

No. 247.—His Majesty the King has not been advised to exercise his power of disallowance with respect to the following Ordinances:—

Ordinance No. 19 of 1911, entitled—An Ordinance to authorise the publication of a Newly Revised Edition of the Statute Laws of the Colony.

Ordinance No. 21 of 1911, entitled—An Ordinance to amend the Trade Marks Ordinance, 1909.

C. CLEMENTI,
Clerk of Councils.

COUNCIL CHAMBER,
24th August, 1911.

No. 248.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 28 of 1911.—An Ordinance to further amend the Crown Lands Resumption Ordinance, 1900.

Ordinance No. 29 of 1911.—An Ordinance to further amend the Prison Ordinance, 1899.

Ordinance No. 30 of 1911.—An Ordinance to abolish Minimum Penalties, and to bring the Law of the Colony as to Penalties into uniformity with the Law of England, and for other purposes.

Ordinance No. 31 of 1911.—An Ordinance to amend and codify the law as to the Interpretation of Terms and as to Common Forms used in Ordinances.

Ordinance No. 32 of 1911.—An Ordinance to amend the Post Office Ordinance, 1900, and the Laws relating to the Post Office.

Ordinance No. 33 of 1911.—An Ordinance to amend the Probates Ordinance, 1897.

Ordinance No. 34 of 1911.—An Ordinance to further amend the Stamp Ordinance, 1901, and the law relating to Stamps and Stamp Duty.

Ordinance No. 35 of 1911.—An Ordinance to consolidate and amend the Law relating to the Management of Stamp Duties.

Ordinance No. 36 of 1911.—An Ordinance to amend the Code of Civil Procedure.

Ordinance No. 37 of 1911.—An Ordinance to further amend the Protection of Women and Girls Ordinance, 1897.

Ordinance No. 38 of 1911.—An Ordinance for the Establishment of a Hospital for the care and treatment of Chinese patients in the Kowloon Peninsula.

HONGKONG.

No. 28 of 1911.

An Ordinance to further amend the Crown Lands Resumption Ordinance, 1900.

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F. D. LUGARD,
Governor.

[25th August, 1911.]

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

Short title. 1. This Ordinance may be cited as the "Crown Lands Resumption Amendment Ordinance, 1911".

Repeals section 4 (f) of Ordinance No. 19 of 1900. 2. Sub-section (4) of section 4 of the Crown Lands Resumption Ordinance, 1900, is hereby repealed.

Amends section 5 of Ordinance No. 10 of 1900. 3. Section 5 of the Crown Lands Resumption Ordinance, 1900, is hereby amended by being made sub-section (1) of section 5 of the said Ordinance and there shall be added thereto the following sub-sections:—

"(2.) The Governor may appoint some person to act as clerk to a Board.

(3.) The remuneration of any member of a Board shall be at a rate according to the amount of work, the time occupied, and the magnitude of the interests involved, and such rate shall be determined in each case by the Chairman of the Board in his discretion at the conclusion of the arbitration; provided that nothing in this sub-section shall be deemed to authorise the payment or receipt of remuneration in the case of a public servant who is not permitted to receive remuneration for acting as a member of a Board.

(4.) The Governor-in-Council shall determine the remuneration of the clerk to a Board."

Amends section 8 of Ordinance No. 10 of 1900 as amended by Ordinance No. 18 of 1910. 4. The Crown Lands Resumption Ordinance, 1900, as amended by the Crown Lands Resumption Amendment Ordinance, 1910, is hereby further amended by the repeal of sub-section (2) of section 8 thereof and by the substitution therefor of the following sub-section:—

"(2.) to award costs, including remuneration to the members of the Board and to the clerk to the Board (not exceeding the amounts determined as aforesaid) in its discretion, either for or against the Crown or for or against any parties claiming compensation, such costs, if desired by the Crown or any party, to be taxed by the Registrar of the Supreme Court."

Amends section 14 of Ordinance No. 10 of 1900. 5. Section 14 of the Crown Lands Resumption Ordinance, 1900, is hereby amended by the deletion of the words "seven dollars per cent." and by the substitution of the words "eight dollars per cent."

Amends Ordinance No. 10 of 1900 as amended by Ordinance No. 18 of 1910. 6. Whenever the Crown Lands Resumption Ordinance, 1900, hereinafter called Ordinance No. 10 of 1900, is printed or read or construed with the Crown Lands Resumption Amendment Ordinance, 1910, hereinafter called Ordinance No. 18 of 1910, incorporated, the following provisions shall apply:—

(a.) Sections 2, 3, 4 and 5 of Ordinance No. 18 of 1910 shall be introduced after section 4 of Ordinance No. 10 of 1900 as section 5, of which the afore-

- in section 2 of Ordinance No. 18 of 1910 the words "instead of in the manner prescribed by sections 3 and 4" shall be inserted after the words "in the manner following" and the words "and thereupon the provisions of sections 3, 4 and 5 of this Ordinance shall apply in lieu of sections 3, 4 and 5 of the Principal Ordinance" shall be omitted.
- (b.) Section 5 of Ordinance No. 10 of 1900 shall be renumbered section 6.
- (c.) After the section so renumbered section 6 of Ordinance No. 10 of 1900, section 6 of Ordinance No. 18 of 1910 shall be introduced as section 7 but the words "whether under the Principal Ordinance or this Ordinance" shall be omitted.
- (d.) Sections 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Ordinance No. 10 of 1900 shall be renumbered sections 8, 9, 10, 11, 12, 13, 14, 15 and 16 respectively.
- (e.) Section 7 of Ordinance No. 18 of 1910 shall be introduced into Ordinance No. 10 of 1900 and shall be renumbered section 17, but the words "under the provisions of the Principal Ordinance or of this Ordinance" shall be omitted.
- (f.) Sections 15, 16, 17 and 18 of Ordinance No. 10 of 1900 shall be renumbered sections 18, 19, 20 and 21 respectively.
- (g.) The remainder of Ordinance No. 18 of 1910 shall be omitted.
- (h.) In section 5 so renumbered section 6, in the first line of section 8 so renumbered section 10, in sub-section (3) of section 10 so renumbered section 12, in sub-section (1) of section 11 so renumbered section 13, and in the first line of section 12 so renumbered section 14 the words "the Board" shall be deleted and the words "any Board" shall be substituted therefor.
- (i.) In sub-sections (1) and (2) of section 9 so renumbered section 11, in sub-section (1) of section 10 so renumbered section 12, and in sub-section (3) of section 11 so renumbered section 13 the words "the Board" shall be deleted and the words "a Board" shall be substituted therefor.
- (j.) In section 17 so renumbered section 20 the words "The Board" shall be deleted and the words "Any Board of Arbitrators" shall be substituted therefor.
- (k.) In sub-section (1) (b) of section 9 so renumbered section 11 of Ordinance No. 10 of 1900 the words "or after the notice by the Colonial Secretary under section 5, as the case may be," shall be inserted after the words "notice of intended resumption".
- (l.) In section 12 so renumbered section 14 of Ordinance No. 10 of 1900 the words "Governor or owner" shall be deleted in the two places where the said words occur and there shall be inserted in substitution in each of the said places the words "Governor, owner or Chairman".

Passed the Legislative Council of Hongkong, this 24th day of August, 1911.

C. CLEMENZI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

HONGKONG.

No. 29 OF 1911.

An Ordinance to further amend the Prison Ordinance, 1899.



F. D. LUGARD,
Governor.

[24th August, 1911.]

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

Short title. 1. This Ordinance may be cited as the Prison Amendment Ordinance, 1911.

Amends Ordinance No. 4 of 1899. 2. The Prison Ordinance, 1899, as amended by the Prison Amendment Ordinance, 1909, is hereby further amended as follows:—

- (a.) in section 6 (1) thereof by the deletion of the words "a prisoner shall be deemed to be in legal custody" and by the substitution therefor of the words "a person shall be deemed to be a prisoner and in legal custody";
- (b.) in section 6 (1) thereof by the insertion after the words "lawfully confined," of the words "whether under criminal or civil process,";
- (c.) in section 11 (1) and also in section 11 (2) thereof by the insertion in each case after the word "prison" of the words "or from legal custody".

Passed the Legislative Council of Hongkong, this 10th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 24th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

HONGKONG.

No. 30 OF 1911.

An Ordinance to abolish Minimum Penalties, and to bring the Law of the Colony as to Penalties into uniformity with the Law of England, and for other purposes.



F. D. LUGARD,
Governor.

[24th August, 1911.]

WHEREAS it is expedient for the better administration of justice to abolish minimum penalties, and so to bring the law of the Colony as to penalties into uniformity with the law of England:—

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

Short title. 1. This Ordinance may be cited as the "Penalties Amendment Ordinance, 1911".

2.—(1.) Subject to the provisions of section 8, in any enactment now in force which provides for the imposition by any Court of minimum penalties, whether of imprisonment or of a fine, the provisions relating to such minimum penalties are repealed.

Abolition of minimum penalties.

(2.) In any enactment now in force which provides for the imposition by any Court of the penalty of imprisonment with hard labour, the words "with hard labour" are repealed; and where the penalty provided is imprisonment with or without hard labour, the words "with or without hard labour" are repealed.

(3.) Unless any enactment now in force, as printed in the New Revised Edition of the Laws of Hongkong, presently to be published, otherwise provides, where a Court is empowered or required to impose a sentence of imprisonment for life or for a period not exceeding a specified term, or of a fine, the Court may, after conviction of any person of an offence, award a sentence less than for life or for the specified term, or less than the fine specified, in the enactment.

3. Where under any enactment now in force, or under any future enactment, a Court shall sentence a person convicted of an offence for which the penalty of imprisonment is provided, the Court may, unless the enactment as printed in the New Edition of the Revised Laws of Hongkong, presently to be published, provides that the imprisonment shall be without hard labour, inflict imprisonment with or without hard labour.

Where imprisonment imposed it may be with or without hard labour.

Provided always, that where under this or the preceding section, a sentence of imprisonment is imposed for more than two years, it shall always be with hard labour; and provided further, that where any person is sentenced to imprisonment under any existing enactment for not finding sureties, such imprisonment shall be without hard labour.

This section shall not apply to commitments of any person to prison by a Magistrate under the following sections of the Magistrates Ordinance No. 3 of 1890:—Sections 14 (2), 18 (2), 25 (4), 64 (3), 70 (1), and 75 (3).

4. Wherever in any enactment now in force there is provided in addition to the penalty of imprisonment for life or for a term of years an alternative penalty of "imprisonment (for any term) with or without hard labour", either with or without the further alternative "with or without solitary confinement", both or either of such alternative penalties, as the case may be, are and is repealed; and where either of the aforesaid alternative penalties is provided as alternative to any other penalty, it is repealed; and where the aforesaid alternative as to solitary confinement is provided as an alternative to a penalty of imprisonment, whether with or without hard labour, it is repealed. Provided that nothing in this section shall affect the provisions of section 80 (2) of the Magistrates Ordinance, No. 3 of 1890.

Alternative penalties in existing legislation repealed.

5. In all enactments now in force the words "at" or "in the discretion of the Court", and the words "on conviction thereof" when used in relation to an indictment, or other words of like meaning, wherever they occur respectively in relation to the imposition of penalties after conviction of any person of an offence, are repealed.

Repeal of words of discretion.

6. In all editions of the Laws of Hongkong hereafter to be printed the provisions which are repealed by this Ordinance shall be omitted; and the sections so affected are hereby authorised to be printed as so amended, and shall be construed and enforced accordingly.

Authority to incorporate repeals in new editions of the Laws.

7. In order to bring other forms of penalties not included in the foregoing sections into harmony with the principles laid down therein, it is hereby further enacted as follows:—

Repeals and amendments in Ordinances in schedule.

(1.) In the sections of the Ordinances mentioned in Part I of the schedule, in lieu of the words "for term of" there shall be read "for any term not exceeding".

(2.) In the sections of the Ordinances mentioned in Part II of the schedule, after the word "imprisonment" there shall be inserted the words "without hard labour".

Saving of minimum penalties in certain Ordinances.

8. Nothing in this Ordinance contained shall be construed as giving to a Court the power of inflicting a punishment less than the minimum punishment, if any, provided for offences against any revenue, customs or quarantine law now in force or hereafter to be enacted; nor against any statute or Ordinance relating to any of His Majesty's regular or auxiliary forces, or which carries into effect any treaty by which a minimum penalty is stipulated or the offence in question.

AND WHEREAS the language now used in the laws of the Colony in regard to other matters relating to the imposition of penalties, and to the jurisdiction of Magistrates, is cumbersome and out of date, and it is expedient both to simplify the language and to introduce uniformity in the enactments in which such matters are dealt with, Be it further enacted as follows:—

Provisions as to hard labour.

9.—(1.) Whenever in any enactment now in force provisions occur to the effect that if a person is convicted of an offence before a Magistrate he "shall be committed to the common gaol, there to be imprisoned or to be imprisoned and kept to hard labour" for any term, or other like words are used which have a similar meaning, such person shall be liable to imprisonment, with or without hard labour, as the case may be, for any period not exceeding the term specified.

(2.) In all editions of the Laws of Hongkong hereafter to be printed there shall be substituted for such provisions words indicating that the person shall, on such conviction before a Magistrate, be liable to imprisonment for any period not exceeding the term specified.

(3.) The enactments mentioned in Part III of the schedule are hereby declared to be amended accordingly, and the sections in which such provisions occur shall be construed and enforced accordingly.

Provisions as to fines and forfeitures.

10.—(1.) Whenever in any enactment now in force provisions occur to the effect that if a person is convicted of an offence before a Magistrate he shall be "liable to pay", or shall "forfeit and pay", a sum of money, or such sum of money not exceeding a specified sum "as to the Magistrate may seem meet", or other like words are used which have a similar meaning, they shall be held to be the equivalent of the following provision:—

such person "shall on conviction before a Magistrate" (or "shall on summary conviction") "be liable to a fine" not exceeding the amount so specified;

and such provision shall be substituted accordingly in all editions of the Laws of Hongkong hereafter to be printed.

(2.) Whenever in any enactment now in force similar provisions occur, but it is further provided that the liability to pay, or to forfeit and pay, a sum of money as aforesaid is over and above a liability to pay the value, or such sum as the Magistrate may estimate as the value, of any animal or thing, the subject of the offence, they shall be held to be the equivalent of the following provision:—

such person "shall be liable to pay, over and above the value of such animal," or "of such thing," as the case may be "a fine" not exceeding the amount specified in the provision;

and such provision shall be substituted accordingly in all editions of the Laws of Hongkong hereafter to be printed.

(3.) The enactments mentioned in Part IV of the schedule are hereby declared to be amended accordingly, and the sections in which such provisions respectively occur shall be construed and enforced accordingly.

Alternative and cumulative penalties, how distinguished.

