

**No. 473.**—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. 30 of 1914.—An Ordinance to amend the Alien Enemies (Winding up) Ordinance, 1914, and to provide for the protection of public officers in certain cases.

Ordinance No. 31 of 1914.—An Ordinance to amend the Medical Registration Ordinance, 1884.

### HONGKONG.

No. 30 OF 1914.

An Ordinance to amend the Alien Enemies (Winding up) Ordinance, 1914, and to provide for the protection of public officers in certain cases.

I assent to this Ordinance.

LS

F. H. MAY,  
Governor.

[4th December, 1914.]

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

Amendment of Ordinance No. 23 of 1914, s. 2.      **2.** Section 2 of the Principal Ordinance is amended by the substitution of a comma for a full stop after the words "His Majesty" in the definition of "alien enemy" and by the addition to the said definition of the following words:—

"and includes every body corporate incorporated or established in the territory, or within the jurisdiction, or under the laws, of any sovereign or state that is at war with His Majesty, and includes every firm which has, or which at any time since the outbreak of war has had, a partner or an office in the territory of any sovereign or state that is at war with His Majesty."

Amendment of Ordinance No. 28 of 1914, s. 4.      **3.** Section 4 of the Principal Ordinance is amended as follows:—

(a.) by the repeal of the words "in writing under the hand of the Colonial Secretary" in subsections (1) and (2), and by the substitution therefor of the words "by any officer duly authorised in that behalf";

(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, or in any way deal with any property for the benefit of an alien enemy, whether such alien enemy be within or without the Colony."

(c.) By renumbering sub-sections (3) and (4) as (4) and (5).

4. Sub-section (7) of section 5 of the Principal Ordinance is amended as follows :—

Amendment  
of Ordinance  
No. 28 of  
1914, s. 5 (7).

(a.) by the substitution of the word "trade" for the word "business" in the third line thereof ;

(b.) by the insertion of the words "together with the goodwill of such trade and every part thereof," after the word "enemy" at the end of the third line thereof ;

(c.) by the insertion of the following words between the word "trade" and the word "and" in the fifth line thereof :—

"or any branch of such trade outside the  
"Colony" ;

(d.) by the insertion of the words "for valuable consideration" between the word "assigned" and the word "to" in the seventh line thereof ;

(e.) by the insertion of the following words between the word "liquidator" and the word "provided" in the tenth and eleventh lines thereof :

"and in particular the appointment of a  
"liquidator of the trade of an alien enemy  
"under the provisions of this Ordinance  
"shall not alter vary or affect in any way  
"any liability or obligation of any com-  
"pradore of any such trade, or of any surety  
"of any such compradore, as existing im-  
"mediately before the appointment of the  
"liquidator, nor shall such appointment  
"operate to discharge any such compradore  
"or any surety of any such compradore  
"in respect of any such liability or obliga-  
"tion or to give him or any person who  
"has mortgaged pledged charged assigned  
"or given any property to secure any such  
"compradore any rights such surety or  
"person would not otherwise have had  
"whether in respect of any personal obliga-  
"tion or of any property mortgaged pledged  
"charged assigned or given as security or  
"otherwise :".

5. Sub-section (8) of section 5 of the Principal Ordinance is amended as follows :—

Amendment  
of Ordinance  
No. 28 of  
1914, s. 5 (8).

(a.) by the insertion of a comma after the word "proceedings" and by the insertion of the words "except proceedings in bankruptcy against an alien enemy" between the word "proceedings" and the word "which" in the first line thereof ;

(b.) by the insertion of the words "by or against such alien enemy" between the word "brought" and the word "in" in the second line thereof.

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

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

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

Addition of  
new sub-  
sections to  
section 5 of  
Ordinance  
No. 28 of  
1914.

"(11.) Every liquidator shall be entitled to retain out of the assets of the trade, 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 (a) 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, (b) audit fees, and (c) any money which may be advanced by the liquidator for the purposes of such winding up, and also 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 (a) 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, (b) audit fees, and (c) any money which may be advanced by the liquidator for the purposes 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: Provided that in the case of the winding up of any trade formerly carried on in the Colony by an alien enemy which was a branch of a trade carried on also outside the Colony, such liabilities in the opinion of the liquidator arise out of transactions entered into by or on behalf of such branch within the Colony and are not liabilities which would ordinarily have been discharged by branches of such trade outside 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.) Notwithstanding anything in this Ordinance contained, the Governor shall have power, in any case where it shall appear to him that the remuneration of any liquidator under the foregoing provisions would be inadequate, to award to such liquidator such remuneration as he shall think fit, and thereupon such liquidator shall be entitled to retain such increased remuneration out of the assets of the trade, or out of the personal assets, of the alien enemy whose trade or personal affairs respectively he has been appointed to wind up: Provided that nothing in this sub-section shall be construed as affecting the rights of any secured creditor of such alien enemy."

