

GOVERNMENT NOTIFICATION.—No. 179.

His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of the Queen, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 16 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled The Stamp Ordinance, 1886.*

Ordinance No. 17 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled The Opium Ordinance, 1886.*

Ordinance No. 19 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled The Reformatory Schools Ordinance, 1886.*

Ordinance No. 20 of 1886.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled The Harbour Regulations Ordinance, 1886.*

By Command,

FREDERICK STEWART,  
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 21st May, 1886.

LS W. H. MARSH.

No. 16 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *The Stamp Ordinance, 1886.*

[21st May, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. In the construction of this Ordinance the term *Collector* shall include the person for the time being appointed by the Governor to have the control and management of the Stamp Office.

*Document* shall mean any deed, instrument, or writing whatever.

*Material* shall mean paper or parchment.

*Executed* and *Execution*, with reference to documents not under seal shall mean signed and signature respectively.

2. The present Collector and all other Officers of the Stamp Office are hereby continued in their offices. There shall be one general Stamp Office for the Colony, and such subsidiary Stamp Offices as the Governor may from time to time in his discretion appoint.

3. The Governor may from time to time appoint and remove a Chief Officer who shall have the control and management of the Stamp Office, and such other Officers as may from time to time be required to carry on the business of the Stamp Office.

4. For every document executed after the coming into force of this Ordinance of any of the kinds specified by the Schedule as requiring stamps, there shall be payable to Government a Stamp Duty of the amount indicated in the said Schedule to be proper for such document.

Every provision contained in the said Schedule shall be of the same force as if it were contained in the body of this Ordinance.

5. The Governor in Council may from time to time make and when made, revoke, add to or alter rules, fixing lower rates of duty than those specified in the Schedule, or exempting from duty any of the documents mentioned, in the Schedule, and prescribing the form, size, and material of the stamps to be used, and the mode and place of impressing, affixing, or denoting thereupon the value of the same under the provisions of this Ordinance, and the manner of writing upon or filling up such Stamps, and authorising or prohibiting the use of adhesive stamps for any documents required to bear stamps, and generally for the execution of this Ordinance.

Preamble.

Definitions.

Document.

Material.

Execution.

Officers continued.

Office.  
Subsidiary Offices.

Staff.

Duty payable under schedule.

Governor in Council may lower or abolish duties.

May make rules.

*Penalties.*

Penalties for non-stamping, &amp;c.

6. Every person who commits any of the following offences shall, on summary conviction thereof before a Magistrate, be liable to a penalty not exceeding one hundred dollars, that is to say:—

1. Drawing, accepting, issuing, endorsing, negotiating, paying, or receiving payment of any bill of exchange, promissory note, or other similar instrument, or making, executing, or signing (except as hereinafter provided) any document enumerated in the Schedule on unstamped or insufficiently stamped material.
2. Delivery out of his hands, custody, or power of any document upon which an adhesive stamp has been affixed under this Ordinance without cancelling the said stamp so that it cannot be used again.
3. Any breach of this Ordinance not specially provided for.

Penalties for frauds.

7. Every person who commits any of the following offences shall, on summary conviction thereof before a Magistrate, be liable to a penalty not exceeding five hundred dollars, that is to say:—

1. Drawing any bill of exchange purporting to be drawn in a set of two or more without drawing on duly stamped material the whole number of bills constituting such set.
2. Knowingly and wilfully executing any document charged under the Schedule with *ad valorem* duty, in which the consideration money or amount involved is not truly expressed and set forth, with intent to avoid full payment of Stamp duty, or knowingly and wilfully inserting or setting forth or procuring to be inserted or set forth in such document a less amount than the full and true consideration money or amount involved.

*Execution out of the Colony.*

Execution out of Colony.

8. All documents whatever executed out of the Colony shall, when brought into force or registered within the Colony, be liable to the same rates of Stamp duty as if they had been executed within the Colony.

*Reception in evidence.*

Unstamped documents not received in evidence.

9. Except as otherwise provided by this Ordinance, no document liable to Stamp Duty under this Ordinance shall be received as creating, transferring, or extinguishing any right or obligation, or as evidence in any civil proceeding in any Court of Justice in the Colony, or shall be acted upon, registered, or authenticated in any such Court or Public or other Office or by any Public Officer unless such document be stamped according to this Ordinance or in accordance with the law in force in the Colony at the time it was executed.

*Stamping after execution.*

Powers of Court.

10. Any Civil Court may direct the Collector to stamp and receive the duty and penalty, if any, upon any document which may be stamped after execution under this Ordinance. Such duty and penalty shall be paid into Court, and shall be remitted to the Collector with the document to be stamped after the document has been admitted in evidence.

Powers of Collector.

The Collector of Stamp Duty may stamp documents after execution in cases where he shall be satisfied that the omission or neglect to stamp or to stamp sufficiently did not arise from any intention to evade payment to Stamp Duty or otherwise to defraud, subject to the following rules:—

1. Transfers of shares shall not be stamped until the numbers of the shares and the consideration money are entered, when they may be stamped before execution subject to the provisions of Article 35 of the Schedule.
2. Documents executed out of the Colony shall be stamped when they are received in the Colony, if they have not been previously stamped according to this Ordinance.
3. Bills of exchange and promissory notes executed in the Colony shall not be stamped after execution.
4. In all other cases of stamping after execution there shall be charged as a penalty, if within one month of execution double, if within two months ten times, if after two months twenty times the deficient duty.

