
EXECUTIVE COUNCIL.

No. 274.

Order made by the Governor in Council under section 9 of the Post Office Ordinance, 1900, Ordinance No. 6 of 1900, on the 23rd day of June, 1921.

It is hereby notified that on and after the 1st July, 1921, the rates of postage payable on parcels for the United Kingdom will be as follows:—

For a parcel not exceeding

3 lbs.	\$0.90.
7 lbs.	\$1.60.
11 lbs.	\$2.25.

S. B. B. McELDERRY,
Clerk of Councils.

COUNCIL CHAMBER,
23rd June, 1921.

LEGISLATIVE COUNCIL.

No. 275.

LEGISLATIVE COUNCIL, No. 7.

THURSDAY, 28TH APRIL, 1921.

PRESENT:

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT
(Mr. CLAUD SEVERN, C.M.G.).

His Excellency the General Officer Commanding the Troops, (Major-General Sir GEORGE
MACAULAY KIRKPATRICK, K.C.B., K.C.S.I.).

The Honourable the Colonial Secretary, (EDWARD DUDLEY CORSCADEN WOLFE).
 „ the Attorney General, (JOSEPH HORSFORD KEMP, C.B.E., K.C.).
 „ the Colonial Treasurer, (CHARLES McILVAINE MESSER, O.B.E.).
 „ the Director of Education, (EDWARD ALEXANDER IRVING).
 „ the Secretary for Chinese Affairs, (STEWART BUCKLE CARNE ROSS).
 „ the Director of Public Works, (THOMAS LUFF PERKINS).
 „ Mr. HENRY EDWARD POLLOCK, K.C.
 „ Mr. LAU CHÜ-PAK.
 „ Mr. ARCHIBALD ORR LANG.
 „ Mr. CHAU SIU-KI.

ABSENT:

„ Mr. HERBERT WILLIAM BIRD.
 „ Mr. ALEXANDER GORDON STEPHEN.

The Council met pursuant to adjournment.

NEW MEMBER.—Mr. CHAU SIU-KI took the Oath and assumed his seat as a Member of the Council.

The Minutes of the Meeting held on the 25th April, 1921, were confirmed.

PAPERS.—The Colonial Secretary laid on the table the following paper:—

Report of the Superintendent of Imports and Exports for the year 1920.

REPORT OF THE FINANCE COMMITTEE.—The Colonial Secretary laid on the table the Report of the Finance Committee (No. 5), dated the 25th April, 1921, and moved its adoption.

The Colonial Treasurer seconded.

Question—put and agreed to.

STAMP DUTIES BILL.—The Attorney General moved that the Council go into Committee to consider the clauses of the Stamp Bill which were left over from the last meeting.

The Colonial Treasurer seconded.

Question—put and agreed to.

Council in Committee on the Bill.

The following amendments were agreed to:—

Clause 3:

- (a.) Amend definition (18) by substituting “in the stock” for “or negotiated in open”.
- (b.) Omit paragraph (f) of definition (19).
- (c.) Re-letter paragraph (g) of definition (19) as (f).
- (d.) Insert the following paragraph: (22) “Person” includes firm. And re-number the succeeding paragraphs.

Clause 5:

- (a.) Omit sub-clause (5) and substitute the two following sub-clauses:—
 - (5.) If any instrument which is chargeable with stamp duty be not duly stamped, the person or persons respectively specified in the sixth column of the said schedule as being liable for stamping shall be liable, or jointly and severally liable, as the case may be, civilly to the Collector for the payment of the specified duty.
 - (6.) If any instrument which is liable to stamp duty be not duly stamped, every person specified in the sixth column of the said schedule as being liable for stamping shall also be deemed to be guilty of an offence against this Ordinance.
- (b.) Re-number sub-clauses (6) and (7) as (7) and (8) respectively.

Clause 6:

- (a.) Insert before “no” in the first line the words “Subject to the provisions of sub-section (3) of this section and to the provisions of section 16 of this Ordinance.
- (b.) Substitute for the words “except in criminal proceedings” in the third and fourth lines of sub-clause (1) the words “except (a) in criminal proceedings and (b) in civil proceedings by the Collector to recover stamp duty”.
- (c.) Omit the words “with a view to the institution of criminal proceedings” at the end of sub-clause (3) (a).

Clause 16:

Amend sub-clause (3) so as to read:—

- (3.) If any person applying for special leave under this section is dissatisfied with any decision of the Collector upon such application it shall be lawful for such person to require his application to be referred to the Governor in Council whose decision thereon shall be final for all purposes.

