

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

ADJOURNMENT.—The Council then adjourned until Thursday, the 24th day of June, 1920.

R. E. STUBBS,
Governor.

Confirmed this 24th day of June, 1920.

W. J. CARRIE,
Clerk of Councils.

No. 357.—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. 7 of 1920.—An Ordinance to amend the Trade Marks Ordinance, 1909.

Ordinance No. 8 of 1920.—An Ordinance to amend the law relating to societies.

Ordinance No. 9 of 1920.—An Ordinance to amend the Public Health and Buildings Ordinance, 1903.

HONGKONG.

No. 7 OF 1920.

I assent to this Ordinance.



R. E. STUBBS,
Governor.

25th June, 1920.

An Ordinance to amend the Trade Marks Ordinance, 1909.

[25th June, 1920.]

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

Short title and construction. Ordinance No. 40 of 1909.

1. This Ordinance may be cited as the Trade Marks Ordinance, 1920, and shall be read and construed as one with the Trade Marks Ordinance, 1909, hereinafter called the principal Ordinance, and the said Ordinance and this Ordinance may be cited together as the Trade Marks Ordinances, 1909 and 1920.

Omission to send, and non-receipt of, notice of intended removal to be no bar to removal of expired trade mark.

2.—(1.) Notwithstanding anything contained in the principal Ordinance or in the Rules made thereunder, neither omission on the part of the Registrar to send the notice prescribed by section 30 of the said Ordinance, nor the non-receipt by the registered proprietor of any such notice, nor omission on the part of the Registrar to advertise the fact of non-payment of the renewal fee, shall be any bar to the removal from the register of any trade mark the registration of which has expired and

has not been renewed, and any such trade mark may be removed from the register upon or after the expiration of the period for which it was registered.

(2.) This section shall apply only to such trade marks as were vested in the Custodian of Enemy Property by virtue of the provisions of section 18 of the Alien Enemies (Winding up) Amendment Ordinance, 1917. Ordinance No. 11 of 1917.

(3.) This section shall take effect as from and after the 4th day of August, 1914.

3. It shall be lawful for the Governor in Council to make any regulations whatsoever which he may think desirable for the purpose of giving effect to any of the provisions of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles on the 28th June, 1919, relating to trade marks. Power to make regulations to give effect to certain provisions of the Treaty of Versailles.

Passed the Legislative Council of Hongkong, this 24th day of June, 1920.

W. J. CARRIE,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th day of June, 1920.

A. G. M. FLETCHER,
Colonial Secretary.

HONGKONG.

No. 8 OF 1920.

I assent to this Ordinance.



R. E. STUBBS,
Governor.

25th June, 1920.

An Ordinance to amend the law relating to societies.

[25th June, 1920.]

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 Societies Short title Ordinance, 1920.

2. In this Ordinance:—

“Place” includes vessel.

“Society” includes every club, company, guild, lodge, partnership, union, or other association of persons, whatsoever, and every branch of any such association.

Interpretation.

3. The following societies are hereby declared to be unlawful societies:—

(a) The Triad Society:

(b) All societies which use a Triad ritual:

(c) All societies which have among their objects unlawful purposes or purposes incompatible with the peace and good order of the Colony.

Societies declared unlawful.

Societies
which may
be declared
unlawful.

4.—(1.) It shall be lawful for the Governor in Council in his absolute discretion to declare to be unlawful any society which in his opinion—

- (a) has among its objects unlawful purposes or purposes incompatible with the peace and good order of the Colony, or
- (b) is being used, or is likely to be used, for unlawful purposes or for purposes incompatible with the peace and good order of the Colony, or
- (c) is by reason of its actions or proceedings calculated to excite tumult or disorder in China or to excite persons to crime in China.

(2.) Every society so declared to be unlawful shall, without prejudice however to the operation of section 3 of this Ordinance, be deemed to be an unlawful society as from the publication in the *Gazette* of the Order in Council declaring the society to be unlawful.

