such other person as the Governor may appoint in that behalf, that such spirits are denatured spirits within the meaning of this Ordinance.

45. The Superintendent shall grant a receipt in Form No. 5 in the Third Schedule for any sum received by him in respect of any duty upon liquors on which duty is payable. Receipt by Superintendent for all duty paid. Third Schedule. Form No. 5.

Removal of
dutiable
liquors for
exportation.
Third
Schedule.
Forms Nos.
3 & 3A.

46.—(1) No person intending to export dutiable liquors shall remove the same for exportation from any general bonded warehouse or from any licensed brewery or distillery where they may be stored without a permit in Form No. 3 in the Third Schedule, or remove the same for exportation from one ship to another without a permit in Form No. 3A in the Third Schedule, and permit in accordance with the conditions contained in such permit.

(2) Any such permit may be issued in duplicate by the Superintendent upon receipt of an application in Form No. 3 or Form No. 3A in the Third Schedule. The application shall be furnished in triplicate. One copy of the permit shall be delivered by the exporter to the person in charge of such general bonded warehouse, licensed warehouse or distillery, or to the master or mate of the ship from which the liquors are to be removed and the exporter shall on shipping such liquors procure a receipt for the same signed by the master or mate of the ship in which the liquors are to be exported to be indorsed on the duplicate copy of such permit, and shall forthwith deliver such copy and receipt to the Superintendent.

(3) The later hour mentioned in the body of the permit shall not be more than 24 hours before the hour and day mentioned in the ship's clearance to leave the port.

(4) Before issuing any permit under this section the Superintendent may demand the production of any shipping orders, or other documents relating to the liquors in respect of which the application for such permit has been received, and the person making the application shall on such demand produce the same.

(5) No person shall re-land or permit to be re-landed any liquor shipped under any permit or knowingly neglect or omit to cause such liquor to be exported in accordance with the terms of such permit.

Dutiable
liquors to
be marked
for export.

47. No dutiable liquors, shall be removed from any general bonded warehouse or licensed brewery or distillery for export unless the cases or vessels containing the same shall be clearly and permanently marked by stencil or otherwise on at least three sides in letters not less than three inches long, with the words "For Export".

Import and
export
statements
to be
furnished.

48.—(1) The owners, charterers, agents and master of every ship which arrives in the waters of the Colony shall within four hours after such arrival, or so soon thereafter as the office of the Superintendent may be open, furnish to the Superintendent a true, accurate and complete statement of all dutiable liquors imported thereon.

(2) The owners, charterers, and agents of every ship which leaves the waters of the Colony shall within twenty-four hours after such departure, or so soon thereafter as the office of the Superintendent may be open, furnish to the Superintendent a true, accurate and complete statement of all dutiable liquors exported thereon which have been entered on the ship's manifest or for the receipt of which for export the owners, charterers, agents or master or any person acting on their or his behalf have issued a receipt to any person.

(3) If no dutiable liquors have been imported or exported, as the case may be, on any particular ship, the owners, charterers, agents and master of such ship shall within the respective times aforesaid furnish

to the Superintendent a statement to the effect that no dutiable liquor was so imported or exported, as the case may be.

49.—(1) Every import or export statement furnished in accordance with the provisions of this Ordinance shall be signed by the party furnishing it and shall contain such particulars as may be appointed by the Governor in Council and in default of such appointment shall be in Form No. 6 or Form No. 7, as the case may be, in the Third Schedule.

Contents of import and export statements.
Third Schedule. Forms Nos. 6, 7.

(2) Every import or export statement furnished in accordance with the provisions of this Ordinance shall be on a separate form which shall contain no reference to any commodity except dutiable liquors, and no statement which is furnished for the purpose of compliance with the provisions of any other Ordinance shall be accepted as a compliance with the provisions of this Ordinance.

50. Any person who has obtained a permit to move any liquors from any ship or to remove any liquors for exportation and has not availed himself thereof on the day stated therein, shall within two hours of the time when it first became known to such person that the permit could not be used within the time granted, or as soon thereafter as the Superintendent's office is open for business, return such permit to such office and, if so required, give to the Superintendent a full explanation of the reason for not using such permit. If such liquor was intended to be exported it shall be kept separate from other stock and intact in the original cases bearing the export marks until the expiration of twenty-four hours from the hour of the expiration of the permit or until inspected by a revenue officer.

Permit not used to be returned in two hours.

51. No person shall re-land or permit the re-landing of any liquors shipped under any permit or knowingly neglect or omit to cause such liquors to be exported in accordance with the terms of such permit.

Liquors shipped under a permit not to be re-landed.

Storage of dutiable liquors.

52. The Governor in Council may approve and appoint premises to be general bonded warehouses for the warehousing of dutiable liquors. If such appointment is revoked, all dutiable liquors warehoused in such warehouse shall be removed as the Governor may direct.

General bonded warehouses.

53. The Superintendent may permit the storage of dutiable liquor manufactured by the holder of a brewery licence in such part of the licensed premises as he may approve.

Storage of dutiable brewed liquor.

54.—(1) Every licensee shall at all times allow the Superintendent or any revenue officer to enter his premises and to inspect the stocks of liquors kept therein and to take samples thereof, and to inspect and make copies of and extracts from any books of account kept in connexion therewith, and other documents relating thereto, which shall be produced on demand.

Inspection of premises of licensee.

(2) The person in charge of any general bonded warehouse and the licensee of any licensed brewery or distillery shall at all times keep proper books showing such particulars of all dutiable liquors warehoused therein and of all liquors removed therefrom as shall be prescribed by regulations to be made by the

Prescribed books to be kept.

(3) The person in charge of a general bonded warehouse and the licensee of any licensed brewery or distillery shall be liable to the Superintendent for the payment of any duties payable in respect of the liquors warehoused therein, and shall prevent the removal of dutiable liquors and denatured spirits therefrom except in accordance with the provisions of section 56.

Possession
of dutiable
liquors, etc.

55.—(1) No person shall have in his possession or under his control any dutiable liquors unless (a) he is expressly authorized to do so by or under this Ordinance and (b) he has discharged all the obligations with respect to the liquors in question imposed upon him by or under this Ordinance.

(2) No person shall have in his possession or under his control any intoxicating liquors which were imported, manufactured or prepared contrary to the provisions of this Ordinance or which came into his possession or control contrary to the provisions of this Ordinance.

(3) No person shall, on his own account or on behalf of another person, sell or offer for sale or buy or offer to buy any dutiable liquors which are stored elsewhere than in a general bonded warehouse, licensed brewery or distillery or in the ship in which they were imported, or on the licensed premises of the holder of a distillery or brewery licence.

(4) It shall be no defence to any charge under subsection (1) or (2) that the possession or control of the accused was a joint possession or control.

Removal.

56.—(1) No person shall remove any dutiable liquors or denatured spirits from any general bonded warehouse, licensed brewery or distillery except for export under an export permit, without a permit from the Superintendent in Form No. 2 in the Third Schedule, and except in accordance with the conditions in such permit contained.

Third
Schedule.
Form No. 2.

(2) Such permit shall be issued by the Superintendent upon receipt of a requisition filled in in duplicate in Form No. 2 in the Third Schedule: Provided always that the Superintendent shall refuse to issue a permit—

(a) for the removal of any such liquors except in closed cases or vessels each containing not less than two gallons or the reputed equivalent of two gallons;

(b) if such liquors are to be removed for purposes other than export to any place other than a general bonded warehouse, except upon payment of the duty thereon.

Deficiency of
dutiable
liquors in a
bonded or
licensed
warehouse.

57. If it shall appear at any time that there is a deficiency in any general bonded warehouse, licensed brewery or distillery in the quantity of dutiable liquors which ought to be found stored therein, the person in charge or the licensee as the case may be, shall be liable to pay to the Superintendent the duty leviable upon such deficiency, and shall in the absence of proof to the contrary be presumed to have illegally removed such liquors: Provided always that such person in charge or such licensee shall not be held liable for any deficiency which he may prove to have

Distillation and manufacture.

58.—(1) All intoxicating liquors distilled, made, or prepared by any person holding a licence under this Ordinance, or under any Ordinance repealed by this Ordinance, or under the New Territories Regulation Ordinance, 1910, shall be deemed to be dutiable liquors; and it shall be lawful for the licensee to use a locked spirit receiver or spirit store at the place of distillation, making, or preparation for the purpose of storing such liquors.