11.—(1.) Whenever in any enactment now in force or in any future enactment, several penalties are provided for one offence, the use of the word "or" in relation to such penalties shall signify that they are to be inflicted alternatively;

the use of the word "and" shall signify that the penalties may be inflicted alternatively or cumulatively; and

the use of the words "together with" or "in addition to", or other expressions which convey the same meaning, shall signify that the penalties are to be inflicted cumulatively.

(2.) The enactments mentioned in Part V of the schedule are hereby declared to be amended to the extent indicated in the said Part; and in all editions of the Laws of Hongkong hereafter to be printed, the said enactments are hereby authorised to be printed as so amended, and shall be construed and enforced accordingly.

12. In this Ordinance the word "term" when used in relation to a period of imprisonment includes, unless the contrary intention is indicated, imprisonment for a period not exceeding a specified term. Definition of "term".

13. The following enactments, being rendered unnecessary by the provisions of this Ordinance, are hereby repealed:— Repeal of enactments rendered unnecessary by this Ordinance.

Ordinance No. 3 of 1887,—the Transportation and Penal Servitude Abolition Ordinance, 1887.

In Ordinance No. 2 of 1865, sections 59 and 60.
 „ No. 4 of 1865, sections 51 and 52.
 „ No. 5 of 1865, sections 99 and 100.
 „ No. 6 of 1865, sections 59 and 60.
 „ No. 7 of 1865, sections 30 and 31.

14. This Ordinance shall apply to penalties imposed on a summary conviction by a Magistrate, or by two Magistrates, or by the Marine Magistrate; and in consequence, the following provisions of the Magistrates Ordinance, 1890, are repealed:—sections, 3, 4, 33 (1), and 33 (3). Ordinance to apply to sentences imposed by Magistrate.

15.—This Ordinance shall come in force by proclamation of the Governor, which shall not be issued until after the Legislative Council has authorised the use of the New Edition of the Laws of Hongkong now in course of preparation. Coming into force of Ordinance.

Passed the Legislative Council of Hongkong, this 10th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 24th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

SCHEDULE.

PART I.

Sections of Ordinances in which, in virtue of section 7 (1), in lieu of the words "for the term of" there are to be read the words "for any term not exceeding".

Ordinance No. 2 of 1865, sections 19, 23, 25, 26, 30 (1), 42, and 48.
 „ No. 4 of 1865, section 33.
 „ No. 5 of 1865, sections 5, 10, 19, 21, 30, 33, 46, 75, and 77.
 „ No. 6 of 1865, sections 19, 20, and 22 (2).
 „ No. 7 of 1865, section 10.

PART II.

Sections of Ordinances in which, in virtue of section 7 (2), after the word "imprisonment" there are to be inserted the words "without hard labour".

Ordinance No. 1 of 1845, sections 19, 20, 21, 22, and 23.
 „ No. 7 of 1865, section 19, in relation to first offence.
 „ No. 1 of 1867, section 4 (2).
 „ No. 2 of 1869, section 6.
 „ No. 3 of 1873, section 30.

- Ordinance No. 7 of 1875, section 29.
 .. No. 4 of 1886, sections 4 and 18.
 .. No. 3 of 1888, section 31 (2).
 .. No. 3 of 1890, s. 49 (2) (as amended
 by No. 1 of 1909, s. 3), section
 50 (2), and rule 15 of the second
 schedule.
 .. No. 2 of 1891, section 9.
 .. No. 7 of 1891, section 82 (4).
 .. No. 4 of 1893, section 27.
 .. No. 4 of 1895, section 4.
 .. No. 2 of 1897, section 15.
 .. No. 10 of 1899, sections 5 (8) and 36
 (14).
 .. No. 10 of 1900, section 10 (2).

PART III.

Sections of Ordinances in which, in virtue of section 9, the term of imprisonment is substituted for references to committal "to the common gaol, etc."

- Ordinance No. 5 of 1865, sections 12 (1), 15 (1),
 24 (2), 25 (2), 27 (1), 28 (1),
 28 (2), 52, and 53 (2).
 .. No. 6 of 1865, sections 21 (1), 21 (2),
 22 (1), 23 (1), 23 (2), 24 (2),
 28, 29, 32 (1), 43 (1).

PART IV.

Sections of Ordinances in which, in virtue of section 10 (1) and 10 (2) the expression "liable to a fine" is substituted for the expression "forfeit and pay" a sum of money.

- Ordinance No. 5 of 1865, sections 12 (1), 13 (1),
 17, 24 (1), 25 (1), 26, 27 (1),
 28 (1), 52, 53 (2).
 .. No. 6 of 1865, sections 21 (1), 22 (1),
 23 (1), 24 (1), 28, 29, 32 (1),
 43 (1).
 .. No. 1 of 1875, section 4.

PART V.

Sections of Ordinances in which the following amendments are made, in virtue of section 11, in order to make the words used in regard to the imposition of alternative or cumulative penalties uniform:—

- Ordinance No. 2 of 1865, in section 7, for the words "or to pay" there shall be read "and to pay", and the words from "in addition to" to the end are repealed.
- Ordinance No. 2 of 1870, in sections 2 and 5 (2), for the words "with or without" there shall be read "and to".
- Ordinance No. 1 of 1874, in section 6, for the words "or to a fine to" there shall be read "and to a fine of", and the words "or to both" are repealed.
- Ordinance No. 6 of 1885, in section 3 (3) for the words "with or without imprisonment with hard labour" there shall be read "and to imprisonment".
- Ordinance No. 10 of 1886, in sections 4, 5, 9 (3), and 12, for the words "or to imprisonment" there shall be read "and to imprisonment" and the words "or to both" are repealed.

Ordinance No. 1 of 1887, in section 6, for the words "and to pay" there shall be read "and in addition to pay";

and in section 7, for the words from "or fine or both" to the end, there shall be read "for any term not exceeding one year and to such fine as the Court may award".

Ordinance No. 1 of 1889, in section 9 the words "either in addition to or in substitution for such imprisonment" are repealed: in section 65, for "or to imprisonment" there shall be read "and to imprisonment" and the words "or to both" are repealed;

in section 78 (1) and (2), for the words "or imprisonment" there shall be read "and imprisonment", and the words "or either of such punishments in the discretion of the Court" are repealed;

in section 83, for the words "and to a penalty" there shall be read "or to a fine", and the words "or to either of such punishments in the discretion of the Court" are repealed;

and in section 87, the words "either or in addition or in substitution for such imprisonment" are repealed.

Ordinance No. 4 of 1890, in section 3 (3) (a), for the words "or to a fine, or to both imprisonment and fine" there shall be read "and to a fine not exceeding 2,000 dollars".

Ordinance No. 2 of 1891, in section 6, for the words "be liable to a penalty, or to imprisonment, with or without hard labour, or to both: Provided that such penalty shall in no case exceed the sum of 1,000 dollars, and that" there shall be read "be liable to a fine not exceeding 1,000 dollars and imprisonment; provided that".

Ordinance No. 4 of 1893, in section 27 for the words "or to imprisonment" there shall be read "and to imprisonment", and the words "or to both" are repealed.

Ordinance No. 2 of 1897, in section 15, for the words "or to imprisonment" there shall be read "and to imprisonment", and the words "or to both such penalty and imprisonment" are repealed.

Ordinance No. 4 of 1897, in section 12 for the words "or to imprisonment" there shall be read "and to imprisonment" and the words "or to both" are repealed;

in section 13, as amended by Ordinance No. 11 of 1904,

for the words "or to imprisonment" three times there shall be read "and to imprisonment", and the words from "Provided always" to "think fit" are repealed:

and in section 47 (3), for the words "or to imprisonment" there shall be read "and to imprisonment", and the words "or to both penalty and imprisonment" are repealed.

- Ordinance No. 1 of 1898, in sections 3, 4, 5, 6 (1), and 6 (2), for the words "or to a fine" there shall be read "and to a fine", and the words "or to both" are repealed.
- Ordinance No. 4 of 1899, in section 12, for the words "or to imprisonment" there shall be read "and to imprisonment", and the words "or to both in the discretion of the Court" are repealed.
- Ordinance No. 10 of 1899, in section 23 (2), for the words "or to imprisonment" there shall be read "and to imprisonment", and the words "or, at the discretion of the Stipendiary Magistrate, to both penalty and imprisonment" are repealed.
- Ordinance No. 7 of 1903, (as amended by Ordinance No. 42 of 1909), in section 5, for the words "or to a fine" there shall be read "and to a fine", and the words "or both" are repealed.
- Ordinance No. 3 of 1904, in section 6, for the words "by fine or imprisonment" there shall be read "by fine and imprisonment", and the words "or both" are repealed.
- Ordinance No. 11 of 1907, in section 30, for the words "or to a fine" there shall be read "and to a fine", and the words "or to both" are repealed.
- Ordinance No. 15 of 1907, in section 2, for the words "or to a fine" there shall be read "and to a fine" and the words "or to both" are repealed.
- Ordinance No. 21 of 1909, in sections 42, 58 and 59, for the words "or to" there shall be read "and to", and the words "or to both" are repealed.
- Ordinance No. 9 of 1911, in section 89, for the words "or imprisonment" there shall be read "and imprisonment", and the words "or to both fine and imprisonment" are repealed.
- Ordinance No. 16 of 1911, in sections 3 (2) and 5, for the words "or imprisonment" there shall be read "and imprisonment", and the words "or to both" are repealed.

HONGKONG.

No. 31 OF 1911.

An Ordinance to amend and codify the law as to the Interpretation of Terms and as to Common Forms used in Ordinances.



F. D. LUGARD,
Governor.

[25th August, 1911.]

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 " Interpretation Ordinance, 1911 ". Short title.

2. This Ordinance shall apply to the Colony of Hongkong and its dependencies, including the New Territories, unless it is otherwise expressed. Application of the Ordinance.

PART I.

Of Ordinances Generally.

3. All Ordinances now in force or hereafter to be passed shall, except as provided by section 4 of Ordinance No. 34 of 1910, extend to the New Territories unless it otherwise appear from express provision or by necessary implication. Application of subsequent Ordinances.

4. The provisions of this Ordinance shall apply
(a.) to this Ordinance and to all Ordinances hereafter to be passed, unless the contrary intention appear: Application of provisions of Ordinance.
(b.) to Ordinances now in force unless otherwise expressly herein provided.

5.—(1.) Every Ordinance shall, unless otherwise provided therein, come into operation on the day of its publication in the *Gazette*. Commencement of Ordinances and Acts of Parliament in the Colony.

(2.) Statutes of the Imperial Parliament extending to the Colony, which require any act to be done in the Colony, or forbid the commission of any act in the Colony, or impose any duty on or create any right in any person in the Colony, and which do not contain any express provision for bringing them into operation in the Colony, shall come into operation on the day of a notification by the Governor to that effect in the *Gazette*.

6. This Ordinance shall come into operation by proclamation of the Governor, which shall not be issued until after the Legislative Council has authorised the use of the New Edition of the Laws of Hongkong now in course of preparation. Commencement of this Ordinance.

7. The word " commencement ", when used with reference to any enactment, shall mean the day on which the enactment comes into operation. Definition of " Commencement ".

8. Where any enactment, or any proclamation, notice, order, warrant, scheme, or letters patent, made, granted, or issued, under a power conferred by any enactment, or by any competent authority, is expressed to come into operation on a particular day, the same shall be construed as coming into operation on the expiration of the previous day. Time of commencement.

9. Where the operation of any Ordinance is suspended and confers power to make any appointment, to make, grant, or issue any instrument, to give notice, to prescribe forms, or to do any other thing for the purpose of bringing the Ordinance into operation, that power may be exercised before the Ordinance comes into operation. Exercise of statutory powers between passing and commencement of Ordinance.

Citation of Ordinances.

10.—(1.) In all Ordinances there shall be a short title, and in all references to Ordinances in any enactment or in any legal document it shall be sufficient, but not essential, to mention the short title thereto, together with the number of the section referred to.

(2.) Where however the short title is not used, it shall be lawful to indicate any Ordinance referred to as aforesaid by the serial number of the year in which it was passed, together with such year, and the number of the section referred to, as the same appear in the copy deposited in the Registry of the Supreme Court.

(3.) In the case of Ordinances included in Sir John Carrington's "Revised Edition" of the Laws of Hongkong the numbers both of the year and the section shall be those given to them respectively in the said Revised Edition in so far as they are perpetuated in the "New Edition" of such "Revised Laws" presently to be published, but the reference shall be taken to be to the "New Edition."

(4.) Where such reference includes the description or citation of a portion of another Ordinance it shall, unless the contrary intention appear, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

(5.) Where the reference to any Ordinance is to any "line" in any section thereof, it shall be held to refer, in the case of Ordinances included in the "New Edition" of the "Revised Laws" of Hongkong presently to be published, to the line of such section as printed therein; and in the case of Ordinances, hereafter to be passed, not included in the "New Edition", to the line of such section as printed in the copy deposited in the Registry of the Supreme Court.

PART II.

Of Repeals.

Effect of repeal on existing proclamations and regulations.

11.—(1.) Where any Ordinance repeals wholly or in part any former enactment and substitutes other provisions therefor, the repealed enactment shall remain in force until the substituted provisions come into operation.

(2.) Where any Ordinance, or any part of an Ordinance, is repealed, all proclamations, orders, notices, rules, and regulations, issued or made in virtue thereof shall remain in force, so far as they are not inconsistent with the provisions of the repealing Ordinance, and, unless the contrary intention appear, until they shall have been repealed or have been replaced by proclamations, orders, notices, rules or regulations, as the case may be, issued or made under the provisions of the said repealing Ordinance.

Effect of repeal generally.

12. The repeal of any enactment shall not, unless the contrary intention appear—

- (a.) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b.) affect the previous operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed; or
- (c.) affect any right, privilege, obligation or liability acquired, accrued, or incurred under any enactment so repealed; or
- (d.) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e.) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Ordinance had not been passed.

Provided that where the penalty, forfeiture, or punishment imposed by the repealing Ordinance is heavier than that imposed by the repealed enactment, the provisions by which the lighter penalty, forfeiture or punishment is im-

posed shall, unless such repealing enactment otherwise provides, be applied if the Court decides to inflict any punishment.

13. When any Ordinance which repeals in whole or in part any earlier Ordinance is itself repealed, such last repeal shall not be construed as reviving the enactment previously repealed, unless such revival be expressly enacted.

Repeal of Ordinances.

14. Where any Ordinance repeals and re-enacts, with or without modification, any provisions of a former Ordinance, references in any other Ordinance to the provisions so repealed, shall, unless the contrary intention appear, be construed as references to the provisions so re-enacted.

References to re-enacted provisions.

15. Where any statute of the Imperial Parliament repeals and re-enacts, with or without modification, any provisions of a former statute of the Imperial Parliament, references in any Ordinance to the provisions so repealed, shall, unless there is any provision in the repealing statute from which the contrary intention shall appear, be construed as references to the provisions so re-enacted.

Reference to re-enacted Acts of Parliament.

16. Any Ordinance which amends, repeals, or adds to, the provisions of a former Ordinance shall, unless the contrary intention appear, be read and construed as forming part of the Ordinance so affected.

