

HONGKONG.
ANNO TRICESIMO PRIMO
VICTORIÆ REGINÆ.

SIR RICHARD GRAVES MACDONNELL, Knight, C.B.,
Governor and Commander-in-Chief.

No. 10 OF 1867.

Title. *An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, for the better Prevention of Contagious Diseases.*

[23rd July, 1867.]

Preamble. Whereas it is expedient to make further Provisions calculated to prevent the spreading of certain Contagious Diseases: Be it therefore enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Preliminary.

- Short Title. I. This Ordinance may be cited as "The Contagious Diseases Ordinance, 1867."
- Interpretation of Terms. II. In this Ordinance:—
- "Contagious Disease." The Expression "Contagious Disease" means Venereal Disease including Gonorrhœa.
- "District." The Word "District" means a District of the City of Victoria as defined by "The Victoria Registration Ordinance, 1866."
- "Superintendent of Police." The Expression "Superintendent of Police" means the Captain Superintendent of Police appointed under Ordinance No. 9 of 1862.
- "Householder" and "Agent." The Words "Householder" and "Agent" mean a Householder and his accredited Agent as defined by "The Victoria Registration Ordinance, 1866."
- "Keeper of a Licensed Brothel." The Expression "Keeper of a Licensed Brothel" means the Registered Keeper thereof and any Person appointed by a Keeper to act as such Keeper during his absence.
- "Keeper of an Unlicensed Brothel." The Expression "Keeper of an Unlicensed Brothel" includes the Tenant of the House or part of the House, as the case may be, wherein the same shall be kept.
- "Inmate of a Licensed Brothel." The Expression "Inmate of a Licensed Brothel" means any female residing in such Brothel.
- Suspending Clause. III. This Ordinance shall not come into operation until Her Majesty's confirmation thereof shall have been proclaimed in this Colony by the Governor.
- Repeal of Ordinance No. 12 of 1857. IV. Ordinance No. 12 of 1857 is hereby repealed, but such repeal shall not affect the Validity or Invalidity of anything done or suffered before the commencement of this Ordinance and shall not apply to or in respect of any Offence, act or thing committed or done or omitted before the commencement of this Ordinance and every such Offence, act or thing shall after and notwithstanding the commencement of this Ordinance have the same consequences and effect in all respects as if this Ordinance had not been passed.

Registrar General.

Power of Registrar General. V. For the purposes of carrying into effect the provisions of this Ordinance the Registrar General shall in the first instance have exclusive Jurisdiction to hear and determine all matters except where otherwise specially provided and shall have full power to do in addition to the other duties imposed upon him hereby whatever a Police Magistrate is by any Ordinance of this Colony authorized to do.

Power of appeal to the two Magistrates. VI. It shall be lawful for any Person aggrieved or affected by any Order, Decision, or Proceeding of the Registrar General within the meaning of this Ordinance other than and except such proceedings as are authorized by so much thereof as is contained

between Sections XX and XXIV both inclusive, to appeal therefrom to the Two Magistrates the Decision of whom when sitting together shall be final and conclusive; Provided always that no such appeal shall lie unless within Three clear Days after the determination by the Registrar General of any matter in respect of which an appeal is hereby allowed application shall have been made to him to state and sign a case setting forth the facts of the matter and the ground of his determination; and upon every such appeal the Registrar General shall transmit the Depositions or Minutes of Evidence taken by him to the Two Magistrates who may take such further Evidence as they shall think fit.

Licensed Brothels.

VII. The Registrar General may grant to any Person whom he shall think fit a License to keep a Brothel in such District or other locality as the Governor in Council may from time to time appoint.

a Registrar General may grant Brothel Licenses.

VIII. No Licensed Brothel shall be kept in any House in which any Trade or Business is carried on nor in any House communicating by any Passage Door or otherwise with any House or Room in which any Trade or Business is carried on.

No Licensed Brothel to be kept in a House, &c., where any Trade is carried on.

IX. The Registrar General may at any time cancel or suspend a License.

Cancellation or Suspension of License.

X. A Register of Licensed Brothels shall be kept in the Office of the Registrar General who shall cause to be entered therein:—

A Register of Licensed Brothels to be kept.

(1.) The name and address of every Keeper of a Licensed Brothel.

(2.) The address of every House whereof the whole or any part shall be occupied or used as a Licensed Brothel.

(3.) The name and address of the Householder of every such House or of the tenant of every part of such House.

(4.) Any other particulars which the Registrar General may from time to time deem expedient to be entered in the said Register subject nevertheless to such Regulations as the Governor in Council may make.

XI. Every Keeper of a Licensed Brothel shall cause a List of the names and ages of the Inmates thereof in the English language and also in such other language as the Registrar General may direct to be affixed in some conspicuous place in such Brothel and shall cause the said List to be altered from time to time as occasion may require and shall furnish the Registrar General with a copy of such List and of all alterations made therein.

Keeper of Licensed Brothel to exhibit and to furnish to the Registrar General a List of Inmates.

XII. If any Person shall to the satisfaction of the Registrar General be proved to have been infected with a Contagious Disease, in any Licensed Brothel the Keeper thereof shall be liable to a Fine not exceeding \$200 and the Inmate thereof who shall have infected such Person as aforesaid shall be liable to Imprisonment for any Term not exceeding Six Months.

Penalty in case of any Person being infected in a Licensed Brothel.

XIII. If any Person shall to the satisfaction of the Registrar General be proved to have infected with a Contagious Disease the Inmate of any Licensed Brothel such Person shall be liable to a Fine not exceeding \$200 or to Imprisonment for any Term not exceeding Six Months.