Clause 17:

Omit “executed,” and “acted upon,” in the said sub-clause.

Clause 23:

- (a.) Re-number as 22.
- (b.) Amend so as to read as follows:—

22.—(1.) When any exchange contract is, either wholly or in part, cancelled, or set off, or otherwise terminated by some transaction upon which neither bill of exchange

Exchange contracts.

nor telegraphic transfer duty is paid, the seller shall forthwith execute a cancellation note, which shall set forth the amount of currency so cancelled or set off or otherwise released, and such cancellation note shall be stamped with the duty specified in the schedule to his Ordinance.

(2.) The duty shall be calculated on the equivalent of the sum of foreign currency in the currency of the Colony at the rate of exchange which under the contract would be the rate of exchange for delivery on the date on which the contract is, wholly or in part, cancelled, or set off, or otherwise terminated by the transaction on which neither bill of exchange nor telegraphic transfer duty is paid.

(3.) If the exchange contract is only partly cancelled, or set off, or otherwise terminated by a transaction on which neither bill of exchange nor telegraphic transfer duty is paid, exchange contract duty shall be paid on the equivalent in Hongkong currency, as provided in the preceding sub-section, of the amount of foreign currency cancelled, or set off, or otherwise released.

(4.) Without prejudice to the rights of the seller and purchaser *inter se*, the seller shall be liable under this Ordinance for the stamping of any exchange contract cancellation note which is required to be stamped under the provisions of this section.

(5.) Every exchange contract cancellation note shall be duly stamped within two days after the exchange contract has been wholly or in part cancelled, or set off, or otherwise terminated as aforesaid, provided that no general holiday shall be reckoned in the computation of the said period of two days.

(6.) No duty shall be payable upon exchange contracts for the account and in the name of any person ordinarily resident or carrying on business in Canton if the transaction *bonâ fide* originated in and is financed in Canton.

(7.) In this section, and in Heading 20 of the Schedule to this Ordinance, the term seller means the corporate body, firm or individual whose obligation to supply any sum in a currency other than the currency of the Colony is cancelled or set off or otherwise terminated.

On the motion of the Attorney General clause 24 was recommitted, and the word "single" was inserted before "meeting" in the second line of sub-clause (1).

The following amendments were also agreed to.

Clause 41:

The following clause, re-numbered as 39, was substituted for clause 41:—

39.—(1.) Where any obligation or liability is under the provisions of this Ordinance imposed upon a corporate body, and such obligation or liability is not discharged, every director, manager, secretary, and other officer, of the corporate body, who is wilfully a party to the default, and the said corporate body, shall be deemed to commit an offence against this Ordinance.

(2.) Where any obligation or liability is under the provisions of this Ordinance imposed upon a firm, and such obligation or liability is not discharged, every partner in the said firm, and every servant of the said firm, who is wilfully a party to the default, and the person appearing to have the management of the said firm within the Colony, shall be deemed to commit an offence against this Ordinance.

Clause 43:

(a.) Re-number as 40.

(b.) Amend sub-clause (1) so as to read as follows:—

(1.) If it appears to a magistrate upon the oath of any person that there is reason to believe that there are or may be upon or in the possession or under the control of any person, or on any premises, any books of account or other instruments whatsoever any of the contents of which may tend to show that an offence against this Ordinance has been committed, it shall be lawful for such magistrate to issue a search warrant authorising any person named or referred to in the said warrant to search any such person, and to enter and search any such premises and any person found therein, and to inspect and take copies of any books of account or other instruments found on such premises or upon such person.

Insert a new clause 41 bringing the Ordinance into effect on 2nd May, 1921.

SCHEDULE.

Heading 1.

Reduce the duty to \$5.

Heading 4.

Omit.

Re-number all succeeding Headings.

Heading 5.

Omit.

Heading 9, re-numbered 7.

Substitute "Voluntary" for "Do" in the sixth column.

Heading 12, re-numbered 10.

Add the following exemption to Sub-heading (4):—

Exemption.

Letter of credit granted in the Colony, authorising drafts to be drawn out of the Colony payable in the Colony.

Heading 13, re-numbered 11.

Substitute "\$5" for "\$3" (twice).

Heading 16, re-numbered 14.

Substitute "15 cents" for "25 cents".

Heading 17, re-numbered 15.

Substitute "\$20,000" for "\$5,000" (twice).

Heading 22, re-numbered 20.

