

LEGISLATIVE COUNCIL.

No. S. 214.—The following Bill with amendments proposed to be made in Committee, is published for information under Standing Order 27 (14):—

(C.S.O. 2/2/1068/15).

[No. 9:—12.7.38.—3.]

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.

Amendment of Ordinance No. 3 of 1934, s. 2. 2. Section 2 of the Registration of Persons Ordinance, 1934, is amended—

(a) by the repeal of the words “at Police Headquarters within seventy-two hours” in the fifth line of sub-section (2) thereof and the substitution therefor of the words “at the Registration of Persons Office, Police Department, within forty-eight hours”;

(b) by the addition of the following sub-section at the end thereof:—

52 and 53
Vict. c. 63,
s. 12 (20).

(6) In this section, “consular officer” includes consul-general, consul, vice-consul, consular agent, and any person for the time being authorized to discharge the duties of consul-general, consul or vice-consul.

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

3. 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. It has been found necessary to accommodate the Registration of Persons Office, Police Department, in a separate building from Police headquarters.

Clause 2 of this Bill makes the necessary amendment in section 2 (2) of the Registration of Persons Ordinance, No. 3 of 1934, and at the same time reduces the period within which an alien, other than an alien of Chinese race, who arrives in the Colony or who changes his ordinary residential or business address or who is about to leave the Colony, shall report his arrival at the Registration of Persons Office, Police Department, from 72 to 48 hours for conformity with the practice in the Straits Settlements under section 4 of S.S. Ordinance, chapter 91. It has been found that the period of 72 hours formerly

allowed under the principal Ordinance enabled aliens to enter, do business in and leave the Colony without notifying the fact at all. For these reasons it is desirable to reduce the period within which notification shall be made.

2. Clause 2 of this Bill adds a definition of "Consular Officer" to section 2 of the principal Ordinance in order to remove doubts as to the precise meaning of this term.

3. Owing to the provisions of section 20 of the Magistrates Ordinance, 1932, a person who commits an offence under the principal Ordinance 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.

4. 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, 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.

5. Clause 3 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.

6. 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.

July, 1938.