Penalty in case of a Person infecting any Inmate of a Licensed Brothel.

XIV. If any Child being in the opinion of the Registrar General above Eight and under Fifteen Years of age be found in any Licensed Brothel the Keeper thereof shall be liable to a Fine not exceeding \$100 or to Imprisonment with or without Hard Labor for any Term not exceeding One Month for the first Offence, Three Months for the second Offence, and Six Months for the third or any subsequent Offence.

Penalty for allowing any Child under the age of 15 to be in a Licensed Brothel.

XV. Every Licensed Brothel shall be liable to be inspected at all times by the Registrar General, the Inspector of Hospitals, the Visiting Surgeons, the Superintendent of Police, and any Person who may be deputed by them respectively for the purpose of such inspection, and every Keeper of such Brothel and every other Person whomsoever who shall offer any obstacle or resistance to such inspection shall be liable to Imprisonment with or without Hard Labor for any Term not exceeding Six Months or to a Fine not exceeding \$200.

Inspection of Licensed Brothels.

Keeper of Licensed Brothel to reside therein and appoint Substitute during absence.

XVI. Every Keeper of a Licensed Brothel shall reside therein and shall not absent himself from the Colony without giving notice to the Registrar General and appointing some Person to act as Keeper thereof during his absence, and in every case where the Keeper of a Licensed Brothel shall fail to comply with the requirements of this Section, the License granted in respect of such Brothel shall become *ipso facto* void.

Recovery of Fines on Keeper of Registered Brothel.

XVII. The Provisions of Sections XVII, XVIII, and XIX of "The Victoria Registration Ordinance, 1866" shall apply to the recovery of any Fine imposed upon the Keeper of a Licensed Brothel.

Fees payable for a Brothel License.

XVIII. Every Keeper of a Licensed Brothel shall pay to the Registrar General the sum of \$4 a month during the continuance of such License or such other sum as may from time to time be fixed by the Governor in Council.

Unlicensed Brothels.

No Unlicensed Brothels to be kept.

XIX. From and after the passing of this Ordinance no Person shall keep a Brothel unless the same shall have been licensed and registered as hereinbefore in that behalf provided.

Power to enter or break into Houses suspected of being Unlicensed Brothels.

XX. Whenever the Registrar General or the Superintendent of Police shall have reason to suspect that any House or portion of a House is used as an Unlicensed Brothel it shall be lawful for them or either of them and for any Constables or other Persons deputed by them or either of them for the purpose at any time without warrant to enter and if necessary to break into such House or portion of a House and to take into custody any Person who shall appear, act, or behave himself as the Person having the care or management of such House or portion of a House so suspected as aforesaid and such Person shall be brought forthwith before the Registrar General who may as he shall think fit order such Person to be discharged from custody or may deal with him or her under the Provisions of Section XXI of Ordinance No. 8 of 1858.

Investigation by Registrar General as to suspected Brothel.

XXI. It shall be lawful for the Registrar General whenever he shall have reason to suspect that a House or a portion of a House is used as an Unlicensed Brothel to institute an Investigation with reference thereto and for such purpose or for the purpose of any appeal under Section XXIV to summon in writing before him the Householder or his Agent and any Tenant or Occupier of any portion of such House and all other Persons capable of giving Evidence in such matter and to examine them upon Oath touching the subject of such Investigation and any Person who shall neglect or refuse to appear before the Registrar General at the time and place specified in such summons or to answer all questions which may be put to him in the course of such examination shall be liable to a Fine not exceeding \$500 or to be Imprisoned with or without Hard Labor for any Term not exceeding Six Months and in the event of his giving false testimony in the course of such examination he shall be liable to be tried and punished for Perjury and for that purpose every such Investigation shall be deemed a Judicial Proceeding.

Notice of such Investigation.

XXII. The Registrar General shall give notice of such Investigation by advertisement in the *Gazette* and also to the parties interested in the Land whereon such House shall be situate so far as they can be ascertained by reference to the Records of the Land Office but the want of such notice shall not invalidate any Proceedings.

Declaration by Registrar General that a House or Part of a House is an Unlicensed Brothel.

XXIII. The Registrar General shall take notes of the Evidence given during such Investigation and if he shall be of opinion that such House or part of a House as aforesaid is an Unlicensed Brothel he shall declare the same to be such under his hand and seal of Office and a Notification of such Declaration shall be inserted in the *Gazette* as soon as practicable after the making thereof. A copy of the *Gazette* containing such Notification shall be conclusive evidence of such Declaration, and of the fact that such House or part of a House is an Unlicensed Brothel subject nevertheless to appeal as hereinafter provided.

Appeal from such Declaration to Judge of Court of Summary Jurisdiction.

XXIV. Any Person aggrieved or affected by any such Declaration may within Ten Days from the date of the Notification thereof in the *Gazette*, or at any time by leave of the Judge of the Court of Summary Jurisdiction appeal from the Decision of the Registrar General to the said Judge and the Registrar General shall upon notice of such appeal forthwith transmit to the said Judge the notes of the Evidence taken by him during such Investigation and upon which such Declaration shall have been made, and for the purposes of such appeal shall take and transmit in manner aforesaid such further evidence as the said Judge shall direct and the said Minutes and further evidence if any shall be laid before the said Judge who may confirm the said Declaration or may order in writing the same to be cancelled.

XXV. Any Person who shall appear, act, or behave himself as the Person having the Care or Management of any Unlicensed Brothel shall be deemed and taken to be the Keeper thereof and shall be liable to be punished as such notwithstanding he may not in fact be the Keeper thereof.

