

LEGISLATIVE COUNCIL.

**No. S. 441.**—The following Bills were read a first time at a meeting of the Council held on the 10th November, 1938 :—

[C.S.O. 136/38.]

[No. 25 :—2.11.38.—1.]

A BILL

INTITULED

An Ordinance to apply a sum not exceeding Twenty-nine million three hundred and twenty-seven thousand two hundred and ninety-four Dollars to the Public Service of the year 1939.

WHEREAS the expenditure required for the service of this Colony for the year 1939 has, apart from the contribution to the Imperial Government in aid of Military Expenditure and Charges on account of Public Debt, been estimated at the sum of Twenty-nine million three hundred and twenty-seven thousand two hundred and ninety-four Dollars :

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

Short title.

1. This Ordinance may be cited as the Appropriation for 1939 Ordinance, 1938.

Appropriation.

2. A sum not exceeding Twenty-nine million three hundred and twenty-seven thousand two hundred and ninety-four Dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the year 1939, and the said sum so charged may be expended as hereinafter specified, that is to say :—

EXPENDITURE.

|   |            |
|---|------------|
| His Excellency the Governor .....                 | \$ 174,801 |
| Colonial Secretary's Office and Legislature ..... | 557,221    |
| Audit Department .....                            | 122,868    |
| Botanical and Forestry Department .....           | 151,953    |
| Charitable Services .....                         | 458,264    |
| Volunteer Defence Corps .....                     | 177,491    |
| Naval Volunteer Force .....                       | 58,575     |
| Air Raid Precautions .....                        | 338,065    |
| District Office, North .....                      | 78,948     |
| District Office, South .....                      | 48,474     |
| Education Department .....                        | 2,336,865  |
| Fire Brigade .....                                | 324,307    |

Carried forward .....\$ 4,827,832

|                                       |              |
|---------------------------------------|--------------|
| <i>Brought forward</i> .....          | \$ 4,827,832 |
| Harbour Department .....              | 1,324,320    |
| Air Services .....                    | 101,357      |
| Imports and Exports Office .....      | 477,986      |
| Kowloon-Canton Railway .....          | 952,103      |
| Legal Departments .....               | 482,855      |
| Magistracy, Hong Kong .....           | 74,739       |
| Magistracy, Kowloon .....             | 55,704       |
| Medical Department .....              | 2,516,267    |
| Miscellaneous Services .....          | 1,633,393    |
| Pensions .....                        | 2,970,000    |
| Police Force .....                    | 3,441,851    |
| Post Office .....                     | 951,030      |
| Wireless .....                        | 412,651      |
| Broadcasting .....                    | 84,952       |
| Prisons Department .....              | 921,140      |
| Public Works Department .....         | 1,912,677    |
| Waterworks .....                      | 288,393      |
| Public Works (Recurrent) .....        | 1,300,600    |
| Waterworks (Recurrent) .....          | 967,907      |
| Royal Observatory .....               | 91,440       |
| Sanitary Department .....             | 1,148,034    |
| Secretariat for Chinese Affairs ..... | 125,653      |
| Stores Department .....               | 312,241      |
| Treasury, etc. ....                   | 263,934      |
| Public Works (Extraordinary) .....    | 1,688,235    |
|                                       | <hr/>        |
| TOTAL .....                           | \$29,327,294 |
|                                       | <hr/> <hr/>  |

[No. 19:—7.10.38.—1.]

A BILL

INTITULED

An Ordinance to amend the Land Registration Ordinance, 1844, and to confer certain powers on assistant land officers.

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 Land Registration Amendment Ordinance, 1938.

New section 25A for Ordinance No. 1 of 1844.

2. The Land Registration Ordinance, 1844, is amended by the insertion of the following section immediately after section 25 thereof:—

25A. Any assistant land officer acting in the place or on behalf of the Land Officer shall have the same duties and powers as are given by this or any other Ordinance to the Land Officer.

