

FINANCIAL MINUTE.—The Colonial Secretary, by Command of His Excellency the Governor, laid on the table the following Financial Minute, (No. 27), and moved that it be referred to the Finance Committee:—

HENRY A. BLAKE.

C.S.O.
2626 of 1899.

The Governor recommends the Council to vote a sum of One thousand and Two hundred Dollars (\$1,200) in aid of the vote "Incidental Expenses," Sanitary Department.

Government House, Hongkong, 4th December, 1899.

The Colonial Treasurer seconded.

Question—put and agreed to.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary, by command of His Excellency the Governor, laid on the table the report of the Finance Committee dated the 30th November, 1899, (No. 11), and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

BILL ENTITLED AN ORDINANCE TO AMEND THE COMPANIES ORDINANCE, 1877.—The Acting Attorney General moved the first reading of the Bill.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

BILL ENTITLED AN ORDINANCE TO PROVIDE FOR THE SUMMONING OF CHINESE BEFORE THE REGISTRAR GENERAL.—The Acting Attorney General moved the first reading of the Bill.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

BILL ENTITLED AN ORDINANCE TO AMEND THE DANGEROUS GOODS ORDINANCE, 1873.—This item on the Orders of the Day was discharged.

BILL ENTITLED THE NEW TERRITORIES LAND COURT ORDINANCE, 1899.—The Acting Attorney General moved that the Council do go into Committee on this Bill.

The Colonial Secretary seconded.

Honourable T. H. WHITEHEAD moved as an amendment that this Bill be referred to the Standing Law Committee.

Honourable Ho KAI seconded.

The amendment was agreed to and the Bill was referred to the Standing Law Committee.

BILL ENTITLED AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAWS RELATING TO MERCHANT SHIPPING, THE DUTIES OF THE HARBOUR MASTER, THE CONTROL AND MANAGEMENT OF THE WATERS OF THE COLONY, AND THE REGULATION OF VESSELS NAVIGATING THE SAME.—The Acting Attorney General moved that the Bill be re-committed.

The Colonial Secretary seconded.

Question—put and agreed to.

Council in Committee on the Bill.

Council resumed and Bill reported with amendments.

ADJOURNMENT.—The Council then adjourned until Thursday, the 21st December, 1899, at 3 p.m.

HENRY A. BLAKE,
Governor.

Read and confirmed, this 21st day of December, 1899.

R. F. JOHNSTON,
Acting Clerk of Councils.

GOVERNMENT NOTIFICATION.—No. 728.

His Excellency the Governor has given his assent, in the name and on behalf of the QUEEN, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 37 of 1899.—An Ordinance entitled *The Piers Ordinance, 1899.*

Ordinance No. 38 of 1899.—An Ordinance to amend the *Companies Ordinance, 1877.*

Ordinance No. 39 of 1899.—An Ordinance to amend the *Dangerous Goods Ordinance, 1873.*

Ordinance No. 40 of 1899.—An Ordinance to provide for the summoning of Chinese before the Registrar General.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 30th December, 1899.

No. 37 OF 1899.

An Ordinance entitled The Piers Ordinance,
1899.

(LS) HENRY A. BLAKE,
Governor.

[29th December, 1899.]

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

1. This Ordinance may be cited as the Piers Ordinance, Short title.
1899.

2. The expression "Pier" as used in this Ordinance shall include every pier and wharf of whatever description, except a pier or wharf which belongs to the Government of this Colony or to the Naval or Military Authorities, and except any pier or wharf coming under the provisions of Ordinance 18 of 1884 or Ordinance 19 of 1884. Meaning of "pier."

3. From and including the date of the coming into force of this Ordinance rent in accordance with the scale which is specified in the Schedule to this Ordinance shall (except in cases where rent on a higher scale is now payable to the Government by agreement) be payable to the Colonial Treasurer for the use of the Government of this Colony by the owner for the time being of any Pier, whether already erected or hereafter to be erected or re-erected over Crown foreshore, notwithstanding any agreement or understanding between the Government and the owner of such Pier or any of his predecessors in title to the effect that no rent or rent on a lower scale should be payable in respect of such Pier. Rent chargeable for piers.

Such rents shall be payable in advance by equal monthly instalments and, in the case of a new Pier, shall commence to be payable from the date of the granting of the licence or lease therefor: Provided nevertheless that no rent shall be chargeable in respect of any Pier which is removed before the expiration of one calendar month from the date of the granting of the licence or lease for its erection and that rent for such a Pier, if paid, shall be refunded.

In the case of the extension of an existing Pier the extra rent for the extra land to be covered by such extension shall commence to be payable from the date of the granting of the licence or lease for such extension.