Who shall be deemed Keeper of an Unlicensed Brothel.

XXVI. Every Woman who shall reside in, frequent, or be found in an Unlicensed Brothel for the purposes of Prostitution shall upon proof thereof to the satisfaction of the Registrar General be liable to a Fine not exceeding \$50 or to Imprisonment for any Term not exceeding Two Months.

Penalty on Women residing in or frequenting Unlicensed Brothels for purposes of Prostitution.

XXVII. Every Keeper of an Unlicensed Brothel shall be liable for the first Offence to a Fine not exceeding \$100 or to Imprisonment with or without Hard Labor for a Term not exceeding Three Months, for the second Offence to a Fine not exceeding \$200 or to Imprisonment with or without Hard Labor for a Term not exceeding Six Months, and for a third and any subsequent Offence to a Fine not exceeding \$500 or to Imprisonment with or without Hard Labor for a Term not exceeding Twelve Months provided always that it shall be lawful for the Registrar General to punish such Offender both by Fine and Imprisonment if he shall think fit.

Penalty for Keeping Unlicensed Brothel.

XXVIII. Whenever any House or part of a House shall have been twice declared by the Registrar General to be an Unlicensed Brothel it shall be lawful for him by Warrant under his hand to remove all the Inmates of such House or part of a House as the case may be and to close up the same and such House or part of a House shall not be re-inhabited unless the Registrar General shall be satisfied that the same will be occupied in a proper and legal manner and not as an Unlicensed Brothel, or unless the Governor shall otherwise direct and permit; and every Person knowingly re-inhabiting any House or part of a House so closed up as aforesaid without the Permission of the Governor or of the Registrar General shall be liable to a Fine not exceeding \$200 or to Imprisonment with or without Hard Labor for any Term not exceeding Six Months.

Premises twice declared to be used as an Unlicensed Brothel may be closed up.

XXIX. Nothing herein contained shall as regards Unlicensed Brothels affect any other remedies applicable by the Laws in force in the Colony for the time being for the Suppression thereof.

Saving of other Remedies.

Outdoor Prostitution.

XXX. Every Woman who shall be found in any Street, Road, Matshed, or other Place within One Mile of any District for the purposes of Prostitution shall be liable to a Penalty not exceeding \$25, or to be Imprisoned for any Term not exceeding Three Months with or without Hard Labor.

Woman found in Street, &c. for purposes of Prostitution liable to Fine and Imprisonment.

XXXI. Every Woman who shall be found on board of any Junk, Boat, Sampan, or Craft of any kind or description within Colonial Waters, for the purposes of Prostitution shall be liable to a Penalty not exceeding \$25, or to be Imprisoned for any Term not exceeding Three Months with or without Hard Labor.

Woman found on board any Junk, &c. for purposes of Prostitution liable to Fine and Imprisonment.

XXXII. Every Person apparently in charge of any Junk, Boat, Sampan, or Craft when any Woman shall be found therein for the purposes of Prostitution shall be liable to the same Penalties as in the last preceding Section mentioned and in addition thereto such Junk, Boat, Sampan, or Craft, may on proof of any Woman having been found therein for the purposes aforesaid be forfeited to the Crown.

Person in charge of Junk, &c. in which Woman found for purposes of Prostitution liable to Fine and Imprisonment, and Junk, &c. to forfeiture.

XXXIII. It shall be lawful for any Constable belonging to the Police Force to take into Custody without Warrant any Person in any manner offending against the Three last preceding Sections and to seize, detain and take possession of any Junk, Boat, Sampan, or Craft in which any Woman shall be found for the purposes aforesaid.

Constable authorized to arrest without Warrant Persons found offending and to seize Junk, &c.

Inspector of Hospitals and Surgeons.

XXXIV. An Inspector of Hospitals and Visiting Surgeons shall be appointed whose respective duties shall from time to time be defined by the Governor. Until the Governor shall otherwise direct and during any vacancy the Colonial Surgeon shall be Inspector of Hospitals.

Appointment of Inspector of Hospitals and Visiting Surgeons.

Hospitals.

XXXV. The Governor may from time to time provide any Buildings or parts of Buildings as Hospitals for the purposes of this Ordinance and the fact of such Buildings or parts of Buildings being so provided shall be notified in the *Gazette*. A copy of the *Gazette* containing any such Notification shall be conclusive evidence thereof.

Power to Govern provide Hosp^l

Superintendent of Hospital.

XXXVI. A Superintendent shall be appointed for each Hospital who shall have the control and management thereof, subject nevertheless to the directions of the Inspector of Hospitals and to any Regulations made and approved under this Ordinance in respect thereof.

Power to make Regulations for Hospitals.

XXXVII. The Inspector of Hospitals shall make Regulations for the management and government of every Hospital as far as regards women authorized by this Ordinance to be detained therein for Medical Treatment or being therein under Medical Treatment for a Contagious Disease such Regulations not being inconsistent with the Provisions of this Ordinance and may from time to time alter any such Regulations; but all such Regulations and all Alterations thereof shall be subject to the approval in writing of the Governor in Council.

Evidence of Regulations.

XXXVIII. A printed copy of Regulations purporting to be Regulations of a Hospital so approved such copy being signed by the Inspector of Hospitals shall be evidence of the Regulations of the Hospital and of the due making and approval thereof for the purposes of this Ordinance.

Care and treatment of Women detained in Hospital.

XXXIX. Every woman detained in a Hospital shall during the period of such detention be carefully provided for and furnished free of expense to her with lodging, clothing, and food.

Expenses of treatment of Women in Hospitals.