Restrictions on making and preparing liquors. Ordinance No. 34 of 1910, s. 6.

(2) Such locked spirit receiver or spirit store shall not be used for the storage of any dutiable liquors whatsoever other than those distilled, made, or prepared at such place.

(3) There shall be no fee payable in respect of such locked spirit receiver or spirit store.

59.—(1) The duty on spirits made in a distillery is to be charged in respect of the wort or wash, the low wines, and the feints and spirits made in the distillery, and shall be payable according to such of those modes of charge as produces the greatest amount of duty.

Duty on spirit distilled in the Colony.

(2) In respect of the wort or wash the duty is to be charged in respect of the quantity of fermentable material used in the preparation thereof, the method of ascertaining the duty so chargeable being as follows. A bulk sample of not less than one catty shall be drawn by a revenue officer from each consignment of fermentable material received by the licensee on his licensed premises, and shall be fermented by the Government Analyst or any analyst in the employment of the Government, with ferment obtained from the same distillery, for the maximum period allowed for the material and ferment in question by the Distillery Regulations in force for the time being, and shall on the completion of the fermentation be distilled by such analyst who shall determine the amount of absolute alcohol produced. From the amount of absolute alcohol so determined the analyst shall calculate the number of gallons of spirit containing twenty-five per cent. of alcohol by weight which one picul of such fermentable material is found capable of producing: From the amount so determined a deduction shall be made of ten per cent. from the 1st of November to the 14th April, both inclusive, and fifteen per cent. from the 15th April to the 31st October, both inclusive. Duty shall be chargeable on each picul of fermentable material used according to the rates payable on the amount of twenty-five per cent. spirit which such material shall have been so found capable of producing.

(3) For the purpose of sub-section (2), the percentage of alcohol by weight in the spirit distilled shall be determined by means of a glass alcoholometer of Tralle type graduated to read percentages of alcohol by weight, and all such determinations of percentage of alcohol by weight shall be calculated as being determined at the standard temperature of 60° Fahrenheit.

(4) In respect of low wines the duty is to be charged on the quantity of absolute alcohol contained therein as measured by the instruments described in sub-section (3) above, less five per cent.

(5) In respect of feints and spirits the duty is to be charged on the quantity of absolute alcohol contained therein after making due allowance for the feints (if any) remaining from a previous distillation and included in the account of feints and spirits last produced.

(6) In calculating the duty chargeable on spirits an allowance shall be made for any deficiency occasioned by natural waste, subject to the following provisions—

- (a) The allowance shall not exceed one and a half per cent. on the spirits removed from the receiver to the store.
- (b) If the deficiency exceeds three per cent. on the spirits so removed no allowance whatsoever shall be made.

(7) Notwithstanding the provisions of sub-sections (1) to (6), the distiller shall pay to the Superintendent within three days of the close of each weekly period, or within such other period as may be prescribed by the Superintendent, the duty payable on all spirit duly tested and passed for delivery out of the licensed premises by the inspecting revenue officer during the previous week. Such payment shall be in part or whole discharge, as the case may be, of the amount chargeable under sub-section (1).

(8) No duty shall be payable in the case of the under-mentioned classes of spirit:—

- (a) on spirit duly denatured on the licensed premises to the satisfaction of the Superintendent;
- (b) on spirit duly exported from the Colony after having been duly tested and passed by the inspecting revenue officer;
- (c) on spirit destroyed in the presence of the inspecting revenue officer;
- (d) on spirit warehoused or removed to store, while still remaining therein.

Power to
distrain for
arrears of
duty on
spirits dis-
tilled in the
Colony.

60.—(1) If any duty payable by a distiller, as ascertained by the Superintendent, remains unpaid after the time at which it is payable, the Superintendent may, by warrant signed by him, empower any person to distrain all spirits, and all materials for distilling spirits, and all vessels and utensils, belonging to the distiller, or in any premises in the use or possession of the distiller, or of any person on his behalf or in trust for him, and also all spirits warehoused in the name of the distiller, and to sell the same by public auction, giving six days previous notice of the sale.

(2) The proceeds of sale shall be applied in or towards payment of the costs and expenses of the distress and sale, and in or towards payment of the duties due from the distiller, or in respect of any spirits so warehoused and distrained and sold, and the surplus, if any shall be paid to the distiller.

(3) In the event of any spirits being so distrained the distiller may, at any time before the day appointed for the sale thereof, remove under permit the whole or any part thereof on paying the Superintendent, the true value of the spirits so removed, or such part thereof as may be sufficient to cover the total amount of duty due and the costs and expenses of the distress and proposed sale.

(4) Permits for such removal shall on application be granted as if the distress had not been made.

Ordinance
not to
apply to
distillation
for medical
purposes.
Ordinance.
No. 9 of
1916.

61. Nothing in this Ordinance contained shall apply to any distillation by a medical practitioner or by a person registered under the Pharmacy and Poisons Ordinance, 1916, which is proved to be for genuine medicinal or scientific purposes, or to any distillation of essential oils.

Keeping of intoxicating liquors by licensees.

62. Every person who holds a licence under this Ordinance or under any Ordinance repealed by this Ordinance, or under the New Territories Regulation Ordinance, 1910, shall—

Licensed person to give amount of stocks; Ordinance No. 34 of 1910, s. 6.

- (a) on demand by the Superintendent render an account in writing of the quantity and description of the intoxicating liquors in his possession, custody, or control;
- (b) permit the Superintendent or any revenue officer to enter the premises in which such liquors are stored at any time and inspect the same.

63. All licences issued under any Ordinance repealed by this Ordinance or under the New Territories Regulation Ordinance, 1910, shall be deemed to have been made under this Ordinance and shall continue in force until revoked or until they expire and the conditions set out in Form No. 8 in the First Schedule shall be deemed to apply to every Chinese wine and spirit shop licence issued under any of the said Ordinances.

Validation of existing licences.

Revenue officers.

64.—(1) The Superintendent may appoint such persons as he may think fit as revenue officers under this Ordinance.

Revenue officers.

(2) The Superintendent shall have power to cancel at any time any appointment of a revenue officer.

(3) Every revenue officer shall be supplied with a suitable badge of office.

(4) Every revenue officer shall on demand return to the Superintendent his badge of office, and every person whose appointment as revenue officer has been cancelled shall forthwith return to the Superintendent his badge of office unless he shall have previously returned it to the Superintendent.

(5) Any native revenue officer shall be entitled to claim his discharge at any time on his giving to the Superintendent three months notice of his wish to withdraw and paying a sum equivalent to two months pay for each unexpired year of his term of appointment: Provided always that it shall be lawful for the Governor to remit the whole or any part of the said sum.

(6) Every native revenue officer who, having duly engaged and bound himself to serve in that office, deserts therefrom or refuses to perform his duty therein, shall upon summary conviction be liable to a fine not exceeding two hundred dollars.

(7) Any native revenue officer imprisoned for default of payment of a fine imposed under sub-section (6), shall forfeit all pay during his imprisonment.

[cf. No. 3 of 1890, s. 57.]

(8) The Superintendent shall, in case of breach of discipline or neglect of duty by any revenue officer, on proof thereof to his satisfaction, have power to order the offender to forfeit a sum not exceeding ten dollars.

(9) All sums forfeited under sub-section (8) shall be paid into the Treasury, and shall be applied to such purposes in connexion with the Imports and Exports Office as the Governor may direct.

(10) Every revenue officer when acting against any person under this Ordinance shall declare his office and produce his badge of office to such person.

Penalty for refusing or neglecting to return badge.

(11) Every revenue officer or ex-revenue officer who refuses or neglects without reasonable excuse to return his badge to the Superintendent in contravention of this Ordinance shall be liable to a fine not exceeding fifty dollars, or to imprisonment for any term not exceeding three months.

Powers of police officers.

65.—(1) All police officers shall have the powers of a revenue officer under this Ordinance.

(2) Every police officer when acting against any person under this Ordinance shall, if not in uniform, declare his office and produce to the person against whom he is acting such badge as the Inspector General of Police may direct to be carried by police officers when employed on special service.

Search of baggage and goods.

66.—(1) Every person landing from any ship or entering the Colony by land accompanied by any goods or baggage shall on demand by any revenue officer or police officer, either permit his goods and baggage to be searched by such officer, or together with such goods and baggage accompany such officer to the office of the Superintendent or to a police station and there permit his goods and baggage to be searched by any revenue or police officer in the presence and under the supervision of a European officer:

Provided always that the goods and baggage of any person who claims to be present when they are searched shall not be searched except in his presence.