Operation of amending Ordinances.

17. Whenever any enactment shall be disallowed by His Majesty, such disallowance shall be notified by the Governor in the *Gazette*; and from and after the date of such notification, the enactment, and all proclamations, orders, notices, rules, regulations, or other like documents made thereunder shall cease to have effect.

Disallowance.

Provided always that the provisions of section 12 shall apply to such disallowance as if the words "disallowance" and "disallowed" were read therein in lieu of the words "repeal" and "repealed"; with this exception only, that any enactment repealed, modified, or amended by any enactment disallowed, together with all proclamations, orders, notices, rules, regulations, or other like documents made under such previous enactment, shall revive and continue in force in their original form as from the date of the said notification.

The expression "disallowance" shall include the signification of His Majesty's pleasure not to allow any Ordinance.

PART III.

General Provisions.

18. Every Ordinance shall be a public Ordinance, and shall be judicially noticed as such, unless the contrary is expressly provided by the Ordinance.

Ordinances to be public Ordinances.

19. Every section of an Ordinance shall have effect as a substantive enactment without introductory words.

Sections to be substantive enactments.

20. Every schedule to or Table in any Ordinance, shall, together with any notes thereto, be construed and have effect as part of the Ordinance.

Schedules, &c., to be part of Ordinances.

21. Where an Ordinance is divided into Parts, Chapters, Titles, or other sub-divisions, the fact and particulars of such division shall, with or without express mention thereof in such Ordinance, be taken notice of in all Courts and for all other purposes whatsoever.

Sub-divisions of Ordinances to be recognised.

22. References to the Sovereign reigning at the time of the passing of any Ordinance, or to the Crown, shall, unless the contrary intention appear, be construed as references to the Sovereign for the time being, and it shall not be necessary to refer to or include the Sovereign's Heirs and Successors.

References to the Sovereign.

23. No Ordinance shall be binding on the Crown, or shall in any manner affect the rights of the Crown, unless it is so provided in express terms.

Ordinances not binding on Crown unless expressed.

This Ordinance shall be binding on the Crown.

Construction of provisions as to exercise of powers and duties. 24. Where any Ordinance confers a power or imposes a duty, then, unless the contrary intention appear, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Construction of references to public officers. 25.—(1.) Where reference is made to any person by the term designating his office, such term shall include the person for the time being executing the duties of such office, as well as such other person as may be appointed to perform any portion of such duties.

Construction of provisions granting powers to the holder of an office. (2.) Where any Ordinance confers a power or privilege, or imposes a duty on the holder of any office as such, then, unless the contrary intention appear, the power may be exercised and the duty shall or may be performed, as the case may be, by the holder of the office for the time being, or by any person appointed to act in, or perform the duties of, the said office for the time being.

Proceedings not abated by change in office. (3.) Any civil or criminal proceedings taken by any person in virtue of his office shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of the person appointed to perform the duties of the office.

Construction of references to other enactments: 26.—(1.) Where reference is made in any enactment to the numbers of any series of sections of any enactment, or to any part of any enactment, the reference shall be held to be inclusive of the sections or words mentioned in the reference.

and to a series of days. (2.) When any particular number of days is prescribed for the doing of any act or for any other purpose, the same shall, unless the contrary intention appear, be reckoned exclusive of the first and inclusive of the last day.

Measurement of distances. 27. In the measurement of any distance for the purposes of any Ordinance that distance shall, unless the contrary intention appear, be measured in a straight line on a horizontal plane.

References to time. 28.—(1.) Whenever any expression of time occurs in any enactment or in any legal document, the time referred to shall, unless the contrary intention appear, be held to be standard time.

The expression "standard time" means standard time as used in the Colony, that is to say, the mean time of the 120th meridian East of Greenwich, and is exactly eight hours in advance of Greenwich mean time.

(2.) The expression "a.m." indicates the period between midnight and noon on the day succeeding; and the expression "p.m." indicates the period between noon and the midnight following; and where in any enactment two such expressions occur conjunctively in relation to any specified hours, or in conjunction with the words "sunset" or "sunrise", they shall be construed to relate to consecutive periods of time.

Meaning of service by post. 29. Where any Ordinance authorises or requires any document to be served by post, whether the expression "serve", or "give", or "send", or any other expression is used, then, unless the contrary intention appear, the service shall be deemed to be effected by properly addressing, pre-paying, and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of writing. 30. In any enactment expressions referring to writing or printing shall include, unless the contrary intention appear, writing, printing, lithography, photography, type-writing, and every other mode of representing words or figures in a visible form, but in the case of a book "printing" shall not include writing or type-writing.

Nothing in this section shall be taken to apply to signatures.

31. In all Ordinances, unless the contrary intention appear, the words "oath" and "affidavit" include, in the cases of persons allowed or required by law to declare or to solemnly affirm instead of swearing, "declaration" and "solemn affirmation": and "swear", in the like cases, includes "declare" and "solemnly affirm".

32. Where in any enactment Chinese words or terms are used, or where English words are used, followed, in brackets or otherwise, by Chinese words or terms whether in Chinese characters or not, the Chinese words or terms shall be held to be included in the enactment, and the meaning and construction thereof shall be in accordance with Chinese language and custom.

33. Where the words "or", "other", and "otherwise" are used, they shall, unless the contrary intention appear, be construed disjunctively and not as implying similarity, unless the word "similar", or some other word of like meaning, is added.

Nothing in this section shall be taken to affect section 11 of the Penalties Amendment Ordinance, 1911.

34. Where the offence with which any person is charged is:—
 (a.) the doing of any act: or
 (b.) the omission to do any act,
 without lawful authority or purpose or reasonable excuse, the proof of such authority, purpose or excuse shall lie on the person charged.

35. In the construction of every Ordinance relating to an offence punishable on indictment or on summary conviction, the expression "person" shall, unless the contrary intention appear, include a body corporate.

36. In all enactments, unless the contrary intention appear, words importing the masculine gender shall include females, and words in the singular shall include the plural, and words in the plural shall include the singular.

37. Where any notice, order, or other document is required by any Ordinance to be published in the *Gazette*, or where any document is published in the *Gazette* under section 26 (3) of the Evidence Ordinance, 1889, a copy of the *Gazette* in which it is so published shall be *prima facie* evidence of the facts stated in such notice, order, or document.

38.—(1.) Where under any enactment any person is required to pay any charge or fee for any act or thing done, or document issued, or signature or seal affixed to any document, by any public officer or department, or where any person is adjudged by any Court, or other authority duly authorised by law, to pay or forfeit any sum of money, such charge or fee and such sum of money shall be paid into the Treasury, unless the contrary is otherwise provided; and if any such charge or fee, or any commission on money received or taken possession of, realised or otherwise dealt with, is required to be paid to any public officer or department, such officer or department receiving the same shall pay it into or account for the same in due course to the Treasury.

(2.) Where under any enactment any thing or any animal is adjudged by any Court, or other authority duly authorised by law, to be forfeited, it shall, unless the contrary is otherwise provided, or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the net proceeds thereof if it is ordered by competent authority to be sold, shall be paid into the Treasury, unless the contrary is otherwise provided.

(3.) Nothing in this section shall affect any provision in any existing enactment or any enactment hereafter to be made, whereby any shares of fines or forfeitures, or of proceeds of forfeitures are expressed to be recoverable by any person, or may be granted by any authority to any person or officer.

(4.) The Governor may in any special case, not provided for by Ordinance, award a share not exceeding three-fourths, of any fines or forfeitures adjudged by any Court, or of any proceeds of any forfeitures, as a reward, bounty or gratuity, to any member of the police force, for meritorious conduct, zeal displayed or injury sustained in the execution of his duty, or to such private persons or informers as may be deserving of reward for assisting in the detection of crime or the apprehension of offenders.

(5.) Section 2 of Ordinance No. 2 of 1867 is repealed.

PART IV.

Definitions.

Definitions. 39. In all enactments the following words shall have the meanings hereby assigned to them, unless otherwise provided or unless the context otherwise requires:—

A.—Official Definitions.

Official definitions.

“Governor” means the Governor of Hongkong and includes the Officer for the time being administering the Government of Hongkong; and where the Governor of Hongkong is not intended—

“Governor” means, as respects Australia, Canada, India and United South Africa, the Governor General, and includes any person who for the time being has the power of the Governor General;

and as respects any other British possession or territory under the protection of the King, means the Governor or Administrator of that possession, and includes the Officer for the time being administering the Government of that possession or territory.

“Governor-in-Council”, or “Governor in Executive Council”, or “Governor with the advice of the Executive Council”, means the Governor acting with the advice of the Executive Council but not necessarily in such Council assembled.

“Officer Administering the Government” means the Officer who succeeds to or is appointed to the administration of the Government of the Colony.

“Secretary of State” means His Majesty’s Principal Secretary of State for the Colonies, unless another Secretary of State is indicated.

“Crown Agents” means the person or persons for the time being acting as Crown Agents for the Colonies in England, or any one of them.

“The Admiralty” means the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being executing the Office of Lord High Admiral of the United Kingdom.

“Privy Council” means the Lords and others for the time being of His Majesty’s Most Honourable Privy Council, and “Order in Council” means an Order made by the Privy Council.

“Board of Trade” means the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.

“Imperial Parliament”, and “Parliament”, mean the Parliament of the United Kingdom.

“Consul” and “Consular Officer” include, consul-general, consul, vice-consul, consular agent, and any person for the time being authorised to discharge the duties of consul-general, consul or vice-consul.

“Legislative Council” and “Legislature”, mean the Council of Government of Hongkong, and when used with reference to a British possession other than Hongkong, the authority, other than the Imperial Parliament, or His Majesty the King in Council, competent to make laws for such British possession.

“The Treasury” and “Treasurer” mean the Colonial Treasury and the Colonial Treasurer respectively.

“Justice of the Peace” means a person appointed by the Governor to act as Justice of the Peace for the Colony.

B.—Colonial Definitions.

“The Colony”, “this Colony”, or “Hongkong”, means the Island of Hongkong and Kowloon, and their dependencies, together with Stonecutters Island, and includes the New Territories, unless it appears from express provision or by necessary implication that the New Territories or New Kowloon is not intended. Colonial definitions.

“Kowloon” means that portion of the peninsula of Kan-lung which was ceded to Great Britain by the Emperor of China on the twenty-fourth day of October, 1860.

“The New Territories” means the additional territories leased to Great Britain by the Emperor of China under the Convention dated the 9th day of June, 1898.

“New Kowloon” means that portion of the New Territories which is delineated and shown upon a plan marked “New Kowloon” signed by the Director of Public Works and countersigned by the Governor and deposited in the Land Office.

“City of Victoria”, or “Victoria”, means the area within the following boundaries:—

on the North.—The Harbour;

on the West.—A line running north and south drawn through the north-west angle of Inland Lot No. 1299 and extending southwards a distance of eight hundred and fifty feet from the aforesaid angle;

on the South.—A line running east from the southern extremity of the western boundary until it meets a contour of the hill-side seven hundred feet above the level known as Ordnance datum (that is to say, a level which shall hereafter be notified in the *Gazette*) thence following the said contour until it meets the eastern boundary;

on the East.—A line following the western boundary of the Queen’s Recreation Ground until it meets the old Shankiwai Road, thence to the south-east angle of Inland Lot No. 1018, thence along the southern boundary of Inland Lot No. 1018, produced until it meets the road on the east side of Wengueichong Valley, thence to the south-east angle of Inland Lot No. 1364, produced until it meets the southern boundary.

“The Waters of the Colony” or “Colonial Waters” means all waters, whether navigable or not, included within the area bounded as follows:—

on the South, by the parallel of latitude $22^{\circ} 9'$ North between the points where it is intersected by the meridians of longitude $113^{\circ} 52'$ East and $114^{\circ} 30'$ East of Greenwich;

on the North, by a line drawn from the point where the meridian of longitude $113^{\circ} 52'$ East of Greenwich intersects the parallel of latitude touching the extreme south-west point of the shore of Deep Bay to the said south-west point of the shore of Deep Bay, and thence along the high water mark upon the shore of Deep Bay to the estuary of the Sham Chun River. Thence by a line drawn as described in the agreement delimiting the northern frontier of the New Territories signed by James Haldane Stewart Lockhart and Wong Ts'ün-shin at Hongkong on 19th March, 1899, and follows the high water mark in Mirs Bay to the point where the meridian of longitude $114^{\circ} 30'$ East of Greenwich intersects the mainland :

on the East, by the meridian of longitude $114^{\circ} 30'$ East of Greenwich between the points where it intersects the mainland and the parallel of latitude $22^{\circ} 9'$ North :

on the West, by the meridian of longitude $113^{\circ} 52'$ East of Greenwich between the points where it intersects the parallel of latitude touching the extreme south-west point of the shore of Deep Bay and the parallel of latitude $22^{\circ} 9'$ North ; and between the points on the north and south coast of Lantau where the meridian of $113^{\circ} 52'$ East of Greenwich intersects the island the boundary follows the western coast-line of Lantau and includes the waters appertaining thereto.

“ Harbour ” means, unless any other harbour is expressly indicated, the harbour of Victoria, and includes the waters of the Colony within the following boundaries :—

on the East.—A line drawn from a pillar to be marked “ Harbour Limits ” at North Point on the island of Hongkong to the most easterly point of Kowloon Pier ;

on the West.—A line drawn from the westernmost point of the Island of Hongkong to the western side of Green Island, continued to the western point of Stonecutters' Island, thence to the north point of Stonecutters' Island, and thence to the Harbour Department Station at Samshuipo.

“ Public Seal ” means the public seal of the Colony.

“ Public Office ” and “ Public Department ” mean and include every office or department invested with or performing duties of a public nature, whether under the immediate control of the Governor or not.

“ Public Officer ” or “ Public Servant ” means any person holding any appointment or discharging the duties, whether permanently or temporarily, of any office the emoluments of which are wholly or in part directly derived from the Revenues of the Colony, and includes members of the Executive and Legislative Councils, members of the Sanitary Board, Justices of the Peace, members of the Police Force, and of the District Watchmen Force appointed under the Regulation of Chinese Ordinance, 1888, and also Commissioners and persons acting under Ordinance No. 13 of 1886 and persons acting under Ordinance No. 6 of 1893.

“ Officer of police ” or “ Police officer ” includes members of the Police Force of all ranks ; and where any duty or power is imposed or conferred in any Ordinance on any “ officer of police ”, or “ police officer ”, it may be performed and exercised by any member of the police force ; and where any duty or power is imposed or conferred on any “ constable of police ” or any “ constable ”, it may be performed or exercised by any member of the police force ;

and where any duty or power is imposed on any officer of police other than a constable it may be performed or exercised by any member of the police force of higher rank ;

and where any person is referred to as "not being a constable of police" it shall be construed to mean "any person not being a member of the police force" ;

and the expression "person employed in the police force" or other words of like meaning, shall include all the employees referred to in section 3 (2) of Ordinance No. 11 of 1900, as well as all members of the police force.

