

- (3.) If any such British subject or civil servant, as the case may be, fails to comply with any of the provisions of sub-clause (2) of this section, he shall upon summary conviction be liable to a fine of two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

In the Schedule, Form No. 3 was re-numbered 1, and the figures "11" in the first line were deleted and the figure "5" substituted therefor.

Form No. 1 was re-numbered 2 and the figure "5" in the first line was deleted and the figure "6" substituted therefor.

Form No. 2 was re-numbered 3 and the figure "9" in the first line was deleted and the figures "10" substituted therefor.

The Bill was left in Committee.

ADJOURNMENT.—The Council then adjourned until Monday, the 10th day of June, 1918.

F. H. MAY,
Governor.

Confirmed this 10th day of June, 1918.

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

No. 224.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 9 of 1918.—An Ordinance to provide for the raising of a force the members of which shall be liable to service with His Majesty's Forces outside the Colony during the present war.

HONGKONG.

No. 9 OF 1918.

I assent to this Ordinance.

LS

F. H. MAY,
Governor.

14th June, 1918.

An Ordinance to provide for the raising of a force the members of which shall be liable to service with His Majesty's Forces outside the Colony during the present war.

[14th June, 1918.]

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 General Military Service Ordinance, 1918.

Interpreta-
tion.

2. In this Ordinance :—

“Civil Servant” means a British subject who is in the employment of the Government of the Colony and whose whole time is at the disposal of the Government :

“Enrolment Lists” mean the lists referred to in section 10 of this Ordinance :

“Force” means the force referred to in sections 10 and 11 of this Ordinance :

“Proper Authority” means the person appointed by the Governor for the purposes of sections 5 and 6 of this Ordinance :

“Proper Military Authority” means the person appointed, for the purposes of section 8 of this Ordinance, by the Senior Military Officer for the time being in command of His Majesty’s regular troops within the Colony :

“Tribunal” means the tribunal referred to in section 4 of this Ordinance.

Application.
5 and 6 Geo.
5, c. 104,
First
Schedule.

3.—(1.) This Ordinance shall not apply to any of the following persons :—

(a) Members of His Majesty’s Regular Naval or Military Forces :

(b) Civilians in the employment of the Naval or Military Authorities :

(c) Men in holy orders and such regular ministers of recognised religious denominations as the Governor in Council may exempt :

(d) Men who have left or been discharged from the naval or military service of the Crown in consequence of disablement or ill-health.

(2.) In the application of this Ordinance to civil servants, the following modifications shall have effect, namely, that the enquiry shall be held by the Governor and not by the Tribunal, and that it shall be lawful for the Governor, upon such enquiry as he shall think fit, to decide that any civil servant of or over the age of eighteen years, who shall not have attained the age of forty years before the commencement of this Ordinance, should be enrolled in the force.

General
Military
Service
Tribunal.

4.—(1.) It shall be lawful for the Governor to appoint such and so many persons as he may think fit, not being less in number than seven, to form a tribunal to be called the General Military Service Tribunal, which shall contain a substantial commercial majority.

(2.) In the event of the death, resignation, absence from the Colony, or inability to act, of any member of the Tribunal, it shall be lawful for the Governor to appoint any person whom he may think fit to fill the place of such member, either temporarily or permanently, but the substantial commercial majority shall always be maintained.

(3.) It shall be lawful for the Governor to appoint a Chairman of the Tribunal. The Chairman shall preside at all sittings of the Tribunal at which he is present, and in his absence the members of the Tribunal present shall choose one of their number to preside at the sitting in question.

(4.) Five members of the Tribunal shall constitute a quorum.

(5.) It shall also be lawful for the Governor to appoint a clerk to the Tribunal. Any order, summons, subpoena, notice, notification, or other document issued or published by the Tribunal may be issued and published in the name of the said clerk.

Medical
examination.

5.—(1.) It shall be lawful for the Proper Authority, at any time or times, to order any male British subject of or over the age of eighteen years, who shall not have attained the age of forty years before the commencement of this Ordinance, to attend at such time and place as may be specified in the said order and there to submit himself to be medically examined for the purposes of this Ordinance,

(2.) If any such British subject without lawful excuse fails to comply with any such order as is referred to in this section he shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

6.—(1.) Subject to the provisions of section 3 of this Ordinance, it shall be lawful for the Proper Authority to order any male British subject of or over the age of eighteen years, who for the time being shall be ordinarily resident within the Colony, and who shall not have attained the age of forty years before the commencement of this Ordinance, and who, upon the medical examination referred to in section 5 of this Ordinance, shall have been certified as medically fit for enrolment in the force, to attend before the Tribunal at such time and place as may be prescribed in the said order. Enquiry by Tribunal.

(2.) The Tribunal shall thereupon, either at the time and place prescribed in the said order or at such time and place as the Tribunal may direct, proceed to enquire whether such British subject should be enrolled in the force or should be exempt from such enrolment.