(2) Any person who refuses to comply with any lawful demand under this section may be arrested without warrant by the officer making the demand.

Examination of articles on ship, wharf, etc.

67. Any box, chest, package, or other article (not being passenger's baggage accompanied by the owner) which is being landed or has been recently landed from any ship, or which is in or upon any ship (not being or having the status of a ship of war), islet, landing place, wharf, warehouse, or place adjoining any wharf and used in connexion therewith, or which is being removed from any such ship, islet, or other place, or which is being brought into or has recently been brought into the Colony by land—

(a) may be examined and searched by any revenue officer, and may be detained until any person in charge thereof shall have opened the same to admit of such examination and search, and in default of such opening may be removed by such officer to the office of the Superintendent or to a police station.

(b) may be broken open by the orders of any European officer to facilitate such examination and search, provided that any person in charge or possession of such box, chest, package, or other article shall be afforded every reasonable facility for being present at such breaking open, examination, and search.

Revenue officer may board ship.

68.—(1) Any revenue officer may board any ship, not being or having the status of a ship of war, and remain on board as long as such ship remains in the waters of the Colony.

(2) Any revenue officer authorised thereto in writing by the Superintendent, either generally or for a particular occasion, may search any such ship and may seize, remove and detain any thing found in any such ship with respect to which such revenue officer may have reasonable grounds for suspecting that any offence against this Ordinance has been committed.

PART III.

Warrants, proceedings, offences, penalties and forfeitures.

69.—(1) In any case in which it is suspected that any offence under this Ordinance has been committed by any person, and in any case in which it is anticipated that any such offence is about to be committed by any person, a magistrate may on oath being made before him to that effect authorise by warrant directed to any European police or revenue officer, empower such officer, with such assistants as may be necessary, by day or night—

Inspection, obtaining of information, and search.

- (a) to enter and if necessary to break into any building or place, to inspect and search the same, and to take possession of any intoxicating liquors, denatured spirits, apparatus or other articles;
- (b) to seize and take possession of all books, documents and things discovered in the course of any such inspection or search which may appear to furnish any evidence that any offence under this Ordinance has been or was about to be committed;
- (c) to arrest any person who appears to have such intoxicating liquors, denatured spirits, apparatus or other articles, or such books, documents or things, in his possession, custody or control;
- (d) to do all such acts and things as may be reasonably necessary for the purpose of effecting such search.

(2) Whenever it appears to any European revenue officer generally or specially authorised in writing by the Superintendent for the purpose of carrying out the provisions of this sub-section that there is reasonable cause to believe that in any place there is concealed or deposited any liquor subject to forfeiture or with respect to which an offence has been committed or is about to be committed against this Ordinance and he shall have reasonable ground for believing that by reason of the delay in obtaining a search warrant the liquor is likely to be removed, the said officer in virtue of his office may exercise in, upon and respect of such place all the powers mentioned in the above sub-section in as full and ample a manner as if he were empowered to do so by warrant issued under the said sub-section.

Search of place with out warrant.

70. All convictions and fines and penalties under this Ordinance shall be had and recovered summarily, but proceedings for the recovery of any such fine or penalty shall be commenced within six months after the offence was committed.

Recovery of fines and forfeitures.

71. On any trial before any magistrate, and in any proceedings on appeal in the Supreme Court relating to any of the above cases to the seizure of articles under this Ordinance, it shall be lawful for such magistrate or court, and such magistrate or court is

Manner of seizure not to be inquired into by court.

hereby required, to proceed to such trials and to the hearing of such appeals on the merits of the case only without reference to matters of form, and without inquiring into the manner or form of making any seizure, excepting in so far as the manner or form of seizure may be evidence on such merits.

Extracts from register of requisitions and permits to be evidence.

72. Every requisition received and a copy of every permit issued by the Superintendent shall be entered in the Superintendent's office in a book or books, and the production of any extracts from the said books or of any certificate as to requisitions for and grants of permits certified or purporting to be certified under the hand of the Superintendent shall on the trial of any person charged with an offence on this Ordinance be proof of the facts set out in the said extracts and certificates till the contrary is shown by or for the person so charged, and the absence of requisitions and of copies of permits from the said books shall be proof till the contrary is shown, that application has not been made for the permit required and that the permit has not been issued.

Magistrate may request Government Analyst to report on technical point.

73. The magistrate hearing any charge under this Ordinance may require the Government Analyst or any Analyst in the employment of the Government to report on any technical point, and may order the payment of the fees due in respect of the analyst's report by the defendant in addition to any other penalty, and such fee shall be recoverable in the same way as a penalty imposed under this Ordinance is recoverable.

Certificate of Government Analyst to be sufficient evidence.

74. At the hearing of any charge under this Ordinance, the production of a certificate purporting to be signed by the Government Analyst or by the Monopoly Analyst or by any other analyst in the employment of the Government shall be sufficient evidence of the facts therein stated, unless the defendant requires the analyst to be called as a witness; but if the defendant shall require the analyst to be called the magistrate may order him in addition to any other penalty to pay a fee of twenty-five dollars for the attendance of the analyst, such fee to be recoverable in the same way as a penalty imposed under this Ordinance is recoverable.

Protection of informers from discovery.

75. Except as hereinafter mentioned, no information laid under this Ordinance shall be admitted in evidence in any civil or criminal proceeding whatsoever, and no witness shall be obliged or permitted to disclose the name or address of any informer under this Ordinance or state any matter which might lead to his discovery. Moreover, if any books, documents, or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contain any entry in which any informer is named or described, or which might lead to his discovery, the court shall cause to be obliterated so far as may be necessary to protect the informer from discovery but no further. But if on the trial of any offence under this Ordinance the magistrate after full inquiry into the case believes that the informer wilfully made in his information a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding the magistrate is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, it shall be lawful for the magistrate to require the production of the original information and permit inquiry and require full disclosure concerning the informer.

76.—(1) Whenever two or more persons are charged with any offence against this Ordinance, the magistrate may permit any of them to give evidence for the prosecution.

(2) Every person so permitted to give evidence shall in the opinion of the magistrate make true and full discovery of all things as to which he is lawfully examined, shall be entitled to receive a certificate of indemnity under the hand of the magistrate stating that he has made a true and full discovery of all things as to which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid.

(3) Provided always that any person charged with an offence against this Ordinance may, if he thinks fit, tender himself to be examined in his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

77. Every person who imports, or aids, abets, procures or is interested or concerned in, or knowingly derives any profit from the importation of any intoxicating liquors or denatured spirits contrary to the provisions of this Ordinance shall be guilty of an offence.

78.—(1) If any person is charged with the possession or control of dutiable liquors contrary to the provisions of this Ordinance it shall be presumed that the duty had not been paid, and the accused shall accordingly be liable to be convicted of such possession or control unless he proves beyond a reasonable doubt either that the duty had been paid or that he had good and sufficient reason to believe that it had been paid.

(2) If in any such case the accused produces evidence in order to prove either that the duty had been paid or that he had good and sufficient reason to believe that it had been paid it shall be lawful for the complainant to produce in reply any evidence tending to prove that the duty had not been paid or that the accused had not good and sufficient reason to believe that it had been paid, as the case may be.

(3) Without prejudice to the presumption against the accused under sub-section (1), it shall be the duty of the complainant to produce to the court or magistrate as part of the case for the prosecution any evidence which he may have tending to prove either that the duty had not been paid or that the accused had not good and sufficient reason for believing that it had been paid.

(4) The right conferred by sub-section (2) on the complainant to produce evidence in reply shall not be deemed to be affected by any non-compliance with the provisions of sub-section (3), and it shall be lawful for the complainant to produce such evidence in reply notwithstanding such non-compliance: Provided that in the event of such non-compliance the court or magistrate may give leave to the accused to produce any further evidence in answer to the evidence produced by the complainant under sub-section (2), if the court or magistrate shall be of the opinion that the accused would otherwise be prejudiced by such non-compliance and that in the interests of justice such leave should be granted.

(5) If any dutiable liquors are found upon any licensed premises and the licensee of the said premises is charged with the possession of the said dutiable liquors it shall until the contrary is proved be presumed that the said dutiable liquors were in the possession of such licensee.

