

The figures "1914" in the ninth line of section 15 were deleted and the figures "1915" substituted therefor.

In the Schedule, the words "females or" in the first line of section (9) were deleted and the words "or females" were inserted after the word "years" in the second line.

In the Fifth Schedule :—

The figure "2" in the ninth line of section 1 was deleted and the word "two" substituted therefor.

The words and figures "the ages of one and 12 years" in the seventh line of sub-section (1) of section 2 and in the fifth and sixth lines of sub-section (2) of section 3 were deleted and the figures and words "1 and 12 years of age" substituted therefor.

In the Sixth Schedule ;—

The words and figures "the ages of one and 12 years" in the sixth line of sub-section (2) of section 4 were deleted and the figures and words "1 and 12 years of age" substituted therefor.

In sub-section 6 (a) of section 4 the word "and" in the fourth line was deleted and the word "which" substituted therefor.

On Council resuming, the Attorney General reported that the Bill had passed through Committee with amendments and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.—The Council then adjourned *sine die*.

F. H. MAY,
Governor.

Read and confirmed this 16th day of December, 1915.

A. G. M. FLETCHER,
Clerk of Councils.

No. 543.—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. 31 of 1915.—An Ordinance to amend the law relating to companies.

Ordinance No. 32 of 1915.—An Ordinance to amend the law relating to importation and exportation.

HONGKONG.

No. 31 OF 1915.

I assent to this Ordinance.

F. H. MAY,
Governor.

17th December, 1915.

An Ordinance to amend the law relating to
companies.

[1st January, 1916.]

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 Companies Ordinance, 1915, and shall be read and construed as one with the Companies Ordinances, 1911 and 1913, and the said Ordinances and this Ordinance may be cited together as the Companies Ordinances, 1911-1915. |
| Definitions. | 2. In this Ordinance,— |
| British
Company. | “British Company” means a company incorporated in the United Kingdom, or in the Colony, or in any other British possession, and includes a China Company and a Hongkong China Company. |
| China
Company. | “China Company” means a company limited by shares or by guarantee incorporated under the Companies Ordinances, and the operations of which are directed and controlled from some place within the limits of the China (Companies) Order-in-Council, 1915. |
| China
Orders-in-
Council. | “China Orders-in-Council” means the China Order-in-Council, 1904, and any Orders-in-Council amending, read with, ancillary to or substituted for the same. |
| Hongkong
China
Company. | “Hongkong China Company” means a company incorporated under the Companies Ordinances which carries on some part of its business within the limits of the China (Companies) Order-in-Council, 1915, and the operations of which are directed and controlled from some place in the Colony. |
| Minister. | “Minister” means His Majesty’s Minister in China and includes Chargé d’Affaires or other Chief Diplomatid Representative. |
| Registrar. | “Registrar” includes the Registrar of Companies and the Registrar of Companies at Shanghai. |
| Registrar of
Companies. | “Registrar of Companies” means the Registrar of Companies in Hongkong appointed under the Companies Ordinances, 1911-1915. |
| Registrar of
Companies
at Shanghai. | “Registrar of Companies at Shanghai” means the Registrar of Companies at Shanghai appointed under the China (Companies) Order-in-Council, 1915. |
| Supreme
Court for
China. | “Supreme Court for China” means His Britannic Majesty’s Supreme Court for China established under the China Orders-in-Council. |
| The Court. | “The Court” has the same meaning as in the Companies Ordinance, 1911. |
| The Com-
panies Ordi-
nances. | “The Companies Ordinances” means the Companies Ordinances, 1911-1915, and includes any Ordinance amending or substituted for the same. |

3.—(1.) There shall be a Register and Registrar of Companies at Shanghai.

Establishment of Companies Register at Shanghai.

(2.) All acts done within the limits of the China (Companies) Order-in-Council, 1915, in pursuance of the provisions of the Companies Ordinances by, to, with, or before the Registrar of Companies at Shanghai shall, subject to the provisions of the China (Companies) Order-in-Council, 1915, be of the same force and validity as if they had been done by, to, with, or before the Registrar of Companies.

Acts done by or before Shanghai Registrar of same validity as if done by or before Hongkong Registrar.

(3.) All documents and other written information which a company is required by the Companies Ordinances to file with the Registrar of Companies shall in the case of a China Company be filed with the Registrar of Companies at Shanghai, and a copy of all such documents and other written information shall in the case of a Hongkong China Company be filed with the Registrar of Companies at Shanghai.