5. If the Collector be satisfied that the omission or neglect to stamp arose solely from urgent necessity or unavoidable accident, he shall remit the penalty prescribed by this section. He may require sworn or other evidence as to the circumstances at his discretion.

*Adjudication.*

11. Whenever any person is in doubt respecting the proper amount of Stamp Duty payable upon any document, he may apply to the Collector for an adjudication on such document, at the same time depositing a fee of one dollar, whereon the Collector shall determine the amount of duty to which such document is liable, and on payment thereof shall impress the document with stamps to that amount, also with an additional stamp denoting that the adjudication fee has been paid.

Adjudication.

If the Collector is of opinion that the document is not chargeable with any duty he may stamp such document with a particular stamp denoting that it is not chargeable with any duty, or may make an entry to that effect on such document, in addition to which he shall impress it with the adjudication fee stamp.

Any document bearing the said adjudication fee stamp shall be received in evidence in any Court or registered by any public officer as properly stamped, and shall be regarded as properly stamped for any purpose whatever.

*Spoiled Stamps.*

12. Whenever material bearing an impressed stamp has become damaged, spoiled, or unfit for use, the Collector, on its delivery to him, may supply the owner of such spoiled material with stamps of equal value to those originally impressed, subject to the following rules:—

Spoiled stamps may be allowed.

1. In the case of unexecuted documents spoiled by error in the writing, defaced by accident, or rendered useless by unforeseen circumstances before completion, such allowance may be made within six months of spoiling.
2. In the case of executed documents found unfitted for the purpose originally intended by errors therein, or the execution of which cannot be completely carried out by reason of the death or refusal to sign of any person or other unforeseen circumstance, or in the case of bills of exchange or promissory notes no part of which has been delivered to the payee, such allowance may be made within six months of signature.

*Miscellaneous.*

13. When the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of such last-mentioned duty shall, if application be made to the Collector for that purpose, and on production of both the instruments, be denoted in such manner as the Collector thinks fit upon such first-mentioned instrument.

Denoting stamp. (33 & 34 Vict. c. 97 Sect. 14.)

14. The expense of the stamp for any bill of exchange or promissory note shall be borne by the person drawing or making or negotiating the same. The expense of any Receipt Stamp shall be borne by the person receiving payment.

Cost of Stamps.

15. All decisions, orders, or acts of the Collector may be reversed or modified by the Governor. And whenever any person shall suppose any decision of the Collector with reference to any document tendered by such person to be stamped, to be erroneous, it shall be lawful for such person to make application to the Supreme Court in its Summary Jurisdiction, and such Court, having heard such person and the Collector or his deputy, may order the payment of the duty in dispute, or may make such other order as may be necessary under the circumstances.

Collector's acts revised by Governor.

16. The Governor may order a refund by Treasury warrant of the whole or any portion of any probate duty which may have been paid to the Collector, for the refund of which any equitable claim shall be proved to his satisfaction, on the ground of payment of probate duty on the same estate elsewhere, assignment or diminution of value of the estate, discharge of debts, or other reasonable cause.

Refund of probate duty.

17. The Government shall not be responsible for the loss of or for damage to any document tendered for stamping, whilst in the custody of the Collector, nor shall any officer of the Stamp Office be responsible for such loss or damage, unless he shall have caused it wilfully, fraudulently, or by gross negligence.

Government not responsible for loss of or damage to document.

*Offences.*

Forging stamps, &c.

18. Every person who forges, alters, or imitates, or assists in forging, altering or imitating any stamp used for the purposes of this Ordinance shall be guilty of felony. Any stamp impressed in the Stamp Office by any person without the authority of the Collector, and not accounted for to him shall be held to be forged within the meanings of this notice.

Uttering, and possession.

19. Every person who uses, utters, disposes of, puts off, or without lawful excuse is in possession of any forged, altered, or imitated stamp as aforesaid, knowing the same to be forged, altered, or imitated, shall be guilty of felony, and such stamp or stamps shall be forfeited to the crown.

Removing marks, and possession.

20. Every person who fraudulently removes an adhesive stamp from any document, or wilfully removes or attempts to remove from any adhesive stamp any mark that has been made thereon by way of cancellation, or knowingly uses, puts off, or is in possession of any adhesive stamp from which any such mark has been wholly or partially removed, shall be guilty of a misdemeanor.

Penalties.

21. Every person who is convicted of any felony under this Ordinance shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour. And every person who is convicted of any misdemeanor under this Ordinance shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labour.

*Procedure.*

Impounding unstamped documents.

22. It shall be lawful for all Courts and Magistrates, and for the Collector, and for all persons employed for the sale and distribution of stamps, and they are hereby required to take possession of any document as to which any breach of the laws relating to Stamp Duties may appear to have been committed, and to deliver the same to the Collector to be used in prosecuting the Offender.

Limit of prosecutions.

23. No person shall be proceeded against under section 6 or 7 of this Ordinance except within two years from the date of the offence nor without the consent of the Attorney General.

Repeal.

24. Ordinances No. 15 of 1884 and 2 of 1885 are hereby repealed, but such repeal shall not affect anything lawfully done or suffered thereunder or under any Orders in Council made thereunder, or any prosecution or any other proceeding for any thing done contrary to the provisions of the same while the same were in force.

Suspending Clause.