XL. The expenses which may be incurred in or about the treatment of any Prostitute detained in a Hospital as specified in the last preceding Section shall be a Debt due to the Crown and payable by the Keeper of the Brothel or by the Keeper or Person apparently in charge of the House wherein such Person may have been residing. The same in case of non-payment may be sued for and recovered from such Keeper or Person by the Registrar General, or other duly authorized Officer, subject nevertheless to the Provisions in the next Section contained.

Amount to be certified by Visiting Surgeon.

XLI. No Keeper of a Licensed Brothel shall be liable to such payment unless the amount thereof shall have been certified under the hand of the Visiting Surgeon to be in accordance with a scale of charges to be from time to time fixed by the Inspector of Hospitals with the approval of the Governor and such Certificate shall be evidence of the due making and approval of such scale of charges for the purposes of this Ordinance, and of all other facts therein certified.

In case of non payment License to become void and amount recoverable from Householder.

XLII. In case the Keeper of a Licensed Brothel shall refuse or neglect to pay to the Registrar General the amount due to the Crown and payable by him in respect of such expenses as aforesaid within Three Days after the service upon him of a notice in that behalf or within such further period as the Registrar General may allow the License granted to such Keeper in respect of such Brothel shall from the expiration of the said Three Days or such further period as aforesaid be suspended until such payment shall have been made or recovered, and the Provisions of Section XVII as to the Recovery of Fines shall be applicable to the Recovery of the said amount.

Medical Examination.

Inmates of Licensed Brothels at all times liable to Medical Examination.

XLIII. Every Inmate of a Licensed Brothel shall be liable at all times to Medical Examination by a Visiting Surgeon in such Brothel or at such Hospital as he shall direct.

On Information the Registrar General may issue Notice to Common Prostitute.

XLIV. Where an Information on Oath is laid before the Registrar General by the Superintendent or an Inspector of Police charging to the Effect that the Informant has good cause to believe that a woman therein named is a common Prostitute, and is resident within a District of Victoria or if not being so resident has within Fourteen Days before the laying of the Information been within a District of Victoria or within the Harbor thereof for the purpose of Prostitution the Registrar General may if he thinks fit issue a notice thereof addressed to such woman which notice the Superintendent or Inspector of Police shall cause to be served on her.

Power to Registrar General to order periodical Medical Examination.

XLV. In either of the following cases namely:—

1st. If the woman on whom such a notice is served appears herself or by some Person on her behalf at the time and place appointed in the notice or at some other time and place appointed by adjournment;

2nd. If she does not appear and it is shown to the satisfaction of the Registrar General that the notice was served on her a reasonable time before the time appointed for her appearance or that reasonable notice of such adjournment was given to her (as the case may be);

the Registrar General on Oath being made before him substantiating the matter of the Information to his satisfaction may if he think fit order that the woman be subject to a periodical Medical Examination by a Visiting Surgeon for any period not exceeding One Year for the purpose of ascertaining at the time of each such examination whether she is affected with a Contagious Disease and thereupon she shall be subject to such a periodical Medical Examination and the order shall be a sufficient warrant for a Visiting Surgeon to conduct such Examination accordingly.

The Order shall specify the time and place at which the woman shall attend for the first examination.

The Superintendent of Police shall cause a copy of the order to be served on the woman.

XLVI. The Governor in Council may from time to time make Regulations Power to make Regulations as to Medical Examinations. respecting the times and places of Medical Examinations under this Ordinance, and generally respecting the arrangements for the conduct of those Examinations; and a copy of all such Regulations from time to time in force shall be sent to the Registrar General, the Inspector of Hospitals, the Visiting Surgeons, and the Superintendent of Police.

XLVII. The Visiting Surgeon having regard to the Regulations aforesaid and to Visiting Surgeon to prescribe times, &c. the circumstances of each case shall at the first examination of each woman examined by him and afterwards from time to time as occasion requires prescribe the times and places at which she is required to attend again for Examination and he shall from time to time give or cause to be given to each such woman notice of the times and places so prescribed.

XLVIII. Any woman may voluntarily by a submission in writing signed by her Voluntary Submission by Woman. in the presence of and attested by the Registrar General subject herself to a periodical Medical Examination under this Ordinance for any period not exceeding One Year.

Detention in Hospital.

XLIX. If on any Medical Examination under this Ordinance the woman Certificate of Visiting Surgeon. examined is found to be affected with a Contagious Disease she shall thereupon be liable to be detained in a Hospital subject and according to the Provisions of this Ordinance and a Visiting Surgeon shall sign a Certificate to the Effect that she is affected with a Contagious Disease naming the Hospital in which she is to be placed. Such Certificate shall be sent to the Registrar General and the woman shall be detained in such Hospital until discharged therefrom as in the next succeeding Section mentioned or under the Provisions of Section LI of this Ordinance.

L. Where a woman certified by a Visiting Surgeon to be affected with a Detention in Hospital. Contagious Disease is placed as aforesaid in a Hospital for Medical Treatment she shall be detained there for the purpose by a Visiting Surgeon until discharged by him by writing under his hand.

The Certificate of a Visiting Surgeon shall be sufficient authority for such Detention.

LI. The Inspector of Hospitals may if in any case it seems to him expedient by Power to transfer to another Certified Hospital. Order in writing signed by him direct the Transfer of any woman detained in a Hospital for Medical Treatment from that Hospital to another named in the Order.

Every such Order shall be sent to the Registrar General and shall also be sufficient authority for the Superintendent of Police or any Person acting under his Order to transfer the woman to whom it relates from the one Hospital to the other and to place her there for Medical Treatment and she shall be detained there for that purpose by the Visiting Surgeon until discharged by him by writing under his hand.

