

## GOVERNMENT NOTIFICATION.—No. 386.

The following Bill, which was read a first time at a Meeting of the Legislative Council held yesterday, is published for general information.

ARATHOON SETH,  
Clerk of Councils.

Council Chamber, Hongkong, 29th August, 1888.

## A BILL

ENTITLED

*An Ordinance to authorize in certain cases judicial investigations into the causes of fire.*

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

In cases of Fire Captain Superintendent of Police to report to the Magistrate.

1. Whenever a fire shall have taken place or shall have been attempted the Captain Superintendent of Police shall as soon as possible take possession of the premises where the fire has taken place or has been attempted, to the exclusion, if he shall deem it necessary, of the owners and all others; and shall make or cause to be made personally or by some officer of not lower grade than Chief Inspector of Police a full and detailed inspection of the said premises with the aid where he considers it necessary of a competent surveyor, and shall forthwith report to the Magistrate the state of the said premises and of the contents, if any, thereof.

Investigation to be made by the Magistrate.

2. Upon the receipt of such Report the Magistrate, unless upon a consideration of the facts stated therein he is clearly of opinion that the fire was caused by accident, shall proceed to investigate the causes of the fire and shall, within the shortest possible delay, take the depositions upon oath of all persons likely to know the facts and circumstances and of all other persons who in his opinion may furnish information in respect thereof.

Examination of witnesses by interested parties.

3. It shall be lawful for any Inspector of Police, or for any interested person present at such investigation, with the leave of the Magistrate, to examine the witnesses, and to cause such persons to be examined as may give due and proper information touching such case of fire.

Dismissal of the information.

4. If in the judgment of the Magistrate the investigation does not disclose any offence or although it disclose an offence does not show any reasonable cause for giving the order in the next Section mentioned the Magistrate shall dismiss the information, and order the release of the premises.

Provided that such dismissal shall be no bar to a subsequent information of a like nature, or to an information against any person or persons for an offence against the law.

Order of prosecution.

5. If in the judgment of the Magistrate the fire shall have been the result of a crime, and there is reasonable cause to suspect, and he shall suspect any person or persons of such crime, he shall order a prosecution to be instituted before a Magistrate against such person or persons for such crime.

Previous enquiry not to be evidence.

6. The evidence taken on an enquiry by the Magistrate under the provisions of Section 2 of this Ordinance shall not in any way be used against the person or persons against whom any criminal information shall be filed, but the said Magistrate shall investigate the charge and carry on a new enquiry according to law, as if no previous enquiry had been held.

Judicial investigation and order of prosecution shall not be causes of challenge.

7. No Magistrate shall be prohibited from investigating a case within his jurisdiction by the fact that he shall have made a judicial investigation and given an order in the matter under Sections 4 or 5 of this Ordinance.

8. For the purposes of this Ordinance and in relation to all investigations held thereunder and for the summoning of witnesses and for all proceedings in connection therewith the Magistrate shall have all the powers possessed by a Magistrate in relation to the holding of preliminary enquiries in cases of indictable offences.