

And Whereas the Governor in Council did on the 19th day of June, 1924, approve of the construction and maintenance of the said double line :

Now it is hereby resolved that the approval of the Governor in Council so given as aforesaid is hereby confirmed.

The Attorney General seconded.

Question—put and agreed to.

8. *Chinese Extradition Amendment Bill.*—The Attorney General addressed the Council and moved the First reading of a Bill intituled An Ordinance to amend the Chinese Extradition Ordinance, 1889.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

9. *Suppression of Piracy Amendment Bill.*—The Attorney General moved the Second reading of the Bill intituled An Ordinance to amend the law relating to the suppression of piracy.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming the Attorney General reported that the Bill had passed through Committee with the addition of the following clause :—

“This Ordinance shall come into operation on such date as may be fixed by the order of the Governor in Council.”

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.

10. *Liquors Amendment Bill.*—The Second reading of the Bill intituled An Ordinance to amend the Liquors Consolidation Ordinance, 1911, was not proceeded with at this Meeting.

ADJOURNMENT.

11. The Council then adjourned *sine die*.

W. T. SOUTHORN,
Officer Administering the Government.

Confirmed this 27th day of October, 1927.

E. W. HAMILTON,
Deputy Clerk of Councils

No. 617.—His Excellency the Officer Administering the Government 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. 16 of 1927.—An Ordinance to amend the Liquors Consolidation Ordinance, 1911.

Ordinance No. 17 of 1927.—An Ordinance to amend the Chinese Extradition Ordinance, 1889.

HONG KONG.

No. 16 of 1927.

In assent.



W. T. SOUTHORN,
Officer Administering the Government.

28th October, 1927.

An Ordinance to amend the Liquors Consolidation Ordinance, 1911.

[28th October, 1927.]

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

1. This Ordinance may be cited as the Liquors Short title Amendment Ordinance, 1927.

2. Section 2 of the Liquors Consolidation Ordinance, 1911, is amended as follows:—

(a) The definition of the term "dutiabie liquors" is amended by the deletion of the words "and native wines and spirits".

(b) The definition of the term "intoxicating liquors" is amended by the insertion of the words "and native wines and spirits," immediately after the word "perry".

Amendment of Ordinance No. 9 of 1911, s. 2.

3. Section 59 of the Liquors Consolidation Ordinance, 1911, is repealed and the following section is substituted therefor:—

Possession of dutiable liquors, etc.

59.—(1) No person shall have in his possession or under his control any dutiable liquors unless (a) he is expressly authorized to do so by or under this Ordinance and (b) he has discharged all the obligations with respect to the liquors in question imposed upon him by or under this Ordinance.

(2) No person shall have in his possession or under his control any intoxicating liquors which were imported, manufactured or prepared contrary to the provisions of this Ordinance or which came into his possession or control contrary to the provisions of this Ordinance.

(3) No person shall, on his own account or on behalf of another person, sell or offer for sale or buy or offer to buy any dutiable liquors which are stored elsewhere than in a general bonded or licensed warehouse, or in the ship in which they were imported, or on the licensed premises of the holder of a distillery or brewery licence.

(4) It shall be no defence to any charge under sub-section (1) or (2) that the possession or control of the accused was a joint possession or control.

Repeal of Ordinance No. 9 of 1911, s. 59, and substitution of new section.

4. Section 65 of the Liquors Consolidation Ordinance, 1911, is repealed.

Repeal of Ordinance No. 9 of 1911, s. 65.

Repeal of
Ordinance
No. 9 of 1911,
s. 86, and
substitution
of new
section.

5. Section 86 of the Liquors Consolidation Ordinance, 1911, is repealed and the following section is substituted therefor:—

Onus of
proof, etc.

86.—(1) If any person is charged with the possession or control of dutiable liquors contrary to the provisions of this Ordinance it shall upon proof of possession be presumed that the duty had not been paid, and the accused shall accordingly be liable to be convicted of such possession or control unless he proves beyond a reasonable doubt either that the duty had been paid or that he had good and sufficient reason to believe that it had been paid.

(2) If in any such case the accused produces evidence in order to prove either that the duty had been paid or that he had good and sufficient reason to believe that it had been paid it shall be lawful for the complainant to produce in reply any evidence tending to prove that the duty had not been paid or that the accused had not good and sufficient reason to believe that it had been paid, as the case may be.

(3) Without prejudice to the presumption against the accused under sub-section (1), it shall be the duty of the complainant to produce to the court or magistrate as part of the case for the prosecution any evidence which he may have tending to prove either that the duty had not been paid or that the accused had not good and sufficient reason for believing that it had been paid.

(4) The right conferred by sub-section (2) on the complainant to produce evidence in reply shall not be deemed to be affected by any non-compliance with the provisions of sub-section (3), and it shall be lawful for the complainant to produce such evidence in reply notwithstanding such non-compliance: Provided that in the event of such non-compliance the court or magistrate may give leave to the accused to produce any further evidence in answer to the evidence produced by the complainant under sub-section (2), if the court or magistrate shall be of the opinion that the accused would otherwise be prejudiced by such non-compliance and that in the interests of justice such leave should be granted.

