

LEGISLATIVE COUNCIL.

**No. S. 197.**—The following Bills were read a first time at a meeting of the Council held on the 7th July, 1938 :—

[No. 5 :—16.5.38.—1.]

A BILL

INTITULED

An Ordinance to authorize the Appropriation of a Supplementary sum of seven hundred and seventy-four thousand three hundred and twenty-one dollars and forty-four cents to defray the Charges of the year 1937.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the year 1937 in addition to the charge upon the revenue of the Colony for the service of the said year already provided for :

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

Short title.

1. This Ordinance may be cited as the (1937 Supplementary) Appropriation Ordinance, 1938.

Appropriation.

2. A sum of Seven hundred and seventy-four thousand three hundred and twenty-one dollars and forty-four cents is hereby charged upon the revenue of the Colony for the service of the year 1937, the sum so charged being expended as hereinafter specified; that is to say :—

Treasury .....	\$ 9,218.79
Fire Brigade .....	17,095.56
Attorney General .....	1,799.88
Land Office .....	2,062.54
Magistracy, Hong Kong .....	2,608.80
Prison Department .....	3,034.04
Kowloon Canton Railway .....	64,829.04
Charitable Services .....	31,993.04
Pensions .....	359,809.79
Public Works Recurrent .....	281,869.96

---

\$ 774,321.44

---

A BILL

INTITULED

An Ordinance to amend the Merchandise Marks Ordinance, 1890.

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

1. This Ordinance may be cited as the Merchandise Marks Amendment Ordinance, 1938. Short title.

2. Sub-paragraph (ii) of paragraph (e) of sub-section (1) of section 2 of the Merchandise Marks Ordinance, 1890, is amended by the insertion of the words “factory, premises,” before the word “place”. Amendment  
of Ordinance  
No. 4 of  
1890, s. 2 (1)  
(e) (ii).

---

*Objects and Reasons.*

1. By section 2 (1) (e) (ii) of the Merchandise Marks Ordinance, 1890, it is provided that the expression “trade description” means any description, statement or other indication, direct or indirect as to the place or country in which any goods were made or produced.

2. It states the word “place” is generally found in conjunction with other words which give it a colour and control its interpretation (see “Place” in Stroud’s Judicial Dictionary). So that although the word if it stood alone might apply to a factory or premises its conjunction in the enactment in question with the word “country” seems to indicate a geographical meaning such as town or district.

3. It is consequently considered probable, that a false statement in a declaration to the effect that certain goods were made in a certain factory or on certain premises would not be covered by the present definition so as to justify prosecution under the penal provisions of the Ordinance.

4. The object of this Amending Bill is to remove doubts by inserting the words “factory, premises,” before the word “place” in section 2 (1) (e) (ii) of the principal Ordinance.

J. A. FRASER,  
*Attorney General.*

July, 1938.

A BILL

INTITULED

An Ordinance to amend the Bankruptcy Ordinance, 1931.

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 Bankruptcy Amendment Ordinance, 1938.

Amendment of Ordinance No. 10 of 1931, s. 75 (2).       **2.** Section 75 of the Bankruptcy Ordinance, 1931, is amended by the repeal of sub-section (2) thereof and the substitution of the following sub-section therefor:—

(2) No person shall be appointed Official Receiver or Deputy Official Receiver unless at the date of such appointment he is a barrister, advocate, solicitor or proctor or a member of the Colonial Legal Service or has successfully passed the examinations required before admission of a barrister, advocate, solicitor, law agent or proctor.

Commencement.       **3.** This Ordinance shall be deemed to have had effect as from the 25th day of May, 1938.

---

*Objects and Reasons.*

1. Clause 2 of this Bill amends the principal Ordinance, No. 10 of 1931, by substituting for sub-section 2 of section 75 thereof a new sub-section corresponding to section 2 of the Crown Solicitors Ordinance, 1912, as enacted by section 2 of Ordinance No. 31 of 1935, but omitting the words "law agent", rendered unnecessary by the Solicitors (Scotland) Act, 1933, (23 and 24 Geo. 5, c. 21).

