

No. 455.—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. 23 of 1921.—An Ordinance to amend the Widows' and Orphans' Pension Ordinances, 1908 and 1921.

Ordinance No. 24 of 1921.—An Ordinance to amend further the Legal Practitioners Ordinance, 1871.

Ordinance No. 25 of 1921.—An Ordinance to amend the Rents Ordinance, 1921.

Ordinance No. 26 of 1921.—An Ordinance to extend for a further period the powers granted by the Mercantile Bank Note Issue Ordinance, 1911, to the Mercantile Bank of India, Limited, to make, issue, re-issue and circulate notes in the Colony.

Ordinance No. 27 of 1921.—An Ordinance for the incorporation of the Christian Brothers School known in French as "L'Institut des Frères des Écoles Chrétiennes" and known in Hongkong as "St. Joseph's College."

HONGKONG.

No. 23 OF 1921.

I assent to this Ordinance.

LS

R. E. STUBBS,
Governor.

4th November, 1921.

An Ordinance to amend the Widows' and Orphans' Pension Ordinances, 1908 and 1921.

[4th November, 1921.]

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

Short title and construction.

Ordinances Nos. 15 of 1908 and 5 of 1921.

1. This Ordinance may be cited as the Widows' and Orphans' Pension Second Amendment Ordinance, 1921, and shall be read and construed as one with the Widows' and Orphans' Pension Ordinance, 1908, and with the Widows' and Orphans' Pension Ordinance, 1921, and the said Ordinances and this Ordinance may be cited together as the Widows' and Orphans' Pension Ordinances, 1908 and 1921.

Amendment of Ordinance No. 5 of 1921, s. 1.

2. Section 1 of the Widows' and Orphans' Pension Ordinance, 1921, is amended by the repeal of the words "and the said Ordinance and this Ordinance may be cited together as the Widows' and Orphans' Pension Ordinances, 1908 and 1921".

Definition of "officer" as regards persons appointed or reappointed after the commencement of this Ordinance.

3.—(1.) Notwithstanding anything contained in the Widows' and Orphans' Pension Ordinance, 1908, or in the Widows' and Orphans' Pension Ordinance, 1921, the term officer in the Widows' and Orphans' Pension Ordinance, 1908, shall, as regards all persons appointed or reappointed in the service of the Government after the commencement of this Ordinance, include the following:—

(a) every person permanently employed in the service of the Government;

- (b) every European member of the police force; and
- (c) every person, not being a member of the police force, who is appointed or reappointed in the service of the Government on an agreement for any period exceeding two years:

provided that the term officer shall not include any person whose salary is less than \$420 per annum.

(2.) Notwithstanding anything contained in sub-section (1) in this section, it shall be lawful for the Governor in Council to exclude from the operation of this Ordinance any person who in the opinion of the Governor in Council is engaged on work of a special or temporary nature.

(3.) If any person who, under sub-section (2) of this section, is excluded by the Governor in Council from the operation of this Ordinance shall have contributed to the Widows' and Orphans' Pension Fund before such exclusion, the total amount of his contributions made by him before such exclusion shall be repaid to him without interest: provided that this sub-section shall not apply to any contributions made by such person to the Widows' and Orphans' Pension Fund in respect of any service which in the opinion of the Governor in Council was not of a special or temporary nature.

4.—(1.) Subject to the provisions of sub-section (2) of section 3 of this Ordinance, but notwithstanding anything else contained in the Widows' and Orphans' Pension Ordinance, 1908, or in the Widows' and Orphans' Pension Ordinance, 1921, or in this Ordinance, every person in the service of the Government at the commencement of this Ordinance who is not liable to contribute to the Widows' and Orphans' Pension Fund, but who would have been liable so to contribute if he had been appointed after the commencement of this Ordinance, shall be entitled to elect to contribute to the Widows' and Orphans' Pension Fund upon giving due notice to the Directors of his desire to do so.

Certain officers to be entitled to join the Fund.

(2.) Every person who so elects to contribute to the Widows' and Orphans' Pension Fund shall, as from the date on which the notice of his election shall have been received by Directors, be liable to contribute to the Widows' and Orphans' Pension Fund in all respects as if he had been appointed after the commencement of this Ordinance.