Documents in case of China Company to be filed with Shanghai Registrar: and in case of Hongkong China Company copies of same to be similarly filed.

(4.) All fees which a company is required by the Companies Ordinances to pay to the Registrar of Companies shall in the case of a China Company be paid to the Registrar of Companies at Shanghai.

Fees in case of China Company to be paid to Shanghai Registrar.

4.—(1.) (a.) Every China Company which for the time being is on the Register in Hongkong shall be transferred to the Register at Shanghai, and every Hongkong China Company which for the time being is on the Register at Shanghai shall be transferred to the Register in Hongkong.

Transfer from one Register to another.

(b.) In the case of any such transfer, upon the posting or despatch by the Registrar of the Register on which such company for the time being is of the documents and records of such company filed in such Register the company shall, subject to any order of the Court which may be made in that behalf, be deemed to have been transferred to the Register at Shanghai or to the Register in Hongkong as the case may be.

(2.)—(a.) Every Hongkong China Company, and every China Company, which shall be in existence at the commencement of this Ordinance, shall within two months after the commencement of this Ordinance send notice in writing to the Registrar of Companies and to the Registrar of Companies at Shanghai of the place from which its operations are directed and controlled.

Notices to be given by companies.

(b.) Every Hongkong China Company, and every China Company, which shall be incorporated after the commencement of this Ordinance shall on or before the date of delivery for registration of its memorandum and articles send notice in writing to the Registrar of Companies and to the Registrar of Companies at Shanghai of the place from which its operations are intended to be directed and controlled.

(c.) Every Hongkong China Company and every China Company, whether incorporated before or after the commencement of this Ordinance, shall in the event of any change occurring in the place from which its operations are directed and controlled, send notice in writing of such change to the Registrar of Companies and to the Registrar of Companies at Shanghai, within one month of such change occurring.

(d.) If any company to which the sub-section applies fails to comply with its provisions the company and every director, officer and agent of the company who is knowingly a party to the default shall be liable to a fine not exceeding fifty dollars for each day during which the default continues.

(3.)—(a.) Upon the receipt of any such notice by the Registrar of the Register in which the documents and records of the company in question are filed such Registrar shall proceed to determine whether the company shall remain on such Register or shall be transferred from such Register to the Register at Shanghai or to the Register in Hongkong as the case may be.

Transfer on notice by company.

(b.) Before so determining it shall be lawful for such Registrar to call upon the company for such proof of the correctness of the notice as he may require.

(c.) If upon such determination such Registrar is of opinion that the company ought to be transferred from his Register to the Register at Shanghai or to the Register in Hongkong as the case may be he shall order such transfer and shall send all the documents and records filed in his office relating to such company to the Registrar of Companies at Shanghai or to the Registrar of Companies respectively and shall serve notice of the order on the company, provided that he shall not without the consent of the company post or despatch the documents and records relating thereto until after the expiration of one month from the service of the order on the company.

Transfer on
motion of
Registrar.

(4.)—(a.) The Registrar of Companies may at any time of his own motion, or on the request of the Registrar of Companies at Shanghai, send to any company registered under the Companies Ordinances carrying on business in Hongkong a notice calling on such company to shew to the satisfaction of the Registrar of Companies that it ought not to be transferred to the Register at Shanghai, as being a China Company, and such notice shall fix a date by which such company shall submit its case in writing to the Registrar of Companies.

(b.) If the company fails to shew to the satisfaction of the Registrar of Companies that it ought not to be transferred to the Register at Shanghai, the Registrar of Companies shall order such transfer and shall forthwith serve notice of the order on the company, provided that he shall not without the consent of the company send the documents and records to the Register at Shanghai until after the expiration of one month from the service of the order on the company.

(c.) The Registrar of Companies at Shanghai may at any time of his own motion, or on the request of the Registrar of Companies, send to any company registered under the Companies Ordinances carrying on business within the limits of the China Orders-in-Council a notice calling on such company to shew to the satisfaction of the Registrar of Companies at Shanghai that it ought not to be transferred to the Register in Hongkong, as being a Hongkong China Company, and such notice shall fix a date by which such company shall submit its case in writing to the Registrar of Companies at Shanghai.