In the second column read "Exchange Contract Cancellation Note".

Heading 23, re-numbered 21.

Substitute "\$20,000" for "\$5,000" (twice).

Heading 26, re-numbered 24.

In sub-heading (2) make the rate 25 cents per \$100 of the annual rent for leases not exceeding 1 year, 50 cents not exceeding 3 years, \$1 over 3 years.

Marketable Security.

After Heading 29—Letters Patent, add the following heading and delete the present cross reference:—

28.	Marketable security issued in the Colony, or made or issued by or on behalf of a corporate or unincorporate body formed or established in the Colony.	20 cents for every \$100 or part thereof of the money secured.	Over-embossed.	Before issue.	The body issuing.
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Heading 30, re-numbered 29.

Substitute the following for the first, second, and third columns of the present sub-headings (1) to (4) and re-number the succeeding sub-headings:—

29. Mortgage.

(1) Being the only or principal or primary security. 20 cents for every \$100 or part thereof of the principal sum secured. (For tontine mortgages see section 33).

- (2) Being a collateral or auxiliary or additional or substituted security, other than a mortgage executed in pursuance of a duly stamped agreement for a mortgage, or executed by way of further assurance where the principal security is duly stamped. 10 cents for every \$100 or part thereof of the principal sum secured.
- (3) Extension of time of an original mortgage, whether endorsed on the mortgage deed or not. Do.
- (4) Transfer or assignment of any mortgage, bond, debenture, or covenant (except a marketable security), or of any money or stock secured by any such instrument, or by any warrant of attorney to enter up judgment, or by any judgment. Do.
- (5) Where any further money is added to the money already secured. 20 cents for every \$100 or part thereof of the additional principal sum secured.

Heading 33, re-numbered 32.

Substitute "\$10" for "\$20".

Heading 34.

Amend so as to read as follows:—

33. Policy of Insurance.				
(1) Life Policies.	25 cents for every \$1,000 or part thereof insured.	Over-embossed.	Before execution.	The insurer.
(2) Life Policies, renewal receipts.	5 cents.	Adhesive.	Before delivery.	Do.
(3) Marine Policies, hull risks for time.	25 cents for every \$1,000 or part thereof insured.	Over-embossed.	Before execution.	Do.
(4) Floating Policies, for each endorsement.	Where the amount insured does not exceed \$1,000 : 20 cents.	Do.	Do.	Do.
(5) Marine Policies other than those specified above.		Do.	Do.	Do.
(6) Fire, Accident, and all other policies not specifically referred to above.	Where the amount insured exceeds \$1,000 : 50 cents.	Do.	Do.	Do.
(7) Renewals, except life renewals.	The same duty as on the original policy.	Do.	Do.	Do.
(8) Duplicates of policies.	Do.	Do.	Do.	Do.
(9) Re-insurance.	The same rates of duty as on direct policies.	Do.	Do.	Do.

Heading 35, re-numbered 34.

In the second column read "Power of attorney or revocation of power of attorney"

Heading 41, re-numbered 40.

- (a.) In sub-heading (1) substitute "20" for "50" and "Before execution" for "Do" in the fifth column.
- (b.) Omit Sub-heading (2).
- (c.) In sub-heading (3) substitute "\$1" for "\$2."
- (d.) In the second column of sub-heading (4) read:—
- When the value does not exceed \$1,000: \$1.
- When it exceeds \$1,000 but does not exceed \$10,000: \$3.
- When it exceeds \$10,000 but does not exceed \$20,000: \$5.
- When it exceeds \$20,000 but does not exceed \$50,000: \$7.50.
- When it exceeds \$50,000: \$10.

Heading 42, re-numbered 41.

Substitute "\$5" for "\$3" (twice).

Heading 45.

Omit, and insert the following unnumbered cross reference:—

Vesting Order: See Conveyance on Sale.

Re-number wherever necessary.

ADJOURNMENT.—The Council then adjourned until Saturday, the 30th day of April, 1921.

R. E. STUBBS,
Governor.

Confirmed this 23rd day of June, 1921.

S. B. B. McELDERRY,
Clerk of Councils.

No. 276.

LEGISLATIVE COUNCIL, No. 8.

SATURDAY, 30TH APRIL, 1921.

PRESENT:

HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT
(Mr. CLAUD SEVERN, C.M.G.).

His Excellency the General Officer Commanding the Troops, (Major-General Sir GEORGE
MACAULAY KIRKPATRICK, K.C.B., K.C.S.I.).