(3.) For the purpose of sub-section (1) of this section due notice shall mean notice which shall reach the Directors:—

- (a) within three months after return from leave in the case of persons who are on leave at the commencement of this Ordinance; and
- (b) within three months after the commencement of this Ordinance in the case of persons who are not on leave at the commencement of this Ordinance.

Passed the Legislative Council of Hongkong, this 3rd day of November, 1921.

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

Assented to by His Excellency the Governor, the 4th day of November, 1921.

CLAUD SEVERN,
Colonial Secretary.

HONGKONG.

No. 24 OF 1921.

I assent to this Ordinance.



R. E. STUBBS,
Governor.

4th November, 1921.

An Ordinance to amend further the Legal Practitioners Ordinance, 1871.

[4th November, 1921.]

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

Short title and construction.

Ordinances Nos. 1 of 1871 and 19 of 1913.

1. This Ordinance may be cited as the Legal Practitioners Amendment Ordinance, 1921, and shall be read and construed as one with the Legal Practitioners Ordinance, 1871, hereinafter called the principal Ordinance, and with the Legal Practitioners Amendment Ordinance, 1913, and the said Ordinances and this Ordinance may be cited together as the Legal Practitioners Ordinances, 1871 to 1921.

Amendment of Ordinance No. 1 of 1871, s. 3 as amended by Ordinance No. 19 of 1913, s. 3.

2. Section 3 of the principal Ordinance, as amended by section 3 of the Legal Practitioners Amendment Ordinance, 1913, is further amended as follows:—

(a.) Sub-section (2) is repealed and the following sub-section is substituted therefor:—

(2.) No such preliminary examination shall be necessary in the case of any person who shall have passed the matriculation examination of the University of Hongkong, or who shall have passed an examination which would in England exempt him from passing the preliminary examination of the Law Society.

(b.) Sub-section (3) is repealed and the following sub-section is substituted therefor:—

(3.) Articles of clerkship shall be null and void unless the intended articulated clerk shall have passed one of the examinations referred to in sub-section (2) of this section, or shall have passed the preliminary examination referred to in sub-section (1) of this section, or shall have obtained from the Chief Justice an order exempting him from such preliminary examination.

Amendment of Ordinance No. 1 of 1871, s. 11, as amended by Ordinance No. 19 of 1913, s. 4.

3. Section 11 of the principal Ordinance, as amended by section 4 of the Legal Practitioners Amendment Ordinance, 1913, is further amended as follows:—

(a) by the insertion of the words "section 10 of" between the word "of" and the word "this" in the fourth line thereof:

(b) by the deletion of all the words after the word "Ordinance" in the said fourth line thereof and by the substitution therefor of the

words, "Each examiner shall receive for his services such sum as the Governor in Council may by regulation prescribe, and the amount required for the payment of the examiners shall be paid by the candidate, or, if there be more than one candidate, by the candidates in equal shares, before the beginning of the examination."

4. Section 27 of the principal Ordinance is amended by the repeal of the last three lines thereof and by the substitution therefor of the words "shall upon summary conviction be liable to a fine not exceeding one thousand dollars." Amendment
of Ordinance
No. 1 of 1871,
s. 27.

5. Section 3 of the Legal Practitioners Amendment Ordinance, 1913, is repealed. Repeal of
Ordinance
No. 19 of
1913, s. 3.

Passed the Legislative Council of Hongkong, this 3rd day of November, 1921.

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

Assented to by His Excellency the Governor, the 4th day of November, 1921.

CLAUD SEVERN,
Colonial Secretary.

HONGKONG.

No. 25 OF 1921.

I assent to this Ordinance.

(LS)

R. E. STUBBS,
Governor.

4th November, 1921.

An Ordinance to amend the Rents Ordinance,
1921.

[4th November, 1921.]

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 Rents Amendment Ordinance, 1921, and shall be read and construed as one with the Rents Ordinance, 1921, hereinafter called the principal Ordinance, and the said Ordinance and this Ordinance may be cited together as the Rents Ordinances, 1921. Short title
and
construction.
Ordinance
No. 13 of
1921.