"Medical Officer of Health" and "Assistant Medical Officer of Health" mean the persons appointed respectively to act as such officers under Ordinance No. 1 of 1903.

"Government Analyst" includes any analyst appointed by the Governor under Ordinance No. 8 of 1893.

"Revenue Officer" means any person appointed to act as Revenue Officer under Ordinance No. 9 of 1911.

"Excise Officer" means any person appointed to act as Excise Officer under Ordinance No. 23 of 1909.

"Forest Officer" means any Forest Guard or other person appointed by the Governor for the control or superintendence of any forest.

"The Gaol" means Victoria Gaol, and includes any place that may hereafter be set apart as a prison.

"Superintendent of the Gaol" includes the Assistant Superintendent of the Gaol. This definition shall apply to all warrants of committal, or other documents, whether issued, made, sealed or signed before or after the commencement of this Ordinance.

C.—Geographical Definitions.

"United Kingdom" means the United Kingdom of Great Britain and Ireland. Geographical definitions.

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man.

"British Possession" means any part of His Majesty's Dominions exclusive of the United Kingdom ; and where parts of such Dominions are under both a central and a local Legislature, all parts under the central Legislature shall, for the purpose of this definition, be deemed to be one British possession.

"British Colony" or "Colony" means, where the Colony of Hongkong is not intended, any part of His Majesty's Dominions exclusive of the United Kingdom and of British India ; and where parts of such Dominions are under both a central and a local Legislature, all parts under the central Legislature shall, for the purposes of this definition, be deemed to be one Colony.

"British India" means all territories and places within His Majesty's Dominions which are for the time being governed by His Majesty through the Governor General of India, or through any Governor or other officer subordinate to the Governor General of India.

"India" means British India together with any territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor General of India or other officer subordinate to the Governor General of India.

*D.—Judicial Definitions.*Judicial
definitions.

- “High Court” means, when used with reference to England or Ireland, His Majesty’s High Court of Justice in England or Ireland, as the case may be.
- “Court of Assize” or “Assizes”, means, as respects England, Wales, and Ireland, a Court of Assize, a Court of Oyer and Terminer, and a Court of Gaol Delivery, or any of them, and as respects England and Wales, includes the Central Criminal Court ;
and as respects Hongkong, means the Supreme Court, either one Judge or the Full Court, sitting in its criminal jurisdiction ; and unless it is specially provided that any offence is to be or may be tried summarily before a Magistrate or otherwise, all offences shall be triable before the Supreme Court sitting in its criminal jurisdiction.
- “Supreme Court” means the Supreme Court of Hongkong.
- “Full Court” means the Chief Justice and the Puisne Judge sitting together in Court or in Chambers.
- “Probate Court” means, as respects Hongkong, the Supreme Court sitting in its probate jurisdiction.
- “Bankruptcy Court” means, as respects Hongkong, the Supreme Court sitting in its bankruptcy jurisdiction.
- “Colonial Court of Admiralty” means, as respects Hongkong, the Supreme Court sitting in its Admiralty jurisdiction.
- “Court” means the Supreme Court as well as any other Court holden in the Colony.
- “Magistrate” means a Magistrate appointed under Ordinance No. 3 of 1890, but does not include the Marine Magistrate in cases not coming within section 8 of the said Ordinance, unless such Magistrate is expressly indicated ; and unless the contrary intention appears, the expression “triable before a Magistrate” or “tried summarily”, or any other expression having the like intent, means that an offence may be tried as provided by Ordinance No. 3 of 1890 ; and the expression “on summary conviction” or “on conviction before a Magistrate”, and any other expression having the like intent, means that the offence to which it relates was triable, and has been tried, and the offender convicted, as provided by the said Ordinance ; and in both cases the procedure respecting the imposition of fines and forfeitures and all other provisions respecting the jurisdiction of the Magistrate, and the procedure of such trial, shall be held to be included ; and where by any Ordinance an offence is made punishable by summary conviction, the Magistrate, or two Magistrates, as the case may require, shall be deemed thereby to be invested with jurisdiction to try any person accused of such offence.
- “Judge” means any Judge of the Supreme Court ; and where any civil jurisdiction is required to be exercised by a Judge, such jurisdiction, if it is not otherwise expressed, shall be exercisable by a Judge sitting in Chambers.
- “Rules of Court” means, when used in relation to any Court, rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such Court, together with the forms necessary thereto.

The power of the said authority to make rules of Court as above defined shall include a power to make rules of Court for the purpose of any Ordinance hereafter to be passed directing or authorising anything to be done by rule of Court.

F.—General Definitions.

- "Gazette" means the Hongkong Government Gazette. General definitions.
- "Proclamation" means, as respects Hongkong, a proclamation of the Governor or of the Governor-in-Council.
- "Definition" means the interpretation to be given to words or expressions used in the Ordinance or part of an Ordinance to which such interpretations are declared to be applicable; and the words or expressions are to have in such Ordinance or part of an Ordinance, and in any rules, regulations, orders, or other documents made thereunder, the meanings assigned to them unless inconsistent with the context.
- "Month" means calendar month, unless it appears from the context that lunar month, or Chinese "moon" is intended.
- "Year" means a year according to the Georgian Calendar, unless it appears from the context that a Chinese year is intended.
- "Person", and words applied to any person or individual, shall apply to and include, subject only to the provisions of section 35, bodies corporate, joint tenants and tenants in common.
- "Statutory Declaration" means a declaration made by virtue of the Statutory Declarations Act, 1835, or of the Statutory Declaration Ordinance, 1893.
- "Enactment" means any provision made by competent authority, having the force of law, and any part of such provision, and includes rules and regulations made in virtue of powers conferred by any Ordinance or statute; and
- "Provided" or "Prescribed", when used in reference to any enactment, means provided or prescribed by such enactment.
- "Any Ordinance" or "Any enactment" means and includes any Ordinance or any enactment, as the case may be, which is in force in the Colony at the time when the enactment in which the expression occurs is enforced or applied.
- "Offence" means any crime, misdemeanor, contravention, or other breach of the law for which a penalty is provided.
- "Committed for trial" means when used in relation to any person, committed to prison with the view to his being tried before a Judge and Jury, or otherwise as the law directs; and includes a person who is admitted to bail upon recognizances to appear and take his trial before a Judge and Jury, or otherwise.
- "Statute" or "Act" means an Act of the Imperial Parliament.
- "Treaty" means and includes a treaty, convention or agreement made with a foreign State, together with protocols or declarations attached thereto, or independent thereof but referring thereto.
- "Will" means and includes a will, testament, codicil, and all other testamentary papers whatsoever.
- "Medical Practitioner", or any words importing a person recognized at law as a practitioner in medicine or surgery or as any kind of member of the medical profession, means a medical practitioner duly registered under Ordinance No. 1 of 1884.
- "Solicitor" means a legal practitioner admitted to practice as a solicitor before the Supreme Court under Ordinance No. 1 of 1871.

“Years of age”, or words of a like meaning, when used in reference to the age of any person, mean years according to English reckoning, unless Chinese reckoning is expressly indicated.

“Bank of England” means the Governor and Company of the Bank of England.

“Bank of Ireland” means the Governor and Company of the Bank of Ireland.

PART V.

Of Regulations, Forms, and other Matters.

Extent of power to make regulations.

40.—(1.) Where any Ordinance confers on any person a discretionary power to make regulations, to issue any order, or to do any act, the power shall, unless the contrary intention appear, be construed as including the power, exercisable in like manner, and subject to the same conditions, if any, to amend, vary, rescind, revoke, or suspend the regulations made, or order issued, or any part thereof, and to make or issue new regulations, or a new order, or to abstain from doing the act.

Meaning of “regulation”.

(2.) “Regulations” both in this section, and generally in this Ordinance, as well as in all other enactments, means regulations, rules, orders and bye-laws, not inconsistent with the provisions of the Ordinance under which they are made, and includes rules of Court.

Publication and effect.

(3.) All regulations shall, unless otherwise provided, come into force on the day of their publication in the *Gazette*, and shall have the same force and effect and be equally binding, and shall be construed for all purposes as if they had been contained in the Ordinance empowering them to be made; and any reference to the Ordinance shall be construed as including the regulations in such reference.

Other documents.

(4.) The same rules shall apply to any order made by the Governor or the Governor-in-Council, and to any order, warrant, scheme, letters patent, or other instrument made or issued under the provisions of any Ordinance: provided that they shall not apply to banishment orders.

Powers of Governor-in-Council over regulations.

41.—(1.) Unless it is otherwise enacted, whenever in any Ordinance it is provided that regulations shall be

(a.) made: or

(b.) made subject to the approval or confirmation (or where other words are used of like meaning) of the Governor-in-Council, the following rules shall be observed:—

(i.) the regulations shall be submitted for the approval of the Governor-in-Council;

(ii.) the Governor-in-Council shall have power to amend, or to disapprove the whole or any part of the regulations, and may, if he disapprove them either in whole or in part, require further or other regulations to be submitted for approval.

The words “to amend” shall include the power to add to, alter, or otherwise vary.

(2.) This section shall apply to regulations which are by any Ordinance made subject to the approval or confirmation (or other words are used of like meaning) of the Governor or of the Legislative Council.

Forms in repealed Ordinances.

42. All forms in use under any Ordinance repealed by any subsequent Ordinance, and which are not replaced by forms in the repealing Ordinance, shall remain in force so far as they are not inconsistent with its provisions, until they have been replaced by forms prescribed in accordance with the provisions of the repealing Ordinance.

PART VI.

Of Proclamations and Orders of the Governor.

Coming into force of proclamations.

43. Proclamations and notifications of the Governor shall come into operation on the date of their publication in the *Gazette*.

44. Where power is given to the Governor to issue a proclamation or notification, it shall include the power of amending, revoking, or suspending the said proclamation or notification, and of declaring the date of its coming into force, and also of substituting another therefor.

Extent of power to issue proclamations.

Provided always that where any Ordinance is to come into force on a day to be fixed by proclamation, the power to issue such proclamation shall not include the power of amending, revoking or suspending the same.

45. Where power is given to the Governor to make any order or give any direction, it shall be sufficient, unless it is otherwise expressed, for such order or direction to be signified under the hand of the Colonial Secretary or of the Assistant Colonial Secretary.

Signification of orders of the Governor.

This section shall not apply to the issue of any warrant by the Governor: such warrant shall be under his hand and seal.

46. Sections 43 and 44 shall apply to proclamations and notifications issued by the Governor-in-Council: and section 45 shall apply to orders and directions of the Governor-in-Council, except that the signification thereof shall be under the hand of the Clerk of the Councils.

Application of certain previous sections.

PART VII.

Of Public Officers.

47.—(1.) Unless it is otherwise expressly provided in any Ordinance; if any person shall, by force or violence, resist, oppose, molest, hinder, or obstruct any public officer in the performance of his duty, or any person lawfully engaged, authorised or employed in the performance of any public duty, or any person lawfully acting in aid or assistance of any such public officer or person, he shall be liable to a fine not exceeding 100 dollars, and to imprisonment not exceeding 3 months.

Interfering with public officers.

(2.) The following enactments are repealed:—

Ordinance No. 2 of 1885, section 6 (3).

„ No. 1 of 1903, section 25.

„ No. 15 of 1903, so much of section 5 as relates to obstructing and hindering officers.

„ No. 23 of 1909, section 86.

48.— 1.) Unless it is otherwise expressly provided in any Ordinance; all actions and prosecutions to be commenced against any public officer for anything done or omitted to be done in pursuance of any enactment shall be commenced within six months after the act or omission, and not otherwise.

Protection of public officers acting under authority of enactment.

(2.) Notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action.

(3.) In any such action the defendant may plead the general issue, and give this Ordinance and the special matter in evidence at any trial to be had thereupon.

(4.) No plaintiff shall recover in any such action if tender of plaintiff amends has been made before such action brought, or if a sufficient sum of money has been paid into Court after such action brought, by or on behalf of the defendant.

(5.) If a verdict passes for the defendant, or the plaintiff becomes nonsuit or discontinues any such action after issue joined, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and shall have the like remedy for the same as any defendant has by law in other cases; and though a verdict is given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant unless the Judge before whom the trial is had certifies his approbation of the action.

(6.) The following enactments are repealed:—

Ordinance No. 5 of 1865, section 97.

„ No. 6 of 1865, section 58.

„ No. 7 of 1865, section 27.

„ No. 3 of 1873, sections 19, 20.

„ No. 2 of 1885, section 6 (3).

„ No. 13 of 1886, section 11.

Ordinance No.	1 of 1889, section 81.
..	No. 3 of 1890, section 28 (4) from the words "so, however," to "taxed costs".
..	No. 6 of 1893, section 21.
..	No. 4 of 1897, section 46.
..	No. 4 of 1899, section 16.

PART VIII.

*Miscellaneous Provisions.*Citation of
Imperial
Acts.

49.—(1) In any Ordinance, instrument, or document, any Act of the Imperial Parliament may be cited by reference to its "short title", if any, either with or without a reference to the chapter, or by reference to the regnal year in which it was passed, and, where there are more statutes or sessions than one in the same regnal year, by reference to the statute or the session, as the case may require, and where there are more chapters than one, by reference to the chapter, and any enactment may be cited by reference to the section or sub-section of the Act in which the enactment is contained.

(2.) Where any Ordinance passed after the 18th day of November, 1897, contains such reference as aforesaid, the reference shall, unless the contrary intention appear, be read as referring, in the case of statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition; and in case of statutes not so included and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission; and in other cases to the copies of the statutes purporting to be printed by the King's Printer or under the superintendence or authority of His Majesty's Stationery Office.

(3.) In any Ordinance a description or citation of a portion of an Act of Parliament shall, unless the contrary intention appear, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

(4.) Any reference to an Act of Parliament shall include a reference to regulations made thereunder.

Repeal.

50. The following enactments are repealed:—

Ordinance No. 8 of 1897.

Ordinance No. 20 of 1908.

Ordinance No. 18 of 1909.

Ordinances No. 19 of 1901 and No. 20 of 1903, and all definitions of the "City of Victoria" contained in any Ordinance heretofore passed.

The definitions of the "Waters of the Colony" and of the "Harbour limits" in Ordinance No. 10 of 1899, and in any other Ordinance heretofore passed.

Passed the Legislative Council of Hongkong, this 24th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

HONGKONG.

No. 32 OF 1911.

An Ordinance to amend the Post Office Ordinance, 1900, and the Laws relating to the Post Office.



F. D. LUGARD,
Governor.

[24th August, 1911.]

WHEREAS it is expedient to amend the law relating to the Post Office :

BE it therefore 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 Post Office Amendment Ordinance, 1911”, and shall be read and construed with the Post Office Ordinance, 1900, hereinafter referred to as “the Principal Ordinance”.

Short title and construction.