2. Under old sub-section (2) only barristers or solicitors are eligible for appointment as Official Receiver. By this amendment the appointment may be held by a person who is or who has successfully passed the qualifying examinations for admission as a barrister, advocate, solicitor or proctor, or by a member of the Colonial Legal Service.

3. It was necessary to appoint the Official Receiver to act as from 25th May, 1938, in another legal post during the temporary absence of the holder of that post, and to appoint to carry out the duties of Official Receiver another member of the Colonial Legal Service who was formerly a solicitor but who has relinquished that qualification in order to be called to the Bar.

4. For the reasons given in the preceding paragraph the operation of this Ordinance is expressed to take effect from 25th May, 1938.

J. A. FRASER,  
*Attorney General.*

*June, 1938.*

A BILL

INTITULED

An Ordinance to amend the Dentistry Ordinance, 1914.

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

1. This Ordinance may be cited as the Dentistry Amendment Ordinance, 1938. Short title.

2. Sub-section (3) of section 5 of the Dentistry Ordinance, 1914, as amended by the Dentistry Amendment Ordinance, 1928, is further amended— Substitution of paragraph (b) and new paragraph (bb) for Ordinance No. 16 of 1914,

(i) by the substitution of the following paragraph for paragraph (b) thereof:— s. 5 (3) as amended by No. 9 of 1928.

(b) has ceased to reside in the Colony and has either not returned, or has in writing notified the Director of Medical Services of his intention not to return to the Colony for a period of five years;

(ii) by the insertion of the following paragraph immediately after paragraph (b) thereof:—

(bb) within 3 years of the sending to him by registered post at his address on the register of a letter by the Director of Medical Services, inquiring whether he has ceased to practise or has changed his address, fails to return an answer to such letter.

*Objects and Reasons.*

1. By section 5 (3) of the Dentistry Ordinance, No. 16 of 1914, the power of the Director of Medical Services to remove from the Dental Register the name of a person who has ceased to reside in the Colony is limited to the names of persons who have "ceased for a period extending over five years" so to reside.

2. This provision has resulted in the retention on the Register of the names of persons who have long severed all connexion with Hong Kong.

3. This Bill substitutes a new paragraph (b) and adds a new paragraph (bb) to section 5 (3) of the principal Ordinance, making better provision for the removal therefrom of the names of persons who have ceased to reside in the Colony and do not intend to return, or who cannot be traced, and thus enabling the Register to be kept up to date.

J. A. FRASER,  
*Attorney General.*

June, 1938.

A BILL

INTITULED

An Ordinance to amend the Registration of Persons Ordinance, 1934.

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 Registration of Persons Amendment Ordinance, 1938.

New  
Section 7A  
of Ordinance  
No. 3 of  
1934.

2. The Registration of Persons Ordinance, 1934, is amended by the addition of the following section numbered 7A immediately after section 7 thereof :—

Limit of  
time for  
prosecution.  
Ordinance  
No. 41 of  
1932.

7A. Notwithstanding anything contained in section 20 of the Magistrates Ordinance, 1932, any complaint or information in respect of any offence under this Ordinance may be made or laid within two years after the commission of the offence.

---

*Objects and Reasons.*

1. Owing to the provisions of section 20 of the Magistrates Ordinance, 1932, a person who commits an offence under the Registration of Persons Ordinance, No. 3 of 1934, cannot be proceeded against after the expiry of six months from the date on which the offence was committed, unless information has been laid or complaint made before that time.

2. Cases have occurred in which aliens who have failed to report their intended departure from the Colony, in contravention of section 2 (2) of the Ordinance, at Police Headquarters, have, on returning to the Colony after the six-months' period, been immune from prosecution, the offence not having come to the notice of the authorities within the prescribed time.

3. Clause 2 of this Bill, by inserting a new section 7A in the principal Ordinance substituting a two-years' for the six-months' limitation, is intended to cure this defect.

4. Similar provisions are contained *e.g.*, in section 38 (5) of the Opium Ordinance, No. 7 of 1932, and in England in section 28 (3) of the Criminal Justice Act, 1925 (15 and 16 Geo. 5 c. 86).

J. A. FRASER,  
*Attorney General.*

June, 1938.