The Order of the Inspector of Hospitals shall be sufficient authority for such Detention.

LII. Provided always that no woman shall be detained under any one Certificate Limitation of Detention. for a longer time than Three Months unless the Visiting Surgeon certify that her further Detention for Medical Treatment is requisite in which case she may be further detained in the Hospital in which she is at the expiration of the said Period of Three Months by the Visiting Surgeon until discharged by him by writing under his hand.

LIII. If any woman detained in any Hospital considers herself entitled to be Power to apply for discharge. discharged there from and the Visiting Surgeon refuses to discharge her such woman

shall on her request be conveyed before the Registrar General and he shall if satisfied upon Medical Examination that she is free from a Contagious Disease discharge her from such Hospital and such Order of Discharge shall have the same effect as the Discharge of the Visiting Surgeon.

Refusal to be Examined, &c.

Penalty for refusal to be examined, &c.

LIV. In the following cases, namely :—

(1.) If any woman who is the Inmate of a Licensed Brothel or who is subjected by Order of the Registrar General under this Ordinance to periodical Medical Examination at any time, temporarily absents herself in order to avoid submitting herself to such Examination on any occasion on which she ought so to submit herself or refuses or wilfully neglects to submit herself to such Examination on any such occasion;

(2.) If any woman authorized by this Ordinance to be detained in a Hospital for Medical Treatment quits the Hospital without being discharged therefrom by the Visiting Surgeon by writing under his hand (the Proof whereof shall lie on the accused);

(3.) If any woman authorized by this Ordinance to be detained in a Hospital for Medical Treatment or any woman being in a Hospital under Medical Treatment for a Contagious Disease refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof made and approved under this Ordinance;

then and in every such case such woman shall be guilty of an Offence against this Ordinance and on summary conviction shall be liable to Imprisonment with or without Hard Labor in the case of a first Offence for any term not exceeding One Month, and in a case of a second or any subsequent Offence for any term not exceeding Three Months and in case of the Offence of quitting the Hospital without being discharged as aforesaid the woman may be taken into Custody without Warrant by any Constable.

Effect of Order of Imprisonment for absence, &c., from Examination.

L.V. If any woman is convicted of and Imprisoned for the Offence of absenting herself or of refusing or neglecting to submit herself to Examination as aforesaid the Order subjecting her to periodical Medical Examination shall be in force after and notwithstanding her Imprisonment unless a Visiting Surgeon appointed under this Ordinance at the time of her discharge from Imprisonment certifies in writing to the Effect that she is then free from a Contagious Disease (the Proof of which Certificate shall lie on her) and in that case the Order subjecting her to periodical Medical Examination shall on her Discharge from Imprisonment cease to operate.

Effect of Order of Imprisonment for quitting Hospital, &c.

L.VI. If any woman is convicted of and Imprisoned for the Offence of Quitting a Hospital without being discharged or of refusing or neglecting while in a Hospital to conform to the Regulations thereof as aforesaid the Certificate of the Visiting Surgeon under which she was detained in the Hospital shall continue in force and on the expiration of her term of Imprisonment she shall be sent back from the Prison to that Hospital and shall (notwithstanding anything in this Ordinance) be detained there under that Certificate as if it were given on the day of the expiration of her term of Imprisonment unless a Visiting Surgeon appointed under this Ordinance at the time of her Discharge from Imprisonment certifies in writing to the Effect that she is then free from a Contagious Disease (the Proof of which Certificate shall lie on her) and in that case the Certificate under which she was detained and the Order subjecting her to periodical Medical Examination shall on her Discharge from Imprisonment cease to operate.

Penalty on Woman discharged uncured conducting herself as a Prostitute.

L.VII. If on any woman leaving a Hospital a Notice is given to her by the Visiting Surgeon to the Effect that she is still affected with a Contagious Disease and she is afterwards in any place for the purpose of Prostitution without having previously received from one of the Visiting Surgeons appointed under this Ordinance a Certificate in writing (Proof of which Certificate shall lie on her) to the Effect that she is then free from a Contagious Disease she shall be guilty of an Offence against this Ordinance and on summary conviction before the Registrar General shall be liable to be Imprisoned with or without Hard Labor in the case of a first Offence for any term not exceeding One Month and in the case of a second or any subsequent Offence for any term not exceeding Three Months.

Duration of Order.

LVIII. Every Order under this Ordinance subjecting a woman to periodical Medical Examination shall be in operation and enforceable in manner in this Ordinance provided so long as and whenever from time to time the woman to whom it relates is within the Colony but not in any case for a longer Period than One Year and where the Visiting Surgeon on the Discharge by him of any woman from the Hospital certifies that she is free from a Contagious Disease (Proof of which Certificate shall lie on her) the Order subjecting her to periodical Medical Examination shall thereupon cease to operate.

Relief from Examination.

LIX. If any woman subjected to a periodical Medical Examination under this Ordinance (either on her own submission or under the Order of the Registrar General) desiring to be relieved therefrom and not being under detention in a Hospital makes application in writing in that behalf to the Registrar General he shall appoint by notice in writing a time and place for the hearing of the application and shall cause the notice to be delivered to the applicant and a copy of the application and of the notice to be delivered to the Superintendent of Police.

LX. If on the hearing of the application it is shown to the satisfaction of the Registrar General that the applicant has ceased to be a common Prostitute or if the applicant with the approval of the Registrar General enters into a Recognizance with or without Sureties as to the Registrar General seems meet for her good Behaviour during Three Months thereafter the Registrar General shall order that she be relieved from periodical Medical Examination.