Offences and
penalties.

5.—(1.) Every person who assists in any way whatsoever in the management of an unlawful society shall upon summary conviction be liable to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding twelve months.

(2.) Every person who incites, induces, or invites another person to become a member of, or to assist in the management of, an unlawful society, and every person who uses any violence, threat or intimidation towards any other person in order to induce him to become a member of, or to assist in the management of, an unlawful society shall upon summary conviction be liable to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding twelve months.

(3.) Every person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful society shall upon summary conviction be liable to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months.

(4.) Every person who is a member of an unlawful society, or who without lawful excuse is present at a meeting of an unlawful society, or who pays money or gives any aid to or for the purposes of an unlawful society, shall upon summary conviction be liable to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months.

(5.) Every person who knowingly allows an unlawful society to use any place belonging to or occupied by him or over which he has control, shall upon summary conviction be liable to a fine not exceeding five hundred dollars and to imprisonment for any period not exceeding six months.

(6.) Every person who contravenes any provision of this Ordinance in respect of which no specific penalty is provided shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding three months.

Search,
arrest,
seizure, and
forfeiture.

6.—(1.) Whenever it appears to a magistrate upon the oath of any person that there is reasonable cause to suspect—

- (a) that a meeting of an unlawful society, or of persons who are members of an unlawful society, is being held or is about to be held in any place, or
- (b) that any books, accounts, lists of members, writings, banners, insignia, seals, or other things, whatsoever, belonging to, or connected with, or intended to be used for the purposes of, an unlawful society, are to be found in any place, or
- (c) that any place is being or has been used, or is about to be used, for the purposes of an unlawful society, or

(d) that any evidence of the existence of an unlawful society is to be found in any place,

the magistrate may, by warrant directed to any public officer, empower such officer and his assistants to enter and search such place, by day or by night, using force if necessary.

(2.) Such officer and his assistants may seize and detain any books, accounts, lists of members, writings, banners, insignia, seals, or other things, which appear to belong to, or to be connected with, or to be intended to be used for the purposes of, an unlawful society, or which may appear to indicate the existence of an unlawful society, and may arrest any person found on such place or escaping therefrom and may detain any such person until he can conveniently be brought before a magistrate.

(3.) The powers conferred by a warrant issued under sub-section (1) of this section may be exercised without warrant by any Justice of the Peace or by any public officer accompanied by a Justice of the Peace.

(4.) No person shall resist or obstruct any such search, arrest or seizure.

(5.) It shall be lawful for a magistrate to forfeit any thing duly seized under any power conferred by or under this section.

7.—(1.) When any books, accounts, lists of members, writings, banners, insignia, seals, or other things, whatsoever, which may reasonably be suspected to belong to, or to be connected with, or to be intended to be used for the purposes of, an unlawful society, are found in the possession or under the control of any person, it shall, until the contrary is proved, be presumed that such person is a member of an unlawful society. Evidence.

(2.) When it appears to a magistrate that there is reasonable cause to suspect that any place entered and searched under any power conferred by or under this Ordinance was immediately before or at the time of such entry being used by or for the purposes of an unlawful society, it shall, until the contrary is proved, be presumed that all persons found in such place at any time during such search, or found escaping therefrom immediately before or at the time of such entry, are members of an unlawful society.

(3.) In any prosecution under this Ordinance it shall not be necessary to prove the name of the unlawful society, or to prove that it has any name.

(4.) In any prosecution under this Ordinance it shall be no objection to the admissibility of expert evidence that the expert is not, or has not been, a member of any unlawful society.

(5.) In any prosecution under this Ordinance the magistrate may refer, for the purposes of evidence, to "The Triad Society or Heaven and Earth Association" by William Stanton, and to any other published books or articles on the subject of unlawful societies in general, or of particular unlawful societies, which the magistrate may consider to be of authority on the subject to which they relate.