(6) No person shall be convicted of the offence of having in his possession or under his control intoxicating liquors which were imported, manufactured or prepared contrary to the provisions of this Ordinance if he proves that he had good and sufficient reason to believe that the intoxicating liquors in question were lawfully imported, manufactured or prepared, as the case may be.

Making incorrect application, returns, etc.

79. Every person who makes any application or supplies any particulars, returns, or account, or other written statement required by this Ordinance shall, if such application, particulars, returns, account or written statement be incorrect either in whole or in part, whether the same be signed by him or not, be guilty of an offence, unless he proves that he did not know the same to be incorrect, and that the incorrectness was not due to any negligence on his part.

Obligation to give information.

80. Every person who is required by the Superintendent, or by any revenue officer authorised thereto in writing by the Superintendent, either generally or for a particular occasion, to give any information on any subject which it is the duty of the Superintendent or revenue officer to inquire into under this Ordinance, and which it is in the power of such person to give, shall give such information forthwith: provided that nothing in this section shall have the effect of enabling the Superintendent or any revenue officer to put any question to, or to require any answer from, any person who has been charged with an offence against this Ordinance or in whose case the Superintendent has decided to prosecute under this Ordinance.

Improper possession of labels, etc.

81.—(1) No person shall, without lawful authority or excuse, have in his possession any label, wrapper or mark issued by the Superintendent for use under this Ordinance.

(2) No person shall, without lawful authority or excuse, have in his possession, with intent that it may be used again, any such label, wrapper or mark which has been removed from any cask, jar, bottle or any other receptacle of whatever nature.

(3) No person shall, without lawful authority or excuse, have in his possession any label, wrapper or mark so resembling any such label, wrapper or mark as to constitute a colourable imitation thereof, or shall have in his possession any die, block or type apparently intended for the production of any such label, wrapper or mark.

(4) For the purposes of this section, "label", "wrapper or mark", "die", "block", and "type", shall be deemed respectively to include any portion of a label, wrapper or mark, die, block or type.

Other penalties.

82.—(1) Every omission or neglect to comply with, and every act done or attempted to be done contrary to, the provisions of this Ordinance or permit granted or order of the Governor in Council issued thereunder, and any refusal to permit or obstruction of any act commanded by this Ordinance, and any breach on the part of a licensed person of the terms or conditions of his licence or recognizance, shall be deemed to be an offence, and for every such offence

not otherwise specially provided for the offender shall, upon summary conviction in addition to the forfeiture (if any) of the article seized as hereinafter provided, be liable to the following penalties:—

- (a) for every first offence, a fine not exceeding five hundred dollars, or imprisonment for any term not exceeding six months;
- (b) for every second offence, a fine not exceeding one thousand dollars, or imprisonment for any term not exceeding twelve months;
- (c) for every subsequent offence, a fine not exceeding two thousand five hundred dollars, and imprisonment for any term not exceeding twelve months.

(2) If the magistrate is of opinion that any offence committed against this Ordinance was committed with intent to avoid payment of any duty payable under this Ordinance, he may at his option impose a fine not exceeding two thousand dollars, or a fine not exceeding ten times the amount of the duty payable on the intoxicating liquors in respect of which the offence was committed, notwithstanding the fact that such fine may be in excess, in the case of a first, second or subsequent offence of the maximum fines authorised for first second or subsequent offences respectively by sub-section (1): Provided that nothing in this sub-section shall affect the power of the magistrate to impose in lieu of or in addition to any fine imposed under this sub-section a sentence of imprisonment for any term authorised by sub-section (1).

83. All intoxicating liquors and denatured spirits Forfeiture.
in respect of which any offence has been committed against this Ordinance, or against any permit granted thereunder, or any breach of the restrictions and conditions subject to or upon which any licence has been granted together with any still or part thereof, vat or other vessel used in distillation, wash or other materials preparing or prepared for the distillation of such liquors, utensil or apparatus, or any vessel, package, cart, carriage, or conveyance in which the same may be found or which may have been used in connexion with such offence, may be seized by any police or revenue officer, and all such intoxicating liquors, denatured spirits, stills, utensils, apparatus, vessels, packages, carts, carriages, or conveyances, as also any ship of less than fifteen tons in which the same may be found, may be forfeited.

84. All intoxicating liquors and denatured spirits, Unclaimed
and all stills, utensils, apparatus, vessels, packages, articles to
or conveyances, used for the preparation, packing, or be forfeited.
conveyance of intoxicating liquors or denatured spirits shall, if found without any apparent owner, or if unclaimed after such notice given as to a magistrate may seem fit, be forfeited.

85. On the conviction of any licensed person for Forfeiture
a second or any subsequent offence against this Ord. of licence.
nance, the magistrate may order his licence to be forfeited, in addition to any other penalties hereinbefore provided.

PART IV.

General.

Responsibility for acts of agents and servants.
Ordinance No. 34 of 1910, s. 6.

86.—(1) Whenever any person to whom any licence has been granted under this Ordinance or under any Ordinance repealed by this Ordinance, or under the New Territories Regulation Ordinance, 1910, or any person in charge of a general bonded warehouse, is liable under the provisions of this Ordinance to any punishment, penalty, or forfeiture for any act, omission, or neglect, he shall be liable to the same punishment, penalty, or forfeiture for every similar act, omission, or neglect of any agent or servant employed by him in or about his licensed premises or general bonded warehouse, and every agent or servant employed by him in or about his licensed premises or general bonded warehouse shall also be liable to every punishment, penalty, or forfeiture prescribed for such acts, omissions, or neglect contrary to the provisions of this Ordinance as fully and effectually as if such agent or servant had been the person to whom such licence had been granted or had been the person in charge of such general bonded warehouse.

Presumption of employment.

(2) Every person employed in or about any licensed premises or general bonded warehouse shall until the contrary is proved be deemed to have been so employed by the person mentioned in the licence or by the person in charge of the general bonded warehouse, as the case may be.

Contents and signature of requisitions.
Third Schedule.

87. Every requisition required by the provisions of Part II shall contain the particulars required by the forms in the Third Schedule and shall be signed by the person applying for such requisition or by some person duly authorised by him: Provided that in the case of any Chinese firm such requisition shall, in addition to such signature, be stamped with the chop of such firm.

Regulations.

88. It shall be lawful for the Governor in Council to make regulations for any of the following purposes:—

- (1) to regulate the standard of quality or to determine the quality of any intoxicating liquors or wines or spirits to be manufactured and sold under the provisions of this Ordinance, and to regulate the material to be used therein, and for the branding or labelling of such liquors and such wines and spirits;
- (2) to regulate the import and export possession and sale of intoxicating liquors, and the licensing of persons and ships for those purposes;
- (3) to regulate the management of general bonded warehouses, and to prescribe fees for storage in such warehouses, and to authorise the forfeiture of any intoxicating liquors or denatured spirits not cleared from such warehouse within periods to be fixed by such regulations;
- (4) to regulate the licensing and management of breweries;
- (5) to regulate the management of distilleries and places for distilling, making, and preparing intoxicating liquors, and the safeguarding of the revenue to be derived from the duty upon liquors distilled, made, or prepared therein;
- (6) to regulate the examination of the baggage

- (7) to alter or rescind any of the forms contained in the Schedules and substitute others therefor;
- (8) for granting exemption from payment of duty on dutiable goods of from any of the provisions of this Ordinance;
- (9) to regulate the substances to be used and the quantities thereof for denaturing spirits; and the manufacture possession and sale thereof.
- (10) or the supervision of the breaking down, blending, mixing, and bottling of dutiable liquors; and
- (11) generally for the purpose of carrying into effect the provisions of this Ordinance.

89. This Ordinance shall not apply to naval or military stores the property of His Majesty, nor to any intoxicating liquors or spirituous liquors imported or purchased on account of His Majesty's Government or of the Government of the Colony. Exemption of naval and military stores, etc.

PART V.

Sales.

90. In this Part,

Interpreta-
tion.

- (a) "Cash" means any coins or notes current in the Colony.
- (b) "Sale" includes any transaction in which intoxicating liquor is supplied for any consideration whatsoever, direct or indirect.

91.—(1) Subject to the provisions of sub-section (2), no person shall sell any intoxicating liquor for consumption on or at any licensed premises except for cash. Prohibition of sale except for cash.