LXI. Every such Recognizance shall be deemed to be forfeited if at any time during the term for which it is entered into the woman to whom it relates is in any public thoroughfare Street or Place or in any Junk, Boat, Sampan or Craft for the purpose of Prostitution or otherwise conducts herself as a common Prostitute.

Penalties for Harboring.

LXII. If any Person being the Occupier of any House, Room or Place or being a Manager or Assistant in the management thereof having reasonable cause to believe any woman to be a common Prostitute and to be affected with a Contagious Disease induces or suffers her to resort to or be in that House, Room or Place for the purpose of Prostitution he shall be guilty of an Offence against this Ordinance and on summary Conviction thereof before the Registrar General shall be liable to a penalty not exceeding \$100 or at the discretion of the Registrar General to be Imprisoned for any term not exceeding Six Months with or without Hard Labor.

Seamen and Boarding Houses for Seamen.

LXIII. Every Keeper of a Licensed Boarding House for Seamen shall furnish to the Harbor Master, once in every Week, a List of Seamen then resident in his House, and shall report in such List as to the state of Health of each Seaman so far as he may be able to ascertain the same; and every Seaman who may be reported or may be otherwise discovered to be affected with a Contagious Disease, shall be removed by Warrant under the Hand of the Harbor Master to a Hospital, where he shall be kept until he be, by the Visiting Surgeon thereof, discharged as cured, and shall have obtained from such Visiting Surgeon a Certificate of his having been so discharged which Certificate he shall produce and shew to the Harbor Master when required so to do; and the Expenses which may be incurred in and about the Maintenance and Treatment of any such Seaman in such Hospital, shall be a Debt due to the Crown, and shall be paid by such Seaman; or, in Case of the Keeper of the Boarding House in which such Seaman shall have resided before his removal to Hospital not having reported, or having made a false Report as to the state of Health of such Seaman, then such Expenses shall be paid by such Boarding House Keeper, in case it shall appear to, and be certified by, the Visiting Surgeon of the Hospital to which such Seaman may be removed, that the Disease with which he may be affected is of such a Nature as that the Keeper of the Boarding House could, with ordinary and reasonable Observation, have ascertained its Existence; and in all Cases such Expenses shall in case of non-payment be sued for and recovered by the Harbor Master on behalf of the Hospital.

Penalty for offering any Obstruction to removal to Hospital.

LXIV. If any Seaman affected with a Contagious Disease, and reported so to be by the Keeper of the Boarding House in which such Seaman may be residing, shall refuse or offer any Hindrance or Obstruction to his Removal to a Hospital; or, having been removed to a Hospital, shall attempt to leave the same before he shall be properly discharged cured; or having been discharged cured, shall refuse to produce his Certificate of Discharge when required by the Harbor Master authorized to demand the same; or being affected with a Contagious Disease, shall neglect or refuse to inform the Keeper of the Boarding House in which he may be residing,—then, and in every such Case, such Seaman so offending shall be liable to be brought before the Harbor Master and subjected to a Fine not exceeding Twenty-five Dollars, or to Imprisonment, with or without Hard Labor, for any Term not exceeding One Month.

Masters of Ships before shipping Seamen may require them to undergo Medical inspection.

LXV. The Master of any Merchant Ship, before shipping any Seaman, may require that such Seaman shall be inspected by the Colonial Surgeon by notice in writing to that effect addressed to the Harbor Master or a Visiting Surgeon appointed in pursuance of this Ordinance and the Colonial Surgeon or such Visiting Surgeon upon such Inspection is to give a Certificate under his Hand as to the State of Health of such Seaman, which Certificate such Seaman is to produce and show to the Master of the Ship in which he may be about to serve; and for every such Certificate there shall be paid the Fee of Fifty Cents, to be paid by the Master or Agent of the Ship in case such Seaman should prove to be in sound Health, and by the Seaman himself or the Boarding House Keeper with whom he shall be residing in case he shall prove to be affected with any Contagious Disease; such Fee to be received by the Harbor Master, and in case of non-payment to be sued for and recovered by him, and paid into the Colonial Treasury for the Purposes of this Ordinance.

Expenses of Execution of Ordinance.

Fines and Fees levied and collected to form a General Fund.

LXVI. All Fines imposed and levied for Offences against this Ordinance and all Fees and payments collected under the Provisions thereof shall be appropriated to the formation of a General Fund for the purposes of this Ordinance.

Appointment of Officers, Bye-Laws, Regulations, &c.

Power to Governor to appoint all Officers.

LXVII. The Governor shall from time to time appoint all Officers employed in carrying out the Provisions of this Ordinance and the Duties and Salaries of all such Officers shall be regulated from time to time by the Governor in Council.

Power to Governor in Council to make Bye-Laws.

LXVIII. The Governor in Council may from time to time make such Regulations and Bye-Laws as may be deemed necessary for carrying into Effect the Provisions of this Ordinance and for the control of Licensed Brothels.

Bye-Laws to take effect Seven Days after Publication in Gazette.

LXIX. No such Regulations or Bye-Laws shall take effect until Seven Days after the Publication thereof in the *Gazette*, and a copy of the *Gazette* containing such Publication shall be conclusive Evidence of such Regulations or Bye-Laws.

Procedure.

Place of Proceeding before Registrar General to be fixed by Governor and shall not be in open Court unless by desire of party affected.

