

GOVERNMENT NOTIFICATION. — No. 642.

The following Bill to be introduced into the Legislative Council, is published for general information.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 23rd October, 1902.

A BILL

ENTITLED

An Ordinance with reference to Collisions between Junks and Ships.

WHEREAS it is expedient that a junk which does not comply with the International Collision Regulations concerning Lights, and thereby occasions a collision outside the waters of this Colony with a vessel bound to comply with such Regulations, should not, in the event of litigation in the Courts of this Colony in respect of such collision, be in a more advantageous position than such vessel: Preamble.

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 Junks (Collision) Ordinance, 1902. Short title.

2. In this Ordinance, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them, that is to say:— Interpretation.

“Ship” includes any description of vessel used in navigation not propelled by oars, except junks or lorchas not propelled by steam;

“Junk” includes “Lorcha”, and any sea going sailing vessel of Chinese or other Asiatic build, construction, and rig;

“Lorcha” includes any sea going sailing vessel of European build and construction, but of Chinese or other Asiatic rig, or of Chinese or other Asiatic build and construction, but of European rig;

“International Collision Regulations” means the Regulations for preventing collisions at sea made by Order in Council of Her late Majesty, Queen Victoria, dated the 27th day of November, 1896, under the provisions of section 418 of the Merchant Shipping Act 1894; and if any amendments thereof shall hereafter be made, such expression shall include such amended Regulations.

3. Where in any action brought in any Court in the Colony in respect of a collision occurring, between sunset and sunrise, outside the territorial waters of this Colony, between a junk and a ship, it is proved to such Court that either such junk or such ship has failed in fact to comply with all or any of the Rules concerning Lights contained in the International Collision Regulations, the junk or the ship which has so failed to comply with such Rules or Rule shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made non-compliance with such Rules or Rule necessary. Junk or ship infringing Rules concerning lights to be deemed in fault.

Objects and Reasons.

The International Collision Regulations have been very generally adopted and have been most useful for the purpose for which they were framed.

It is to be regretted that Chinese junks cannot be compelled to observe at least that portion of the Regulations which relates to Lights. In the waters of the Colony, junks are required, by section 25 (1) of Ordinance No. 36

of 1899, when under way between sunset and sunrise, to exhibit, at a height not less than 20 feet above the hull, a bright white light visible all round the horizon at a distance of at least one mile. Beyond such waters they seem to carry a light or not as they please.

Although the Legislature of this Colony cannot compel the observance of the International Rules concerning lights by junks outside the territorial waters, there can be no injustice in refusing to allow successful resort to the Colonial Court by junks neglecting to carry proper lights themselves, while claiming damages for a collision with some ship which is subject to the International Regulations.

Often, in such cases, the collision would never have occurred had the junk carried lights indicating, even in the smallest degree, the course she was taking. Not infrequently evidence is adduced to show that no light at all was visible on the junk except perhaps just immediately before the collision, when a lantern was suddenly hoisted.

This Ordinance puts junks and ships on the high seas on an equality before the Court as regards lights in collision cases.

It will be seen that section 2 follows the wording of the Interpretation clause of the Merchant Shipping Consolidation Ordinance, 1899, (section 2 of Ordinance No. 36 of 1899), while provision is made in the interpretation of the "International Collision Regulations" for any future amendments therein.

Section 3 follows the wording of sub-section (4) of section 419 of the Merchant Shipping Act, 1894, as closely as practicable.

This course was deemed advisable, as much of the language of the Imperial Act, has formed the subject of definite judicial interpretation in England, to the advantage of the Colonial Courts and shipping community.

Should the Secretary of State decide that not only the Rules concerning lights, but also the International Collision Regulations generally, should be applied, the Ordinance can be very easily amended by the omission of a few words; but I gather that the complaints so far have usually been confined to the non-observance of that portion of the Regulations which deals with lights.

W. MEIGH GOODMAN,
Attorney General.

GOVERNMENT NOTIFICATION.—No. 643.

The following Bill to be introduced into the Legislative Council, is published for general information.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 23rd October, 1902.

A BILL

ENTITLED

An Ordinance to amend the Law relating to Employers and Servants.

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

Repeal. 1. The Ordinances mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column thereof.

Interpretation. 2. In this Ordinance the following words and expressions shall have the meaning assigned to them respectively unless there be something in the context repugnant thereto namely:—

“Contract of service” shall mean any contract, whether in writing or verbal to work personally for any period of time.