(2) Sub-section (1) shall not apply to the following—

- (a) any sale by the proprietor of an hotel to a person residing at the hotel;
- (b) any sale by the proprietor of an hotel of liquor to be consumed in the dining room of the hotel at one of the regular meals of the hotel or of liquor to be consumed in conjunction with any other *bona fide* meal for which a charge of at least thirty cents can be reasonably made; and
- (c) any sale in accordance with the conditions of his licence by the holder of a restaurant adjunct licence.

92. Where any intoxicating liquor is sold by a servant or employee in contravention of section 91, the employer, whether a natural person or a body corporate, shall be deemed to be guilty of an offence against the provisions of this Part unless he proves affirmatively that the sale was against his express orders and without his consent or connivance. Liability of employer.

93. Every person, to whom any liquor is, to the knowledge of such person, supplied in contravention of the provisions of this Part shall also be guilty of Liability of buyer.

Penalty. **94.** Every person who is guilty of an offence against the provisions of this Part shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars.

Repeal of Ordinances No. 9 of 1911, No. 16 of 1927, No. 29 of 1929 and No. 24 of 1931. **95.—(1)** The Liquors Consolidation Ordinance, 1911, the Liquors Amendment Ordinance, 1927, the Liquors Amendment Ordinance 1929 and the Liquors Amendment Ordinance 1931 are repealed.

Amendment of Ordinances No. 34 of 1910. (2) (a) In section 6 (1) of the New Territories Regulation Ordinance, 1910, the word "spirits" is deleted in the third line.

No. 10 of 1916. (b) In section 39 (6) (c) of the Tobacco Ordinance, 1916 the words "or under the Liquors Ordinance, 1931" are added at the end.

No. 2 of 1917. (c) In the First Schedule to the Revenue Officers Power of Arrest Ordinance, 1917, the figures and words "— of 1931, Liquors Ordinance, 1931" are added at the end.

No. 2 of 1917. (d) In the Second Schedule to the Revenue Officers Power of Arrest Ordinance, 1917, the figures and words "9 of 1911, Liquors Consolidation Ordinance, 1911" are deleted and the figures and words "—of 1931, Liquors Ordinance, 1931" are substituted therefor.

No. 23 of 1917. (e) In section 8 of the Boarding-house Ordinance, 1917, the words "The Liquors Consolidation Ordinance, 1911," are deleted and the words "Liquors Ordinance, 1931" are substituted therefor.

No. 4 of 1930. (f) In section 38 (6) (c) of the Motor Spirit Ordinance, 1930, the words "or under the Liquors Ordinance, 1931" are added at the end.

Commencement. **96.** This Ordinance shall come into operation on the first day of January, 1932.

FIRST SCHEDULE.

FORM No. 1.

[s. 3.]

DISTILLERY LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

In consideration of the fee of _____ dollars paid by
I hereby license him to have _____ stills, of
_____ gallons capacity, at _____, and to distil
spirits therewith and to sell such spirits from this
date until the _____ day of _____, 19____,
in quantities of not less than two gallons of one liquor,
at one time, and not to be consumed on the premises.

[First
Schedule
contd.]

FORM No. 4.

[s. 16.]

PUBLICAN'S LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

Licensee No. from Fee, \$	Street to	Sign of house period of licence, both days inclusive.
------------------------------------	--------------	---

I licence the above-named person to keep an inn or public house, and to sell by retail in such house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, intoxicating liquors (except Chinese wines and spirits) during the period above written.

Conditions.

1. No liquor shall be sold or drunk upon any licensed premises except between 8 a.m. and 12 o'clock midnight. Provided that the Governor in Council may by order from time to time alter such hours as aforesaid.

Provided also that the Inspector General of Police in his discretion and in respect of occasions deemed by him to be "special occasions" may grant permits in writing extending the hours during which liquor may be sold or drunk upon the licensed premises of any publican. Of such permits there shall be two classes, that is to say,—Class A, allowing sale to and drinking by the General public, and Class B, allowing sale to and drinking by members of a class, group, body or institution, exclusively.

2. No disorder shall be permitted on the premises.

3. No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.

4. No game of chance shall be played on the premises.

5. A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.

6. The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.

7. The licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account.

8. The licensee excepted, no woman or girl whether belonging to the licensee's family or not, shall be permitted to serve or act in any capacity in the bar room or in any room directly opening out of the bar room.

9. The standard of quality of spirits as fixed by the Governor in Council shall be declared on the label of each bottle.

10. The licensee shall not allow any person to occupy or use any portion of the premises for any immoral purpose.

Dated the day of , 19 .

No.

(Signed) Colonial Treasurer.

RESTAURANT ADJUNCT LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

Licensee
Business
No. Street
Period of licence, from to both
days inclusive. Fee, \$

I license the above-named person to sell by retail intoxicating liquors, in quantities not exceeding two gallons at one time, in the house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, as an adjunct to the business he carries on there and without keeping a public bar during the period above written.

Conditions.

1. No bar shall be kept.
2. Intoxicating liquors shall only be sold for consumption on the premises and only in conjunction with a *bonâ fide* meal for which a charge of at least thirty cents can be reasonably made.
3. Intoxicating liquors shall only be sold between 12.30 p.m. and 2.30 p.m., and between 6 p.m. and 9 p.m. and at no other time.
4. No disorder shall be permitted on the premises.
5. No person shall be allowed to become drunk on the premises nor shall liquor be supplied to any person who is drunk.
6. No game of chance shall be played on the premises.
7. A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.
8. The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.
9. The licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account.
10. The licensee shall not allow any person to occupy or use any portion of the premises for any immoral purpose.

Dated the day of , 19 .

(Signed) Colonial Treasurer.

[First
Schedule
contd.]

FORM No. 6.

[s. 16.]

HOTEL KEEPER'S ADJUNCT LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

Licensee	
Business	
No.	Street.
Fee, \$	

I license the above-named person to sell by retail intoxicating liquors, in quantities not exceeding two gallons at one time, in the house in which he now dwells and in the appurtenances thereunto belonging, but not elsewhere, as an adjunct to the business he carries on there during the period above written.

Conditions.

1. No public bar shall be kept.
2. Intoxicating liquor shall only be sold for consumption on the premises, and
 - (a) to persons residing at the hotel, at any time;
 - (b) to persons other than residents, only in the dining room and in conjunction with the regular meals of the establishment.
3. No disorder shall be permitted on the premises.
4. No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
5. No game of chance shall be played on the premises.
6. A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.
7. The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.
8. The licensee shall not employ any person to sell or dispose of any liquors outside of his licensed premises, nor shall he allow or suffer any liquors to be so disposed of on his account.
9. The licensee shall not allow any person to occupy or use any portion of the premises for any immoral purpose.

Dated the day of , 19 .

No.

(Signed) *Colonial Treasurer.*

FORM No 7.

[s. 30.]

DEALER'S LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

is licensed to sell intoxicating liquors (Chinese wines and spirits excepted) by wholesale or

Conditions.

[First
Schedule
contd.]

1. Such intoxicating liquors are not to be consumed on the premises.

2. No intoxicating liquors shall be sold under this licence between 10 p.m. and 8 a.m.

3. The licensee shall keep a book in which shall be recorded all sales of intoxicating liquors made under this licence. Such book shall be open to inspection at all reasonable hours by any police officer.

4. Except as herein provided the licensee shall cause every bottle or other vessel containing intoxicating liquors kept by him pursuant to this licence and on which duty has been paid, to be labelled over the cork thereof with a "Duty-Paid" label which shall be obtained by him from the Superintendent. Provided that such labelling shall not be required for miniature bottles or vessels or for bottles or vessels containing beer, stout or cider.

Dated this day of , 19 .

(Signed) *Superintendent.*

FORM No. 8. [s. 32.]

CHINESE LIQUOR SHOP LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

is licensed to sell Chinese type liquors
such Chinese type liquors
not to be consumed on his premises, at No.
the sign or shop name of which is until the
day of , 19 .

Conditions.

1. No Chinese type liquors shall be sold by retail, directly or indirectly, to persons other than Chinese.

2. None but Chinese type liquors shall be sold on the premises.

3. No Chinese type liquors shall be sold between 10 p.m. and 6 a.m.

4. Any change in the place of business shall be forthwith reported to the Superintendent of Imports and Exports and to the Inspector General of Police.

5. The holder of this licence shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and the nature of his licence, on a sign, the size and design of which shall be approved by the Superintendent.