(3.) If any such British subject fails to attend at the time and place prescribed in any such order or fails to attend at any time and place as directed by the Tribunal, he shall, upon summary conviction, be liable to a fine not exceeding two hundred and fifty dollars and to imprisonment for any period not exceeding six months.

(4.) It shall be lawful for the Tribunal to grant to any such British subject so ordered to attend exemption from such enrolment on any of the following grounds:— 5 and 6 Geo. 5, c. 104, s. 2 (1).

(a) on the ground that it is expedient in Imperial interests, or in the essential interests of the Colony, that he should, instead of being enrolled in the force, be engaged in other work in which he is habitually engaged or in which he is with the approval of the Tribunal prepared to engage; or

(b) on the ground that serious hardship would ensue, if he were enrolled in the force, owing to his exceptional financial or business obligations or domestic position.

(5.) Any such exemption may be absolute, conditional, or temporary, as the Tribunal may think best suited to the case, or may be conditional upon such British subject being engaged in some work which in the opinion of the Tribunal is of Imperial importance: Provided that any exemption granted on the ground of exceptional financial or business obligations or domestic position shall not be for a longer period than three months at any one time. 5 and 6 Geo. 5, c. 104, s. 2 (3).

(6.) Any such exemption, whether absolute or conditional or temporary, may be reconsidered and withdrawn or varied by the Tribunal at any time: Provided that no British subject shall be granted exemption on the ground of exceptional financial or business obligations or domestic position for a longer period than six months in all.

(7.) The Tribunal shall communicate in writing to each British subject whose case has been enquired into the decision of the Tribunal with reference to such British subject.

(8.) If any question arise under this Ordinance as to whether any person is or was ordinarily resident within the Colony the decision of the Tribunal upon such question shall, subject to an appeal to the Governor in Council, be final for all purposes.

7. The Tribunal shall forthwith make a report to the Governor of the cases in which the Tribunal has decided to grant exemption, stating in each such case the ground of exemption, and also a report of the cases in which the Tribunal has decided that the British subject in question should be enrolled, stating in every case the date on which such decision was communicated in writing to the British subject in question. Report by Tribunal.

Appeal to
the Governor
in Council.

8. Within seven days after the communication in writing to any such British subject of the decision of the Tribunal, or within such further time as may be allowed by the Governor in Council, it shall be lawful for such British subject, or for his employer if any, or for the Proper Military Authority, to appeal to the Governor in Council against the decision of the Tribunal, and upon such appeal it shall be lawful for the Governor in Council to confirm or vary or reverse the decision of the Tribunal.

Expiration
of condi-
tional or
temporary
exemption.

9.—(1.) Upon the expiration of any conditional or temporary exemption the person to whom such exemption applies shall, unless he has obtained a further exemption from the Tribunal, forthwith report himself at the office of the Deputy Assistant Adjutant and Quarter Master General.

(2.) If any person unlawfully fails so to report himself he shall be liable upon summary conviction to a fine not exceeding two hundred and fifty dollars and to imprisonment for any period not exceeding six months.

Enrolment
Lists.

10.—(1.) The Governor shall cause to be published in the *Gazette* Enrolment Lists containing the names of the following persons :—

- (a) Every person in whose case the Tribunal has decided that such person should be enrolled, provided that no appeal against such decision has been prosecuted before the Governor in Council ;
- (b) Every person in whose case the Governor in Council on appeal has decided that such person should be enrolled ;
- (c) Every civil servant in whose case the Governor has decided that such civil servant should be enrolled ;
- (d) Every person who has reported himself at the office of the Deputy Assistant Adjutant and Quarter Master General under the provisions of section 9 of this Ordinance ; and
- (e) Every person who has been convicted of unlawfully failing so to report himself and who has not successfully appealed against such conviction :

Provided that it shall be lawful for the Governor to omit from such Enrolment Lists the name of any person who before the twentieth day of May, 1918, applied to the Military Service Commission for permission to volunteer for active service outside the Colony.

(2.) Every person whose name appears in any such Enrolment List shall, as from the date of publication of such List, be deemed to have been enrolled in, and to belong to, the force referred to in section 11 of this Ordinance.

General
Military
Service
Force.

11.—(1.) The said force shall be called the General Military Service Force of Hongkong.

(2.) All the provisions of the Army Act, and of all orders and regulations for the time being in force thereunder, and of all other Acts for the time being amending the Army Act, shall apply to the General Military Service Force of Hongkong, and to all persons belonging to the force, whether within or without the limits of the Colony, and whether such persons shall have been transferred or attached to some other corps or not.

(3.) For the purposes of the Army Act, and of the said orders and regulations, and of any Acts amending the Army Act, and of this Ordinance, every person belonging to the force shall be deemed to have been duly enlisted in His Majesty's regular forces for general service with the colours for the period of the war.

Procedure.

12.—(1.) Any enquiry by the Tribunal under the provisions of this Ordinance shall be conducted in public unless on any occasion the majority of the members of the Tribunal present on such occasion are of opinion that the enquiry on that occasion should be conducted wholly or partly in private.