25. This Ordinance shall come into force on a day to be fixed by Proclamation by the Governor.

Passed the Legislative Council of Hongkong, this 4th day of May, 1886.

ARATHOON SETH,  
*Clerk of Councils.*

Assented to by His Excellency the Officer Administering the Government, the 21st day of May, 1886.

FREDERICK STEWART,  
*Acting Colonial Secretary.*

SCHEDULE

*of the proper Stamps for such Documents as require to be stamped under this Ordinance.*

NOTE.—A document containing or relating to several distinct matters is to be separately and distinctly charged with duty in respect of each of such matters. Any document liable to Stamp duty under more than one article of this Schedule shall be charged under that article which imposes the highest duty.

1. Adjudication as to the amount of stamp duty to be levied on any document,.....	}	\$1.
2. Agreement, or any memorandum of an agreement, under hand only, and not otherwise specially charged with any duty, whether the same be only evidence of a contract or obligatory on the parties from its being a written instrument, .....	}	50 cents.

Note.—Agreements as to letting or tenancy are in all cases chargeable as leases. See articles 22 and 24.

Agreement or Contract accompanied with the deposit of Title Deeds to any immovable property or for securing the payment or re-payment of any money or stock, ... } See Mortgage, 26.

Exemptions.—Label, slip, or memorandum containing the heads of any Insurance to be effected by means of a duly stamped Policy or Risk Note.

Memorandum, letter, or agreement made for or relating to the sale of any goods, wares, or merchandise, or to the sale of any shares in any public company, not being a Broker's note or document given by a Broker.

Seaman's advance note, or memorandum, or agreement made between the master and mariners of any ship for wages.

Emigration Contract.

Passage Ticket.

3. Arbitration Award, ..... } \$1.

4. Articles of Clerkship, or Contract whereby any person shall first become bound to serve as a clerk in order to his admission as an Attorney or Solicitor, ..... } \$50.

Assignment, by way of security, or of any security, ..... } See Mortgage, 26.

Upon a sale, ..... } See Conveyance, 14.

5. Attested Copy of any Document chargeable with Stamp Duty under this Schedule, ..... } \$1.

Average Statement, ..... } See Bond, 10.

6. Bank Cheque payable on demand to any person, to bearer, or order, ..... } 2 cents.

Two-thirds per cent. per annum on the average value of such notes in circulation. To be collected monthly on a statement thereof to be furnished by each Banker or Banking Company to the Collector of Stamp Revenue at the end of each month, and to be signed by the Banker, or Manager, or Agent, and by the Accountant of such Banker or Banking Company.

7. Bank Notes, or other obligations for the payment of money issued by any Banker or Banking Company in the Colony for local circulation and payable to bearer on demand, ..... } 2 cents.

8. Bill of Exchange drawn out of but payable on demand within the Colony, not being a Cheque, and bearing the date on which it was made, ..... } 2 cents.

Bill of Exchange of any other kind whatsoever except a Cheque or Bank Note and Promissory Note of any kind whatsoever except a Bank Note.

From \$	00 to \$	10,.....	Free.
" \$	10 "	\$ 50,.....	.2 cents.
" \$	50 "	\$ 250,.....	.5 "
" \$	250 "	\$ 500,.....	.10 "
" \$	500 "	\$ 1,000,.....	.20 "
" \$	1,000 "	\$ 2,000,.....	.50 "
" \$	2,000 "	\$ 3,000,.....	\$1.00
" \$	3,000 "	\$ 5,000,.....	\$1.50
" \$	5,000 "	\$10,000,.....	\$2.00
" \$	10,000 "	\$15,000,.....	\$3.00
Every \$	5,000 additional or part thereof,.....		\$0.50.

Note 1.—A Bill of Exchange for exactly \$50 is to be charged 2 cents, and so throughout the table.

Note 2.—When Bills of Exchange or other such documents are drawn in sets of two or more, half the above duties to be charged on each part of a set. If the Duty be 5 cents the first part of the set shall be charged 3 cents, and the other parts 2 cents each.

Note 3.—In the case of Bills in sets drawn out of the Colony, the whole duty shall be payable on that part of the set which is first presented for payment or acceptance, or is first otherwise negotiated, the other parts of the set being free.

9. Bill of Lading, or ship's receipt where bills of lading are not used, for each part of every set, ... } 10 cents.

Exemption.—Bill of Lading for goods shipped by any Government Officer on account of Government.

10. Bond, or other obligation concerning Respondentia and Bottomry, and Average Statement, or Bond where no statement is drawn up, ..... } 10 cents for every \$100 or part thereof.

Bond for securing the payment or repayment of money not otherwise provided for, or for the transfer or re-transfer of stock, or accompanying the deposit of Title Deeds to any immovable property, .....

See Mortgage, 26.

Bond, .....

See also Articles 4, 20, 21, 33.

11. Broker's Note, or any document having reference to the sale or purchase of any merchandise, given by any Broker, .....

50 cents.

12. Charter Party, or any Agreement or Contract for the charter or hiring of any sea-going ship or vessel, to be charged on the estimated freight, .....

10 cents for every \$100 or part thereof.

13. Copy Charter.  
Vessel under 200 tons, each copy, ...  
" over 200 " " " ...

\$1.  
\$2.

Collateral Security, .....  
Contract, .....

See Mortgage, 26.  
See Agreement, 2.