LXX. The Place in which the Registrar General shall sit in discharge of his duties shall be such place as may from time to time, be appointed for that purpose by the Governor, and the Place in which any Proceeding under this Ordinance before the Registrar General or on appeal shall take place, shall not, unless the Person accused or affected by such Proceeding so desires, be deemed an open Court and unless such Person otherwise desires the Registrar General, the Magistrates, or the Judge of the Court of Summary Jurisdiction as the case may be, may order that no Person have access to or be or remain in that Place without permission.

Every offence against this Ordinance a Misdemeanor.

LXXI. Every Person violating the Provisions of this Ordinance or of any Regulation or Bye-Law made in pursuance thereof shall be guilty of a Misdemeanor and except where otherwise provided by this Ordinance or by any Regulations or Bye-Laws made as aforesaid shall be liable on Summary Conviction before the Registrar General to a Fine not exceeding \$200 or to Imprisonment with or without Hard Labor for any Term not exceeding Six Months.

Forms in Schedule may be used.

LXXII. The Forms of Certificates, Orders and other Instruments given in the Schedule to this Ordinance or Forms to the like effect with such variations and additions as circumstances require may be used for the purposes therein indicated and according to the directions therein contained and Instruments in those forms shall (as regards the Form thereof) be valid and sufficient.

LXXIII. In any Proceeding under this Ordinance every Notice, Order, Certificate, Copy of Regulations, or other Instrument shall be presumed to have been duly signed by the Person and in the Character by whom and in which it purports to be signed until the contrary is shown. Presumption in favor of authenticity of Signatures, &c.

LXXIV. Every Notice, Order, or other Instrument by this Ordinance required to be served on a woman shall be served by Delivery thereof to some Person for her at her usual Place of abode or by Delivery thereof to her personally. Mode of Service.

LXXV. For the purpose of regulating appeals under this Ordinance, the Judge of the Court of Summary Jurisdiction and the Magistrates respectively shall frame Rules, Orders and Forms, and may from time to time amend such Rules, Orders or Forms, and such Rules, Orders and Forms or amended Rules, Orders or Forms certified under the hand of the said Judge or under the hands of the said Magistrates as the case may be shall be submitted to the Legislative Council who may allow, disallow or alter the same. Judge, &c., to frame Rules for regulating Appeals.

LXXVI. Any Action, Complaint or Prosecution against any Person for anything done in pursuance or execution or intended execution of this Ordinance or of any Regulations or Bye-Laws made in pursuance thereof shall be commenced within Three Months after the thing done and not otherwise. Limitation of Actions, &c.

Notice in writing of every such Action or Complaint and of the cause thereof shall be given to the intended Defendant One Month at least before the commencement of the Action or Complaint.

In any such Action or Complaint the Defendant may plead generally or set up by way of Special Defence that the Act complained of was done in pursuance or execution or intended execution of this Ordinance or of any such Regulation or Bye-Law as aforesaid and give this Ordinance and such Regulation or Bye-Law and the special matter in Evidence at any trial to be had thereupon.

The Plaintiff shall not recover if Tender of sufficient amends is made before Action or Complaint brought or if after Action or Complaint brought a sufficient Sum of Money is paid into Court by or on behalf of the Defendant.

If a Verdict passes or Decree is given for the Defendant or the Plaintiff becomes nonsuit or discontinues the action after Issue joined or if on Demurrer or otherwise Judgment is given against the Plaintiff, the Defendant shall recover his full Costs and shall have the like remedy for the same as any Defendant has by Law for Costs in other Cases.

Though a Verdict or Decree is given for the Plaintiff he shall not have costs against the Defendant unless the Judge before whom the Trial is had certifies his approbation of the action or Complaint.

Passed the Legislative Council of Hongkong, this 23rd Day of July, 1867.

L. D'ALMADA E CASTRO,
Clerk of Councils.

SCHEDULES.

(A.)

(*Gazette Notice of Appointments.*)

“THE CONTAGIOUS DISEASES ORDINANCE, 1867.”

His Excellency the Governor has been pleased to appoint [] to be [] under the above mentioned Ordinance.

By Order,

Colonial Secretary.

Colonial Secretary's Office, Hongkong, [date].

(B.)

(Notification of Hospital.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

In pursuance of the above mentioned Ordinance it is hereby notified that His Excellency the Governor has provided the following Building (or part of a Building) namely [*here describe the same generally*] as a Hospital for the purposes of this Ordinance.

By Order,

Colonial Secretary's Office, Hongkong, [date].

Colonial Secretary.

(C.)

(Information.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

Hongkong } The Information of [_____] Superintendent [or Inspector] of Police taken
to wit. } this _____ Day of _____ 18 _____ before the undersigned who says he has good
cause to believe that [_____] is a Common Prostitute and (is resident within
a District of Victoria that is to say [*state address*]) (or "was within 14 days before the laying of this
Information within a District of Victoria or within the Harbor thereof for the purpose of Prostitution.")

Taken and sworn before me the Day and Year first above mentioned.

(Signed)

Registrar General.

(D.)

(Notice for attendance of Woman.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

To *A.B.* of

Take notice that an Information a Copy whereof is subjoined hereto has been laid before me and that in accordance with the provisions of the above mentioned Ordinance the Truth of the Statements therein contained will be inquired into before me at

on the _____ Day of _____ 18 _____ at _____ o'clock in the _____ noon.

You are therefore to appear before me at that Place and Time and to answer to what is stated in the said Information.

You may appear yourself or by any Person on your Behalf.

If you do not appear you may be ordered without further Notice to be subject to a periodical Medical Examination by the Visiting Surgeon under the said Ordinance.

If you prefer it, you may by a Submission in writing signed by you in my presence and attested by me subject yourself to such a periodical Examination.