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*Objects and Reasons.*

In terms of the principal Ordinance certain documents are required to be signed and certain things are required to be done by the Land Officer. The principal Ordinance makes no reference to an assistant land officer. In the event of the illness or absence of the Land Officer difficulties thus arise. The object of this Bill is to remove these difficulties.

J. A. FRASER,  
*Attorney General.*

October, 1938.

A BILL

INTITULED

An Ordinance to amend the Pharmacy and Poisons Ordinance, 1937.

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 Pharmacy and Poisons Amendment Ordinance, 1938. Short title.

2. The Pharmacy and Poisons Ordinance, 1937, is amended by the insertion immediately after section 21, of the following section as section 21A thereof. New s. 21A for Ordinance No. 8 of 1937.

21A. It shall not be lawful for a person to have any poison included in Part I of the Poisons List in his possession unless— Possession of poison in Part I of Poisons List prohibited in certain cases.

(a) he is entitled under this Part of this Ordinance to sell the poison or is a wholesale dealer duly licensed under this Ordinance to sell poisons; or

(b) the poison has been duly sold or supplied (the proof whereof shall lie upon him) by an authorized seller of poisons in accordance with the provisions of this Ordinance and any regulations thereunder.

3. This Ordinance shall come into force on the first day of January, 1939. Commencement.

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*Objects and Reasons.*

1. Clause 2 of this Bill inserts a new section 21A in the principal Ordinance, making it an offence for a person to have possession of a poison included in Part I of the Poisons List unless he is entitled to sell the poison, or is a duly licensed wholesale dealer in poisons, or the poison has been duly sold or supplied to him by an authorized seller of poisons, and in the latter case, putting the burden of proof that the poison has been duly sold or supplied, upon the person charged.

2. The peculiar circumstances of this Colony, where the effective control of the importation of poisons would be difficult and costly, makes it necessary to implement the principal Ordinance by a provision of this kind.

3. Registered chemists and licensed wholesale dealers are obliged by law to keep records of sales and purchases, whereby the distribution and the ultimate destination of poisons can be traced. There is however, no such check upon the unregistered or unlicensed persons who import poisons for their own purposes.

4. It has been established that poisons are being imported and distributed in the Colony in a manner contrary to the interests of the general public. Proof that the existing law has been broken is difficult owing to the precautions taken by the persons concerned in the surreptitious distribution.

5. It is considered that the most effective way of preventing abuse is to make the mere possession of Part I poisons unlawful, unless the possessor comes within one of the exceptions in the new section 21A as enacted by this Bill.

J. A. FRASER,  
*Attorney General.*

*October, 1938.*

A BILL

INTITULED

An Ordinance to amend the Dollar Currency Notes Ordinance, 1935.

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 Dollar Currency Notes Amendment Ordinance, 1938. Short title.

2. Section 4 of the Dollar Currency Notes Ordinance 1935, is amended— Amendment  
of Ordinance  
No. 42 of  
1935, s. 4.

(a) by renumbering the said section as sub-section (1) thereof;

(b) by the addition of the following sub-sections:

“(2) All expenses incurred in the printing and delivery of currency notes and such other expenses as the Governor may deem necessary in connexion with the issue of such notes shall be charged to the note security fund.

(3) Interest or dividends received on any moneys deposited or invested on behalf of the note security fund shall be paid into the fund.

(4) If on the 31st day of December in any year the total moneys deposited on behalf of the fund and the market value of investments held to the credit of the fund together exceed the nominal value of the currency notes in circulation, the balance in excess of the nominal value of such notes shall be paid into the general revenues of the Colony.”

3. Anything heretofore done or omitted under the provisions of the principal Ordinance which would have been validly and properly done or omitted if the provisions of this Ordinance had been incorporated therein is hereby validated for all purposes. Validation  
of past  
acts.