14. Conveyance or Assignment on sale, to be levied on the amount or value of the consideration money, such consideration money to include any sum payable by the purchaser in respect of any mortgage or other debt remaining upon the property purchased, or released by such purchaser to the vendor. (See also article 17), .....

30 cents for every \$100 or part thereof.

*Exemption.—Transfer by mere endorsement of a duly stamped Bill of Exchange, Promissory Note or other negotiable Instrument, or of a Bill of Lading. Bill of Sale for Chinese Junk.*

15. Copartnership, Deed or other instrument of, .....

\$2.

16. Declaration of Trust, ...

\$10.

17. Deed or other instrument of Gift, assignment, or exchange, where no money consideration, or a merely nominal money consideration passes, .....

\$25.

Deposit of Title Deeds, .....

See Mortgage, 26.

18. Duplicate or Counterpart of any Document chargeable with duty under this schedule, to be affixed on the production of the original Document bearing its proper Stamp, and not otherwise. If the original duty is

Under \$ 1, .....  
From \$ 1 to \$10, .....  
" \$10 " \$20, .....  
Over \$20 .....

Same duty.  
\$1.  
\$2.  
\$3.

*Note.—The duplicate or counterpart of any instrument chargeable with duty is not to be deemed duly stamped unless it appears by some entry made by the Collector or by some stamp impressed thereon that the full and proper duty has been paid upon the original instrument of which it is a duplicate or counterpart or unless it is stamped as an original instrument.*

19. Emigration Fees, under the *Emigration Consolidation Ordinance 1874.*

Application for a certificate, .....  
Certificate, .....

\$1.  
\$1.

Equitable Charge, .....

See Mortgage, 26.

20. Foreign Attachment Bond, in the Supreme Court, either Jurisdiction.

\$1 for every \$100 or part thereof.

Guarantee, .....

See Agreement, 2.

21. Every Instrument in writing under seal, not otherwise specially charged with duty under this schedule, .....

\$10.

*Note.—The impressions of Chinese names, shop names, or trading names, commonly called chops shall not be taken to be seals within the meaning of this Article.....*

22. Lease or Agreement for a Lease, made for a term of years, or for a period determinable with one or more life or lives or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent, .....

30 cents for every \$100 or part thereof.

23. Lease, executed in pursuance of a duly stamped agreement for the same. } \$1.

24. Lease or Agreement for a Lease of any Land, House, Building or Tenement, at a rent, without payment of any sum of money by way of fine or premium, to be levied on the Annual Rent, for a term not exceeding

One year, .....	10 cents.	} For every \$100 or part thereof.
Three years, .....	25 "	
Thirty years, .....	50 "	
Exceeding thirty years, .....	75 "	

*Note.*—When both rent is paid and there is a fine or premium, the duty is to be the total of that due under both articles 22 & 24.

*Exemption.*—All rentals under \$50 per annum.

25. Letter or other instrument of Hypothecation accompanying deposit of documents of title to any moveable property, or bond, or other instrument of guarantee in respect of such property or documents of title, .....

Referring to particular property, \$1.  
Duplicate, 10 cents.  
General, \$2.

Letter of Guarantee, .....

See Agreement, 2.

26. Mortgage, or Agreement for a Mortgage, Bond, Debenture, Covenant, Warrant of Attorney to confess and enter up judgment, and Foreign Security of any kind not specially charged with duty under this Schedule, to be levied on the amount or value of the principal sum secured.

(i.) Being the only, or principal, or primary security, and also where any further money is added to the money already secured. ....

10 cents for every \$100 or part thereof.

(ii.) Being a collateral or auxiliary or additional or substituted security, other than a Mortgage executed pursuant to a duly stamped agreement, for the same, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped, and for every extension of the time of an Original Mortgage endorsed on such Mortgage, .....

5 cents for every \$100 or part thereof.

(iii.) Transfer, assignment, disposition or assignation of any Mortgage, bond, debenture, covenant, or foreign security, or of any money or stock secured by any such instrument, or by any warrant of Attorney to enter up Judgment, or by any Judgment; to be levied on the amount transferred, .....

(iv.) Reassignment, release, discharge, surrender, resurrender, warrant to vacate, or renunciation of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured, .....

1 cent for every \$100 or part thereof.

(v.) Mortgage executed in pursuance of a duly stamped agreement for the same, .....

\$1.

27. Any Notarial Act whatsoever not otherwise charged with duty in this schedule, .....

\$1.

28. Note of Protest by any Commander or Master of a vessel, or with regard to any Promissory Note or Bill of Exchange, .....

25 cents.

29. Policy or Risk Note of Marine, Fire, Life or other Insurance, for each copy, and every renewal, .....

10 cents.

30. Power of Attorney, .....

\$2.

31. Probate, or Letters of Administration, with or without the Will annexed, to be calculated upon the value of the Estate and Effects for or in respect of which such Probate or Letters of Administration shall be granted, exclusive of what the deceased shall have been possessed of or entitled to as a Trustee for any other person or persons and not beneficially, .....

\$1 for every \$100 or part thereof.

*Exemption.*—Administration Bonds and Estate under \$250.

Reassignment, ..... See Mortgage, 26.

32. Receipt or Discharge given for the payment of money, or in acquittal of a debt paid in money or otherwise, when the sum received, discharged or acquitted exceeds \$10, } 3 cents.