2. Paragraph (f) of sub-section (1) of section 4 of the principal Ordinance is amended by the addition at the end thereof of the words "stating in writing whether he intends to pull down or to reconstruct such domestic tenement, and in the latter case stating the exact nature of the reconstruction intended", provided that this amendment shall not affect any notice to quit which shall have been given before the twenty-second day of October, 1921. Amendment
of Ordinance
No. 13 of
1921, s. 4 (1)
(f).

Amendment
of Ordinance
No. 13 of
1921, s. 6 (1).

3. Sub-section (1) of section 6 of the principal Ordinance is amended by the insertion of the words "in any civil proceeding" between the word "If" and the word "any" in the first line thereof.

Transfer of
actions to the
original
jurisdiction
of the
Supreme
Court.

Ordinance
No. 4 of
1873.

4.—(1) Nothing contained in the principal Ordinance shall be deemed to affect the power of transferring actions from the summary jurisdiction of the Supreme Court to the original jurisdiction of the Supreme Court conferred by section 28 of the Supreme Court (Summary Jurisdiction) Ordinance, 1873.

(2.) Subject to the provisions of sub-section (3) of this section, if any action, to which any of the provisions of the principal Ordinance would have applied if such action had not been transferred to the original jurisdiction of the Supreme Court, is transferred to the original jurisdiction of the Supreme Court, the provisions of the principal Ordinance shall apply, in the further proceedings in such action, as if there were substituted for the term "court" in the principal Ordinance the term "Supreme Court in its original jurisdiction", except (i) in paragraph (a) of section 2 of the principal Ordinance, and (ii) where the word "court" forms part of the term "full court".

(3.) The special provisions of the principal Ordinance relating to appeals shall not apply to any action which is transferred from the summary jurisdiction of the Supreme Court to the original jurisdiction of the Supreme Court.

(4.) This section shall apply to actions instituted before the commencement of this Ordinance as well as to actions instituted after such commencement.

Distress for
rent made
irrecoverable
by principal
Ordinance,
and demand
made under
threat of such
distress.

5.—(1.) Every person who, without lawful excuse, applies for a warrant of distress for any amount of rent in excess of the rent recoverable in accordance with the provisions of the principal Ordinance, and every person who, without lawful excuse, under threat of applying for or executing a warrant of distress, demands any amount of rent in excess of the rent recoverable in accordance with the provisions of the principal Ordinance, shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars.

(2.) Upon the hearing of any summons issued under the provisions of this section, it shall be lawful for a magistrate, whether the defendant be convicted or not, and in addition to imposing a fine if the defendant be convicted, to order the defendant to pay to the tenant:—

(a) any sum recovered or obtained from the tenant, by means of the distress or threatened distress, in excess of the rent recoverable in accordance with the provisions of the principal Ordinance;

(b) any costs recovered or obtained from the tenant by means of the distress or threatened distress; and

(c) damages, not exceeding two hundred and fifty dollars.

Acts done
mala fide
with intent
to induce a
lessee to quit
prohibited.

6. Every person who shall *mala fide* do any act whatsoever with intent to induce the lessee of any domestic tenement to give up possession of such domestic tenement shall be liable upon summary conviction to a fine not exceeding one thousand dollars.

Notice to
quit to bind
sub-lessees
in certain
cases.

7. Notwithstanding anything contained in the principal Ordinance or in this Ordinance, any *bona fide* notice to quit duly given by a lessor to a lessee in reliance on the provisions of paragraph (f) of subsection (1) of section 4 of the principal Ordinance, as amended by section 2 of this Ordinance, or in reliance on such provisions and on the provisions of section 8 of this

Ordinance, and given in accordance with the provisions of the said paragraph, so amended, shall operate so as to bind all sub-lessees deriving title directly or indirectly from the lessee to whom such notice shall have been given.