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*Objects and Reasons.*

1. The fund established under section 4 of the Dollar Currency Notes Ordinance, No. 42 of 1935, has been credited with the amount of notes issued and interest earned by the fund, and debited with the cost of manufacture, freight and other expenses incidental to the issue of currency notes.

2. Clause 2 of this Bill adds three new sub-sections to section 4 of the principal Ordinance providing that the fund shall bear the expenses of note-issue and management, that interest earned by the fund shall be paid into the fund, and that on the 31st day of December in any year any surplus moneys in excess of the nominal value of currency notes in circulation shall be paid into the general revenues of the Colony.

3. Clause 3 of this Bill removes doubts as to the regularity of this practice in the past by validating such past acts as come within the scope of the present amendment.

J. A. FRASER,  
*Attorney General,*

*October, 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 :—

1. This Ordinance may be cited as the Registration of Persons (No. 2) Amendment Ordinance, 1938. Short title.

2. The Registration of Persons Ordinance, 1934, is amended— Amendment of Ordinance No. 3 of 1934 :

(a) by the insertion of the following heading immediately after section 1 thereof, namely, "PART I."; new heading; amendment of section 3 (1).

(b) by the insertion immediately after the word "specified" in the sixth line of section 3 (1) thereof of the words and figure: "in Form No. 1".

3. Section 4 of the Registration of Persons Ordinance, 1934, is amended—

(a) by the insertion of the following sub-section as sub-section (1A) immediately after sub-section (1) thereof—

(1A) Where an alien, other than an alien of Chinese race, is lodging with or living as a member of the household of any other person, or is living as an inmate of any hospital, nursing-home, school or other institution, it shall be the duty of that other person or of the person for the time being in charge of the institution to give within forty-eight hours of the arrival of such alien in his household or institution notice of the presence of the alien to the Commissioner of Police.

(b) by the repeal of the word "aforesaid" in the fourth line of sub-section (2) thereof and the substitution thereof of the words, "set out in sub-section (1)";

(c) by the insertion of the following sub-section as sub-section (3A) immediately after sub-section (3) thereof—

(3A) Every alien, other than an alien of Chinese race, shall furnish to the Commissioner of Police in addition to the particulars in sub-section (1) any information which may reasonably be required by the Commissioner of Police for the purpose of registering an alien or maintaining the correctness of the particulars entered in the register.

4. The Registration of Persons Ordinance, 1934, is amended by the insertion, immediately after section 5, of the following heading and sections, as Part II thereof: New Part II for Ordinance No. 3 of 1934.



PART II.

**Definition.** 6. In this Part, "British subject" means a male person of or over the age of eighteen years who is a British subject within the meaning of the British Nationality and Status of Aliens Act, 1914, and has not attained the age of fifty-five years.

4 & 5 Geo.  
5, c. 17.

**Exemptions.** 7.—(1) The following persons shall be exempt from the following provisions of this Part:—

- (a) persons of Chinese race;
- (b) members of His Majesty's regular naval, military or air forces and the Hong Kong Police Force.

(2) The Governor in Council may by notification in the Gazette exempt any person or member of a class of persons from the following provisions of this Part, and may revoke any such exemption.

Return of  
certain  
particulars  
to be made  
to Commis-  
sioner of  
Police.  
Schedule.  
Form No. 2.

8.—(1) Subject to the provisions of section 7, every British subject shall make and sign a return, to the best of his knowledge and belief correct, in Form No. 2 in the Schedule, of the information and particulars specified in the said form, and shall deliver the return to the Commissioner of Police.

(2) The return shall be so delivered—

(a) by a person who is in the Colony at the date of the commencement of this Ordinance, within two months thereafter;

(b) by a person who arrives in the Colony after the commencement of this Ordinance, within two months from the date of such arrival;

(c) by a person who ceases to be an exempted person within the meaning of section 7, within two months from the date on which the exemption ceased;

(d) by a person who, without making a return, leaves the Colony before the expiration of any period within which he is required by this section to make it, and afterwards returns to the Colony, within two months from the date of his last arrival in the Colony.