Exemptions.—*Letter acknowledging the arrival of a Currency or Promissory Note, Bill of Exchange, or any security for money, Receipt or Debit Note for the Premium on a duly stamped Policy of Insurance. Receipt given by any officer or soldier of Her Majesty's forces stationed in the Colony for money paid out of Imperial Revenue.*

33. Servant's Security Bond. Any Instrument in writing under seal by which any domestic or other Servant or Clerk or Compradore shall give security for the due discharge of his duties, or of the duties of other persons to be employed by him, or for the safe custody of money or property to be entrusted to him, or for the proper carrying on of business to be conducted by him, or for the discharge of his responsibilities arising from such business, whether such security shall be given by the binding of other persons, or by the deposit of money or valuable property or by deposit of the Title Deeds to any property or by any assignment, ...

The same duty as a Mortgage, see Article 26, i. & ii.

34. Settlement. Any instrument, whether voluntary or upon any good or valuable consideration, other than a *bond fide* pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on lands or not, or to be laid out in the purchase of lands or not) or any definite and certain amount of stock, or any security, is settled or agreed to be settled in any manner whatsoever, .....

30 cents for every \$100 or part thereof of the amount or value of the property settled or agreed to be settled.

Exemption.—*Instrument of appointment relating to any property in favour of persons especially named or described as the objects of a power of appointment created by a previous Settlement stamped with ad valorem duty in respect of the same property, or by will, where probate duty has been paid in respect of the same property as personal estate of the testator.*

35. Settlement executed in pursuance of a duly stamped agreement for the same, ..... } \$1.

36. Transfer of Shares or stock in any public company, to be computed on the market value of such shares on the day of stamping, which, if doubt arises, the collector shall decide subject to Section 15 of this Ordinance. }

10 cents for every \$100 or part thereof.

(ii.) Transfer for a nominal amount, to be approved by the Collector, ..... } \$1.

Exemption.—*Scrip Certificate.*

GENERAL EXEMPTIONS.

*Any Document made or executed by or on behalf of Her Majesty or of any Department of Her Majesty's Service, or whereby any property or interest is transferred to, or any contract of any kind whatsoever is made with Her Majesty or any person for or on behalf of Her Majesty or any such Department as aforesaid.*

*But this exemption does not extend to any Document executed by the Registrar of the Supreme Court as Official Administrator or by a Receiver appointed by any Court, or to any Document rendered necessary by any Ordinance or by the order of any Court; neither does it extend to a sale made for the recovery of an arrear of Revenue or Rent, or in satisfaction of a Decree or Order of Court, in any of which cases the purchaser shall be required to pay the amount of the requisite Stamp in addition to the purchase money.*



LS W. H. MARSH.

No. 17 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *The Opium Ordinance, 1886.*

[21st May, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance and the Opium Ordinance 1884, hereafter called the principal Ordinance shall be construed together as one Ordinance to be called *The Opium Ordinances 1884 and 1886.*

Construction.

2. In the construction of the above named Ordinances :

Definition.

*Ship* shall include junks, sampans, boats and every kind of vessel used for the conveyance of persons or things.

3. The powers given to Inspectors of Police by Section 27 of the principal Ordinance with reference to the searching of ships, and the seizure of opium on board of such ships may also be exercised by any Excise Officer.

Powers of Excise Officer.

4. The powers given to Magistrates by Section 28 of the principal Ordinance to issue search Warrants may be exercised by any Justice of the Peace, and such search Warrants may be issued and executed on Sundays as well as on other days.

Powers of Justices of the Peace.

Passed the Legislative Council of Hongkong, this 7th day of May, 1886.

ARATHOON SETH,  
*Clerk of Councils.*

Assented to by His Excellency the Officer Administering the Government, the 21st day of May, 1886.

FREDERICK STEWART,  
*Acting Colonial Secretary.*

LS W. H. MARSH.

No. 19 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *The Reformatory Schools Ordinance, 1886.*

[21st May, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as *The Reformatory Schools Ordinance, 1886.*

Title.

2. In this Ordinance the word *Manager* shall include any person or persons having the management or control of any School to which this Ordinance applies.

*Certified Reformatory Schools.*

3. The Governor may, upon the application of the Managers of any School for the better training of youthful offenders, direct the Superintendent of Victoria Gaol to examine into the condition and regulations of the School, and to report to him thereon; and if satisfied with such report, the Governor may, by writing under his hand, certify that such School is fitted for the reception of such youthful offenders as may be sent there in pursuance of this Ordinance and the same shall be deemed a certified Reformatory School.

Mode of certifying Reformatory Schools. (29 & 30 V. c. 117, s. 4.)

Inspection of  
Schools.  
Certificates  
may be with-  
drawn.  
(29 & 30 V. c.  
117, s. 5.)

4. Every certified Reformatory School shall from time to time, and at least once in every year, be visited by the said Superintendent or by any two Justices of the Peace appointed for that purpose by the Governor, and the Governor if dissatisfied with the condition of such School as reported to him, may withdraw the certificate, and may, by notice under his hand addressed and sent to the Managers of such School, declare that the certificate is withdrawn as from a time specified in the notice, being not less than six months after the date of the notice.

Resignation of  
certificate by  
Managers.  
(29 & 30 V. c.  
117, s. 7.)

5. The Managers of any certified Reformatory School may upon giving six months' and the executors or administrators of a deceased Manager (if only one) of any certified Reformatory School may, upon giving one month's previous notice in writing of their intention so to do, resign the certificate given to such School; and accordingly at the expiration of six months or one month (as the case may be) from the date of the notice (unless before that time the notice is withdrawn), the certificate shall be deemed to be resigned.