6. (a) The licensee shall keep on his licensed premises a Stock Book and make correct entries therein showing the number of jars, bottles or other vessels containing spirit as soon as received on the premises and the amount contained therein in gallons. Such book shall be balanced at the close of business on the last day of each week.

[First
Schedule
contd.]

- (b) The amount of sales shall be recorded daily, but only the total amount of retail sales of under 2 gallons to one customer shall be entered daily; sales of 2 gallons and over to a separate customer shall be recorded separately giving in each case the serial number of the foil issued under condition 9 below.
- (c) Furthermore the licensee shall keep a Blend Book and make correct entries therein showing the date on which blends, mixtures or treatments are set on or made, the amount of spirit going into the blend, mixture or treatment and the amount of blended, mixed or treated spirit produced. The product of such blend, mixture or treatment when preparation is completed shall be transferred to the stock book under its appropriate name.
- (d) The licensee shall mark all jars or containers of spirit undergoing treatment with the Chinese name of the spirit being produced and the serial number of the blend, mixture or treatment which shall correspond with that entered in the blend book.

7. Unless the licensee is the holder of an Importer's licence or is registered in the office of the Superintendent as the proprietor of a wholesale depot of a duly licensed distillery he shall not sell more than 8 gallons of spirit to the same person or firm on any one day.

8. Every licensee shall keep a book of foils and counterfoils numbered consecutively in a form approved by the Superintendent, and upon the issue of 2 or more gallons of spirit from his premises shall fill in upon a foil and counterfoil a description of the liquor issued, giving its nature, quantity and price, and the name and address of the person to whom such spirit is delivered, and shall chop the foil and deliver it to the person receiving the liquor. No spirit in quantities of 2 gallons or over shall be issued from any licensed premises between the hours of 6 p.m. and 6 a.m.

9. The licensee on receipt of any foil or pass, whether issued under condition 9 above or under the Distillery Regulations, shall immediately on receipt of the spirit covered thereunder, cancel such pass by drawing with ink two parallel straight lines diagonally across the face. All the aforesaid foils and passes received by the licensee shall be kept by him for six months, filed in order of receipt and ready for inspection on demand by any Revenue Officer.

The following special conditions shall be added in the case of restricted grocers' licences.

10. A grocers' licence shall only be held by established grocers who do a genuine trade in Chinese groceries, while the sale of Chinese liquor forms only a subsidiary part of the business conducted on the licensed premises.

11. No Chinese type liquors other than Liu Pun (料半) and Sheung Ching (雙蒸) shall be kept or sold on the licensed premises.

12. Sales of such liquors shall be restricted to two cattles for each individual purchase.

13. No kongs or barrels shall be used on the licensed premises for the storage of such liquors, the stock of which shall be retained in its original containers as received.

(Signed)

Superintendent.

CHINESE RESTAURANT LICENCE.

Hong Kong.

The Liquors Ordinance, 1931.

No.

Name of licensee

Business

Sign of house

Address

Period of licence, from _____ to _____

Fee, \$ _____

I license the above-named person during the period set forth above to sell by retail to persons of Chinese race only intoxicating liquors, in quantities not exceeding two gallons at a time, on the above-mentioned premises, to be consumed on such premises in connexion with a *bona fide* meal for which a charge of at least thirty cents can be reasonably made, or in conjunction with meals sent out from such premises, but not otherwise.

Conditions.

1. No bar may be kept on the premises under this licence.
2. No disorder shall be permitted on the premises.
3. No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
4. A decent and suitable privy and urinal shall be maintained in a state of cleanliness and good repair for the use of customers.
5. The licensee shall not abandon the occupation of his house or permit any other person to become virtually the keeper thereof.
6. The licensee shall exhibit conspicuously and permanently in front of his licensed place of business, his name and the number and nature of such licence, on a sign, the size and design of which shall be approved by the Inspector General of Police.
7. Chinese restaurants shall be closed between 2 a.m. and 8 a.m.
8. Any Chinese restaurant licence may be withdrawn by the Governor in Council at any time.
9. Except with the special exemption in writing of the Head of the Sanitary Department, no ceiling (not being the underside of a floor), hollow wall or stairlining shall remain or be fixed in any building in which or in part or parts of which the premises of the licensee are situate, and, except as aforesaid, if any such ceiling, hollow wall or stairlining shall be found in any such building the Sanitary Board may by resolution declare the forfeiture of the licence.
10. The whole of the ground floor of the premises is to be covered with a layer of not less than three inches of cement-concrete rendered smooth and laid to the satisfaction of the Building Authority.

11. Unless authorised by the Inspector General of Police, no person other than persons of Asiatic race shall be permitted on the premises of any Chinese restaurant situated in the area bounded:—

on the North by the Harbour, on the South by Kennedy Road, on the East by Fleming Road, Wanchai Road and Stone Nullah Lane, and on the West by Arsenal Street and Monmouth Path.

Dated the day of ,19 .

(Signed)

Secretary for Chinese Affairs.

SECOND SCHEDULE. [ss. 8, 16,
18, 30, 32, 33 and 34.]

Schedule of fees.

The following fees shall be paid for the licences herein mentioned and in the manner herein specified:—

<i>Nature of licence.</i>	<i>Fee.</i>	<i>Manner of payment.</i>
Distillery licence, single still	\$ 25	Annually in advance.
Distillery licence, two stills	\$200	
Distillery licence, more than two stills.....	\$400	
Brewery licence,	\$400	
Temporary licence,—At the discretion of the Governor.		In advance.
Publican's licence:—		
(a) In Victoria and in the Hill District:—(as defined by the Public Health and Buildings Ordinance, 1903):—		
when the rateable value of the premises is		
	<i>Fee.</i>	
under \$10,000...	\$1,000	
„ \$20,000...	\$2,000	
„ \$30,000...	\$3,000	
„ \$50,000...	\$5,000	
\$50,000 and over...	\$8,000	
(b) Elsewhere in the Colony the publican's licence fees shall be at half the above rates.		Annually in ad- vance, subject to the provisions of the Liquors Ordin- ance, 1931.
And in addition to the above fees and in respect of each and every exten- sion of hours of business granted by the Inspector General of Police in respect of any occasion deemed by him to be a 'special occasion', the following further fees,— In advance,		
For the first hour of the extension stated in a Class A permit	\$ 50	
For each and every subsequent hour of the extension in a Class A permit	\$100	
For the first hour of the extension stated in a Class B permit	\$ 25	
For each and every sub- sequent hour stated in a Class B permit	\$ 50	

[Second
Schedule
contd.]

<i>Nature of licence.</i>	<i>Fee.</i>	<i>Manner of payment.</i>
Restaurant adjunct licence and Hotel keeper's adjunct licence:—		Annually in ad- vance, subject to the provisions of the Liquors Ordin- ance, 1931.
(a) for premises situate in and to the north of Queen's Road, Victoria, and at Victoria Gap,\$700		
(b) for premises situate in any other part of the Island, and in Kowloon and New Kowloon ..\$400		
Removal licence,\$ 20		In advance.
NOTE.—If the new premises are of a higher annual valuation than those from which the licence is re- moved, a proportionate part of the extra fee, if any, payable in respect of such difference of valuation must also be paid.		
Transfer of publican's licence,\$ 200		In advance.
Transfer of adjunct licence,\$ 40		
Dealer's licence,\$1,000		Annually in advance.
Chinese liquor shop licence:—		
<i>General Licences.</i>		
(a) City of Victoria west of the Soo Kum Poo Nullah,\$ 650		Annually in advance.
(b) City of Victoria and areas east of the Soo Kum Poo Nullah, to the boundary of War Department land east of A Kung Ngam and also Aberdeen and Ap- lichau\$ 550		
(c) Elsewhere on the Island of Hong Kong\$ 400		
(d) Kowloon and New Kowloon west of the Railway as far as and including Sham- shuipo,\$ 650		
(e) Kowloon and New Kowloon east of the Railway as far as and including Kow- loon City and Kai Tack,\$ 550		
(f) The remainder of New Kowloon\$ 400		
(g) The remainder of the New Territories.\$ 25		

<i>Nature of licence.</i>	<i>Fee.</i>	<i>Manner of payment.</i> [Second Schedule contd.]
<i>Restricted Grocers' licences.</i>		
(a) In the Island of Hong Kong, Ap-lichau, Kowloon and New Kowloon,	\$ 150	} Annually in advance.
(b) Elsewhere,	\$ 25	
Chinese restaurant licence:—		
when the valuation of the premises occupied is—		
under \$500	\$ 250	} Annually in advance.
\$500 or over, but under \$2,000.....	\$ 500	
\$2,000 or over, but under \$3,000.....	\$1,000	
\$3,000 or over, but under \$4,000	\$1,250	
\$4,000 or over, but under \$5,000	\$1,500	
\$5,000 or over, but under \$6,000	\$1,750	
\$6,000 or over, but under \$7,000	\$2,000	
\$7,000 or over, but under \$8,000	\$2,250	
\$8,000 or over, but under \$9,000	\$2,500	
\$9,000 or over, but under \$10,000	\$2,750	
\$10,000 or over,	\$3,000	

THIRD SCHEDULE. [s. 87.]