(d.) If any such company fails to shew to the satisfaction of the Registrar of Companies at Shanghai that it ought not to be transferred to the Register in Hongkong, the Registrar of Companies at Shanghai shall order such transfer, and shall forthwith serve notice of the order on the company, provided that he shall not without the consent of the company send the documents and records relating thereto to the Register in Hongkong until after the expiration of one month from the service of the order on the company.

Appeals.

(5.)—(a.) If the company concerned, or the Registrar of Companies, or the Registrar of Companies at Shanghai, is dissatisfied with any such order of transfer or determination aforesaid, it shall be lawful for it or him to appeal to the Court.

(b.) Such appeal shall be made by originating summons.

(c.) Such originating summons shall be issued within one month after the service of the notice of such transfer or determination on the company concerned, provided that the Court shall have power to extend the time before or after the expiration of the said period of one month.

(d.) If any such appeal is not prosecuted with all due diligence it shall be lawful for the Court to dismiss it.

(e.) Upon such appeal the Court may make such order as may seem to it desirable.

Notices to be
registered.

(6.) The Registrar of Companies or the Registrar of Companies at Shanghai shall register any such notice as is referred to in this section given to him by a company.

5.--(1.) In all matters relating to a Hongkong China Company the jurisdiction of the Court and the jurisdiction of the Supreme Court for China shall be concurrent and the said two Courts shall in all respects be auxiliary to each other.

In matters relating to Hongkong China Companies jurisdiction of Hongkong Court and Supreme Court for China to be concurrent and mutually auxiliary.

(2.) Where any proceedings relating to a Hongkong China Company, or for the winding up of any such Company, are commenced in the Court and it appears that the principal part of such company's business is carried on within the limits of the China Orders-in-Council, or that for any other reason such proceedings might more conveniently be carried on within the limits of the said Orders-in-Council, the Court may, of its own motion, or on the application of any party, make an order transferring the proceedings to the Supreme Court for China.

In proceedings relating to Hongkong China Companies Court may, if desirable, transfer matter to Supreme Court for China.

(3.) The Court shall enforce within the Colony any order or decree made by the Supreme Court for China in the course of any proceedings relating to a China Company or to a Hongkong China Company or for the winding up of any such Company in the same manner as if such order or decree had been made by the Court.

Court to enforce in Colony order of Supreme Court for China relative to China Company or Hongkong China Company.

6. The Companies Ordinance, 1911, is hereby amended as follows:—

Amendment of Ordinance No. 58 of 1911.

(1.) In section 1 by the repeal of sub-section (3) thereof.

Amendment of section 1.

(2.) In sections 4, 5, and 6, by the repeal of paragraph (ii) of sub-section (1) thereof.

Amendment of sections 4, 5, and 6.

(3.) In section 9 by the addition of the following sub-section at the end thereof:—

Amendment of section 9.

“(6.) Except with the permission of the Governor, a company may not be registered by, or adopt, or use, any name which includes the word ‘British’: provided that a China Company may without any such permission be registered by and use a name which includes the word ‘British’.”

(4.) In section 32 by the repeal of the words “the Colony” and by the insertion of the words “the place where such Company has its registered office”.

Amendment of section 32.

(5.) In section 63 by the insertion of the words “, other than a China Company,” after the word “company” in the first line of sub-section (1) thereof, and by the insertion of the words “, and every China Company shall have a registered office within the limits of the China (Companies) Order-in-Council, 1915, after the word “Colony” in the second line of sub-section (1) thereof.

Amendment of section 63.

(6.) In section 64 by the addition of the words “, and, in the case of a China Company, the characters 有限英國公司” at the end of paragraph (d) of sub-section (1) thereof.

Amendment of section 64.

(7.) In section 66—

Amendment of section 66.

(a.) by the repeal of the words inserted in sub-section (2) thereof by section 6 of the Companies Amendment Ordinance, 1913;

(b.) by the addition at the end of sub-section (2) thereof of the following words:—

“Such report shall be in the English language.”

Amendment
of section 80.

(8.) In section 80 by the insertion of the words “, or, in the case of a China Company, not situate within the limits of the China Orders-in-Council;” after the word “Colony” in the fourth line thereof.

Amendment
of section 81.