Liabilities of  
Managers as  
to youthful  
offenders  
received in  
Reformatory  
Schools.  
(29 & 30 V. c.  
117, s. 8.)

6. The Managers of any certified Reformatory School may decline to receive any youthful offender proposed to be sent to them under this Ordinance, but when they have once received him they shall be deemed to have undertaken to educate, clothe, lodge, and feed him during the whole period for which he is liable to be detained in the School, or until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by the Colony towards the custody and maintenance of the offenders detained in the School is discontinued, whichever shall first happen.

Nothing in this Ordinance shall be deemed to limit, or interfere with the right of any Manager of a certified Reformatory School to receive into such School other inmates than those sentenced under this Ordinance to be detained therein.

Effect of  
withdrawal of  
certificate.  
(29 & 30 V. c.  
117, s. 9.)

7. Whenever the certificate is withdrawn from or resigned by the Managers of a Reformatory School, no youthful offender shall be received into such School after the date of the receipt by the Managers of the School of the notice of withdrawal, or after the date of the notice of resignation (as the case may be); but the obligation of the Managers to educate, clothe, lodge and feed any youthful offenders in the School at the respective dates aforesaid shall, excepting so far as the Governor may otherwise direct, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by the Colony towards the custody and maintenance of the offenders detained in the School is discontinued, whichever shall first happen.

Disposal of  
inmates on  
withdrawal or  
resignation of  
certificate.  
(29 & 30 V. c.  
117, s. 10.)

8. When the withdrawal or resignation of the certificate of a Reformatory School takes effect, the youthful offenders detained therein shall be, by the order of the Governor either discharged or transferred to some other certified Reformatory School.

Publication of  
grant, with-  
drawal or  
resignation of  
certificate.  
(29 & 30 V. c.  
117, s. 11.)

9. A notice of the grant of any certificate to a Reformatory School, or of the withdrawal or resignation of such a certificate, shall within one month be advertised by order of the Governor in the *Hongkong Government Gazette*.

Power to make  
rules, &c.  
(29 & 30 V. c.  
117, s. 12.)

10. The Managers of any certified Reformatory School may from time to time make necessary rules for the management and discipline of the School under their charge; but such rules shall not be contrary to the provisions of this Ordinance, and shall not be enforced until they have been submitted to and approved in writing by the Governor; and no alteration shall be made without the approval in writing of the Governor in any rules so approved.

Officers  
authorized to  
convey or  
bring back  
offenders to  
School to have  
privileges, &c.  
of Constables,  
(29 & 30 V. c.  
117, s. 13.)

11. Every officer of a certified Reformatory School authorized by the Managers of the School, in writing, to take charge of any youthful offender sentenced to detention under this Ordinance for the purpose of conveying him to or from the School, or of bringing him back to the School in case of his escape or refusal to return, shall, for such purpose and while engaged in such duty, have all such powers, authorities, protection and privileges, for the purpose of the execution of his duty as a reformatory officer, as any constable duly appointed has within this Colony, by common law, ordinance, or custom.

*Commitment of Offenders to and their Status at a certified Reformatory School.*

12. Whenever any offender who, in the judgement of the Court, or Magistrate before whom he is charged, is under the age of sixteen years, is convicted on criminal information or in a summary manner, of an offence punishable with penal servitude or imprisonment, and is sentenced to be imprisoned for the term of ten days or a longer term, the Court, or Magistrate may in addition to his sentence or in lieu thereof, either at once or at the expiration of his period of imprisonment sentence him to be sent to a certified Reformatory School, and to be there detained for a period of not less than two years and not more than five years.

Offenders under 16 years of age convicted and sentenced to imprisonment may be sentenced to be sent either at time of sentence on expiration of period of imprisonment to certified Reformatory Schools. (29 & 30 V. c. 117, s. 14.)

- (1.) Should there be at the time of sentence more than one certified Reformatory School, the particular School to which the offender is to be sent shall be named at the time of sentence or within seven days therefrom.
- (2.) In choosing a certified Reformatory School the Court or Magistrate shall endeavour to ascertain the previous education, position in life and training of the offender, and so far as is possible the selection shall be made of a School most in conformity with such circumstances.
- (3.) Should there be only one certified Reformatory School, it shall be lawful for the Court or Magistrate to order that the said youthful offender be therein detained. If any objection be made thereto, by or on behalf of any parent, or guardian, or near relative, or any person or body of persons on the ground of the particular religious training which may be expected in such Reformatory School, the Court or Magistrate shall report the matter to the Governor.
- (4.) If upon such Report being forwarded or on any application being made to the Governor at any time, on behalf of any youthful offender sentenced to be detained in a certified Reformatory School, any objection is made to the particular religious influence likely to be used in such Reformatory School, and the party making such application is willing to make suitable provision for the care, maintenance and education of such youthful offender under proper security, it shall be lawful for the Governor in Council upon such terms as to him may seem advisable to set aside the sentence of the said Court or Magistrate and to direct that the custody of the said youthful offender be given to such person as he shall appoint, and any person taking such youthful offender from such custody, or knowingly assisting directly or indirectly such offender to escape from such custody, or knowingly harbouring or concealing or preventing from returning to such custody any youthful offender who has escaped therefrom, shall be liable to the penalties incurred under this Ordinance for the offences aforesaid.