2. Sub-section 2 of section 6 of the Principal Ordinance is hereby repealed and the following sub-section substituted therefor :—

Repeals sub-section (2) of section 6 of the

“(2.) The Postmaster General shall also have the exclusive privilege of performing all the incidental services of receiving from all persons who arrive in the Colony with letters, and of collecting, despatching and delivering all correspondence arriving from or intended to be despatched to any place out of the Colony ; and no letters from out of the Colony, unless exempt by law, shall be conveyed in the Colony otherwise than by the post or shall be delivered in or transmitted from the Colony otherwise than by or through the General Post Office.”

Principal Ordinance and new sub-section substituted therefor.

3. The following shall be added to section 9 of the Principal Ordinance and numbered sub-section (2) :—

Adds a new sub-section to section 9 of the Principal Ordinance.

“(2.) All duties of postage and other sums in respect of postal packets payable in pursuance of this Ordinance shall be chargeable as stamp duties, and all enactments relating to stamp duties shall apply accordingly.”

Provision for stamps.

4. Section 12 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

Repeals section 12 of the Principal Ordinance and new section substituted therefor.

“12. The Governor may, subject to such instructions as aforesaid, make, in relation to correspondence sent by post, regulations for prohibiting the conveyance of such articles as he may think fit ; for preventing the sending or delivery by post of seditious, indecent

The Governor may make regulations as to correspondence.

or obscene prints, paintings, photographs, lithographs, engravings, books or cards or of other indecent or obscene articles, or of letters, newspapers, supplements, publications, packets or post cards having thereon or on the covers thereof any words, marks or designs of an indecent, obscene, libellous or grossly offensive character: and for prohibiting the receiving in and delivery by the Post Office of correspondence containing or believed to contain any lottery ticket or any advertisement of prizes or any other announcement relating to any public lottery sweepstakes or other gambling transaction."

Repeals sections 26 and 27 of the Principal Ordinance and new section substituted therefor.

Gratuities to ship masters.

5. Sections 26 and 27 of the Principal Ordinance are hereby repealed and the following section substituted therefor :—

"26. The Postmaster General shall pay to every master of a vessel, not being a contract vessel, a gratuity of one cent for every letter and other article, other than a parcel, and five cents for every parcel delivered to him by the Post Office: Provided that the gratuity payable on correspondence transmitted to Canton and Macao shall be one cent only on each description of correspondence. The Postmaster General may before paying any gratuity require a receipt accounting for the due delivery at its destination of such correspondence and may also require proof to his satisfaction that there has been no unreasonable delay on the part of the master."

Adds a new section 12a to the Principal Ordinance.

Power to deal with postal articles containing contraband goods.

6. The following section shall be inserted in the Principal Ordinance after section 12 thereof:—

"12a. If the Postmaster General shall have reason to believe that any postal article received from beyond the limits of the Colony contains goods, the importation of which is forbidden or restricted or anything liable to duty or if he be so informed, he shall require by notice in writing the attendance at the Post Office, at a specified time, of the addressee of such postal article or of some agent deputed in writing by such addressee and such postal article shall then be opened by the addressee or his agent in the presence of the Postmaster General or of an officer of the Post Office. If the addressee or his agent fail to attend in pursuance of the notification the article shall be opened by the Postmaster General and may be delivered to the addressee or confiscated or otherwise dealt with as may be required by law."

Adds new sections 33a, 33b and 33c to the Principal Ordinance.

Prohibition of sending by post explosive, inflammable, or deleterious substances, or indecent prints, words, etc.

7. The following three sections shall be inserted in the Principal Ordinance after section 33 thereof:—

"33a.—(1.) A person shall not send or attempt to send a postal packet which either—

(a.) encloses any explosive, any dangerous substance, any filth, any noxious or deleterious substance, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure other postal

packets in course of conveyance or an officer of the Post Office, or any article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or an officer of the Post Office; or

- (b.) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book or card or any indecent or obscene article whether similar to the above or not; or
- (c.) has on the packet, or on the cover thereof any words, marks or designs of an indecent, obscene or offensive character.

(2.) If any person acts in contravention of this section, he shall be guilty of an offence.

(3.) The detention in the Post Office of any postal packet on the ground of its being in contravention of this section shall not exempt the sender thereof from any proceedings which might have been taken if the packet had been delivered in due course of post.

33*b*.—(1.) A person shall not without due authority—

(a.) make, issue, or send by post or otherwise any envelope, wrapper, form, or paper in imitation of one issued by or under the authority of the Postmaster General, or of any British or foreign postal authority, or having thereon any words, letters, or marks which signify or imply or may reasonably lead the recipient to believe that a postal packet bearing them is sent on His Majesty's service; or

(b.) make on any envelope, wrapper, card, form, or paper for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the Postmaster General, or under any British or foreign postal authority, or any words, letters, or marks which signify or imply, or may reasonably lead the recipient thereof to believe, that a postal packet bearing them is sent on His Majesty's service; or

(c.) issue or send by post or otherwise any envelope, wrapper, card, form, or paper so marked.

(2.) If any person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding twenty dollars.

33*c*.—(1.) A person shall not place or attempt to place in or against any post office letter box any fire, any match, any light, any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance or any fluid, and shall not commit a nuisance in or against any post office letter box and shall not do or attempt to do anything likely to injure the box, appurtenance or contents.

Prohibition of imitation of post office stamps, envelopes, forms and marks.

Prohibition of placing injurious substances in or against post office letter boxes.

- (2.) If any person acts in contravention of this section he shall be liable, on summary conviction, to a fine not exceeding one hundred dollars, and on conviction on indictment, to imprisonment for any term not exceeding twelve months."

Adds a new section 36a to the Principal Ordinance.

8. The following section shall be inserted in the Principal Ordinance after section 36 thereof :—

Obstruction of officers of Post Office.

"36a—(1.) If any person whilst in any post office, or within any premises belonging to any post office or used therewith, obstructs the course of business thereof, he shall be liable on summary conviction to a fine not exceeding twenty dollars.

- (2.) Any officer of the Post Office may require any person guilty of any offence under this section, to leave a post office or any such premises as aforesaid and, if the person so required refuses or fails to comply with the requirement, he shall be liable on summary conviction to a further fine not exceeding fifty dollars, and may be removed by any officer of the Post Office, and all constables are required on demand to remove or assist in removing every such person."

Adds a new sub-section to section 40 of the Principal Ordinance.

9. The following shall be added to section 40 of the Principal Ordinance and numbered sub-section 3 :—

Post Office mark evidence of refusal, etc.

"(3.) In such proceedings,—

- (a.) The production of any postal packet in respect of which any money is sought to be recovered having thereupon a Post Office stamp or any writing denoting that the packet has been refused or rejected, or that the addressee was dead or could not be found, shall be *prima facie* evidence of the fact denoted; and
- (b.) the person from whom any postal packet in respect of which any money is sought to be recovered purports to have come shall, until the contrary is proved, be deemed to be the sender of the packet."

Passed the Legislative Council of Hongkong, this 10th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 24th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

HONGKONG.

No. 33 of 1911.

An Ordinance to amend the Probates Ordinance,
1897.F. D. LUGARD,
Governor.

[24th August, 1911.]

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 Probates Short title,
Amendment Ordinance, 1911.2. The Probates Ordinance, 1897, is hereby amended Amends
Ordinance
No. 2 of
1897.
as follows:—(a.) In the definition of "Estate" in section 2
thereof by the addition after the word
"estate" of the words "or property" and
after the words "of such person" of the
words "and includes property passing on
the death of such person".(b.) After the definition of "Matters and causes
testamentary" in section 2 thereof by the
insertion of the following definition:—" "Next of kin" includes persons
entitled in their own right to property
passing on the death of any person."Passed the Legislative Council of Hongkong, this 10th
day of August, 1911.C. CLEMENTI,
*Clerk of Councils.*Assented to by His Excellency the Governor, the 24th
day of August, 1911.WARREN BARNES,
*Colonial Secretary.*HONGKONG.

No. 34 of 1911.

An Ordinance to further amend the Stamp Or-
dinance, 1901, and the law relating to Stamps
and Stamp Duty.F. D. LUGARD,
Governor.

[24th August, 1911.]

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 Stamp Amend- Short title
ment Ordinance, 1911," and shall be read as one with the and con-
Stamp Ordinance, 1901, (hereinafter called "the Principal struction
Ordinance"), and the Ordinances amending the same and
this Ordinance and the said Ordinances may be cited
together as "the Stamp Ordinances, 1901-1911".

Amendment of sub-section (2) of section 8 of the Principal Ordinance.

2. Section 8 sub-section (2) of the Principal Ordinance is hereby amended by adding the following proviso at the end thereof:—

“Provided that the instruments specified in sub-sub-sections (a) and (b) may be stamped after execution if the Collector is satisfied by Statutory Declaration or otherwise as he may require that the omission to stamp arose solely from urgent necessity and if the instruments be brought to be stamped without any delay.”

Amendment of sub-section (1) of section 14 of the Principal Ordinance.

3. Section 14 sub-section (1) is hereby amended by deleting the words “hereby charged with the duty of two cents”.

How instruments are to be written and stamped. 54 & 55 Vict. c. 39 s. 3.

4.—(1.) Every instrument written upon stamped material is to be written in such manner, and every instrument partly or wholly written before being stamped is to be so stamped, that the stamp may appear on the face of the instrument, and cannot be used for or applied to any other instrument written upon the same piece of material.

(2.) If more than one instrument be written upon the same piece of material, every one of the instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

Instruments to be separately charged with duty in certain cases. *ib.* s. 4.

5. Except where express provision to the contrary is made by this or any other Ordinance,—

(a.) An instrument containing or relating to several distinct matters is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the matters;

(b.) An instrument made for any consideration in respect whereof it is chargeable with *ad valorem* duty, and also for any further or other valuable consideration or considerations, is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the considerations.

Facts and circumstances affecting duty to be set forth in instruments. *ib.* s. 5.

6. All the facts and circumstances affecting the liability of any instrument to duty, or the amount of the duty with which any instrument is chargeable, are to be fully and truly set forth in the instrument; and every person who, with intent to defraud His Majesty,—

(a.) executes any instrument in which all the said facts and circumstances are not fully and truly set forth; or

(b.) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances;

shall incur on summary conviction a fine not exceeding one hundred dollars.

Mode of calculating *ad valorem* duty in certain cases. *ib.* s. 6.

7.—(1.) Where an instrument is chargeable with *ad valorem* duty in respect of—

(a.) any money in currency other than Hongkong currency, or

(b.) any stock or marketable security,

the duty shall be calculated on the value, on the day of the date of the instrument, of the money or stock or security in Hongkong currency according to the current rate of exchange.

(2.) Where an instrument contains a statement of current rate of exchange, or price, as the case may require, and is stamped in accordance with that statement, it is, so far as regards the subject-matter of the statement, to be deemed duly stamped, unless or until it is shown that the statement is untrue, and that the instrument is in fact insufficiently stamped.

8. Where the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of the last-mentioned duty shall, upon application to the Collector and production of both the instruments, be denoted upon the first-mentioned instrument in such manner as the Collector thinks fit.

Denoting stamps.
54 & 55 Vict.
c. 39 s. 11.

9.—(1.) An instrument, the duty upon which is required or permitted by law to be denoted by an adhesive stamp, is not to be deemed duly stamped with an adhesive stamp, unless the person required by law to cancel the adhesive stamp cancels the same by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing, or otherwise effectively cancels the stamp and renders the same incapable of being used for any other instrument, or for any postal purpose, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

General direction as to the cancellation of adhesive stamps.
ib. s. 8.

(2.) Where two or more adhesive stamps are used to denote the stamp duty upon an instrument, each or every stamp is to be cancelled in the manner aforesaid.

(3.) Every person who, being required by law to cancel an adhesive stamp, neglects or refuses duly and effectually to do so in the manner aforesaid, shall incur a fine of one hundred dollars.

10. Sub-section (1) section 18 of the Principal Ordinance is hereby amended:—

Amendment of section 18 (1) of the Principal Ordinance.

(i.) by the deletion of the word "and" at the end of sub-sub-section (b) thereof,

(ii.) by the insertion of the word "and" at the end of sub-sub-section (c) thereof,

(iii.) by the insertion after sub-sub-section (c) thereof of the following new sub-sub-section:—

"(d.) Any money payable under a Policy of Insurance effected by any person on his life where the Policy is wholly kept up by him for the benefit of a donee whether nominee or assignee or a part of such money in proportion to the premium paid by him where the Policy is partially kept up by him for such benefit."

11. Section 18 of the Principal Ordinance as amended by section 10 of this Ordinance is hereby further amended by re-numbering sub-sections (1), (2) and (3) thereof (2), (3) and (4) respectively and by inserting at the commencement thereof the following new sub-section:—

Amendment of section 18 of the Principal Ordinance.

"(1.) In this and the following sections the word "estate" or "property" or "effects" of a deceased person, means the personal estate and effects of whatever kind of such person and includes property passing on the death of such person."

12. Section 23 of the Principal Ordinance is hereby amended by striking out sub-section 2 and inserting the following in lieu thereof:—

Amendment of section 23 of the Principal Ordinance.
cf. 54 & 55 Vict. c. 39 s. 103.

"(2.) Giving receipts or discharges for the payment of money, or in acquittal of a debt paid in money or otherwise, where the amount paid has been separated or divided with intent to evade the duty."

13. Section 2 of Ordinance No. 19 of 1909 is hereby amended by inserting the words "at date of death of the deceased" after the word "value", and by inserting the words "passing on death" after the word "effects" in the third line of Article 43.

Amendment of section 2 of No. 19 of 1909.

14. Section 20 (b) (1) of the Principal Ordinance as amended by section 2 of Ordinance No. 44 of 1909 is hereby amended by inserting the words "at the date of the death in the case of property passing on death, or in other cases" after the words "in the Colony were" and by

Amendment of section 20 (b) (1) of the Principal Ordinance.

striking out the word "seven" before the words "per centum" and inserting the word "eight" in lieu thereof.

Amendment
of the Sched-
ule to the
Principal
Ordinance.

15. The Schedule to the Principal Ordinance as amended by Ordinance No. 38 of 1902 is hereby amended as follows :—

(1.) by inserting in Article 14 after the words "Ship's Receipt" the words "whether in the form of an Accountable Receipt or otherwise";

(2.) by substituting "\$5" for "\$25" in Article 22 ;

(3.) by substituting "\$10" for "\$30" in Articles 24 and 31 respectively ;

(4.) by adding in Article 41 a new division marked (c) as follows :—

"Floating Policies"

for each endorse- ment,	} up to \$1,000..... \$10 over ,,\$25

and altering the present (c) in the Article to (d);
and

(5.) by adding an Article numbered 52 as follows :—

Share Warrants to bearer,...	} 30 cents for every \$100 or part thereof.

Re-number-
ing of sec-
tions.

16. Whenever the Principal Ordinance shall be printed with the Ordinances amending it sections 14, 15, 16, 17, 18, 19, 21, 22, 23, 24 and 29 shall be renumbered 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 31 respectively and sections 20 (a) and 20 (b) introduced by Ordinance No. 44 of 1909 shall be re-numbered 24 and 25 respectively and sections 4, 5, 6, 7, 8 and 9 of this Ordinance shall be included and re-numbered 13, 14, 30, 15, 16 and 17 respectively.