**Verification,  
etc., of  
returns.**

9. If in any case it appears to the Commissioner of Police that any return has not been duly made or that any return is incomplete or incorrect or requires verification, and that it cannot be made, completed, corrected or verified without the attendance of the person concerned, the Commissioner of Police may in his absolute discretion by a notice served on such person require his attendance at police headquarters, and every person whose attendance is so required shall attend at police headquarters on the date and at the time specified in the notice and answer truthfully to the best of his knowledge and belief such questions as may be addressed to him by a police officer for the purpose of making, completing, correcting or verifying the return.

Any notice referred to in this section may be addressed to any person at the place of residence shown in the return made by him, and served by post.

10. The Governor in Council may by notification in the Gazette direct that the provisions of sub-sections (2), (4) and (5) (b) of section 2 in Part I shall apply to and have effect in the case of British subjects and thereupon the said provisions shall apply to and have effect in the case of British subjects in all respects as they apply to and have effect in the case of aliens.

Applica-  
tion of  
section  
2 (2), (4)  
and (5)  
(b) to  
British  
subjects.

5. The Registration of Persons Ordinance, 1934, as amended by the Registration of Persons Amendment Ordinance, 1938, is further amended by renumbering sections 6, 7 and 7A thereof as sections 11, 12 and 13, and inserting the following heading immediately before section 11 as so renumbered: "Part III."

Amendment  
of Ordinance  
No. 3 of  
1934 as  
amended by  
No. 11 of  
1938 :  
new head-  
ing and  
renumbering  
of ss. 6, 7  
and 7A.

6. Sections 8 and 9 of the Registration of Persons Ordinance, 1934, are repealed.

Repeal of  
ss. 8 and  
9 of  
Ordinance  
No. 3 of  
1934.

7. The Schedule to the Registration of Persons Ordinance, 1934, is amended—

New  
Form  
No. 2 for  
Schedule  
to Ordinance  
No. 3 of  
1934.

(a) by the insertion at the beginning thereof of the heading: "Form No. 1.";

(b) by the addition of the following form :

FORM No. 2.

| Name. | Age. | Place and date of birth. | Married or single. | Place of residence. | Profession or occupation. | Naval, Military or Air Force Service. | Date of arrival in Colony if subsequent to (here insert date of Proclamation). |
|-------|------|--------------------------|--------------------|---------------------|---------------------------|---------------------------------------|--|
|       |      |                          |                    |                     |                           |                                       |  |

FULL PARTICULARS OF QUALIFICATIONS AND/OR COMPETENCY UNDER THE FOLLOWING SUB-HEADS:

1. *Aircraft*—
  - (a) Flying experience .....
  - (b) Types of machine flown .....
  - (c) Mechanical experience .....
2. *Electrical Engineering*—
  - (a) Qualifications and/or competency and/or experience .....
3. *Mechanical Engineering*—
  - (a) Qualifications and/or competency and/or experience .....

- 4. *Artificer*—
  - (a) Trade and competency and/or experience .....
- 5. *Marine, Stationary or Mobile Engines (including Automobiles)*—
  - (a) Type of engine .....
  - (b) Driving experience .....
  - (c) Mechanical knowledge .....
- 6. *Radio and Wireless*—
  - (a) Qualifications and/or competency and/or experience .....
- 7. Any other professional or business qualifications and/or experience .....

Signature .....

Date .....

*Note.*—Residents who have mechanical or technical knowledge but possess no professional qualifications will furnish the information under the appropriate sub-heads above.

Commence-  
ment.

8. This Ordinance shall come into force on such date as the Governor by proclamation may appoint.

*Objects and Reasons.*

1. The object of this Bill is to amend the Registration of Persons Ordinance, 1934, in order that, should necessity arise, particulars of flying, engineering, driving and other mechanical qualifications and experience may be obtained from persons who may from time to time be called upon to serve in the essential services or the defence forces of the Colony.