8. Sub-section (12) of section 5 of the Principal Ordinance is renumbered as sub-section (17).

Renumbering of Ordinance No. 28 of 1914, s. 5 (12).

9. Section 6 of the Principal Ordinance is amended as follows:—

Amendment of Ordinance No. 28 of 1914, s. 6.

(a.) by the substitution of the word "formerly" for the word "previously" in the third line of sub-section (1);

(b.) by the repeal of sub-section (3) and by the substitution therefor of the following sub-section:—

"(3.) If any person acts in any way for any former principal of such alien enemy, or corresponds or deals with any person with whom such alien enemy formerly had trade relations, he shall be presumed to be carrying on the trade formerly carried on by such alien enemy, unless he shall prove to the satisfaction of the magistrate or the court or the jury as the case may be (a) that such trade was *bonâ fide* assigned or parted with or abandoned by such alien enemy before the 5th August, 1914, or (b) that he has *bonâ fide* established new trade relations with such principal or person without the intervention or assistance of such alien enemy and that he is not trading in any way on account of or for the benefit of any alien enemy."

10. Section 10 of the Principal Ordinance is amended as follows:—

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

(a.) by the substitution of the word "affect" for the word "effect" in the second line thereof;

(b.) by the substitution of a colon for the full stop at the end thereof, and by the addition thereto of the following:—

"Provided that where a liquidator has  
 "been appointed to wind up the  
 "affairs of any trade formerly carried  
 "on in the Colony by an alien enemy  
 "or to wind up the personal affairs  
 "of any alien enemy no proceedings in  
 "bankruptcy shall be brought or be  
 "maintained against any such alien  
 "enemy so long as the appointment  
 "of such liquidator, or of any person  
 "appointed as liquidator in succession to such liquidator, shall remain  
 "in force."

11. No alien enemy shall be entitled to present a bankruptcy petition against himself.

No alien enemy to be entitled to present a bankruptcy petition against himself.

Amend-  
ments made  
by this  
Ordinance  
to be deemed  
to have been  
made upon  
the com-  
mencement  
of the  
Principal  
Ordinance.

Protection  
of public  
officers.

12. All the amendments made by this Ordinance in the Principal Ordinance shall be deemed to have been made in the Principal Ordinance immediately upon the coming into operation of the Principal Ordinance.

13. No legal proceeding of any kind, except criminal proceedings by way of indictment where such shall lie, shall be brought or be maintained by any person whatsoever against any public officer in respect of any direction or permission *bonâ fide* given or refused in execution or intended execution or enforcement or intended enforcement of the Principal Ordinance or of this Ordinance or of any power conferred by either of the said Ordinances, whether such permission have been or may be given or refused before or after the commencement of this Ordinance.

Passed the Legislative Council of Hongkong, this 3rd day of December, 1914.

M. J. BREEN,  
*Clerk of Councils.*

Assented to by His Excellency the Governor, the 4th day of December, 1914.

CLAUD SEVERN,  
*Colonial Secretary.*

## HONGKONG.

No. 31 OF 1914.

An Ordinance to amend the Medical Registration Ordinance, 1884.

I assent to this Ordinance.

(LS)

F. H. MAY,  
*Governor.*

[4th December, 1914.]

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 Medical Registration Amendment Ordinance, 1914, and shall be read and construed as one with the Medical Registration Ordinance, 1884, (hereinafter called the Principal Ordinance), and the Principal Ordinance and this Ordinance may be cited together as the Medical Registration Ordinances, 1884 and 1914.

Repeal of  
section 2 of  
Ordinance  
No. 1 of 1884,  
and substitu-  
tion of new  
section  
therefor.

2. Section 2 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

2. In this Ordinance:—

- (1.) The words "person registered" or words to the like effect, shall be deemed to refer to a person registered under this Ordinance.
- (2.) The word "practise" shall include the diagnosis of any form or forms of disease whether the cases diagnosed be treated medically or surgically or not, provided that laboratory assistants who work for or under a registered practitioner shall not by reason only of such laboratory work be deemed to practise medicine or surgery.

3. Section 3 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal of section 3 of Ordinance No. 1 of 1884 and substitution of new section therefor.

“3.—(1.) Nothing in this Ordinance shall be deemed to affect the right of any Chinese person to practise medicine or surgery according to purely Chinese methods and to demand and recover reasonable charges in respect of such practice: provided that such person does not take or use any name title or addition calculated to induce any one to believe that he is qualified to practise medicine or surgery according to modern scientific methods.