In the case, however, of temporary Piers it shall be lawful for the Governor-in-Council to remit the whole or a portion of any rent which is chargeable under this section.

4. No Pier shall hereafter be erected or re-erected except with the leave of the Director of Public Works, and every such Pier shall be of such design and dimensions and construction and material as shall be approved of by the Director of Public Works. Any new pier to be of approved design, etc.

5. No alteration or extension of any Pier whatever shall at any time be made by the owner thereof except with the leave of the Director of Public Works. Any alteration or extension to be approved.

6. The foundation, superstructure, landing-steps, roadway, and every other portion of the Pier shall at all times be maintained in a state of safety and repair by the owner. Foundation of pier, &c., to be kept in repair.

7. A green light so constructed and of such a character as to be visible from seaward on a dark night with a clear atmosphere at a distance of at least one mile shall be exhibited within six feet of the outer end of every Pier, and such light shall be erected and maintained by the owner of the Pier and at his expense, and shall be kept lighted by such owner between sunset and sunrise. Such light shall be not less than ten and not more than fifteen feet above the level of the upper surface of the Pier. Green light to be exhibited on end of pier.

8. No buoys or moorings shall be kept or placed by the owner of any Pier otherwise than in accordance with and subject to the provisions of any Merchant Shipping Statute which may from time to time be in force in the Colony. Restriction on buoys and moorings.

- Pier not to be used for storage. 9. No Pier shall be used by any person for the storage of materials of any description except gear required for working the Pier, and no articles or materials or things shall, except as aforesaid, remain on any Pier beyond the time actually required for their shipment or landing as the case may be.
- No building except a shelter to be erected. 10. No warehouse, shed or building of any kind, other than a shelter against the weather, shall, except with the consent of the Director of Public Works, be erected by any person on any Pier.
- Owners of ferries not entitled to exclusive use of pier. 11. Steam-ferries and passenger boats shall not be entitled to make habitual use of any Pier not constructed for their sole use, but casual passengers and their luggage shall at all times have free access to any Pier for the purpose of landing or embarking, so long as they do not interfere with the proper working of any craft belonging to the owners of the Pier, or any other craft using the wharf by arrangement with the owners.
- Vessel not to lie along end of pier. 12. No vessel shall lie alongside the end of any Pier, unless the Pier is specially constructed for that purpose.
- Power to order removal of pier. 13. In the event of any portion of the land over which a Pier is erected being required for any purpose which the Governor-in-Council decides to be a public purpose, then it shall be lawful for the Governor-in-Council to cancel the licence for or lease of such Pier and to order that such Pier shall be either partially or entirely removed by the owner thereof and at his expense. The Director of Public Works shall alone be entitled to dictate, in the event of a partial removal of such Pier, what portions of it are to be so removed, and any such removal, whether partial or total, shall be effected by the owner within such a period as shall be ordered by the Director of Public Works in a notice in writing served upon the owner.
- Cost of removal. The cost of such removal or partial removal of any Pier shall be defrayed exclusively by the owner thereof, and no compensation will be paid by the Government for, and no action, suit, or other legal proceeding shall lie against the Government in respect of any description of loss or damage, whether direct or indirect, which the owner of such Pier may sustain by reason of any such removal or partial removal.
- The Governor-in-Council will, however, consider upon its merits, and upon such evidence as the Governor-in-Council may think fit any moral claim to compensation which may be brought forward by the owner of any Pier, in respect of the removal or partial removal of his Pier, and if the Governor-in-Council shall consider that compensation in respect of such removal or partial removal ought to be paid to such owner, then compensation shall be paid to such owner accordingly:
- Saving with regard to temporary piers. Provided, nevertheless, that nothing contained in this section shall affect the rights of the Government with regard to any Pier already erected or hereafter to be erected for a temporary purpose only.
- Power to make Regulations. 14. The Governor-in-Council shall have power to make Regulations for the erection, re-erection, alteration, extension, or maintenance of Piers and generally for the further and better carrying out of the provisions of this Ordinance. Such Regulations shall be published in the Gazette.
- Penalty. 15. In the event of any person failing to comply with any of the provisions of this Ordinance, or of any Regulation made thereunder, such person shall be liable to pay a fine not exceeding one hundred dollars and in default of payment of such fine to imprisonment for a period not exceeding six months, with or without hard labour, and in the event of a continued breach of any provisions of this Ordinance or of any Regulation made thereunder the person offending shall be liable to pay an additional fine of ten dollars a day for each and every day during which he shall so remain in default, and every such additional fine shall be recoverable summarily under the provisions of any Magistrates Ordinance which may from time to time be in force in the Colony.
- Repeals. 16. The following enactments are hereby repealed, namely, section 68 and Schedule (D) of Ordinance 15 of 1889 and section 12 and the Schedule of Ordinance 25 of 1891.