(9.) In section 81—

(a.) by the insertion of the words “, or a China Company whose objects require or comprise the transaction of business outside the limits of the China Orders-in-Council,” before the word “may” in the second line of sub-section (1) thereof;

(b.) by the insertion of the words “or, in the case of a China Company, not situate within the limits of the China Orders-in-Council,” after the word “Colony” in the fourth line of sub-section (1) thereof;

(c.) by the insertion of the words “or, in the case of a China Company, not situate within the limits of the China Orders-in-Council,” after the word “Colony” in the third line of sub-section (2) thereof.

Amendment
of section 89.

(10.) In section 89—

(a.) by the repeal of paragraph (c) of sub-section (1) thereof and by the substitution therefor of the following:—

“(c.) it has been proved to the Registrar of Companies to his satisfaction that the conditions of this sub-section have been complied with; and”;

(b.) by the repeal of sub-section (2) thereof and by the substitution therefor of the following:—

“(2.)—(a.) For the purpose of satisfying himself that the conditions of the preceding sub-section have been complied with it shall be lawful for the Registrar of Companies to require:—

(i.) the filing of one or more statutory declarations in such form and by such directors or other officers of the company as he may in each case prescribe;

(ii.) the production and verification of such documents relating to the company as he may in each case call for; and

(iii.) such additional evidence of *bonâ fides* as he may in each case consider necessary.

(b.) Upon the company complying with the aforesaid conditions the Registrar of Companies shall certify that the company is entitled to commence business and such certificate shall be conclusive evidence that the company is so entitled.”

Amendment
of section 95.

(11.) In section 95—

(a.) by the substitution of the words “under the Companies Ordinances” for the words “in the Colony” in the second line of sub-section (1) thereof;

(b.) by the insertion of the words “, or, in the case of a China Company, created outside the district of the Consulate of Shanghai” after the word “Colony” in the first line of the first proviso to sub-section (1) thereof;

- (c.) by the insertion of the words "or, in the case of a China Company, comprising solely property situate outside the district of the Consulate of Shanghai" after the word "Colony" in the second line of the first proviso to sub-section (1) thereof;
- (d.) by the insertion of the words "or, in the case of a China Company, have been received in Shanghai," after the word "Colony" in the ninth line of the first proviso to sub-section (1) thereof.
- (e.) by the insertion of the words "or where, in the case of a China Company, the mortgage or charge is created within the limits of the China Orders-in-Council but comprises property outside the limits of the China Orders-in-Council," after the word "Colony" in the second line of the second proviso to sub-section (1) thereof.
- (12.) In section 110 by the addition of the following paragraph to sub-section (1) thereof:— Amendment of section 110.
- "(iv.) In the case of any company "on the application of the Registrar "of Companies or of the Registrar "of Companies at Shanghai."
- (13.) In section 113, as amended by section 16 of the Companies Amendment Ordinance, 1913— Amendment of section 113.
- (a.) by the deletion of the words "of such" in the twelfth line of sub-section (1) thereof as printed in the said Companies Amendment Ordinance, 1913;
- (b.) by the repeal of the second proviso to sub-section (5) thereof;
- (c.) by the addition at the end thereof of the following sub-section:—
- "(9.) Sub-section (1) of this section shall "not apply in the case of a China Company."
- (14.) In section 114—
- (a.) by the insertion of the words ", or, in the case of a China Company, if the company has branch banks beyond the limits of the consular district wherein such Company has its registered office," after the word "Colony" in the first line of paragraph (a) of sub-section (5) thereof; Amendment of section 114.
- (b.) by the insertion of the words ", or, in the case of a China Company, to the registered office of the company within the limits of the China Orders-in-Council;" after the word "Colony" in the fourth line of paragraph (a) of sub-section (5) thereof.
- (15.) In section 132 by the insertion of the words "or by the Registrar of Companies, or by the Registrar of Companies at Shanghai," after the word "contributories" in the fifth line of sub-section (1) thereof. Amendment of section 132.
- (16.) In section 141— Amendment of section 141.
- (a.) by re-numbering sub-section (2) as sub-section (3);
- (b.) by inserting a new sub-section (2) therein as follows:—
- "(2.) For the purpose of this Ordinance so far as it relates to the "winding up of China Companies or "Hongkong China Companies by the "Supreme Court for China the term "Official Receiver" shall mean the "person appointed in that behalf by "the Judge of the Supreme Court "for China."
- (17.) In section 171 by the substitution of the words "its jurisdiction" for the words "the Colony" in the third line thereof. Amendment of section 171.