8. The Societies Ordinance, 1911, and the Societies Amendment Ordinance, 1916, are repealed.

Repeal of
Ordinances
Nos. 47 of
1911 and 1

Passed the Legislative Council of Hongkong, this 24th day of June, 1920. of 1916.

W. J. CARRIE,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th day of June, 1920.

A. G. M. FLETCHER,
Colonial Secretary.

HONGKONG.

No. 9 of 1920.

I assent to this Ordinance.

R. E. STUBBS,
Governor.

25th June, 1920.

An Ordinance to amend the Public Health and Buildings Ordinance, 1903.

[25th June, 1920.]

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 Public Health and Buildings Ordinance, 1920, and shall be read and construed as one with the Public Health and Buildings Ordinance, 1903, hereinafter called the principal Ordinance, and the said Ordinance and this Ordinance may be cited together as the Public Health and Buildings Ordinances, 1903 and 1920.
- Addition of new sections to the principal Ordinance. 2. The following sections are added to the principal Ordinance immediately after section 116 thereof:—
- Height of storeys in certain buildings. 116A.—(1.) In this section:—
- “Storey” means the space between the upper surface of a floor and the upper surface of the floor next above, or, if there be no such upper floor, the space between the upper surface of a floor and the upper surface of the roof, but does not include any space which is provided solely for the purpose of ventilation and which is not used or adapted to be used for human habitation; and
- “Semi-detached” has the same meaning as in section 179 of this Ordinance.
- (2.) This section shall apply only to domestic buildings erected after the commencement of the Public Health and Buildings Ordinance, 1920.
- (3.) Subject to sub-sections (4), (5) and (6) of this section, the lowest storey which is used or adapted to be used for human habitation shall contain a clear space of at least twelve feet measured vertically, and every upper storey shall contain a clear space of at least eleven feet measured vertically.
- (4.) In detached and semi-detached buildings, and in any building exempted by the Building Authority from the provisions of sub-section (3) of this section, every storey shall, subject to sub-sections (5) and (6) of this section, contain a clear space of at least ten feet measured vertically.
- (5.) Caretakers’ quarters, servants’ quarters, kitchens and pantries may be constructed so as to contain a clear space of only nine feet measured vertically.

(6) Bathrooms and latrines may be constructed so as to contain a clear space of only seven and a half feet measured vertically.

(7) In the case of a top storey, the clear space shall be measured from the level of the floor up to the following levels:—

(a) if there is a ceiling and if such ceiling is horizontal throughout, then up to the underside of the ceiling, or

(b) if there is no ceiling, or if the ceiling is wholly or partly sloping, then up to a level half way between the top of the wall and the underside of the topmost timber of the roof.

Certain spaces not to be used for habitation.

116b.—(1.) No building or part of a building which has a clear space of less than nine feet measured vertically shall be used for human habitation.

(2.) In the case of a top storey, the clear space shall be measured from the level of the floor up to the following levels:—

(a) if there is a ceiling and if such ceiling is horizontal throughout, then up to the underside of the ceiling, or

(b) if there is no ceiling, or if the ceiling is wholly or partly sloping, then up to a level half way between the top of the wall and the underside of the topmost timber of the roof.

Passed the Legislative Council of Hongkong, this 24th day of June, 1920.

W. J. CARRIE,
Clerk of Councils.

Assented to by His Excellency the Governor, the 25th day of June, 1920.

A. G. M. FLETCHER,
Colonial Secretary.

APPOINTMENTS, &c.

No. 358.—The King's Exequatur empowering Mr. PEDRO VICENTE BOTELHO to act as Consul for Nicaragua in Hongkong has received His Majesty's signature.

24th June, 1920.

No. 359.—The King's Exequatur empowering Mr. EDGARDO ROJAS HUNEUS to act as Chilean Consul in Hongkong has received His Majesty's signature.

24th June, 1920.