(2.) Any appeal to the Governor in Council under the provisions of this Ordinance shall be conducted in public unless on any occasion the Governor is of opinion that the appeal should be conducted wholly or partly in private.

(3.) In all other respects any enquiry or appeal under the provisions of this Ordinance may be conducted in such manner as the enquiring or appellate authority, as the case may be, shall see fit.

13.—(1.) The Tribunal shall, for the purpose of any enquiry which it is authorised under the provisions of this Ordinance to make, have all the powers of the Supreme Court in respect of the following matters:—

- (a) enforcing the attendance of witnesses and examining them on oath or otherwise;
- (b) compelling the production of documents; and
- (c) punishing persons guilty of contempt.

(2.) Every British subject ordered to attend before the Tribunal, and every civil servant whose case may be enquired into by the Governor under the provisions of this Ordinance, shall, on oath if so required, truthfully and fully answer all enquiries which may be addressed to such British subject or civil servant by the Tribunal or by the Governor, as the case may be, and shall produce any documents in his possession or under his control which the Tribunal or the Governor, as the case may be, may order such British subject or civil servant to produce.

(3.) If any such British subject or civil servant, as the case may be, fails to comply with any of the provisions of sub-clause (2) of this section, he shall upon summary conviction be liable to a fine of two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

14. Any order, summons, subpoena, notice, or other document, issued for the purpose of carrying out the provisions of this Ordinance, may be served either by being delivered personally to the person to whom such document is addressed, or by leaving it with some adult at such person's last known residence or place of business, or by sending it by registered post to such person at his last known residence or place of business.

15. The various forms in the Schedule hereto may be used with such variations as the circumstances may require.

16.—(1.) It shall be lawful for the Governor to appoint three persons, two of whom shall be commercial men, to act as assessors upon appeals to the Governor in Council under the provisions of this Ordinance.

(2.) Every such assessor shall during his tenure of office as such assessor be entitled to be present at all proceedings whatsoever in any such appeal.

Passed the Legislative Council of Hongkong, this 10th day of June, 1918.

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

Assented to by His Excellency the Governor, the 14th day of June, 1918.

CLAUD SEVERN,
Colonial Secretary

SCHEDULE.

FORM No. 1.

[s. 5 (1).]

ORDER FOR MEDICAL EXAMINATION.

General Military Service Ordinance, 1918.

Ordinance No. of 1918.

To.....
.....

You are hereby ordered to attend at.....m, on
..... theday of..... 1918,
at..... and
there to submit yourself to be medically examined for the purposes of
the above Ordinance.

Dated the.....day of....., 1918.

.....
Proper Authority.

FORM No. 2.

[s. 6 (1).]

ORDER TO ATTEND BEFORE TRIBUNAL.

General Military Service Ordinance, 1918.

Ordinance No. of 1918.

To.....
.....

You are hereby ordered to attend before the General Military
Service Tribunal at.....m, on..... the
day of....., 1918, at the Council Chamber.

Dated the.....day of....., 1918.

.....
Proper Authority.

FORM No. 3.

[s. 10 (1).]

*General Military Service Ordinance, 1918.**Ordinance No. of 1918.*

The following persons shall, as from the date of publication of this List, be deemed to have been enrolled in, and to belong to, the General Military Service Force of Hongkong :—

* * *

Dated the.....day of....., 1918.

By Order,

.....
Colonial Secretary.

APPOINTMENTS, &c.

No. 225.—His Excellency the Governor has been pleased to make the following appointments under the General Military Service Ordinance, 1918, Ordinance No. 9 of 1918 :—

The Hon. the Captain Superintendent of Police to be the Proper Authority,

The Hon. Mr. ERNEST HAMILTON SHARP, K.C., O.B.E.,

The Hon. Mr. DAVID LANDALE,

Mr. WILLIAM ADAMSON,

Mr. GEOFFREY SAMUEL ARCHBUTT,

Mr. CHARLES WILLIAM MALBEYSE BECKWITH, Commander, R.N.,

Mr. THOMAS FREDERICK HOUGH,

Mr. ARCHIBALD ORR LANG,

Lieut.-Col. WILLIAM HAYMEN PASSBY, C.R.A.,

Mr. GEORGE MACDONALD YOUNG,

to form the General Military Service Tribunal.

The Hon. Mr. ERNEST HAMILTON SHARP, K.C., O.B.E., to be Chairman of the General Military Service Tribunal.

Mr. ARTHUR GEORGE MURCHISON FLETCHER to be Clerk to the General Military Service Tribunal.

The Hon. Mr. HENRY EDWARD POLLOCK, K.C.,

The Hon. Mr. PERCY HOBSON HOLYOAK,

Mr. NEWTON JOHN STABB, O.B.E.,

to act as Assessors upon appeals to the Governor in Council.

His Excellency the General Officer Commanding the Troops has been pleased to appoint Major HENRY ARTHUR MORGAN, 18th Infantry, Indian Army, to be the Proper Military Authority for the purposes of the General Military Service Ordinance, 1918.

14th June, 1918.