Repeals
section 51 of
Ordinance
No. 1 of 1865.

17. Section 51 of the Companies Ordinance, 1865, is hereby repealed.

Passed the Legislative Council of Hongkong this 10th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 24th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

HONGKONG.

No. 35 OF 1911.

An Ordinance to consolidate and amend the Law relating to the Management of Stamp Duties.

F. D. LUGARD,
Governor.

[24th August, 1911.]

WHEREAS it is expedient to consolidate and amend the Law relating to the Management of Stamp Duties of whatever nature :

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

Short title.

1. This Ordinance may be cited as the Stamp Duties Management Ordinance, 1911.

Ordinance
to apply
to all stamp
duties.
54 & 55 Vol.
38 s. 1.

2. All duties for the time being chargeable by law as stamp duties shall be under the care and management of the Collector, and this Ordinance shall apply to all such duties and to all fees which are for the time being directed to be collected or received by means of stamps.

3.—(1.) The Collector may, with the approval of the Governor-in-Council, grant a licence to any person to deal in unused stamps at any place to be named in the licence.

Power to grant licences to deal in stamps.

(2.) The licence shall specify the full name and place of abode of the person to whom the same is granted, and a description of every house, shop, or place, in or at which he is authorised to deal in unused stamps.

54 & 55 157. c. 38 s. 3.

(3.) Every person to whom a licence is granted shall give security in the sum of one thousand dollars in such manner and form as the Collector shall prescribe, and, if by bond, the bond shall be exempt from stamp duty.

(4.) One licence and one bond only shall be required for any number of persons in partnership, and the licence may at any time be revoked by the Collector.

(5.) Every person licensed to deal in stamps shall cause to be visibly and legibly painted and shall keep so painted in letters of not less than one inch in length on some conspicuous place on the outside of the front of every house, shop, or place in or at which he is licensed to deal in unused stamps, his full name, together with the words "Licensed to sell stamps," and for every neglect or omission so to do shall on summary conviction incur a fine not exceeding one hundred dollars.

4.—(1.) If any person who is not duly appointed to sell and distribute stamps deals in any manner in stamps, without being licensed so to do, or at any house, shop, or place not specified in his licence he shall for every such offence incur on summary conviction a fine not exceeding two hundred dollars.

Penalty for unauthorised dealing in stamps, &c. *ib.* s. 4.

(2.) If any person who is not duly appointed to sell and distribute stamps, or duly licensed to deal in stamps, has, or puts upon his premises either in the inside or on the outside thereof, or upon any board or any material whatever exposed to public view, and whether the same be affixed to his premises or not, any letters importing or intending to import that he deals in stamps, or is licensed so to do, he shall on summary conviction incur a fine not exceeding one hundred dollars.

5.—(1.) If the licence of any person to deal in stamps expires or is revoked, or if any person licensed to deal in stamps dies or becomes bankrupt, and any such person at the expiration or revocation of his licence, or at the time of his death or bankruptcy, has in his possession any stamps, such person, or his executor or administrator, or the receiver or trustee or official assignee under his bankruptcy, may, within six months after the expiration or revocation of the licence, or after the death or bankruptcy, as the case may be, bring or send the stamps to the Collector.

Provisions as to determination of a licence. *ib.* s. 5.

(2.) The Collector may in any such case pay to the person bringing or sending stamps the amount of the duty thereon, if proof to his satisfaction is furnished that the same were actually in the possession of the person, whose licence has expired or been revoked, or so dying or becoming bankrupt, for the purpose of sale, at the time of the expiration or revocation of the licence, or of his death or bankruptcy, and that the stamps were purchased or procured by that person at any public office, or from some person duly appointed to sell and distribute stamps, or duly licensed to deal in stamps.

6.—(1.) If any person, whether licensed to deal in stamps or not, hawks or carries about for sale or exchange, any stamps, he shall in addition to any other fine or penalty to which he may be liable incur on summary conviction a fine of two hundred dollars.

Penalty for hawking stamps. *ib.* s. 6.

(2.) In default of payment of the fine, on summary conviction the offender shall be imprisoned with or without hard labour for any term not exceeding two months.

(3.) All stamps which are found in the possession of the offender shall be forfeited, and shall be delivered to the Collector to be disposed of as he thinks fit.

(4.) Any Police Officer may arrest a person found committing an offence against this section and take him before a Magistrate who shall hear and determine the matter.

Allowance for Spoiled Stamps.

Procedure
for obtaining
allowance.
54 & 55 *Vict.*
c. 38 s. 9.

7. Subject to such regulations as the Governor-in-Council may think proper to make, and to the production of such evidence by statutory declaration or otherwise as the Collector may require, allowance is to be made by the Collector for stamps spoiled in the cases hereinafter mentioned; (that is to say):—

- (1.) The stamp on any material inadvertently and undesignedly spoiled, obliterated, or by any means rendered unfit for the purpose intended, before the material bears the signature of any person or any instrument written thereon is executed by any party :
- (2.) Any adhesive stamp which has been inadvertently and undesignedly spoiled or rendered unfit for use and has not in the opinion of the Collector been affixed to any material :
- (3.) Any adhesive stamp representing a fee capable of being collected by means of such stamp which has been affixed to material provided that a certificate from the proper officer is produced to the effect that the stamp should be allowed :
- (4.) The stamp on any bill of exchange signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance :
- (5.) The stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands :
- (6.) The stamp on any bill of exchange or promissory note which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange, may have been accepted or indorsed, or, being a promissory note, may have been delivered to the payee, provided that another completed and duly stamped bill of exchange or promissory note is produced identical in every particular, except in the correction of the error or omission, with the spoiled bill or note :
- (7.) The stamp used for any of the following instruments ; that is to say,
 - (a.) An instrument executed by any party thereto, but afterwards found to be absolutely void from the beginning :
 - (b.) An instrument executed by any party thereto, but afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended :
 - (c.) An instrument executed by any party thereto which has not been made use of for any purpose whatever, and which by reason of the liability or refusal of some necessary party to sign the same or to complete the transaction according to the instrument, is incomplete and insufficient for the purpose for which it was intended :
 - (d.) An instrument executed by any party thereto, which by reason of the refusal of any person to act under the same, or for want of enrolment or registration within the time required by law, fails of the intended purpose or becomes void :
 - (e.) An instrument executed by any party thereto which is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped, or which becomes useless in consequence of the

transaction intended to be thereby effected being effected by some other instrument duly stamped :

Provided as follows :—

- (a.) That the application for relief is made within six months after the stamp has been spoiled or become useless or in the case of an executed instrument after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed or within such further time as the Collector may prescribe in the case of any instrument sent abroad for execution or when from unavoidable circumstances any instrument for which another has been substituted cannot be produced within the said period ;
- (b.) That in the case of an executed instrument no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence, and that the instrument is given up to be cancelled.

8. When any person has inadvertently used for an instrument liable to duty a stamp of greater value than was necessary, or has inadvertently used a stamp for an instrument not liable to any duty, the Collector may, on application made within two years after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if liable to duty, being stamped with the proper duty, cancel and allow as spoiled the stamp so misused.

Allowance for misused stamps. 54 & 55 Viet. c. 38 s. 10.

9. In any case in which allowance is made for spoiled or misused stamps the Collector may give in lieu thereof other stamps of the same denomination and value, or if required, and he thinks proper, stamps of any other denomination to the same amount in value.

Allowance how to be made. *ib.* s. 11.

Offences relating to Stamps.

10. Every person who does, or causes or procures to be done, or knowingly aids, abets, or assists in doing, any of the acts following ; that is to say,

- (1.) Forges or fraudulently alters a die or stamp or surcharges any stamp without proper authority, or forges, alters, erases, removes or cancels the authorised surcharge on any stamp ;
- (2.) Prints or makes an impression upon any material with a forged die ;
- (3.) Fraudulently prints or makes an impression upon any material from a genuine die ;
- (4.) Fraudulently cuts, tears, or in any way removes from any material any stamp, with intent that any use should be made of such stamp or of any part thereof ;
- (5.) Fraudulently removes or causes to be removed from any instrument any adhesive stamp, or affixes to any other instrument or uses for any postal purpose any adhesive stamp which has been so removed, with intent that the stamp may be used again ; or
- (6.) Fraudulently mutilates any stamp, with intent that any use should be made of any part of such stamp ;
- (7.) Fraudulently fixes or places upon any material or upon any stamp, any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any way removed from any other material, or out of or from any other stamp ;

Certain offences in relation to dies and stamps to be felonies. 54 & 55 Viet. c. 38 & 39 ss. 13 & 9.

- (8.) Fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date, or other matter or thing whatsoever thereon written, with the intent that any use should be made of the stamp upon such material; or wilfully removes or attempts to remove from any adhesive stamp any cancelling marks thereon;
- (9.) Sells or offers for sale, or utters, any adhesive stamp which has been so removed, or utters any instrument, having thereon any adhesive stamp which has to his knowledge been so removed as aforesaid;
- (10.) Knowingly sells or exposes for sale or utters or uses any forged stamp, or any stamp which has been fraudulently printed or impressed from a genuine die: or any stamp from which cancelling marks have been wholly or partially removed: or any stamp the surcharge on which has been forged, altered, erased, removed or cancelled;
- (11.) Knowingly, and without lawful excuse (the proof whereof shall lie on the person accused) has in his possession any forged die or stamp or any stamp which has been fraudulently printed or impressed from a genuine die, or any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamp the surcharge on which has been forged, altered, erased, removed or cancelled or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise either really or apparently removed,

shall be guilty of felony, and shall on conviction be liable to be imprisoned with or without hard labour for any term not exceeding seven years.

Making
paper in
imitation of
paper used
for stamp
duties.
54 & 55 Vict.
c. 38 s. 14.

11. Every person who without lawful authority or excuse (the proof whereof shall lie on the person accused)—

- (a.) Makes or causes or procures to be made, or aids or assists in making or knowingly has in his custody or possession, any paper in the substance of which shall appear any words, letters, figures, marks, lines, threads, or other devices peculiar to and appearing in the substance of any paper provided or used by or under the direction of the Collector for receiving the impression of any die, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate or pass for the same; or
- (b.) Causes or assists in causing any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate or pass for the same, to appear in the substance of any paper whatever,

shall be guilty of felony, and shall on conviction be liable to be imprisoned with or without hard labour for any term not exceeding two years.

Possession
of paper,
plates or
dies used for
stamp duties.
ib. s. 15.

12. Every person who without lawful authority or excuse (the proof whereof shall lie on the person accused) purchases or receives or knowingly has in his custody or possession—

- (a.) Any paper manufactured and provided by or under the direction of the Collector, for the purpose of being used for receiving the impression of any die before such paper shall have been duly stamped and issued for public use; or
- (b.) Any plate, die, dandy-roller, mould, or other implement peculiarly used in the manufacture of any such paper,

shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned with or without hard labour for any term not exceeding two years.

13. On information given before a Magistrate upon oath that there is just cause to suspect any person of being guilty of any of the offences aforesaid, such Magistrate may, by a warrant under his hand, cause every house, room, shop, building, or place belonging to or occupied by the suspected person, or where he is suspected of being or having been in any way engaged or concerned in the commission of any such offence, or of secreting any machinery, implements, or utensils applicable to the commission of any such offence, to be searched by a European Police Officer, and if upon such search any of the said several matters and things are found, the same may be seized and carried away, and shall afterwards be delivered over to the Collector.

Proceedings for detection of forged dies, &c. 54 & 55 Vict. c. 38 s. 16.

14.—(1.) Any Magistrate having knowledge of the concealment or deposit of any stamps, may, upon reasonable suspicion that the same have been stolen or fraudulently obtained, issue his warrant to a European Police Officer for the seizure thereof, and for apprehending and bringing before himself or any other Magistrate the person in whose possession or custody the stamps may be found, to be dealt with according to law.

Proceedings for detection of stamps stolen or obtained fraudulently. *ib.* s. 17.

(2.) If the person does not satisfactorily account for the possession of the stamps or it does not appear that the same were lawfully purchased by him, the stamps shall be forfeited, and shall be delivered over to the Collector.

(3.) Provided that if at any time within six months after the delivery any person makes out to the satisfaction of the Collector that any stamps so forfeited were stolen or otherwise fraudulently obtained from him such stamps may be delivered up to him.

15.—(1.) If any forged stamps are found in the possession of any person appointed to sell and distribute stamps, or being or having been licensed to deal in stamps, that person shall be deemed and taken, unless the contrary is satisfactorily proved, to have had the same in his possession knowing them to be forged, and with intent to sell, use, or utter them, and shall be liable to the punishment imposed by law upon a person selling, using, uttering, or having in possession forged stamps knowing the same to be forged.

Licensed person in possession of forged stamps to be presumed guilty until contrary is shown. *ib.* s. 18.

(2.) If a Magistrate has cause to suspect any such person of having in his possession any forged stamps, he may by warrant under his hand authorise any European Police Officer to enter between the hours of nine in the morning and seven in the evening into any house, room, shop, or building of or belonging to the suspected person, and if on demand of admittance, and notice of the warrant, the door of the house, room, shop, or building, or any inner door thereof, is not opened, the authorised Police Officer may break open the same and search for and seize any stamps that may be found therein or in the custody or possession of the suspected person.

(3.) All Police Officers are hereby required, upon request by any person so authorised, to aid and assist in the execution of the warrant.

(4.) Any person who—

(a.) Refuses to permit any such search or seizure to be made as aforesaid: or

(b.) Assaults, opposes, molests, or obstructs any person so authorised in the due execution of the powers conferred by this section or any person acting in his aid or assistance,

and any Police Officer who upon any such request as aforesaid, refuses or neglects to aid and assist any person so authorised in the due execution of his powers shall incur a fine of five hundred dollars.

16. Where stamps are seized under a warrant, the person authorised by the warrant shall, if required, give to the person in whose custody or possession the stamps are found an acknowledgment of the number, particulars, and amount of the stamps, and permit the stamps to be marked before the removal thereof.

Mode of proceeding when stamps are seized. *ib.* s. 19.

As to defacement of adhesive stamps. 54 & 55 *Vict.* c. 38 s. 20.

17. Every person who by any writing in any manner defaces any adhesive stamp before it is used shall incur a fine of fifty dollars: Provided that any person may with the express sanction of the Collector, and in conformity with the conditions which he may prescribe, write upon or otherwise appropriate an adhesive stamp before it is used for the purpose of identification thereof.

Penalty for frauds in relation to duties. *ib.* s. 21.

18. Any person who practises or is concerned in any fraudulent act, contrivance, or device, not specially provided for by law, with intent to defraud His Majesty of any duty shall incur a fine of five hundred dollars.

Miscellaneous.

As to discontinuance of dies. *ib.* s. 22.