8. If the owner of any domestic tenement agrees to sell such domestic tenement to a purchaser who *bona fide* intends forthwith to pull down such domestic tenement or to reconstruct such domestic tenement to such an extent as to make such domestic tenement a new building within the meaning of the Public Health and Buildings Ordinance, 1903, and if such owner agrees with such purchaser to give the necessary notices to quit, any notice to quit given by such owner in pursuance of such agreement shall enure for the benefit of such purchaser as if such purchaser had been the owner at the time when such notice to quit was given and had given such notice to quit, provided that nothing in this section shall relieve such owner from the obligation to state in writing at the time of giving such notice to quit whether such purchaser intends to pull down such domestic tenement or to reconstruct such domestic tenement, and in the latter case to state the exact nature of the reconstruction intended, and provided also that notwithstanding anything in this section the lessee shall have, in addition to any remedies which he may have against such owner, such remedies against such purchaser as he would have had if such notice to quit had been given by such purchaser.

Notice to quit given by vendor to enure for benefit of purchaser in certain cases.
Ordinance No. 1 of 1903.

9. If the lessee of any domestic tenement is adjudged bankrupt neither the said lessee nor his trustee in bankruptcy shall be entitled to claim any right or benefit under section 4 of the principal Ordinance in respect of the said domestic tenement by virtue of the tenancy, whether contractual or statutory, under which the said lessee held immediately before the making of the adjudication order.

Bankruptcy of lessee.

Passed the Legislative Council of Hongkong, this 3rd day of November, 1921.

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

Assented to by His Excellency the Governor, the 4th day of November, 1921.

CLAUD SEVERN,
Colonial Secretary.

HONGKONG.

No. 26 of 1921.

I assent to this Ordinance.

LS

R. E. STUBBS,
Governor.

4th November, 1921.

An Ordinance to extend for a further period the powers granted by the Mercantile Bank Note Issue Ordinance, 1911, to the Mercantile Bank of India, Limited, to make, issue, re-issue and circulate notes in the Colony.

[4th November, 1921.]

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

- Short title and construction. Ordinances Nos. 65 of 1911 and 4 of 1913. 1. This Ordinance may be cited as the Mercantile Bank Note Issue Ordinance, 1921, and shall be read and construed as one with the Mercantile Bank Note Issue Ordinances, 1911 and 1913, and the said Ordinances and this Ordinance may be cited together as the Mercantile Bank Note Issue Ordinances, 1911 to 1921.
- Extension for a further period of the powers granted by Ordinance No. 65 of 1911, s. 7. 2. Notwithstanding anything contained in section 7 of the Mercantile Bank Note Issue Ordinance, 1911, relating to the termination by effluxion of time of the powers granted to the company by that Ordinance, but subject in all other respects whatsoever to the provisions of the Mercantile Bank Note Issue Ordinances, 1911 and 1913, it shall be lawful for the company to make, issue, re-issue and circulate notes until and including the 13th day of August, 1929, after which date the company shall cease to issue or re-issue notes but shall redeem any notes which it shall have previously issued or re-issued.
- Saving of the rights of the Crown and of certain other rights. 3. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King His heirs and successors or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

Passed the Legislative Council of Hongkong, this 3rd day of November, 1921.

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

Assented to by His Excellency the Governor, the 4th day of November, 1921.

CLAUD SEVERN,
Colonial Secretary.

HONGKONG.

No. 27 OF 1921.

I assent to this Ordinance.

R. E. STUBBS,
Governor.

4th November, 1921.

An Ordinance for the incorporation of the Christian Brothers School known in French as "L'Institut des Frères des Écoles Chrétiennes" and known in Hongkong as "St. Joseph's College."

[4th November, 1921.]

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 St. Joseph's College Incorporation Ordinance, 1921.
- Incorporation. 2. The Director in Hongkong of St. Joseph's College and his successors for the time being in the office of the Director in Hongkong of St. Joseph's College shall be a body corporate (hereinafter called "the Corpora-

tion"), and shall have the name of "The Director in Hongkong of St. Joseph's College" and by that name shall and may sue and be sued in all Courts in the Colony, and shall and may have and use a common seal and the said seal may from time to time break, change, alter, and make anew as the said Corporation may see fit.

3. The Corporation shall have full power :—

Powers of Corporation.

- (a) subject to the licence of the Governor having been previously obtained in each case to acquire, accept leases of, purchase, take, hold, and enjoy, any immovable property situate in the Colony.
- (b) to sell, assign, surrender, yield up, transfer, mortgage, charge, demise, reassign, or otherwise dispose of and deal with any immovable property vested in the Corporation upon such terms as to the Corporation may seem fit.
- (c) to invest moneys on mortgage of any immovable property in the Colony or in or upon such other securities as to the Corporation may seem fit.