2. Clause 2 of the Bill amends the principal Ordinance by adding a new heading (PART I) to sections 1 to 5 and the words "in Form No. 1" to section 3 (1): the latter amendment is consequential on that in clause 7 of the Bill.

3. Clause 3 of the Bill adds two new sub-sections (1A) and (3A) to section 4 of the principal Ordinance, requiring a person with whom an alien, other than an alien of Chinese race, is lodging or living, or the person in charge of a hospital, nursing-home, school or other institution in which for the time being such alien is living, to give notice of the presence of the alien to the Commissioner of Police, and also requiring aliens to furnish to the Commissioner of Police such information as he may reasonably require in addition to the particulars in sub-section (1) for the purpose of registering the alien or maintaining the correctness of the particulars entered in the register. A consequential amendment is also made by this clause in section 4 (2).

4. Clause 4 of the Bill adds a new Part II comprising new sections, numbered consecutively 6 to 10, to the principal Ordinance.

5. Of these new sections, sections 6 and 7 set out the persons to whom Part II will apply, namely male British subjects between the ages of 18 and 55 years; section 7 provides for the exemption from the provisions of this Part of persons of Chinese race, members of the fighting and police services and such other persons as the Governor in Council may exempt.

6. New sections 8 and 9 provide for the making, verification and correction of returns in a specified form.

7. New section 10 provides that the Governor in Council may apply section 2, sub-sections (2), (4) and (5) (b), of the principal Ordinance (which require a report of change of address to be made at police headquarters) to persons required to register under Part II.

8. Clause 5 of the Bill renumbers sections 6, 7 and 7A of the principal Ordinance as amended by Ordinance No. 11 of 1938, as sections 11, 12 and 13 and clause 6 repeals sections 8 and 9 of the principal Ordinance.

9. Clause 7 of the Bill adds a new Form No. 2 in the Schedule to the principal Ordinance, setting out the information and particulars required to be furnished in accordance with Part II.

10. Clause 8 of the Bill provides that the amendment Ordinance shall come into force on such date as the Governor by proclamation may appoint.

J. A. FRASER,  
*Attorney General.*

*October, 1938.*

[No. 22 :—25.10.38.—1.]

A BILL

INTITULED

An Ordinance to amend the Police Force Ordinance, 1932,  
and the Peace Preservation Ordinance, 1886.

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 Police Force and  
Peace Preservation Amendment Ordinance, 1938.

Amendment  
of Ordinance  
No. 37 of  
1932,  
s. 2 (d).           **2.** Section 2 of the Police Force Ordinance, 1932, is  
amended by the insertion of the words “ death or ” after the  
words “ gratuity on ” in the second line of paragraph (d)  
thereof.

Amendment  
of Ordinance  
No. 37 of  
1932, s. 12  
(1) (a), (b)  
and (c) :  
New  
s. s. (6)  
added.           **3.** Section 12 of the Police Force Ordinance, 1932, is  
amended as follows :—

(1) by the insertion of the words “ and the civilian  
staff ” after the word “ force ” in each of paragraphs (a), (b)  
and (c) of sub-section (1) thereof ;

(2) by the addition of the following sub-section :—

(6) Save in so far as the provisions of the General  
Orders of the Hong Kong Government are modified by or  
are inconsistent with the provisions of this Ordinance or the  
regulations made by the Commissioner of Police under this  
section, such General Orders shall, as far as applicable,  
extend to all officers and members of the force and the  
civilian staff.

Amendment  
of Ordinance  
No. 37 of  
1932, s. 16.           **4.** Section 16 of the Police Force Ordinance, 1932, is  
amended—

(a) by renumbering the said section as sub-section (1)  
thereof ;

(b) by adding the following sub-section :—

(2) Subject to the approval of the Governor in each case,  
the Commissioner of Police may, pending any disciplinary or  
criminal proceedings against any subordinate officer, con-  
stable or member of the civilian staff whom he thinks guilty  
of insubordination, breach of discipline or misconduct, or  
remiss or negligent in the discharge of his duty or otherwise  
unfit for the same, suspend such officer, constable or member  
of the civilian staff from duty.