19. Whenever the Collector determines to discontinue the use of any die, and provides a new die to be used in lieu thereof, and gives public notice thereof in the *Gazette*, then from and after any day to be stated in the notice (such day not being within one month after the same is so published) the new die shall be the only lawful die for denoting the duty chargeable in any case in which the discontinued die would have been used; and every instrument first executed by any person, or bearing date after the day so stated, and stamped with the discontinued die, shall be deemed to be not duly stamped:

Provided as follows:

(a.) If any instrument stamped as last aforesaid, and first executed after the day so stated at any place out of the Colony, is brought to the Collector within fourteen days after it has been received in the Colony, then upon proof of the facts to the satisfaction of the Collector the stamp thereon shall be cancelled, and the instrument shall be stamped with the same amount of duty by means of the lawful die, without the payment of any penalty:

(b.) All persons having in their possession any material stamped with the discontinued die, and which by reason of the providing of such new die has been rendered useless, may at any time within six months after the day stated in the notice send the same to the chief office or one of the head offices, and the Collector may thereupon cause the stamp on such material to be cancelled, and the same material, or, if the Collector thinks fit, any other material, to be stamped with the new die, in lieu of and to an equal amount with the stamp so cancelled.

Application of Ordinance to excise labels. *ib.* s. 23.

20. The provisions of this Ordinance in reference to offences relating to stamps shall apply to any label now or hereafter provided by Government for denoting any duty of excise, and any label so provided shall be deemed to be included in the term "stamp" as defined by this Ordinance.

Definitions. *ib.* s. 27.

21. In this Ordinance, unless the context otherwise requires—

The expression "Collector" means the Collector of Stamp Revenue:

The expression "duty" means any stamp duty for the time being chargeable by law including postage:

The expression "material" includes every sort of material upon which words or figures can be expressed:

The expression "instrument" includes every written document:

The expression "die" includes any plate, type, tool, or implement whatever used in the manufacture of any adhesive stamp or for expressing or denoting any duty, or rate of duty, or the fact that any duty or rate of duty or penalty has been paid, or that an instrument is duly stamped, or is not chargeable with any duty or for denoting any fee, and also any part of any such plate, type, tool, or implement:

The expressions "forge" and "forged" include counterfeit and counterfeited or fictitious:

The expression "stamp" means as well a stamp impressed by means of a die as an adhesive stamp for denoting any duty or fee, and shall include any label or stamp for denoting a rate of postage or any envelope, wrapper, card, form or paper, words, letters or marks purporting to authorise the transmission by post of any correspondence whether such stamp is issued by the Government of Hongkong or by the Postmaster General of the United Kingdom or by the Government of any British Possession or of any foreign country :

The expression "stamped" is applicable as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto :

The expressions "executed" and "execution", with reference to instruments not under seal, mean signed and signature.

22. The Postmaster General shall have and shall be entitled to exercise all the powers of the Collector under this Ordinance in respect of all matters affecting the Post Office of the Colony.

Postmaster General to have powers of Collector in matters affecting Post Office.

23. The enactments specified in the Schedule to this Ordinance are hereby repealed from and after the commencement of this Ordinance to the extent specified in the third column of that Schedule.

Repeal.

Passed the Legislative Council of Hongkong this 10th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 24th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

SCHEDULE.

<i>No. & year.</i>	<i>Title.</i>	<i>Extent of repeal.</i>
16 of 1901.	An Ordinance to consolidate and amend the Laws relating to Stamps and Stamp Duty.	Sections 13, 25, 26, 27, 28 and 30.
6 of 1900.	An Ordinance to consolidate and amend the Laws relating to the Post Office.	Section 34 sub-section (1) (d) except the words "fraudulently removing any postage stamp from any correspondence"; Section 36 sub-sections (1) (e) and (f).

HONGKONG.

No. 36 of 1911.

An Ordinance to amend the Code of Civil Procedure.



F. D. LUGARD,
Governor.

[25th August, 1911.]

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

- Short title and construction.* **1.** This Ordinance may be cited as the Code of Civil Procedure Amendment Ordinance, 1911, and the references to chapters and sections in this Ordinance are to chapters and sections in the Code of Civil Procedure.
- Ordinance No. 3 of 1901. Amends section 2.* **2.** In section 2 after the definition of "This Code" there shall be inserted the following definition:—
 "The Hongkong Code of Civil Procedure" means the Code of Civil Procedure established by Ordinance No. 13 of 1873, and repealed by Ordinance No. 6 of 1901 (both as numbered before the coming into force of Ordinance No. 12 of 1900); and the expression shall have the same meaning when used in any other Ordinance."
- It. Repeals section 3.* **3.** In section 3, the words "Subject to the provisions of any statute, rule, or order relating thereto" are repealed.
- It. Amends section 4.* **4.—(1.)** Section 4 shall be renumbered section 4 (1) and shall be amended by the deletion of the words "for the time being in force in the Supreme Court in England" and the substitution therefor of the words "in force in the Supreme Court in England on 31st December, 1911"; and by the addition of the following proviso:—
 "Provided that where any subject dealt with in such Rules of Practice is provided for wholly or in part in this Code, the English rule shall be deemed not to be in force in the Court."
 (2.) There shall be added to section 4 so amended as aforesaid the following new sub-section:—
 "(2.) It shall be lawful for the Judges to amend the rules contained in this Code and make other rules as occasion may require, provided that every such amended rule or new rule shall not have effect until approved by the Legislative Council."
- It. Amends section 36.* **5.** In section 36, the words "a British Corporation" shall be deleted and there shall be substituted therefor the words "a company or corporation created by Charter, Letters Patent or by or under any Ordinance which has its principal officer or its principal office or its principal place of business or registered office in the Colony".
- It. Amends section 37.* **6.** In section 37 the first two lines thereof shall be deleted and there shall be substituted therefor the words "When the action or other proceeding is against any corporation or company which does not fall within the provisions of the last section, but which has an office and carries on business in".
- It. Amends section 49.* **7.** In section 49, the words "to serve notice of motion" shall be deleted and there shall be substituted therefor the words "to apply by summons".

8. In section 52, the words from "But it shall not be obligatory" to the end shall be deleted. *Ib.* Amends section 52.

9. Section 83 shall be renumbered section 83 (1) and there shall be added thereto the following sub-section:— *Ib.* Adds a new sub-section to section 83.

"(2.) 'Estate' in this and in all other sections shall have the same meaning as in the Probates Ordinance, 1897, as amended by subsequent Ordinances."

10.—(1.) The first part of section 117 down to the proviso shall be deleted and there shall be substituted therefor the words:— *Ib.* Amends sections 117, 120 and 149.

"Nothing in this Code shall affect the right of any defendant to plead not guilty by statute or Ordinance: and every such defence shall have the same effect as a plea of 'not guilty by statute' has in England."

(2.) In section 120, after the words "by statute" there shall be inserted the words "or Ordinance".

(3.) In section 149, after the words "by statute" there shall be inserted the words "or by Ordinance, as the case may be".

11. Section 133 is repealed. *Ib.* Repeals Section 133.

12. In section 135, the third sub-section is repealed and replaced by the following:— *Ib.* Amends section 135.

"(3.) Where leave to defend is given under section 23 or 24, it shall not be necessary to file a further statement of claim, unless otherwise ordered at the hearing of the summons for judgment."

13.—(1.) Section 347 shall be repealed and there shall be substituted therefor the following section:— *Ib.* Amends sections 347 and 348.

"347. If the judgment of the Court is reserved at the trial the Court shall, either then or on some subsequent day cause the parties to be informed of the day on which judgment will be delivered."

(2.) In sub-section (2) of section 348 the words "served with notice to attend and hear judgment" shall be deleted and there shall be substituted therefor the words "informed of the day on which judgment will be delivered".

14. In section 349, after the words "Provided that the Court may" there shall be inserted the words "on good cause shown". *Ib.* Amends section 349.

15. In section 368, the second sub-section is repealed and the figure "(1)". *Ib.* Amends section 368.

16. In section 386, the second sub-section is repealed and replaced by the following:— *Ib.* Amends section 386.

"(2.) The order for immediate execution shall be in writing and shall be sufficient authority to the bailiff to proceed at once to execution of the judgment by seizure of the person of the party against whom judgment is given: provided that the party obtaining the order shall, as soon thereafter as practicable, comply with the requirements of the following section: Provided further that if the party against whom the order has been made satisfies the Judge that he has sufficient means and intends to satisfy the judgment, the Judge may discharge the order for immediate execution."

17. Section 389 is repealed. *Ib.* Repeals section 389.

18. Section 443 shall be amended as follows:— *Ib.* Amends section 443.

(a.) in sub-section (1) thereof by the deletion of the word "apply" and the substitution therefor of the words "make written application";

(b.) in sub-section (2) thereof by the insertion after the word "affidavit" at the end thereof of the words "and shall be forwarded by the applicant's solicitor, or, if he have no solicitor, by the Superintendent of the Gaol, to the Registrar";

(c.) in sub-section (3) thereof by the deletion of the words "On the application being made", and by the substitution therefor of the words "On the application being received, the Registrar shall forthwith bring it to the notice of the Court and";

(d.) in sub-section (3) thereof by the deletion of the words "appear on the hearing of" and the substitution therefor of the words "signify his intention of appearing and opposing";

(e.) by the addition at the end of sub-section (3) thereof of the following proviso:—

"Provided always that the judgment creditor shall not be allowed to appear and oppose the application unless within the period fixed as aforesaid he shall have signified in writing to the Registrar his intention of so appearing and opposing the application";

(f.) in sub-section (4) thereof by the deletion of the words "it shall make an order to that effect" and the substitution therefor of the words "or if the judgment creditor shall not have signified his intention as aforesaid, it shall order the release of the judgment debtor".

Ib. Amends sections 478, 479, and 480. **19.**—(1.) In section 478 the words "with the consent in writing of the Governor," shall be deleted.

(2.) In section 479, after the word "service" there shall be inserted the words "of a sealed copy".

(3.) Sub-section (1) of section 480 shall be amended by the insertion after the word "Governor" of the words "whose consent shall be necessary to the continuance of the action. Such consent may be withheld upon such grounds as would justify the Attorney General of England in refusing his *fiat*."

Ib. Repeals section 565. **20.** Sections 565 is repealed.

Ib. Amends section 570. **21.** Section 570 shall be renumbered as section 570 (1) and a new sub-section shall be added as follows:—

"(2.) The surety or sureties for the appearance of the defendant or either or any of them may at any time apply to a Judge to be discharged from his or their obligation.

On such application being made the Judge shall summon the defendant to appear; or, if necessary, he may issue a warrant for his arrest in the first instance.

On the appearance of the defendant pursuant to the summons or warrant, or on his voluntary surrender, the Court shall direct the surety or sureties making application under this section to be discharged from his or their obligation, and shall call upon the defendant to find fresh security, whereupon the provisions of section 569 (2) shall again apply."

Ib. Amends section 595. **22.** In section 595, sub-section (2) is repealed, and the figure "(1)".

Ib. Repeals Chapter XXIX. **23.** Chapter XXIX (section 623) is repealed.

Ib. Renumberes Chapters XXX and XXXI. **24.** Chapters XXX and XXXI shall be re-numbered XXIX and XXX respectively.

Ib. Adds a proviso to section 624. **25.** In section 624, the following is added:—
"Provided that he shall not be allowed his costs in respect of counsel's fees, unless the Judge certifies that the case is fit for counsel."

Ib. Amends section 627. **26.** In section 627, in paragraph (7) the words "the determination of" shall be deleted.

Ib. Repeals section 693. **27.** Section 693 is repealed.

28.—(1.) Before section 42 there shall be inserted the heading “*Service out of the Jurisdiction*”.

It. Adds a new heading to and amends section 42.

(2.) The first line of sub-section (1) of section 42 shall be amended by the insertion of the words “of a writ of summons or notice of a writ of summons” after the word “jurisdiction”.

(3.) The following paragraphs shall be added to section 42:—

“(4.) When the defendant is neither a British subject nor in British dominions, notice of writ, and not the writ itself, is to be served upon him.

(5.) Where leave is given under this section to serve notice of a writ of summons out of the jurisdiction, such notice shall be served in the manner in which writs of summons are served; and whenever in any section of this Code a writ of summons and service of a writ of summons out of the jurisdiction is referred to, it shall be held to apply, *mutatis mutandis*, where the defendant is not a British subject, to notice of a writ and the serving of notice of writ of summons respectively.”

(4.) Section 13 is repealed and replaced by the following:—

It. Amends section 13.

“No writ for service out of the jurisdiction, or of which notice is to be given out of the jurisdiction, shall be issued without leave of the Court.”

(5.) Section 25 (2) is repealed and replaced by the following:—

It. Amends section 25.

“A writ for service within the jurisdiction may be issued and marked as a concurrent writ with one for service (or whereof notice in lieu of service is to be given) out of the jurisdiction, and a writ for service (or whereof notice in lieu of service is to be given) out of the jurisdiction, may be issued and marked as a concurrent writ with one for service within the jurisdiction.”

(6.) In section 42 (2), after the words “probably may be found”, there shall be inserted the words “and whether such defendant is a British subject or not”.

It. Amends section 42.

29. The following further paragraphs shall be added to section 42:—

Do.

“(6.) This section shall apply to writs of summons and notices of writs of summons in Probate actions.

(7.) The Court or a Judge may direct that any summons, order or notice shall be served on any party or person in a foreign country and the procedure prescribed by this section with reference to service of notice of writ of summons shall apply to the service of any summons, order or notice so directed to be served.

