



The Hongkong Government Gazette Extraordinary.

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The following Notification is published.

By command,

CLAUD SEVERN,
Colonial Secretary.

LEGISLATIVE COUNCIL.

No. 421.—The following Bill, which it is proposed to introduce at an early meeting of the Legislative Council, is published for general information :—

A BILL

ENTITLED

An Ordinance to amend the Alien Enemies
(Winding up) Ordinance, 1914.

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 Alien Enemies Short title.
(Winding up) Amendment Ordinance, 1914, and shall be
read and construed as one with the Alien Enemies (Wind-
ing up) Ordinance, 1914, (hereinafter called the Principal
Ordinance).

Amendment of Ordinance No. 28 of 1914, s. 4.

2. Section 4 of the Principal Ordinance is amended as follows:—

- (a.) By the repeal of the words "conveyed in writing under the hand of the Colonial Secretary" in sub-section (1).
- (b.) By the addition of the following sub-section after sub-section (2):—
- “(3.) No person shall without the permission of the Governor pay any money or part with any property whatsoever to or for the benefit of any alien enemy whether such alien enemy be within or without the Colony.”
- (c.) By renumbering sub-sections (3) and (4) as (4) and (5).

Repeal of Ordinance No. 28 of 1914, s. 5 (11).

3. Sub-section (11) of section 5 of the Principal Ordinance is repealed.

Addition of new sub-sections.

4. The following sub-sections are added after sub-section (10) of section 5 of the Principal Ordinance:—

“(11.) Every liquidator shall be entitled to retain out of the assets of the tradé, or out of the personal assets, of the alien enemy whose trade or personal affairs respectively he has been appointed to wind up, the expenses incurred by the liquidator in the course of such winding up, including the rent of any business premises formerly occupied by such alien enemy which shall accrue while such premises are occupied by the liquidator for the purpose of such winding up, and a sum of money equal to two and a half per cent. on the total assets realised or brought to credit by the liquidator, as remuneration for his loss of time and trouble.

(12.) In case the assets of any such trade, or the personal assets of any such alien enemy, shall be or become insufficient to meet all the corresponding liabilities, such assets shall be applied in the following order of priority:—

Firstly, the expenses incurred by the liquidator in the course of such winding up, including the rent of any business premises formerly occupied by such alien enemy which shall accrue while such premises are occupied by the liquidator for the purpose of such winding up.

Secondly, a sum of money equal to two and a half per cent. on the total assets realised or brought to credit by the liquidator, to be retained by him as remuneration for his loss of time and trouble.

Thirdly, all sums of money due to secured creditors, up to the value of their respective securities.

Fourthly, the salary or wages of any clerk or servant in respect of services rendered since the 31st day of July, 1914, less any sum of money due by such clerk or servant to such alien enemy, or to the compradore of such alien enemy.

Fifthly, all sums of money due to the Crown.

Sixthly, all other liabilities rateably *pari passu*, whether due to persons within or without the Colony.

(13.) In case the nett assets of any such trade, or the nett personal assets of any such alien enemy, after deducting the value of all securities held by secured creditors, shall be or become insufficient to satisfy the total sums of money which the liquidator is entitled under sub-section (11) of this section to retain, every secured creditor shall be liable to pay to the liquidator such proportion of the sum by which the nett assets as above defined are insufficient for the purpose aforesaid as the value of his security may bear to the total assets realised or brought to credit by the liquidator.

- (14.) The accounts of every such liquidator with respect to any such winding up shall be audited in such manner as the Governor may direct.
- (15.) Every person who shall, without lawful excuse, refuse to hand over to a liquidator on demand any keys, safe, office furniture, account books, cheque books, or other things of any nature whatsoever, of which he may be in possession, and which may have been used in connection with or which may relate to the trade or personal affairs of the alien enemy whose trade or personal affairs respectively such liquidator has been appointed to wind up, and every person who shall, without lawful excuse, in any way obstruct any liquidator in taking possession of any premises occupied by or on behalf of such alien enemy immediately before the appointment of such liquidator, shall be deemed to commit an offence against this Ordinance.
- (16.) Subject to the provisions of this Ordinance every such liquidator shall conform with any directions which may be given to him by the Governor."

5. Section 10 of the Principal Ordinance is amended by the substitution of the word "affect" for the word "effect" in the second line thereof.

Amendment
of Ordinance
No. 28 of
1914, s. 10.

Objects and Reasons.

The main object of this Bill is to provide for the payment of the liquidators' expenses and remuneration in case the nett assets after deducting the value of the securities held by secured creditors shall be insufficient to satisfy such expenses and remuneration. Under the Bill these expenses and remuneration take priority over every other liability, as they are absolutely necessary in the interest of all persons concerned.

Provision is made for the auditing of liquidators' accounts.

It is declared to be an offence against the Ordinance to refuse to hand over keys, account books, etc., to the liquidator, or to obstruct him in taking possession of the alien enemy's premises.

It is also expressly prohibited to pay any money or part with any property whatsoever, without the permission of the Governor, to or for the benefit of any alien enemy, whether such alien enemy be within or without the Colony.

J. H. KEMP,
Attorney General.