FORM No. 1. [s. 43.]

Application for permit, and permit to land or move duty-paid liquors.

SIR,

I hereby declare that I wish to land on the move day of _____, 19____, between the hours of _____ a.m. and _____ p.m. the liquors described here-under from _____ the duties on which have been paid.

Ship and date of arrival.	Nature of liquors.	Marks on casks, cases, etc.	Quantity of liquors.

[Third
Schedule
contd.]

I hereby grant permission for the ^{landing} of the ^{removal} of the liquors described above, the duties on which have ^{landing} been duly paid, upon condition that before such ^{removal}, or as soon as possible thereafter, the bottles or other vessels containing such liquors be duly labelled with duty paid labels.

Superintendent,
Imports and Exports Office.

NOTE.—If this permit is not made use of on the day in respect of which it is issued, it must be returned within 24 hours to the office of the Superintendent of Imports and Exports.

FORM No. 2. [ss. 48 and 56.]

Application for permit, and permit to land or move dutiable liquors.

I hereby declare that I wish to ^{land} on the ^{move} day of _____, 19____, between the hours of _____ a.m. and _____ p.m. the liquors described hereunder from _____ and to store the same in the _____ warehouse at _____.

DESCRIPTION OF LIQUORS.

Ship and date of arrival.	Nature of liquors.	Marks on casks, cases, etc.	Quantity.

Importers.

Permission is hereby granted for the ^{landing} of the ^{removal} liquors described above, provided that the said liquors shall be immediately stored in the _____ warehouse at _____.

Superintendent,
Imports and Exports Office.

*Application for permit, and permit to export
dutiable liquors.*

SIR.

I hereby declare that I wish to move from
warehouse at _____ on the
day of _____, 19____, between the hours of
_____ a.m. and _____ p.m. the dutiable
liquors described below _____ for export to
_____ by the S.S.
_____ as ship's stores
The said liquors are being consigned to

DESCRIPTION OF LIQUORS.

Importing ship and date of arrival.	Nature of liquors.	Marks on casks, cases, etc.	Quantity of liquors.

Exporters.

Permission is hereby granted to move the above-
mentioned liquors for export in the manner described,
on condition that the said liquors shall be immediately
moved from the warehouse named above to the ship
named above.

Superintendent,
Imports and Exports Office.

NOTE.—If this permit is not made use of on the
day in respect of which it is issued, it must be return-
ed within 24 hours to the office of the Superintendent
of Imports and Exports.

*Application for permit, and permit to export
dutiable liquors where removal from
ship to ship is required.*

SIR,

I hereby declare that I wish to move from S.S.
_____ at _____
on the _____ day of _____, 19____
between the hours of _____ a.m. and _____ p.m.
_____ for export to
the dutiable liquors described below _____
_____ as ship's stores
_____ by the S.S. _____ The said

[Third
Schedule
contd.]

DESCRIPTION OF LIQUORS.

Importing ship and date of arrival.	Nature of liquors	Marks on casks, cases, etc.	Quantity of liquors.

Exporters.

Permission is hereby granted to move the above-mentioned liquors for export in the manner described, on condition that the said liquors shall be immediately moved from the first ship named above to the second ship named above.

Superintendent,
Imports and Exports Office.

NOTE.—If the permit is not made use of on the day in respect of which it is issued, it must be returned within 24 hours to the office of the Superintendent of Imports and Exports.

FORM No. 4.

[s. 44.]

*Application for permit, and permit to land or move
denatured spirits.*

SIR,

I hereby declare that I wish to ——— land
move on the
day of _____, 19____, between the hours of
a.m. and _____ p.m. from
the denatured spirits described below.

Ship and date of arrival.	Marks on casks, cases, etc.	Quantity.

Applicant.

I hereby give permission for the ——— landing
removal of the
denatured spirits described above.

Superintendent,
Imports and Exports Office.

Form of receipt of duty under section 45.

Audit No.

I, the Superintendent of Imports and Exports, hereby acknowledge the receipt from _____ of the sum of dollars _____ and cents _____ being the amount payable as duty on the liquors described below which are now stored at _____

DESCRIPTION OF LIQUORS.

Nature of liquors.	Marks on casks, cases, etc.	No. of gallons.	Duty per gallon.	Total duty.

Date

Superintendent,
Imports and Exports Office.

Import Statement.

Liquors Ordinance, 1931.

I (we) hereby declare that the following dutiable liquors were imported by the S.S. _____ which arrived in the Colony on _____

No. of cases.	Description of cases.	Marks.	Nos.	Nature of liquor.	Quantity of liquor.	Consignees.

Date

Owners, charterers, agents or master,
Address.

NOTE.—If no dutiable liquor has been imported by the ship in question, the above form is to be furnished indorsed "Nil".

[Third
Schedule
—contd.]

FORM No. 7.

[s. 49.]

Export Statement.

Liquors Ordinance, 1931.

I (we) hereby declare that the following dutiable liquors were exported by the S.S. which left the Colony on the

No. of cases.	Description of cases.	Marks.	Nos.	Nature of liquor.	Quantity of liquor.	Shippers.

Date

*Owners, charterers or agents,
Address.*

NOTE.—If no dutiable liquor has been exported by the ship in question, the above form is to be furnished indorsed "Nil".

Objects and Reasons.

This Ordinance consolidates and amends the law relating to intoxicating liquors. The origin of the various sections and the nature of the amendments and deviations is shown in the Table of Correspondence which is attached.

C. G. ALABASTER,
Attorney General.

August, 1931.

Table of Correspondence.

Section of new Ordinance.	Section of Ordinance. No. 9 of 1911.	Remarks.
1	1	Reference to consolidation omitted in Short Title but retained in Long Title.
2	2	As amended by Ordinances, 16 of 1927 and 29 of 1929. Sub-sections (18) deleted remainder renumbered. Words "manufacture and" added to ss. (3), renumbered. Words "or Shiu Tsau and Wong Tsau" added in (3). "Chinese liquors" and "Chinese type liquors" and "liquors made in the Chinese manner and" substituted for references to Chinese wines and spirits in (5), (6) and (7), reference to samsu deleted in (6). Word "to" inserted after "added" in ss. (21). Definition of "spiritous liquors" as amended by Liquors Amendment Ordinance, 1931. The deletion of s. 2 (18) and the original section 53 relating to licensed warehouses has necessitated special provision for storage in the case of breweries and distilleries and consequential amendments in sections 39, 43, 44, 46, 47, 53, 54, 55, 56, 57, 58, 86, and 88 in addition to the amendments noted against such sections.
3	3	As amended by Ordinance No. 29 of 1929.
4	4	Do.
5	5	—
6	6	Sub-section (3) and (4) omitted. They are not considered necessary.
7	7	"If so licensed" added in third line.
8	8	—
9	9	—
10	10	—
11	11	—
12	12	—
13	13	—
14	14	—
15	15	—
16	16	—
17	17	—

Table of Correspondence.