Saving of rights of Chinese persons who practise according to Chinese methods.

(2.) Notwithstanding anything in this Ordinance contained every present and every future licentiate of the Hongkong College of Medicine shall be entitled to practise medicine and surgery and to demand and recover reasonable charges in respect of such practice: provided that no such licentiate shall be entitled to sign any certificate required for the purposes of the Births and Deaths Registration Ordinance, 1896, unless he has been authorised thereto by the Governor.

Right of licentiates of the Hongkong College of Medicine.

(3.) Notwithstanding anything in this Ordinance contained the Governor-in-Council shall have power after consulting the Medical Board to authorise any person who was practising medicine or surgery in this Colony on or before the first day of July, 1914, to practise medicine or surgery and to demand and recover reasonable charges in respect of such practice: provided that no such person shall be entitled to sign any certificate required for the purposes of the Births and Deaths Registration Ordinance, 1896, unless he has been authorised thereto by the Governor. A list of the persons authorised by the Governor-in-Council under this sub-section shall be published in the first *Gazette* issued after every 3rd May.”

Power of Governor-in-Council to authorise certain persons to practise.

4. Section 9 of the Principal Ordinance is hereby amended by the insertion of the signs and figures “(1)” before the word “No” in the first line thereof and by the addition thereto at the end thereof of the following:—

Amendment of section 9 of Ordinance No. 1 of 1884.

“Provided that medical certificates of the cause of death for the purposes of the Births and Deaths Registration Ordinance, 1896, if signed by any person authorised in that behalf by the Governor shall be as valid in all respects as if they were signed by a registered person.

(2.) A list of the persons authorised shall be published in the first *Gazette* issued after every 3rd May.

(3.) The Governor-in-Council shall have power to make regulations to be observed by persons so authorised and the Governor shall have power to withdraw his authorisation from any person who in his opinion has failed to observe any of the said regulations.”

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

Repeal of section 12 of Ordinance No. 1 of 1884 and substitution of new section therefor.

Persons entitled to registration.

"12. Subject to the other provisions of this Ordinance, the following persons shall be entitled to be registered :—

(a.) Any person who is duly registered according to law as a medical and surgical practitioner in any other part of His Majesty's Dominions and therein is entitled to practise medicine, surgery and midwifery: Provided that such person's qualification is accepted by the General Council of Medical Education and Registration of the United Kingdom as admitting to registration by them.

(b.) Any person who holds any degree in medicine and surgery granted by the University of Hongkong.

(c.) Any person who holds a degree, diploma or licence in medicine and surgery of any medical school in Europe, the United States of America or the Empire of Japan, the degrees, diplomas and licences of which are recognised as entitling to registration by the General Council of Medical Education and Registration of the United Kingdom.

Provided always that such person shall prove to the satisfaction of the Medical Board that he is of good character."

Addition of new section.

6. The following additional section shall be inserted after section 19 of the Principal Ordinance as amended by this Ordinance :—

Persons not entitled to be registered, but persons already on the register to be deemed registered.

"20. No person shall be registered who is not included in the meaning of section 12 of this Ordinance: Provided that all persons on the register at the date of the commencement of the Medical Registration Amendment Ordinance, 1914, shall, without prejudice however to the provisions of sections 6, 14, 15, 16, 17 and 18 of this Ordinance, be deemed duly registered."

Repeal of Form No. 3 in the Schedule and substitution of new Form therefor.

7. Form No. 3 in the Schedule to the Principal Ordinance is hereby repealed and the following form is substituted therefor :—

\* FORM NO. 3. (Sec. 13.)

*Certificate of Qualification for Registration.*

HONGKONG. This is to Certify that A.B. has satisfied the Medical Board that he is duly registered according to law as a Medical Practitioner in and therein is entitled to practise Medicine, Surgery and Midwifery, and also that he is entitled to be registered by the General Council of Medical Education and Registration of the United Kingdom (or that he holds the degree of \_\_\_\_\_ of the University of Hongkong, or that he holds a degree, diploma or licence in medicine and surgery of \_\_\_\_\_ which is a medical school the degrees, diplomas and licences of which are recognised as entitling to registration by the General Council of Medical Education and Registration of the United Kingdom); that he is of good character; and that he is entitled to be registered under the Medical Registration Ordinances, 1884 and 1914.



Dated the \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_\_

By order,

C. D.

*Secretary of the Board.*

Passed the Legislative Council of Hongkong, this 3rd day of December, 1914.

M. J. BREEN,  
*Clerk of Councils.*

Assented to by His Excellency the Governor, the 4th day of December, 1914.

CLAUD SEVERN,  
*Colonial Secretary.*