17. From and including the date of the coming into force of this Ordinance, any Pier coming within the operation of this Ordinance shall, notwithstanding the provisions of Ordinance 15th of 1888 or of any Ordinance amending or substituted for the same, be exempt from the payment of rates. Certain piers to be exempt from rates.

18. This Ordinance shall come into force on the 1st day of January, 1900, and the new rents chargeable under section 3 of this Ordinance and the schedule hereto shall commence to run from and including the 1st day of January, 1900. Commencement of Ordinance.

Passed the Legislative Council of Hongkong, this 28th day of December, 1899.

R. F. JOHNSTON,
Acting Clerk of Councils.

Assented to by His Excellency the Governor, the 29th day of December, 1899.

J. H. STEWART LOCKHART,
Colonial Secretary.

SCHEDULE.

Scale of annual rents chargeable under this Ordinance for encroachments of Piers over Crown Foreshore.

(a.) In the City of Victoria :	
For encroachments of 500 square feet or less,.....	\$ 120
For encroachments exceeding 500 square feet, but not exceeding 1,000 square feet,	180
For encroachments exceeding 1,000 square feet, but not exceeding 2,000 square feet,	300
For encroachments exceeding 2,000 square feet, but not exceeding 3,000 square feet,	480
For encroachments exceeding 3,000 square feet, but not exceeding 5,000 square feet,	660
For encroachments exceeding 5,000 square feet, but not exceeding 10,000 square feet,.....	900
For encroachments exceeding 10,000 square feet,.....	1,200
(b.) In any other place:	
Half the above scale.	

No. 38 OF 1899.

An Ordinance to amend the Companies Ordinance, 1877.

LS HENRY A. BLAKE,
Governor.

[30th December, 1889.]

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

1. This Ordinance may be cited as "The Companies Ordinance, 1899," and shall be read with "The Companies Ordinances, 1865 to 1890," and this Ordinance and those Ordinances may be cited collectively as "The Companies Ordinances, 1865 to 1899." Short title and construction.

2.—(1.) Whenever, before or after the commencement of this Ordinance, any shares in the capital of any company under the Companies Ordinances, 1865 to 1890, credited as fully or partly paid up shall have been or may be issued for a consideration other than cash, and at or before the issue of such shares no contract or no sufficient contract is filed with the Registrar of Joint Stock Companies, in compliance with section twenty-four of the Companies Ordinance, 1877, the company or any person interested in such shares or any of them may apply to the Court for relief, and the Court, if satisfied that the omission to file a contract or sufficient contract was accidental or due to inadvertence, or that for any reason it is just and equitable to grant relief, may make an order for the filing with the Registrar of a sufficient contract in writing, and directing that on such contract being filed within a specified period it shall, in relation to such shares, operate as if it had been duly filed with the Registrar aforesaid before the issue of such shares. Court empowered to grant relief for non-compliance with Ordinance 1 of 1877, s. 24. (61 & 62 Vic. c. 26.)

Ordinance 1
of 1865.

(2.) Any such application may be made in the manner in which an application to rectify the register of members may be made under section thirty-four of the Companies Ordinance, 1865, and either before or after an order has been made or an effective resolution has been passed for the winding up of such company, and either before or after the commencement of any proceedings for enforcing the liability on such shares consequent on the omission aforesaid, and any such application shall, if not made by the company, be served on the company.

(3.) Any such order may be made on such terms and conditions as the Court may think fit, and the Court may make such order as to costs as it deems proper, and may direct that an office copy of the order shall be filed with the Registrar aforesaid, and the order shall in all respects have full effect.

(4.) Where the Court in any such case is satisfied that the filing of the requisite contract would cause delay or inconvenience, or is impracticable, it may, in lieu thereof, direct the filing of a memorandum in writing, and in a form approved by the Court, specifying the consideration for which the shares were issued, and may direct that on such memorandum being filed within a specified period it shall in relation to such shares operate as if it were a sufficient contract in writing within the meaning of section twenty-four of the Companies Ordinance, 1877, and had been duly filed with the Registrar aforesaid before the issue of such shares. The memorandum shall, before the filing thereof, be stamped with the same amount of *ad valorem* stamp duty as would be chargeable upon the requisite contract unless the contract has been produced to the Registrar duly stamped, or unless the Registrar is otherwise satisfied that the contract was duly stamped.

Jurisdiction
cumulative.

3. The jurisdiction given to the Court by this Ordinance is not by implication to curtail or derogate from its jurisdiction to grant relief in any such case under section thirty-four of the Companies Ordinance, 1865, or otherwise.