(8.) Where leave is given to serve notice of a writ of summons, or other document, in any foreign country to which Order XI rule 8 of the Rules of the Supreme Court in England has by order of the Lord Chancellor been applied, the following procedure shall be adopted:—

(i.) The notice to be served shall be sealed with the seal of the Court and shall be forwarded by the Judge to the Colonial Secretary, together with a copy thereof translated into the language of the country in which service is to be effected, and with a request that the necessary steps be taken for the transmission of the same, through the proper channels, to the Government of the country in which leave to serve notice of the writ has been given. Such request shall be in form 8c in the schedule, with such variations as circumstances may re-

- (ii.) The party bespeaking a copy notice of writ for service under this section shall, at the time of bespeaking the same, file a *præcipe* in form 8c in the schedule.
- (iii.) An official certificate, or declaration upon oath, or otherwise transmitted through the diplomatic channel by the Government or Court of a foreign country to which this section applies, to the Supreme Court, shall, provided that it certifies or declares the notice of the writ to have been personally served or to have been duly served upon the defendant in accordance with the law of such foreign country, or words to that effect, be deemed to be sufficient proof of such service, and shall be filed of record as, and be equivalent to, an affidavit of service within the requirements of this section in that behalf.
- (iv.) Where an official certificate or declaration, transmitted to the Supreme Court in manner provided in the last sub-section, certifies or declares that efforts to serve a notice of writ have been without effect, the Court or a Judge may, upon the *ex parte* application of the plaintiff, order that the plaintiff be at liberty to bespeak a request for substituted service of such notice. Such order shall be in form 8e in the schedule with such variations as circumstances may require.
- (v.) A request for substituted service of a notice of writ under this section may be bespoken by the plaintiff at the Registry upon filing a *præcipe* in form 8c in the schedule, and the notice of writ and copy of the same, and the order shall be sealed and transmitted to the Colonial Secretary in manner aforesaid together with a request in form 8d in the schedule, with such variations as circumstances may require.
- (9.) Where in any civil or commercial matter pending before a Court or Tribunal of a foreign country a letter of request from such Court or Tribunal for service on any person in this Colony of any process or citation in such matter is transmitted to the Supreme Court by the Colonial Secretary with an intimation that it is desirable that effect should be given to the same, the following procedure shall be adopted :—
- (i.) The letter of request for service shall be accompanied by a translation thereof in the English language, and by two copies of the process or citation to be served, and two copies thereof in the English language.
- (ii.) Service of the process or citation shall be effected by the bailiff.
- (iii.) Such service shall be effected by delivering to and leaving with the person to be served one copy of the process to be served, and one copy of the translation thereof, in accordance with the practice of the Court regulating service of process.
- (iv.) After service has been effected the bailiff shall return to the Registrar one copy of the process, together with an affidavit of service verified by notarial certificate, and particulars of charges for the cost of effecting such service.
- (v.) The Registrar shall certify the correctness of the charges, or such other amount as shall be properly payable for the cost of effecting service. A copy of such charges and certificate shall be forwarded to the Colonial Secretary.
- (vi.) The Registrar shall send to the Colonial Secretary the letter of request for service received from the foreign country, together with the affidavit of service, with a cer

tificate appended thereto duly sealed with the seal of the Court. Such certificate shall be in form 8f in the schedule.

(vii.) Upon the application of the Crown Solicitor with the consent of the Attorney General, the Court or a Judge may make all such orders for substituted service or otherwise as may be necessary to give effect to this section."

30. The forms in the schedule shall be substituted for ^{7/b.} existing forms in or added to the schedule of the Code of ^{forms to the} Civil Procedure, according to the numbers given to them. ^{schedule.}

Passed the Legislative Council of Hongkong, this 24th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th day of August, 1911.

WARREN BARNES,
Colonial Secretary.

SCHEDULE OF FORMS.

FORM No. 7.

WRIT FOR SERVICE OUT OF THE JURISDICTION, OR WHEN NOTICE IN LIEU OF SERVICE IS TO BE GIVEN OUT OF THE JURISDICTION.

(Title, &c.) (a)

GEORGE THE FIFTH, by the grace of God, &c.
To C. D., of

We command you, C. D., That within [here insert the number of days directed by the Court or Judge ordering the service or notice] after the service of this writ [or notice of this writ, as the case may be] on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Jurisdiction of the Supreme Court of Hongkong in an action at the suit of A. B.; and take notice, that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence. Witness, &c.

Memoranda to be subscribed on writ.

N.B.—This writ is to be served within twelve calendar months from the date hereof, or, if renewed, within six calendar months, including the day of such date, and not afterwards.

The defendant (or defendants) may appear hereto by entering an appearance (or appearances) either personally or by a solicitor at the Registry of the Supreme Court, Hongkong.

Indorsements to be made on the writ before issue thereof.

The plaintiff's claim is for, &c. (b)

The writ was issued by the plaintiff who resides
or, this writ was issued by E. F. of
whose address for service is Solicitor for,
the said plaintiff, who resides at, or, this writ was
issued by C. H., of whose address for service
is agent for of
Solicitor for the said plaintiff, who resides at
(mention the city, town, or village, also the name of the,
street and number of the house of the plaintiff's residence,
if any).

N.B.—This writ is to be used where defendant or all the defendants or one or more defendant or defendants is or are out of the jurisdiction.

When the defendant to be served is not a British subject, and is not in British dominions, notice of the writ, and not the writ itself, to be served upon him.

Indorsements to be made on the writ (c) before issue thereof.

This writ was served by me at
on the defendant _____ on
the _____ day of _____
19 _____
Indorsed the _____ day of _____ 19 _____
(Signed)
(Address)

Notes.—(a.) If the action is for administration the writ must be headed "In the matter of the Estate of _____ deceased". If it is a debenture holder's action the writ must be headed in the matter of Company.

(b.) If the claim is for a debt or liquidated demand only the indorsement, even though not special, must include a claim for four-day costs.

(c.) Within three days.

[*Note.*—The above indorsement "*N.B.*" must be on any concurrent writ for service out of the jurisdiction, or of which notice is to be served out of the jurisdiction. The indorsement "*N.B.*" need not be made on a writ against defendants domiciled abroad, but whom it is intended to serve within the jurisdiction.]

FORM NO. 8.

SPECIALLY INDORSED WRIT FOR SERVICE
OUT OF THE JURISDICTION.

(Title.)

GEORGE THE FIFTH, by the grace of God, &c., to
of _____ in the _____ of _____

We command you, That within* _____ days after service† of this writ on you, inclusive of the day of such service, you cause an appearance to be entered for you in an action at the suit of _____

And take notice, that in default of your so doing the plaintiff may proceed therein, and judgment be given in your absence:

Witness, &c.

N.B.—This writ is to be used, &c. [as in Form No. 2a, supra.]

Appearance is to be entered at the Registry of the Supreme Court, Hongkong.

Statement of Claim:

The plaintiff's claim is

Particulars:—

Place of trial

(Signed)

And \$ _____ [or such sum as may be allowed on taxation] for costs. If the amount claimed is paid to the plaintiff or his solicitor or agent within* _____ days from service† hereof, further proceedings will be stayed.

This writ was issued, &c. [see Form 5 supra.]

This writ [or notice of this writ] was served, &c.

N.B.—This writ is to be used, [as in Form No. 1 supra.]

FORM No. 8a.

NOTICE OF WRIT IN LIEU OF SERVICE TO BE
GIVEN OUT OF THE JURISDICTION.*(Title, &c.)*

To G.H., of

Take notice, that A.B., of _____, has commenced an action against you, G.H., in the _____ Jurisdiction of the Supreme Court of Hongkong by writ of that Court, dated the _____ day of _____, A.D. 19____; which writ is indorsed as follows [*copy in full the indorsements*], and you are required within _____ days after the receipt of this notice, inclusive of the day of such receipt, to defend the said action, by causing an appearance to be entered for you in the said Court to the said action; and in default of your so doing, the said A.B. may proceed therein, and judgment may be given in your absence.

You may appear to the said writ by entering an appearance personally or by your Solicitor at the Registry of the Supreme Court Hongkong.

(Signed) A.B. of &c.

or X.Y. of &c.

Solicitor for A.B.

A.B.—This notice is to be used where the person to be served is not a British subject, and is not in British dominions.

FORM No. 8b.

LETTER FORWARDING REQUEST FOR
SERVICE ABROAD.

The Chief Justice of the Supreme Court of Hongkong presents his compliments to the Colonial Secretary and begs to enclose a notice of a writ of summons issued in an action of _____ *versus* _____ pursuant to order out of the Supreme Court of Hongkong in order that necessary steps may be taken to ensure its transmission to the _____ in [*name of country*] with the request that the same may be served personally upon [*name of defendant to be served*] against whom proceedings have been taken in the said Supreme Court, and with the further request that such evidence of the service of the same upon the said defendant may be officially certified to the said Supreme Court, or declared upon oath, or otherwise, in such manner as is consistent with the usage or practice of the Courts of the [*name of country*] in proving service of legal process.

The Chief Justice begs further to request that in the event of efforts to personal service of the said notice of writ proving ineffectual the Government or Court of the said country be requested to certify the same to the said Supreme Court.

FORM No. 8c.

REQUEST FOR SERVICE OF NOTICE ABROAD.

(Title, &c.)

I (*or we*) hereby request that a notice of writ of summons in this action be transmitted through the proper channel to [*name of country*] for service on the defendant [*naming him*] at [*address of defendant*] or elsewhere in [*name of country*].

And I (*or we*) hereby personally undertake to be responsible for all expenses incurred by the Colonial Secretary in respect of the service hereby requested, and on receiving due notification of the amount of such expenses I (*or we*) undertake to pay the same to the Chief Clerk at the Colonial Secretary's Office, and to produce the receipt for such payment to the proper officer of the Supreme Court.

Dated, &c.

(Signature of Solicitor.)

FORM No. 8d.

LETTER FORWARDING REQUEST FOR
SUBSTITUTED SERVICE.

(Title, &c.)

The Chief Justice of the Supreme Court presents his compliments to the Colonial Secretary and begs to enclose a notice of a writ of summons in the case of *versus* in which the plaintiff has obtained an order of the Supreme Court (which is also enclosed) giving leave to bespeak a request that the said notice of writ may be served by substituted service on the defendant at

in the [name of country].

The Chief Justice requests that the said notice of writ and order may be forwarded to the proper authority in [name of country] with the request that the same may be transmitted by post addressed to the defendant at

(the last known place of abode or the place of business) of the said defendant, or there delivered in such manner as may be consistent with the usage or practice of the Courts of [name of country] for service of legal process where personal service cannot be effected; and with the further request that the same may be officially certified to the Supreme Court of Hongkong or declared upon oath, or otherwise, in such manner as is consistent with the practice of the Courts of the [name of country] in proving service of legal process.

FORM No. 8e.

ORDER TO BESPEAK REQUEST FOR SERVICE ABROAD.

(Title, &c.)

Upon reading the [certificate, declaration, or, as the case may be, describing the same.]

It is ordered that the plaintiff be at liberty to bespeak a request for substituted service of notice of the writ of summons herein on the defendant at
, or elsewhere in the [name of country]
and that the said defendant have days after
such substituted service within which to enter appearance.

Dated this day of , 19 .

FORM No. 8f.

CERTIFICATE OF SERVICE OF FOREIGN PROCESS.

I Master of the Supreme Court of Judicature in England hereby certify that the documents annexed hereto are as follows:—

- (1.) The original letter of request for service of process received from the Court or Tribunal at in the of in the matter of *versus* and;
- (2.) The process received with such letter of request, and;
- (3.) The evidence of service upon the person named in such letter of request, together with the verification of a Notary Public.

And I Certify that such service so proved, and the proof thereof, are such as are required by the law and practice of the English Supreme Court regulating the service of English legal process in England, and the proof thereof.

And I Certify that the cost of effecting such service, as duly certified by the Taxing of the English Supreme Court, amounts to the sum of

Dated this day of , 19 .

HONGKONG.

No. 37 of 1911.

An Ordinance to further amend the Protection
of Women and Girls Ordinance, 1897.



F. D. LUGARD,
Governor.

[25th August, 1911.]

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 Protection of Short title
Women and Girls Amendment Ordinance, 1911.

2. The Protection of Women and Girls Ordinance Further
1897, as amended by subsequent Ordinances, is hereby amends
further amended in sub-section (1) of section 13 thereof section
by the deletion of the words "he may order the occupier 13 (1) of
or keeper to discontinue such use of it; and if such order Ordinance
is not complied with within such time as the Magistrate No. 4 of
may by his order direct, the Magistrate may impose" 1897.
and by the substitution therefor of the words "he shall
and if such order is not complied with within such time,
not exceeding one week, as the Magistrate may by his
order direct, the Magistrate shall impose".

Passed the Legislative Council of Hongkong, this 17th
day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th
day of August, 1911.

WARREN BARNES,
Colonial Secretary.

HONGKONG.

No. 38 of 1911.

An Ordinance for the Establishment of a Hospi-
tal for the care and treatment of Chinese pati-
ents in the Kowloon Peninsula.



F. D. LUGARD,
Governor.

[25th August, 1911.]

WHEREAS subscriptions have been raised to build a hos-
pital for the care and treatment of Chinese patients in
Kowloon; and whereas His Majesty the King has been
graciously pleased by way of endowment of the said hos-
pital to consent to the grant of a piece of Crown Land as
a site for the erection thereof; and whereas the buildings
of the said hospital are now nearing completion and the
subscribers desire to surrender the said hospital to the
body politic and corporate known as The Tung Wa Hos-
pital; and whereas it is desirable to make special provision
for the management of the said hospital:

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

- Short title. 1. This Ordinance may be cited as the Tung Wa Hospital Extension Ordinance, 1911.
- Definitions. 2. The Hospital in course of erection on Kowloon Inland Lot 1213 shall be known as the Kwong Wa Hospital.
- Board of Direction means Board of Direction of the Tung Wa Hospital.
- Extension of power and liabilities of the Tung Wa Hospital Corporation and Board of Direction to the Kwong Wa Hospital. 3. From and after the commencement of this Ordinance the body politic and corporate which is referred to in the Tung Wa Hospital Incorporation Ordinance, 1870, as the Tung Wa Hospital shall possess the same powers and rights and be subject to the same liabilities and responsibilities in connexion with the Kwong Wa Hospital as it possesses and is subject to with regard to the hospital which is known as the Tung Wa Hospital; and the Board of Direction for the time being of the Tung Wa Hospital shall have and exercise the same powers and rights and be subject to the same liabilities and responsibilities in connexion with the Kwong Wa Hospital as they have and exercise and are subject to in connexion with the Tung Wa Hospital, and moreover the provisions of sections 14, 16 and 17 of the said last-mentioned Ordinance shall apply to the Kwong Wa Hospital in the same way as such provisions now apply to the Tung Wa Hospital.
- Management. 4. The Board of Direction shall have power to appoint any person approved by the Governor as manager of the Kwong Wa Hospital. Any person so appointed shall, subject to such regulations as may from time to time be made by the Board of Direction, undertake and exercise the immediate supervision and management of the Kwong Wa Hospital.
- The manager shall be responsible to the Board of Direction for the management of the hospital and for the conduct of the staff, and all orders of the Board of Direction shall be conveyed through him.
- Staff. 5. The Board of Direction shall also appoint all the other members of the staff of the hospital.
- One of the members of the staff of the Kwong Wa Hospital shall be a Chinese medical practitioner trained in European medicine, who shall be in charge of the patients who desire European treatment. He shall be removable from office by the Board of Direction with the consent of the Governor and not otherwise.
- Local Board. 6. The Board of Direction shall have power, subject to the approval of the Governor-in-Council, to appoint a Local Board consisting of subscribers to the Kwong Wa Hospital who are resident in Kowloon, and, subject to the like approval, to make regulations regarding the duties and constitution of the Local Board, the term of office of its members and the method of their appointment. Provided always that the manager of the Kwong Wa Hospital shall be *ex officio* Chairman of the Local Board.
- Small-pox hospital. 7. The small-pox hospital now under course of erection by the Tung Wa Hospital on Kowloon Inland Lot 1264 shall be considered to be part of the Kwong Wa Hospital and this Ordinance shall apply equally to it as to the Kwong Wa Hospital.

Passed the Legislative Council of Hongkong, this 17th day of August, 1911.

C. CLEMENTI,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th day of August, 1911.

WARREN BARNES,
Colonial Secretary.