

A BILL

ENTITLED

An Ordinance to abolish Transportation and Penal Servitude and to substitute other Punishment in lieu thereof.

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

Penal servitude abolished.

1. From and after the commencement of this Ordinance no person shall be sentenced to transportation or penal servitude, and any person who, if this Ordinance had not been passed, might have been sentenced to transportation or penal servitude, shall after the commencement of this Ordinance be liable to be sentenced to imprisonment with hard labour for a term of the same duration as the term of transportation or penal servitude to which such person would have been liable if this Ordinance had not been passed.

Persons under penal servitude to be deemed to have been sentenced to hard labour.

2. All persons at present detained under any sentence of penal servitude shall for the remaining period of their sentence be deemed to have been sentenced to imprisonment with hard labour, and shall be classed accordingly and shall be subject to all Laws and Rules relating to the care, custody, management, employment and discipline of offenders under sentence of imprisonment with hard labour, in the same manner as if they had been originally sentenced to imprisonment with hard labour.

Repeal.

3. Ordinance No. 10 of 1858 is hereby repealed.

GOVERNMENT NOTIFICATION.—No. 99.

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. 6 of 1887.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to regulate the carrying and possession of arms.*

Ordinance No. 7 of 1887.—*An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to remove doubts as to the application of Ordinance No. 2 of 1875.*

By Command,

FREDERICK STEWART,
Acting Colonial Secretary.

Colonial Secretary's Office, Hongkong, 17th March, 1887.

(LS) W. H. MARSH.

No. 6 OF 1887.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to regulate the carrying and possession of arms.

[17th March, 1887.]

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

Title.

1. This Ordinance may be cited as *The Arms Ordinance, 1887.*

Ordinance 22 of 1884, sec. 2.

2. In this Ordinance the expression *arms* includes any description of fire-arms, also any sword, cutlass, spear, pike, bayonet, dagger, or other deadly weapon, also any part of any arms as so defined.

Penalty for being found carrying deadly weapons. [Ordinance 14 of 1870, sec. 18 altered.]

3. Every person who shall without reasonable excuse, the proof of which shall lie upon him, carry any arms about him, whether by night or day, shall be liable on Summary Conviction thereof, to a fine not exceeding one hundred dollars, or to imprisonment with or without hard labour for any period not exceeding six months, and such weapon shall be forfeited to the Crown.

Proviso.

Provided that this section shall not apply to Officers in any Naval and Military Service, Officers in the Government Service, Justices of the Peace, Special or Common Jurors.

4. The Governor in Council may from time to time at discretion grant licences to carry arms subject to such conditions to be specified in the licence as to the Governor in Council may seem fit, and may from time to time at discretion revoke any such licence.

Governor may grant licence to carry arms. [Ordinance 22 of 1884, sec. 3.]

Provided that this section shall not prevent the owner of any trading or fishing junk who has given security to the Harbour Master under section 38 of Ordinance 8 of 1879 from having without licence on board of his junk such arms as are reasonably necessary for the protection of such junk on the high seas.

Proviso.

5. Any person carrying or reasonably suspected of carrying any arms in contravention of this Ordinance may be arrested without warrant by any Police Officer, and conveyed as soon as reasonably can be, before a Magistrate in order to his being dealt with according to law.

Police may arrest without warrant any person carrying arms. [Ordinance 22 of 1884, sec. 4.]

6. All importers of, and dealers in arms shall be bound to register their names and places of business at the Registrar General's Office, and shall take out a licence, for which an annual sum of five dollars shall be charged; and all importers of, or dealers in arms not registering their names and taking out such licence shall be liable, on summary conviction thereof, to a fine not exceeding one hundred dollars, or to imprisonment not exceeding one month.

Importers or dealers in arms to register themselves.

7. All importers of, and dealers in arms shall be bound on or before the Sixth day of every month to furnish to the Registrar General a statement shewing the number and description of arms remaining in their possession on the last day of the preceding month.