4. The pieces or parcels of ground respectively registered in the Land Office at Victoria in this Colony as Inland Lots Nos. 1506 and 1642, Rural Building Lot No. 30, Sub-section 1 of Section A of Kowloon Inland Lot No. 576 and The Remaining Portion of Section A of Kowloon Inland Lot No. 576, together with all rights, privileges, easements and appurtenances respectively belonging or appertaining thereto or therewith usually held, occupied and enjoyed, are hereby transferred to and vested in the Corporation subject to the payment of the rents and the performance of the covenants and conditions reserved by and contained in the respective Crown leases thereof.

Vesting of properties.

5. All deeds and other instruments requiring the seal of the Corporation shall be sealed in the presence of the person who is for the time being the Director in Hongkong of St. Joseph's College or of his attorney duly authorised, and such deeds and instruments and all other documents instruments and writings requiring the signature of the Corporation shall be signed by such Director in Hongkong or his attorney.

Execution of documents.

6. No assignment by way of sale of the said pieces or parcels of ground respectively registered in the Land Office at Victoria aforesaid as Inland Lots Nos. 1506 and 1642, Rural Building Lot No. 30, Sub-section 1 of Section A of Kowloon Inland Lot No. 576 and The Remaining Portion of Section A of Kowloon Inland Lot No. 576, or any other lands, buildings, messuages or tenements situate in this Colony which may at any time hereafter be vested in the Corporation, shall be valid without the authority of the Supérieur Général of the Society of Christian Brothers known in French as "L'Institut des Frères des Écoles Chrétiennes" such authority to be signified in writing signed by the said Supérieur Général.

Consent to sales of lands.

7.—(1.) Brother Marcian James, at present Director in Hongkong of St. Joseph's College, having furnished to the Governor satisfactory evidence of his appointment to the said office, shall for the purposes of this Ordinance be deemed to be the Director in Hongkong of St. Joseph's College until the appointment in his stead of some other person as such Director.

Appointment of Director.

(2.) When any other person is appointed to the office of Director in Hongkong of St. Joseph's College, such person shall within three weeks after his appointment or within such further time as may be allowed by the Governor furnish to the Governor satisfactory evidence of his appointment.

(3.) A notification in the *Gazette* under the hand of the Colonial Secretary that such evidence has been furnished to the Governor by such person shall be conclusive evidence of such appointment.

Saving rights
of the Crown.

8. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King his Heirs and Successors or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by through or under them.

Passed the Legislative Council of Hongkong, this 3rd day of November, 1921.

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

Assented to by His Excellency the Governor, the 4th day of November, 1921.

CLAUD SEVERN,
Colonial Secretary.

APPOINTMENTS, &c.

No. 456.—His Excellency the Governor has been pleased to appoint, provisionally and subject to His Majesty's pleasure, the Honourable Mr. ALEXANDER GORDON STEPHEN to be an Unofficial Member of the Executive Council during the absence from the Colony of the Honourable Mr. ERNEST HAMILTON SHARP, O.B.E., K.C., with effect from the 31st October, 1921.

4th November, 1921.

No. 457.—It is hereby notified that His Excellency the Governor has appointed the Land Officer for the time being to act for him and on his behalf for the purposes of entering into agreements in accordance with the Schedule of the Praya East Reclamation Ordinance, 1921, Ordinance No. 17 of 1921.

4th November, 1921.

No. 458.—His Excellency the Governor has been pleased to recognise Mr. José PEDRO BRAGA, provisionally and pending the issue of His Majesty's Exequatur, as Consul for Guatemala in Hongkong.

4th November, 1921.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. 459.—Notification No. 435 published in the *Gazette* of the 28th October, 1921, is amended by the addition of the following at the end thereof:—

Pursuant to Resolution No. 1 above, it is hereby ordered by His Excellency the Governor that light dues shall continue to be collected at the rates laid down in Table P of the Schedule to the Merchant Shipping Ordinance, No. 10 of 1899.