Section of new Ordinance.	Section of Ordinance. No. 9 of 1911.	Remarks.
18	18	—
19	19	—
20	20	—
21	21	—
22	22	The proviso to condition (a) comes from Government Notification No. 101 of 2.3.1928 as amended by Ordinance, No. 18 of 1929, s. 14. Condition (h) is new.
23	23	—
24	24	—
25	25	—
26	26	—
27	27	—
28	28	—
29	29	Reference to s. 34 omitted as original s. 34 was repealed by Ordinance No. 29 of 1929, "or revenue" added in ss. (1).
30	30	As amended by Ordinance, No. 29 of 1929.
31	31	—
32	32	As amended by Ordinance, No. 29 of 1929. Reference to Form No. 9 deleted from ss. (4). "Liquor" for "wines and spirits" in heading. "type liquors" for "wines and spirits" in third and fourth lines, "or" for "and" in third line. The power to issue general and restricted licences in ss. (1) is new.
33	33	As amended by Ordinance, No. 18 of 1929, s. 14. Form 10 renumbered as 9 and reference to Form 11 deleted.
34	36	Sections 34 and 35 of the principal Ordinance were repealed by Ordinance, No. 29 of 1929. In Sub-section (2) "of" substituted for "and" before "commencement" c.f. s. 31 (2). In sub-section (3) the Superintendent is substituted for the Treasurer.
35	37	—

Table of Correspondence.

Section of new Ordinance.	Section of Ordinance. No. 9 of 1911.	Remarks.
36	38	Governor in Council instead of Legislative Council to fix fees as in 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.
37	39	—
38	40	Words "Treasurer" "Captain" "of Police" omitted. Words "other officer of the Government" considered sufficient.
39	41	As amended by Ordinance No. 29 of 1929 and Liquors Amendment Ordinance, 1931 "or" added after "bonded" in ss. (2) (b). New sub-section (4) continues present duties.
40	43	Section 42 of the principal Ordinance was repealed by the Law Revision Ordinance, 1924.
41	44	—
42	45	Owners, charterers, agents and com-pradore of every ship in first line and a new sub-section added to conform with Ordinance, No. 10 of 1916, s. 17.
43	46	—
44	47	—
45	48	—
46	49	As enacted by Ordinance No. 29 of 1929. Sub-section (5) added to conform with Ordinance No. 10 of 1916, s. 20.
47	51	Exception as to consignments of forty or more gallons deleted, section 50 of the principal Ordinance was repealed by No. 29 of 1929.
48	52	—
49	53	—
50	54	As amended by Ordinance No. 29 of 1929.
51	55	—
52	56	—

Table of Correspondence.

Section of new Ordinance.	Section of Ordinance No. 9 of 1911.	Remarks.
53	new	Section 57 of Ordinance No. 9 of 1911 is omitted and the new section 53 in place thereof is limited to breweries.
54	58	Sub-section (1) has been redrafted so as to conform more closely with Ordinance No. 10 of 1916, s. 34.
55	59	As enacted by No. 16 of 1927.
56	60	—
57	61	—
58	62	Words "or under any Ordinance repealed by this Ordinance," added.
59	62A	As enacted by Ordinance No. 29 of 1929.
60	62B	Do.
61	63	Words "by a person registered" substituted for "person registered as a chemist and druggist".
62	64	Words "or under any Ordinance repealed by this Ordinance," added. Reference to time limit in (b) deleted <i>see</i> s. 54 (1).
63	new	Section 65 of the principal Ordinance was repealed by Ordinance No. 16 of 1927. The new section 63 validates existing licences and applies conditions in Form 8 of First Schedule to all Chinese Liquor Shop licences.
64	66	Sub-sections renumbered and original sub-section (4) deleted. Sub-sections (1) (2) (3) and the new sub-section (4) are redrafted to accord with Ordinance No. 30 of 1923, s. 25. In sub-section (8) (formerly (12)) word "native" deleted to conform with Ordinance No. 10 of 1916, s. 39 (2) "or ex-revenue officer" added to ss. (11) (formerly (15)) to conform with ss. (4).
65	67	As amended by Ordinance No. 18 of 1929, s. 14.

Table of Correspondence.

Section of new Ordinance.	Section of Ordinance. No. 9 of 1911.	Remarks.
66	68	Para. (a) amended by addition of words "the office of the Superintendent or"; "European officer" substituted for "European police officer" and remainder of para. (a). Para. (b) deleted as not required.
67	69	Para. (a) amended by addition of "the office of the Superintendent or." Limitation to police officers in para. (b) deleted. Revenue officers have powers of arrest under Ordinance No. 2 of 1917.
68	71	As amended by Ordinance No. 29 of 1929. Sec. 70 of the principal Ordinance was repealed by Ordinance No. 29 of 1929, sec. 72 by No. 6 of 1913 and sec. 73 by No. 29 of 1929.
69	74	Sub-section (1) has been largely redrafted compare Ordinance No. 25 of 1914, s. 3. The new sub-section (2) taken from Ordinance No. 10 of 1916, s. 45 "vessel" deleted in ss. (1) (a) as unnecessary. See section 68 (2).
70	75	—
71	77	Section 76 of the principal Ordinance was repealed by Ordinance No. 29 of 1929.
72	78	—
73	79	As amended by No. 29 of 1929.
74	80	Do.
75	82	Section 81 of the principal Ordinance was repealed by No. 29 of 1929.
76	83	—
77	85	Section 84 of the principal Ordinance was repealed by No. 8 of 1912.
78	86	As enacted by Ordinance No. 16 of 1927.
79	87	As enacted by Ordinance No. 29 of 1929.
80	87A	Do.
81	88	Do.
82	89	As amended by Ordinance No. 29 of 1929.
83	90	—
84	91	—

Table of Correspondence.

Section of new Ordinance.	Section of Ordinance. No. 9 of 1911	Remarks.
86	93	Words "or under any Ordinance repealed by this Ordinance" added.
87	94	—
88	95	As amended by Ordinance No. 29 of 1929, but with amendment transferred from sub-section (1) to ss. (2) and (9). Compare Ordinance No. 10 of 1916, s. 3 (1) (a) "and" deleted from end of ss. (7).
89	93	Words "or spirituous liquors" and "or purchased" have been added.
90	99	Section 97 of the principal Ordinance was repealed by No. 16 of 1912. Section 98 is omitted as it is intended to apply this Ordinance to the whole Colony. See Ordinance No. 31 of 1911, s. 3.
91	100	—
92	101	—
93	102	—
94	103	—
95	new	Repeals and amendments.
96	new	Commencement.
First Sched.	First Sched.	"Colony of Hong Kong" for "said Colony" in Form 2. Proviso in Condition 1 in Form 4 was added by Notification 101 of 2.3.1928. Condition 4 in Form 7 by Notification 171 of 28.3.1924. Form 8 amended by substitution of "liquors" and "type liquors" for references to "wines and spirits: In the second line of Form 8 a blank space is substituted for the words "both by retail and wholesale". Condition 5 in Form 8 omitted as unnecessary, remaining conditions renumbered. Changes in Conditions 4 and 5 in Form No. 8 result from changes in Licensing Authority and amendments effected by Notification 428 of 1931. The additional special conditions for restricted grocers' licences are new. Form No. 10 is renumbered as No. 9. Forms 9, 11 and 12 omitted as not required. Latter was repealed by No. 29 of 1929. The final condition in forms 4, 5 and 6 is new. The final condition in form 9 is from Notification 453 of 1926 with the boundaries

Table of Correspondence.

Section of new Ordinance.	Section of Ordinance. No. 9 of 1911.	Remarks.
Second Sched.	Second Sched.	<p>Licence fees for one and two still distilleries derived from Notification 280 of 13.5.1927.</p> <p>Additional paragraph to publicans licence fees added by Notification 104 of 2.3.1928.</p> <p>Chinese liquor (formerly wine and spirit) shop licences to be paid annually instead of quarterly. They are now divided into General and Restricted Grocers' Licences. The fees for the latter are new and in the case of the former though the maxima and minima fees are the same the districts have been re-arranged. In the case of Chinese Restaurant licences the fees have been raised where the valuation of the premises occupied is \$3,000 or over but under \$10,000 rising in a graduated scale. The fees where the valuation is under \$3,000 or is \$10,000 or over are unaltered.</p>
Third Sched.	Third Sched. Fifth Sched. Sixth Sched.	<p>Eating house paragraph repealed by Ordinance No. 29 of 1929.</p> <p>Form 1 as amended by Notification 172 of 28.3.1924.</p> <p>Form 3A added by Ordinance No. 29 of 1929.</p> <p>The 4th Schedule of the principal Ordinance was repealed by Ordinance No. 16 of 1912. The 5th and 6th Schedules were required by section 66 (4) of the principal Ordinance which has been omitted from this Ordinance as it is considered unnecessary. Compare Ordinances No. 10 of 1916, s. 39 and No. 30 of 1923, s. 25.</p>