All importers or dealers in arms to furnish return every month.

8. Any person making a false return of arms under this Ordinance, shall on conviction thereof before a Magistrate be liable to a fine not exceeding fifty dollars or to imprisonment not exceeding ten days.

Penalty for making false return.

9. All importers of, and dealers in arms failing or refusing to make such return shall be deemed to be in possession of all arms found in their house, store or godown contrary to the provisions of this Ordinance, and shall be liable on summary conviction thereof to a fine not exceeding one hundred dollars or to imprisonment not exceeding one month.

Penalty for refusing to make such returns.

10. Upon the trial of any information for furnishing such false return the Magistrate may if he thinks fit, issue a warrant to search any house, store or place where such arms are alleged to be kept or stored, and any Police officer to whom the said warrant is directed may with or without assistance and using force if necessary enter any house, store or place in the said warrant mentioned and search for such arms.

Power of Magistrate to issue warrant to search for arms.

11. A Magistrate may by warrant authorise any person named in such warrant to search in any houses, buildings, ships, vessels or places for any arms suspected to be therein in contravention of this Ordinance.

Magistrate may issue warrant for search of arms. [*Ibid.* sec. 5 altered.]

The person so named in such warrant with such constables and other persons as he calls to his assistance, may at any time enter into any house, building, ship, vessel or place and there execute the warrant, and in case admittance is refused or is not obtained within a reasonable time after it is first demanded, such persons may enter by force in order to execute such warrant. The person executing such warrant shall before executing the same if so desired produce the said warrant.

Any arms, carried, had or found under circumstances which contravene this Ordinance, may be forthwith seized and shall be forfeited to Her Majesty.

Arms found or carried to be forfeited.

12. The Governor may establish a central store or magazine for the safe keeping and storing of all arms and ammunitions, and shall give notice in the *Government Gazette* of such selection and of the situation of the said store or magazine.

Governor may establish central store for arms, &c.

13. It shall be lawful for the Governor in Council during the continuance of any Proclamation issued under the provisions of *The Peace Preservation Ordinance* of 1886, to order the removal to the said central store of all arms in the possession of any importers or dealers in arms, or of such arms only as in the opinion of the said Governor in Council are not in safe keeping or custody. All orders made under this section shall forthwith be published in the *Government Gazette*.

Governor may order removal to central store of all arms.

Penalty for refusing to deliver up arms.

14. Any person refusing after the publication of such order to deliver up any arms, the removal of which to the said central store shall have been ordered by section 13 of this Ordinance, shall on conviction before a Magistrate be liable to a fine not exceeding five hundred dollars, or to imprisonment for any period not exceeding six months with or without hard labour.

Power of Governor to make rules.

15. The Governor in Council may from time to time make and when made, revoke, alter or add to all rules or regulations necessary for carrying out this Ordinance.

Repeal.

16. The following Ordinance is hereby repealed:—

Ordinance 14 of 1870, Section 18.

Passed the Legislative Council of Hongkong, this 4th day of March, 1887.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 17th day of March, 1887.

FREDERICK STEWART,
Acting Colonial Secretary.

(LS) W. H. MARSH.

No. 7 OF 1887.

An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to remove doubts as to the application of Ordinance No. 2 of 1875.

[17th March, 1887.]

WHEREAS in consequence of the title of Ordinance No. 2 of 1875, and of the recital in the preamble thereto, doubts have arisen whether the provisions of the said Ordinance apply to women or female children other than Chinese; and whereas it is expedient to remove such doubts: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Ordinance 2 of 1875 extended to others than Chinese.

1. Ordinance No. 2 of 1875 is hereby declared to extend and apply to all women or female children whether of Chinese origin or not.

Passed the Legislative Council of Hongkong, this 4th day of March, 1887.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government, the 17th day of March, 1887.

FREDERICK STEWART,
Acting Colonial Secretary.