- Amendment of section 178. (18.) In section 178 by the addition of the words “, and in the case of a China Company in some newspaper circulating in the place where such Company has its registered office.” at the end thereof.
- Amendment of section 216. (19.) In section 216 by the insertion of the words “, or within the limits of the China Orders-in-Council before any officer of the Supreme Court for China lawfully authorized to take and receive affidavits,” after the word “affidavits” in the fifth line of sub-section (1) thereof.
- Amendment of Table A. (20.) In Table A in the First Schedule by the deletion of the words “On a show of hands every member present in person shall have” in the first line of Article 50 thereof, and by the substitution therefor of the words, “All business shall be deemed special that is transacted at an”.
- Sections 35, 36, and 37 of Ordinance No. 58 of 1911 not to apply to China Companies. 7.—(1.) Sections 35, 36, and 37 of the Companies Ordinance, 1911, shall not apply in the case of China Companies.
- Stamp duties on transfers of shares. (2.) An instrument of transfer of a share in a China Company shall be exempt from stamp duty unless executed by the transferor within the Colony.
- Probate and estate duty. (3.) No probate duty or estate duty shall be payable in respect of the share or other interest of a deceased member of a China Company in such company.
- China Companies to pay an annual fee. (4.) In lieu of the aforesaid duties, an annual fee for each calendar year at the rate of four cents for each hundred dollars of the paid up capital of the company shall be paid in advance by every China Company to the Colonial Treasurer of Hongkong on or before the 31st day of January in each year: Provided that where a company is placed on the Register at Shanghai after the 1st day of January in any given calendar year a proportionate part only of the said fee shall be payable in respect of the period from the date of its being so placed on the Register at Shanghai to the 31st day of December next following.
- Refund of local register licence fee. (5.) If any company hereafter transferred from the Register in Hongkong to the Register at Shanghai shall at the date of such transfer be the holder of an unexpired local register licence under the Companies Ordinance, 1911, a proportionate part of the licence fee in respect of the unexpired portion of the period covered by such licence shall, if previously paid by such company, be refunded to the company by the Colonial Treasurer of Hongkong within one month of the receipt by him of proof to his satisfaction that the fee referred to in the preceding sub-section has been paid to the Registrar of Companies at Shanghai in respect of the period for which the refund is claimed.
- Penalty. (6.) If any company makes default in complying with the provisions of sub-section (4) of this section it shall be liable to a penalty not exceeding fifty dollars for every day during which the default continues, and every director, officer and agent of the company who knowingly or wilfully authorises or permits the default shall be liable to the like penalty.
- Amendment of Ordinance No. 22 of 1913. 8. The Companies Amendment Ordinance, 1913, is hereby amended as follows:—
- (1.) By the repeal of sub-section (a) of section 6 thereof, and by the renaming of sub-sections (b) and (c) as (a) and (b) respectively.
 - (2.) By the repeal of the words “of such” in the fourteenth line of sub-section (a) of section 16 thereof.
 - (3.) By the repeal of sub-section (e) of section 16 thereof.

9. The Companies Ordinances, in so far as they affect companies carrying on business within the limits of the China Orders-in-Council, shall be read with and subject to the China (Companies) Order-in-Council, 1915.

Application of China (Companies) Order-in-Council, 1915.

10. This Ordinance shall come into force on the 1st day of January, 1916.

Commencement.

Passed the Legislative Council of Hongkong, this 16th day of December, 1915.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 17th day of December, 1915.

CLAUD SEVERN,
Colonial secretary.

HONGKONG.

No. 32 OF 1915.

I assent to this Ordinance.

LS

F. H. MAY,
Governor.

17th December, 1915.

An Ordinance to amend the law relating to importation and exportation.

[17th December, 1915.]

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 Importation and Exportation Ordinance, 1915. Short title.

2. In this Ordinance:—

- (a.) "Person", except so far as relates to the imposition of the penalty of imprisonment, includes a body corporate, a firm, and any other association of persons or organisation;
- (b.) "Ship" includes every description of vessel used in navigation or for the carriage of goods;
- (c.) "To attempt to export" means to do any act preparatory to or for the purpose of exportation, provided that an application for an export permit under this Ordinance shall not be deemed to be an attempt to export if such application be in all respects in accordance with the provisions of this Ordinance and of all Orders-in-Council made thereunder;
- (d.) "To export" means to carry out of the Colony or to cause to be carried out of the Colony and includes the carriage out of the Colony of things which were carried into the Colony by water and which are, without transshipment into any other vessel, carried out of the Colony on the same vessel on which they were carried into the Colony;
- (e.) "To import" means to carry into the Colony or to cause to be carried into the Colony;

Interpretation.