(5) If any dutiable liquors are found upon any licensed premises and the licensee of the said premises is charged with the possession of the said dutiable liquors it shall until the contrary is proved be presumed that the said dutiable liquors were in the possession of such licensee.

(6) No person shall be convicted of the offence of having in his possession or under his control intoxicating liquors which were imported, manufactured or prepared contrary to the provisions of this Ordinance if he proves that he had good and sufficient reason to believe that the intoxicating liquors in question were lawfully imported, manufactured or prepared, as the case may be.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1927.

E. W. HAMILTON,
Deputy Clerk of Councils.

HONG KONG.

No. 17 of 1927.

1 assent.



W. T. SOUTHORN,
Officer Administering the Government.

28th October, 1927.

An Ordinance to amend the Chinese Extradition Ordinance, 1889.

[28th October, 1927.]

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

1. This Ordinance may be cited as the Chinese Extradition Amendment Ordinance, 1927, and the Chinese Extradition Ordinance, 1889, and this Ordinance may be cited together as the Chinese Extradition Ordinances, 1889 and 1927. Short title of Ordinance No. 7 of 1889.

2. Section 2 of the Chinese Extradition Ordinance, 1889, is amended as follows:— Amendment of Ordinance No. 7 of 1889, s. 2.

(a) The definition of "Chinese Government" is repealed and the following definition is substituted therefor:—

(a) "Chinese authority" means any person declared by the Governor to be or to represent the person or persons actually exercising authority in any province or other territory which, in the opinion of the Governor, forms or at any time has formed part of the Republic of China.

(b) The definition of "Fugitive criminal" is amended by the substitution of the words "national of China" for the words "subject of China" in the first line thereof.

(c) The following definitions are added immediately after the definition of "Fugitive criminal":—

(d) "Jurisdiction of China" includes the jurisdiction of any Chinese authority as defined in paragraph (a).

(e) "National of China" means every person who, not being a national of any other state, possesses Chinese nationality.

3. Paragraph (3) of section 4 of the Chinese Extradition Ordinance, 1889, is amended by the repeal of the words "the Chinese Government" in the second line thereof and by the substitution therefor of the words "the Chinese authority to whom he is to be surrendered." Amendment of Ordinance No. 7 of 1889, s. 4.

4. Section 6 of the Chinese Extradition Ordinance, 1889, is amended as follows:— Amendment of Ordinance No. 7 of 1889, s. 6.

(a) The words "some officer of the Chinese Government" in the third and fourth lines thereof are repealed, and the words "a Chinese authority" are substituted therefor.

(b) The words "or otherwise to proceed in conformity with the provisions of this Ordinance." are inserted immediately after the word "criminal" in the seventh line thereof.

(c) The words "for warrant of apprehension" in the marginal note thereto are deleted.

Amendment of Ordinance No. 7 of 1889, s. 12 (1). 5. Section 12 (1) of the Chinese Extradition Ordinance, 1889, is amended by the repeal of the words "the Chinese authorities" in the tenth line thereof and by the substitution therefor of the words "the Chinese authority to whom the Governor considers that he should be surrendered".

Amendment of Ordinance No. 7 of 1889, s. 18. 6. Section 18 of the Chinese Extradition Ordinance, 1889, is amended by the substitution of the words "national of China" for the words "subject of China" in the third line thereof.

Insertion of new sections 19 and 20 in Ordinance No. 7 of 1889. 7. The following sections are inserted in the Chinese Extradition Ordinance, 1889, immediately after section 18 thereof:—

Evidence. 19. A certificate under the hand of the Colonial Secretary shall, upon production and without proof of the signature or any other proof, be conclusive evidence in any proceedings on any question relating to any declaration, opinion, or discretion, which the Governor is authorised by this Ordinance to make, form, or exercise, respectively.

Liability to be surrendered not to be affected by change of Chinese authority. 20. A fugitive criminal shall be liable to be surrendered under and in accordance with the provisions of section 12 although the crime of which he is accused may have been committed within the jurisdiction of a Chinese authority other than the Chinese authority by whom the requisition was made, or other than the Chinese authority to whom he is to be surrendered, and although the Chinese authority to whom he is to be surrendered is not the Chinese authority by whom the requisition was made.

Amendment of Ordinance No. 7 of 1889, Second Schedule, Form No. 1. 8. Form No. 1 in the Second Schedule to the Chinese Extradition Ordinance, 1889, is amended as follows:—

(a) The words "namely the province (*or, territory*) of" are inserted immediately after the words "within the jurisdiction of China".

(b) The words ", or otherwise to proceed in conformity with the provisions of the Chinese Extradition Ordinance, 1889." are added immediately after the words "to issue a warrant for the apprehension of such fugitive".

Application of Ordinance No. 7 of 1889 as amended by this Ordinance. 9. The Chinese Extradition Ordinance, 1889, as amended by this Ordinance, shall apply to every fugitive criminal for whose surrender requisition is made after the commencement of this Ordinance, whether the crime of which he is accused is alleged to have been committed before or after such commencement.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1927.

E. W. HAMILTON,
Deputy Clerk of Councils.