13. The Governor may at any time order any offender to be discharged from a certified Reformatory School, or to be removed from one certified Reformatory School to another, but so that the whole period of detention of the offender in a Reformatory School shall not be increased by such removal.

Discharge or removal by order of the Governor. (29 & 30 V. c. 117, s. 17.)

14. The Managers of a certified Reformatory School may, at any time after the expiration of eighteen months of the period of detention allotted to a youthful offender, by licence under their hands, permit him to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him.

Placing offenders out on licence. (29 & 30 V. c. 117, s. 18.)

Any licence so granted shall not be in force for more than three months, but may at any time before the expiration of such three months be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the youthful offender's period of detention is expired.

Duration of licence.

Any such licence may also be revoked by the Managers of the School, by writing under their hands, at any time before the expiration of such period of three months, and thereupon the youthful offender to whom the licence related may be required by the Managers, by writing under their hands, to return to the School.

Revocation of licence.

The time during which a youthful offender is absent from a certified Reformatory School in pursuance of a licence under this section shall, except where such licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the School, and at the expiration of the time fixed by his licence he shall be taken back to School.

Any youthful offender escaping from the person with whom he is placed in pursuance of this section, or refusing to return to the School at the expiration of the time fixed by his licence, or any renewal thereof, or when required to do so on the revocation of his licence, shall be liable to the same penalty as if he had escaped from the School itself.

Power to apprentice offenders. (29 & 30 V. c. 117, s. 19.)

15. The Managers of a certified Reformatory School may, at any time after an offender has been placed out on licence as aforesaid, if he conducted himself well during his absence from the School, bind him, with his own consent, apprentice to any trade, calling, or service, notwithstanding that his period of detention has not expired; and every such binding shall be valid and effectual to all intents.

*Offences in relation to Reformatory Schools.*

Refusal to conform to rules. (29 & 30 V. c. 117, s. 20.)

16. If any offender detained in a certified Reformatory School wilfully neglects or wilfully refuses to conform to the Rules thereof, he shall, upon summary conviction before a Magistrate having jurisdiction in the place or district where the School is situate, be imprisoned, with or without hard labour, for any term not exceeding three months; and at the expiration of the term of his imprisonment he shall, by and at the expense of the Managers of the School, be brought back to the School from which he was taken, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to prison.

Escaping from School. (29 & 30 V. c. 117, s. 21.)

17. If any offender sentenced to be detained in a certified Reformatory School escapes therefrom, he may at any time before the expiration of his period of detention, be apprehended without warrant, and, if the Managers of the School think fit, but not otherwise, may (any other Ordinance to the contrary notwithstanding) be then brought before a Magistrate having jurisdiction in the place or district where he is found, or in the place or district where the School from which he escaped is situate; and he shall thereupon be liable, on summary conviction before such Magistrate, to be imprisoned, with or without hard labour, for any term not exceeding three months; and at the expiration of such term he shall, by and at the expense of the Managers of the School, be brought back to the School from which he escaped, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping.

Penalty on persons assisting or inducing offenders to escape from certified Reformatory Schools. Or harbouring offenders who have escaped. (29 & 30 V. c. 117, s. 22.)

18. Every person who commits any of the following offences, that is to say:—

- (1.) Knowingly assists directly or indirectly an offender detained in a certified Reformatory School to escape from the School;
- (2.) Directly or indirectly induces such an offender to escape from the School;
- (3.) Knowingly harbours, conceals or prevents from returning to the School, or assists in harbouring, concealing, or preventing from returning to the School, any offender who has escaped from a certified Reformatory School,

shall, on summary conviction before a Magistrate, be liable to a penalty not exceeding one hundred dollars, or at the discretion of the Magistrate to be imprisoned for any term not exceeding two months, with or without hard labour.

*Conditional Pardons.*

Power to Governor to send offenders to Reformatory Schools on Conditional Pardon. (29 & 30 V. c. 117, s. 32.)

19. Where before or after the passing of this Ordinance a youthful offender has been sentenced to Penal Servitude, or Imprisonment, and has been pardoned by the Governor on condition of his placing himself under the care of some charitable Institution for the reception and reformation of youthful offenders, the Governor may direct him, if under the age of sixteen years, to be sent to a certified Reformatory School, the Managers of which consent to receive him for a period of not less than two years and not more than five years; and thereupon such offender shall be deemed to be subject to all the Provisions of this Ordinance, as if he had been originally sentenced to detention in a certified Reformatory School.

*Evidence.*

20. The following Rules shall be enacted with respect to Evidence under this Ordinance:—

Rules respecting Evidence under this Ordinance. (29 & 30 V. c. 117, s. 33.)

- (1.) The Production of the *Hongkong Government Gazette* containing a Notice of the grant or withdrawal of a Certificate by the Governor to or from a Reformatory School or of the resignation of any such Certificate, shall be sufficient Evidence of the fact of the publication of such Notice and also of the fact of a Certificate having been duly granted to or withdrawn from the School named in the Notice, or resigned by the Managers thereof.
- (2.) The grant of a Certificate to a certified School may also be proved by the production of the Certificate itself, or of a copy of the same, purporting to be signed by the Colonial Secretary.
- (3.) The production of the Warrant or other Document in pursuance of which a youthful offender is directed to be sent to a certified Reformatory School, with a statement endorsed thereon or annexed thereto, purporting to be signed by the Manager or other person in charge of the School, to the effect that the offender therein named was duly received into and is at the date of the signing thereof detained in the School, or has been otherwise dealt with according to Law, shall in all proceedings relating to such offender be Evidence of the identity of and of the due conviction and detention and imprisonment of the offender named in the warrant or other document.
- (4.) A copy of the Rules of a certified Reformatory School, purporting to be signed by the Superintendent of the Victoria Gaol, shall be Evidence of such Rules in all Legal Proceedings whatever.
- (5.) A School to which any youthful offender is directed to be sent in pursuance of this Ordinance shall, until the contrary is proved, be deemed to be a certified Reformatory School within the meaning of this Ordinance.