During any such period of suspension the officer, constable or member of the civilian staff may be paid such proportion of his salary, not being less than one half, as the Governor shall think fit: Provided that if the proceedings do not result in the dismissal or other punishment of the officer, constable or member of the civilian staff, he shall be entitled to the full amount of the emoluments which he would have received if he had not been suspended.

5. The Peace Preservation Ordinance, 1886, is amended by the repeal of the words "Whenever it appears to the Governor that any tumult or riot has taken place or may be reasonably apprehended, and that the ordinary officers appointed for preserving the peace are not sufficient therefor," in the first four lines thereof and the insertion of the words "at any time" immediately after the word "Governor" in the fourth line thereof.

Amendment  
of Ordinance  
No. 10 of  
1886, s. 2.

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*Objects and Reasons.*

1. Section 9 (1) of the Police Force Ordinance, No. 37 of 1932, provides that it shall be lawful for the Governor in Council to make regulations for granting pensions to members of the force, or in respect of service in the force.

2. Regulations have been made under this section providing for pensions to the widow and orphans of an officer who has been killed in the discharge of his duty, or who dies as a direct result of injuries received while on duty, or who dies of illness the contraction of which was specifically attributable to the nature of his duties, and also providing for the payment of gratuities to the representatives of an officer who, after completing five years' service, dies in the service.

3. Similar provision with regard to other civil servants is made in sections 16 and 18 of the Pensions Ordinance, No. 21 of 1932.

4. Doubts have arisen whether the definition of "Pension" in section 2 (d) of Ordinance No. 37 of 1932 as including "any allowance in the nature of a pension or any gratuity on retirement" is wide enough to cover payments made not on retirement but on the death of a serving officer.

5. The object of clause 2 of this Bill is to remove those doubts by inserting the words "death or" before the word "retirement" in the definition.

6. Clause 3 (1) of this Bill similarly removes a doubt as to the power of the Commissioner of Police to make regulations under section 12 of the Police Force Ordinance for the government, discipline, internal economy and daily routine of the civilian staff of the force, by adding the words "and the civilian staff" (already included in paragraph (d)) to paragraphs (a), (b) and (c) of sub-section (1) of that section.

7. It has hitherto been the practice to treat certain matters affecting the force and not dealt with by regulation under section 12 of the Police Force Ordinance as governed by the General Orders of the Hong Kong Government—for example, the leave and passages of senior officers, for which section 12 (1) (d) of the Police Force Ordinance makes no provision, although it does make such provision in the case of subordinate officers and others. Clause 3 (2) of this Bill gives effect to this practice by enacting that the General Orders of the Hong Kong Government shall apply, except in so far as they are modified by or inconsistent with the Police Force Ordinance or regulations, to all officers and members of the force and civilian staff.

8. Clause 4 of this Bill adds a new sub-section (2) to section 16 of the Police Force Ordinance giving the Commissioner of Police power, subject to the approval of the Governor in each case, to suspend subordinate officers, constables or members of the civilian staff pending any disciplinary or criminal proceedings, and provides for the payment of reduced salary in such cases. Similar provisions in respect of other civil servants are contained in the General Orders of the Hong Kong Government.

9. Clause 5 of this Bill repeals certain words in section 2 of the Peace Preservation Ordinance, 1886, restricting the power of appointment of special constables to occasions on which a tumult, riot or felony has taken place or is immediately apprehended, and substitutes a general power of appointment of special constables at any time upon the authorization of the Governor, thereby bringing the local law into line with the English law, as amended by the Special Constables Acts, 1914, (4 & 5 Geo. 5, c. 61) and 1923 (13 & 14 Geo. 5, c. 11).

J. A. FRASER,  
*Attorney General.*

*October, 1938.*