If you do so before the Time above appointed for your appearance it will not be necessary for you to appear before me

Dated this _____ Day of _____ 18 _____

(Signed)

Registrar General.

(Subjoin Copy of Information.)

(E.)

(Order subjecting Women to Examination.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

Hongkong } Be it remembered, that on the _____ Day of _____
to wit. } in pursuance of the above mentioned Ordinance, I, [_____] do order that *A.B.*, of _____,
be subject to a periodical Medical Examination by the Visiting Surgeon for _____
Months from this Day, for the Purpose of ascertaining at the Time of each such Examination whether
she is affected with a Contagious Disease within the Meaning of the said Ordinance, and that she do attend
for the First Examination at _____ on the _____ Day of _____ at _____ o'clock in
the _____ noon.

(Signed)

Registrar General.

(F.)

(Voluntary Submission to Examination.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

I, *A.B.* of _____, in pursuance of the above mentioned Ordinance, by this Submission, voluntarily subject myself to a periodical Medical Examination by a Visiting Surgeon for _____ Months from the Date hereof.

Dated this _____ Day of _____ 18 . (Signed,) *A.B.*

Witness,
X.Y.,
Registrar General.

(G.)

(Notice by Visiting Surgeon to Woman of Times, &c., of Examination.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

To *A.B.* of _____

Take Notice, that in pursuance of the above mentioned Ordinance, you are required to attend for Medical Examination as follows:

[Here state Times and Places of Examination.]

Dated this _____ Day of _____ 18 . (Signed,) *E.F.,*
Visiting Surgeon.

(H.)

(Certificate of Visiting Surgeon.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

In pursuance of the above mentioned Ordinance, I hereby certify that I have this Day examined *A.B.* of _____, and that she is affected with a Contagious Disease within the Meaning of that Ordinance; and the Hospital in which she is to be placed under the said Ordinance is the _____

Dated this _____ Day of _____ 18 . (Signed,) *E.F.,*
Visiting Surgeon.

(J.)

(Order by Inspector of Hospitals for Transfer.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

By virtue of the Power in this Behalf vested in me by the above mentioned Ordinance, I hereby order that *A.B.* of _____, now detained under that Ordinance in the Hospital of _____ for Medical Treatment, be transferred thence to the Hospital of _____

Dated this _____ Day of _____ 18 . (Signed,) *M.N.,*
Inspector of Hospitals.

(K.)

(Certificate for Detention beyond Three Months.)

"THE CONTAGIOUS DISEASES ORDINANCE, 1867."

I, the undersigned, hereby certify that the further Detention for Medical Treatment of *A.B.* of _____, now an Inmate of this Hospital, is requisite.

Dated this _____ Day of _____ 18 , at the _____ Hospital. (Signed,) *M.N.,*
Visiting Surgeon.

(Q.)

(Notification in Gazette that a House is declared an Unlicensed Brothel.)

“THE CONTAGIOUS DISEASES ORDINANCE, 1867.”

It is hereby notified that the House [or part of a House] hereinafter mentioned that is to say [describe the same] was on the Day of 18, pursuant to Section XXIII of the above Ordinance, declared by me under my Hand and Seal of Office to be an Unlicensed Brothel.

Registrar General.

(R.)

(Certificate of Hospital Charges.)

“THE CONTAGIOUS DISEASES ORDINANCE, 1867.”

In pursuance of the above mentioned Ordinance, I do hereby certify that of Licensed Brothel No. _____ has been an Inmate of Certified Hospital of [_____] from the Day of _____ to the Day of _____ and that the charges hereto marked A. are in accordance with the scale of charges fixed by me with the approval of His Excellency the Governor pursuant to Section XLI of the above mentioned Ordinance.

Dated this Day of 18

Inspector of Hospitals.

HONGKONG.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

SIR RICHARD GRAVES MACDONNELL, Knight, C.B.,
Governor and Commander-in-Chief.

No. 11 OF 1867.

An Ordinance enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, to amend “The Police and Lighting Rate Ordinance, 1863.”

Title.

[23rd July, 1867.]

Whereas it is expedient to amend “The Police and Lighting Rate Ordinance, 1863” and to make better Provision for the Collection of the Rates, the Recovery of Arrears thereof, and other incidental Matters: Be it therefore enacted by the Governor of Hongkong, with the Advice of the Legislative Council thereof, as follows:—

Preamble.

I. “This Ordinance may be cited as “The Police and Lighting Rate Amendment Ordinance, 1867.”

Short Title.

II. Sections XIV, XV and XVI of “The Police and Lighting Rate Ordinance, 1863” shall be and the same hereby are repealed.

Sections XIV, XV and XVI of “The Police and Lighting Rate Ordinance, 1863,” repealed.

III. From and after the Commencement of this Ordinance the Police, Lighting and Water Rates though separately assessed shall be levied as One Tax, for the Payment of which, the Owners and Occupiers of Tenements shall be liable to the Crown but the same shall be deemed an Occupier’s Tax, and, as between the Owner and Occupier of a Tenement shall in the absence of any Agreement to the contrary be borne by the Occupier, and the amount thereof if paid by the Owner may be recovered by him from the Occupier in an action for money paid to his use or, in case he shall still be in Occupation of the Tenement, by Distress in like manner as for Rent at Common Law.

Owners and Occupiers to be liable to Crown but Occupiers liable in absence of agreement to Owners.

IV. If any Person assessed under “The Police and Lighting Rate Ordinance, 1863,” or rendered liable by the said Ordinance to the payment of any Assessment, shall neglect to pay the same or any part thereof, within the period appointed by the

Recovery of Rates.