3. It shall be lawful for the Governor-in-Council to exercise all or any of the following powers:—

- (a.) To prohibit the importation of any article, either generally or from a particular country or place;

Powers of the Governor-in-Council with regard to importation.

- (b.) To prohibit the importation of any article from a particular person or class of persons ;
- (c.) To prohibit the importation of any article except under an import permit or import licence and to provide for the issuing of such permits and licences ;
- (d.) To prescribe any conditions to be observed, before or after the issue of an import permit, or import licence, by any persons interested in any way whatsoever in the articles to which such permit or licence or the application therefor may relate, or who may be interested in any way whatsoever in the carriage of such articles or in the documents relating to such articles ;
- (e.) To impose upon the owners, charterers, agents and masters of ships such obligations with regard to manifests and bills of lading and otherwise as the Governor-in-Council may deem necessary for the purpose of carrying this Ordinance into effect and for the purpose of securing compliance generally with its provisions ;
- (f.) To prescribe any other restrictions whatsoever on the importation of any article ;
- (g.) To prescribe any other conditions whatsoever to be observed in connection with the importation of any article.

Powers of the Governor-in-Council with regard to exportation.

4. It shall be lawful for the Governor-in-Council to exercise all or any of the following powers :—

- (a.) To prohibit the exportation of any article, either generally or to a particular country or place ;
- (b.) To prohibit the exportation of any article to any country or place unless consigned to such person or persons as may be authorised by or under the Order-in-Council to receive such article ;
- (c.) To prohibit the exportation of any article except under an export permit or export licence and to provide for the issuing of such permits and licences ;
- (d.) To prescribe any conditions to be observed, before or after the issue of an export permit, or export licence, by any persons interested in any way whatsoever in the articles to which such permit or licence or the application therefor may relate, or who may be interested in any way whatsoever in the carriage of such articles or in the documents relating to such articles ;
- (e.) To impose upon the owners, charterers, agents and masters of ships such obligations with regard to manifests and bills of lading and otherwise as the Governor-in-Council may deem necessary for the purpose of carrying this Ordinance into effect and for the purpose of securing compliance generally with its provisions ;
- (f.) To prescribe any other restrictions whatsoever on the exportation of any article ;
- (g.) To prescribe any other conditions whatsoever to be observed in connection with the exportation of any article.

Issue of permit or licence to be discretionary.

5. The granting or refusal of any permit or licence shall be in the absolute discretion of the officer entrusted with the duty of issuing such permit or licence and such officer may impose any condition whatsoever on the granting of any permit or licence.

Forfeiture of bond.

6.—(1.) Upon the failure of any condition of any bond required as a condition on the granting of any permit or any licence issued under this Ordinance the sum secured by the bond shall be deemed to be a debt due to the Crown and may be recovered in the same manner as Crown rents are recovered upon a certificate purporting to be under the hand of the Colonial Treasurer.

(2.) The recovery of any such sum shall not relieve any person from any other penalty to which he may be liable under this or any other Ordinance.

7.—(1.) Upon the breach of any condition of any permit or any licence issued under this Ordinance any deposit required as a condition on the granting of such permit or licence shall upon application to a magistrate be declared by him to be forfeited to the Crown. Forfeiture of deposit.

(2.) The forfeiture of any such deposit shall not relieve any person from any other penalty to which he may be liable under this or any other Ordinance.

8.—(1.) It shall be lawful for any public officer authorised by the Superintendent of Imports and Exports in writing in that behalf either generally or for a particular occasion :— Arrest, search, seizure, removal, and detention.

(a.) To arrest and bring before a magistrate any person whom such public officer may have reason to suspect of having contravened any of the provisions of this Ordinance or of any Order-in-Council made thereunder ;

(b.) To search the person and property and effects of any person whom it may be lawful for such public officer to arrest, provided that no female person shall be searched except by a female, and provided that no person shall be searched in a public place if he objects to be so searched ;

(c.) To search any place or vessel (not being a ship of war) in which such public officer may have reason to suspect that there may be any thing (i) with respect to which any offence against the provisions of this Ordinance or of any Order-in-Council made thereunder may have been committed, or (ii) which may be evidence of the commission of any such offence ;

(d.) To seize, remove and detain any thing with respect to which any offence against the provisions of this Ordinance or of any Order-in-Council made thereunder may appear to have been committed or which may appear to be or to contain evidence of the commission of any such offence including all account books and correspondence.