*Legal Proceedings.*

21. Any Notice may be served on the Managers of a certified Reformatory School by delivering the same personally to any one of them, or by sending it by Post or otherwise, in a letter addressed to them or any of them at the School, or at the usual or last known place of abode of any Manager, or of their Secretary.

Service of notice on Managers of School. (29 & 30 V. c. 117, s. 35.)

*Forms.*

22. No Summons, Notice, or Order made for the purpose of carrying into effect the Provisions of this Ordinance shall be invalidated for want of Form only; and the Forms in the Schedule to this Ordinance annexed, or Forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require and when used shall be deemed sufficient.

Use of Forms in Schedule. (29 & 30 V. c. 117, s. 36.)

Passed the Legislative Council of Hongkong, this 14th day of May, 1886.

ARATHOON SETH,  
*Clerk of Councils.*

Assented to by His Excellency the Officer Administering the Government, the 21st day of May, 1886.

FREDERICK STEWRAT,  
*Acting Colonial Secretary.*

SCHEDULE OF FORMS.

(A.)

*Conviction.*

HONGKONG } Be it remembered that on the \_\_\_\_\_ day of  
TO WIT. } 18\_\_\_\_, A.B., of \_\_\_\_\_ under the age of sixteen,  
to wit, of the age of \_\_\_\_\_ is convicted before me (C.D.), \_\_\_\_\_,  
for the said Colony of Hongkong, for that (here state offence),  
In pursuance of the Reformatory Schools Ordinance, 1886, I have  
sentenced the said A.B. to be sent forthwith to the Reformatory  
School at \_\_\_\_\_ the Manager whereof is willing to  
receive him, and to be there detained for the period of \_\_\_\_\_  
commencing on and from \_\_\_\_\_  
Given under my hand and seal the day, month and year first above  
written.

[L.S.] C. D.

## (B.)

*Order of Detention.*

HONGKONG } To A.B., Constable of Police, and to the Manager of  
TO WIT. } the Reformatory School at

Whereas A.B., late of \_\_\_\_\_ under the age of sixteen years, to wit, of the age of \_\_\_\_\_ years, was this day duly convicted before the undersigned, for that (stating the offence as in the conviction), and it was thereby adjudged that the said A.B., for his said offence, should, in pursuance of the Reformatory Schools Ordinance, 1886, be sent forthwith to the Reformatory School at \_\_\_\_\_ (the Managers whereof are willing to receive him therein), and to be there detained for the period of \_\_\_\_\_ commencing from and after the day of \_\_\_\_\_ 18

These are therefore to command you, the said Constable of \_\_\_\_\_ to take the said A.B., and him safely convey to the Manager of the said Reformatory School, and there to deliver him to the Manager thereof, together with this Precept. And I do hereby command you the said Manager of the said \_\_\_\_\_, to receive the said A.B. into your Custody in the said School, there to detain him for the space of \_\_\_\_\_, in the manner directed by the Reformatory Schools Ordinance, 1886, and for so doing this shall be your sufficient warrant.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ at Hongkong, aforesaid.

[L.S.] J. S.

(LS) W. H. MARSH.

No. 20 OF 1886.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, entitled *The Harbour Regulations Ordinance, 1886.*

[21st May, 1886.]

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Governor in Council may make Regulations.

1. The Governor in Council may from time to time make, and when made, alter, add to, or revoke all rules, regulations or orders necessary for the protection, management and navigation of the waters of the Colony, for the better and more effectual keeping of order therein, and the prevention of any nuisance in the same.

Publication of Regulations.

2. All such rules and regulations shall be published in the *Hongkong Government Gazette*.

Effect of Regulations.

3. Upon the publication of any such rules, regulations or orders in the *Gazette* they shall, after the date of such publication, or after any later date mentioned in such rules, regulations or orders, take effect as if they were enacted by the Legislature of the Colony.

Penalties for breach of Regulations.

4. In any rule, regulation or order made under this Ordinance it shall be lawful for the Governor in Council to impose penalties for the breach thereof, but so nevertheless that the penalty for the breach of any such rules, regulations or orders does not exceed one hundred dollars, and in default of payment of the said penalty, imprisonment with or without hard labour for any period not exceeding three months.

Trial of Offences.

5. All offences against any rule, regulation or order made under this Ordinance except when otherwise provided may be heard and determined by a Stipendiary Magistrate, and all penalties imposed by and expenses recoverable may be recovered in a summary way before any Stipendiary Magistrate.

Passed the Legislative Council of Hongkong, this 14th day of May, 1886.

ARATHOON SETH,  
*Clerk of Councils.*

Assented to by His Excellency the Officer Administering the Government, the 21st day of May, 1886.

FREDERICK STEWART,  
*Acting Colonial Secretary.*