Passed the Legislative Council of Hongkong, this 28th day of December, 1899.

R. F. JOHNSTON,
Acting Clerk of Councils.

Assented to by His Excellency the Governor, the 30th day of December, 1899.

J. H. STEWART LOCKHART,
Colonial Secretary.

No. 39 OF 1899.

An Ordinance to amend the Dangerous Goods Ordinance, 1873.

LS

HENRY A. BLAKE,
Governor.

[30th December, 1899.]

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

Short title
and con-
struction.

1. This Ordinance may be cited as The Dangerous Goods Amendment Ordinance, 1899, and it shall be read and construed as one Ordinance with Ordinance 8 of 1873 as amended by Ordinance 8 of 1892.

New section
substituted
for s. 5 of
8 of 1873.

2. Section 5 of Ordinance 8 of 1873 is hereby repealed and, in lieu thereof, the following new section is substituted:—

5. The following goods, namely:—

Petroleum, nitro-glycerine, or glonoine oil, gun cotton, fulminate of mercury or of other metals, dynamite, blasting powders, gupowder, fuzes (other than safety fuze), rockets, detonators, cartridges, ammunition of all descriptions (other than percussion caps or priming caps or empty sporting cases), aqua fortis, vitriol, naphtha, and benzine shall be deemed to be dangerous goods within the meaning of this Ordinance.

3. The provisions of sections 9, 10, 14, 15, and 16 of Ordinance 8 of 1873 shall not, after the passing of this Ordinance, apply to either of the following two classes of dangerous goods, namely:—

(i.) Lubricating oils, or

(ii.) Petroleum tar or petroleum fuel which, after being tested by him, has been certified by the Government Analyst or other similar officer of this or any other British Colony or Possession to give off an inflammable vapour at a temperature of not less than 200° Fahrenheit.

Certain classes of goods to be exempted from certain provisions of 8 of 1873 and from operation of bye-laws.

Any bye-laws, rules, or regulations, relating to dangerous goods, which have been heretofore made under the provisions of Ordinance 8 of 1873 or Ordinance 8 of 1892, shall not, after the coming into force of this Ordinance, apply to either of the above two classes of dangerous goods, and any bye-laws, rules, or regulations hereafter made relating to dangerous goods shall not, unless expressly so provided, apply to either of the above two classes of dangerous goods.

4. The provisions of section 11 of Ordinance 8 of 1873 shall not apply to any goods the storage of which is provided for by any other Ordinance.

Sec. 11 of 8 of 1873 not to apply to certain goods.

Passed the Legislative Council of Hongkong, this 28th day of December, 1899.

R. F. JOHNSTON,
Acting Clerk of Councils.

Assented to by His Excellency the Governor, the 30th day of December, 1899.

J. H. STEWART LOCKHART,
Colonial Secretary.

No. 40 OF 1899.

An Ordinance to provide for the summoning of Chinese before the Registrar General.

LS HENRY A. BLAKE,
Governor.

[30th December, 1899.]

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

1. This Ordinance may be cited as The,Summoning of Chinese Ordinance, 1899. Short title.

2.—(i.) The Governor may at any time direct the Registrar General to enquire into and report as to any matter which is connected with the New Territories as defined by section 2 of Ordinance No. 12 of 1899, if such matter exclusively concerns persons of Chinese race, whether British subjects or otherwise. Power to summon person for examination.

(ii.) It shall be lawful for the Registrar General to summon in writing under his hand and seal any person of Chinese race (whether a British subject or otherwise) who appears to him to be able to give information regarding any matter into which the Registrar General is directed by the Governor to enquire, reciting in the summons the subject of the enquiry.

3. Every person so summoned shall be legally bound to attend before the Registrar General at the time and the place specified in such summons and to answer truthfully all questions which the Registrar General may put to him relating to the matter under enquiry, and to produce, if required by him, to the Registrar General or to some person deputed by him for the purpose, any books, documents, or other written matter pertinent to the enquiry, and to permit the inspection of any property either by the Registrar General or by some person deputed by him for the purpose, and the Registrar General shall for the purposes of this Ordinance have powers similar to those vested in the Supreme Court of this Colony in regard to administering oaths to witnesses and examining witnesses on oath, and any person wilfully giving false evidence on oath before the Registrar General shall be liable, upon summary conviction before a Magistrate, to imprisonment for a term not exceeding six months, with or without hard labour, or to the payment of a fine not exceeding two hundred dollars which may be recovered by distress, and the provisions of the Magistrate's Ordinance, 1890, relating to summary procedure shall apply to any proceedings under this section. Person summoned bound to attend and answer.