(2.) Such public officer may :—

(a.) Break open any outer or inner door of or in any such place ;

(b.) Forcefully enter any such vessel and every part thereof ;

(c.) Remove by force any personal or material obstruction to any arrest, detention, search, seizure, or removal which he is empowered to make ;

(d.) Detain every person found in such place or on board such vessel until such place or vessel has been searched.

(3.) No person shall obstruct any detention, arrest, search, seizure, or removal, which is authorised by this Ordinance or by any Order-in-Council made thereunder.

9. In any proceeding in respect of or involving any matter, civil or criminal, arising under or in connection with this Ordinance or any Order-in-Council made thereunder :— Evidence.

(a.) If any cargo appear on any import manifest furnished by the owners charterers agents or master of any ship at any time before or after the arrival of such ship in the waters of the Colony it shall be presumed in favour of the Crown against any other party that such cargo was imported into the Colony on board such ship unless such other party shall prove affirmatively that such cargo was not in fact carried into the Colony on board such ship. Import manifests to be evidence of importation.

(b.) If any cargo appear on any export manifest, furnished by the owners charterers agents or master of any ship before or after the time Export manifests to be evidence of exportation.

- of sailing of such ship, it shall be presumed in favour of the Crown against any other party that such cargo was exported or was intended to be exported from the Colony on board such ship, according as such ship shall have actually left the waters of the Colony or not, unless such other party shall prove affirmatively that the said cargo was not exported or was not intended to be exported from the Colony on board such ship, as the case may be.
- Certificates of British customs or consular officers to be *prima facie* evidence. (c.) Any certificate produced from official custody and purporting to be signed by any British customs or consular officer shall be *prima facie* evidence of the truth of the matters stated therein.
- Power of the Governor-in-Council to relax provisions. 10. It shall be lawful for the Governor-in-Council in his absolute discretion to relax in any way, either generally or in particular cases, any of the provisions of this Ordinance or of any Order-in-Council made thereunder, to make such relaxation defeasible upon the happening of any event whatsoever, and to withdraw any relaxation so granted.
- Offences. 11. Every person who contravenes any of the provisions of this Ordinance or of any Order-in-Council made thereunder, or who fails to observe any condition or restriction prescribed or to discharge any obligation imposed by or under this Ordinance or by or under any Order-in-Council made thereunder, shall be deemed to commit an offence against this Ordinance.
- Penalties. 12.—(1.) Every person who commits or attempts to commit any offence against this Ordinance or against any Order-in-Council made thereunder shall be guilty of a misdemeanour and shall be liable upon conviction either summarily or on indictment to imprisonment for any term not exceeding one year and to a fine not exceeding five thousand dollars.
- (2.) It shall be lawful for a magistrate to order to be forfeited to the Crown any article with respect to which any offence against this Ordinance or against any Order-in-Council made thereunder has been committed whether any person shall have been convicted of such offence or not, and upon the making of any such order of forfeiture the said article shall be deemed to be the property of the Crown free from all rights of any person: Provided that it shall be lawful for the Governor-in-Council in his absolute discretion to entertain and give effect to any moral claim to or in respect of the said article.
- Saving of Ordinances Nos. 1 of 1862, 10 of 1914, 3 of 1915, 8 of 1915, and 9 of 1915. 13. Nothing in this Ordinance shall affect the operation of any of the following Ordinances or of any Ordinance amending or substituted for any of the said Ordinances:—
- (a.) The Military Stores (Exportation) Ordinance, 1862 ;
- (b.) The Military Stores (Exportation) Amendment Ordinance, 1914 ;
- (c.) The Military Stores (Exportation) Ordinance, 1915 ;
- (d.) The Certificates of Origin Ordinance, 1915 ;
- (e.) The Declarations of Ultimate Destination Ordinance, 1915.
- Saving of other powers. 14. The powers conferred by this Ordinance shall be deemed to be in addition to and not in derogation of any other powers of His Majesty or of the Governor-in-Council or of the Governor or of any public officer.

Passed the Legislative Council of Hongkong, this 16th day of December, 1915.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 17th day of December, 1915.

CLAUD SEVERN,
Colonial Secretary.