

7. *Hong Kong Police Reserve Bill*.—The Attorney General addressed the Council and moved the First reading of a Bill intituled An Ordinance to provide for the formation, establishment and regulation of the Hong Kong Police Reserve.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

8. *Boy Scouts Association Bill*.—The Attorney General moved the Second reading of the Bill intituled An Ordinance to further and protect the activities of the Boy Scouts Association, and to incorporate the Hong Kong Branch thereof.

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 without amendment 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.

9. His Excellency the Officer Administering the Government briefly thanked the Honourable Members for their support during his period of office.

ADJOURNMENT.

10. The Council then adjourned *sine die*.

C. CLEMENTI,
Governor.

Confirmed this 15th day of December, 1927.

E. W. HAMILTON,
Deputy Clerk of Councils.

No. 733.—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 1927.—An Ordinance to amend the Magistrates Ordinance, 1890.

Ordinance No. 24 of 1927.—An Ordinance to provide for the formation, establishment and regulation of the Hong Kong Police Reserve.

HONG KONG.

No. 23 of 1927.

I assent.

L.S.

C. CLEMENTI,
Governor.

16th December, 1927.

An Ordinance to amend the Magistrates Ordinance, 1890.

[16th December, 1927.]

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

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

Amendment of Ordinance No. 3 of 1890, s. 8. Ordinance No. 2 of 1926. 2. Section 8 of the Magistrates Ordinance, 1890, as amended by section 3 of the Magistrates Amendment Ordinance, 1926, is further amended by the insertion of the words "the Deputy Harbour Master" immediately after the words "Harbour Master".

Amendment of Ordinance No. 3 of 1890, s. 10 (2). 3. Section 10 (2) of the Magistrates Ordinance, 1890, is amended by the addition of the following words at the end thereof:—

"and that it shall be lawful for a magistrate in any such event to hear and determine the case in all respects as if the defendant had appeared in answer to a summons".

Amendment of Ordinance No. 3 of 1890, s. 11 (1). 4. Section 11. (1) of the Magistrates Ordinance, 1890, is amended by the repeal of the words "on oath being made before him substantiating the matter of the complaint or information to his satisfaction", in the seventh, eighth and ninth lines thereof.

Amendment of Ordinance No. 3 of 1890, s. 31. 5. Section 31 of the Magistrates Ordinance, 1890, is amended as follows:—

(a) Paragraph (1) is amended by the addition of the following words at the end thereof:—

"he may order the defendant to enter into a recognizance with or without sureties, to be of good behaviour or to keep the peace, in a sum not greater than two hundred dollars and for a term not to exceed twelve months; or".

(b) Paragraph (2) is amended by the insertion of the words "or to keep the peace" immediately after the word "behaviour" in the fourth line thereof.

(c) Paragraph (2) is also amended by the addition of the following words at the end thereof:—

"Provided that the security required shall not exceed two hundred dollars and the time during which the defendant may be called upon to appear for sentence or during which he is to be of good behaviour or is to keep the peace shall not exceed twelve months."

(d) The following sub-section is added at the end thereof and is numbered paragraph (3) :—

(3) The magistrate may order the defendant in default of compliance with any order made under this section to be imprisoned without hard labour for any term not exceeding six months.

6. Section 32 of the Magistrates Ordinance, 1890, is amended by the substitution of the word "twenty-five" for the word "five" in the first line thereof. Amendment of Ordinance No. 3 of 1890, s. 32.

7. Section 49 of the Magistrates Ordinance, 1890, is repealed. Repeal of Ordinance No. 3 of 1890, s. 49.

8. Section 78 of the Magistrates Ordinance, 1890, is repealed and the following section is substituted therefor :— Repeal of Ordinance No. 3 of 1890, s. 78, and substitution of new section.

Depositions and exhibits after committal. 78.—(1) The following documents, together with a certified copy thereof, shall, as soon as may be after the committal of the accused person, be transmitted by the magistrate to the Crown Solicitor for the use of the Attorney General, that is to say, the depositions of the witnesses, the documentary exhibits thereto, the statement of the accused person, and the record of his evidence, if any, and the recognizances entered into.

(2) A certified copy of all such documents shall, either at the same time or as soon as possible thereafter, be transmitted by the magistrate to the Registrar for the use of the court.

(3) All exhibits other than documentary exhibits, shall, unless the magistrate otherwise directs, be taken charge of by the police, and shall be produced by them at the trial.

(4) At any time before the first day of the criminal session of the court at which any accused committed for trial is to be tried the accused or his counsel may require from the magistrate's clerk copies of the depositions together with copies of any such statements or evidence as aforesaid, on payment of fifteen cents for each folio of seventy-two words.

9. The following section is inserted immediately after section 78 of the Magistrates Ordinance, 1890:— Insertion of new section 78A in Ordinance No. 3 of 1890.

Procedure on charge of indictable offence against corporation. 78A.—(1) When a corporation is charged, whether alone or jointly with some other person, with an indictable offence, the magistrate may if he be of the opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, order the documents specified in section 78 (1) which relate to the case to be transmitted to the Crown Solicitor for the use of the Attorney General and such order shall be deemed to be a committal for trial.

(2) If the corporation appears before the magistrate by a representative appointed in writing by the corporation to represent it for the purpose of this section, any question or statement required by any enactment to be put or made to the accused may be put or made to such representative, and any such question may be answered on behalf of the corporation by such representative, but if the corporation does not so appear it shall not be necessary to put or make the questions or statements, and the magistrate may, notwithstanding, make an order under this section.

15 & 16 Geo. 5, c. 86, s. 33.

(3) Nothing in this section shall have the effect of taking away from a magistrate any power which he may possess of dealing with a charge summarily.

Repeal of Ordinance No. 3 of 1890, s. 80 (2), (3). 10. Sub-sections (2) and (3) of section 80 of the Magistrates Ordinance, 1890, are repealed.

Amendment of Ordinance No. 3 of 1890 s. 85. 11. Section 85 of the Magistrates Ordinance, 1890, is amended by the repeal of paragraph (6) thereof and by the substitution therefor of the following paragraph :—

Ordinance No. 3 of 1924. (6) under the provisions of the Stowaways Ordinance, 1924, or

Repeal of Ordinance No. 3 of 1890, s. 93, and substitution of new section. 12. Section 93 of the Magistrates Ordinance, 1890, is repealed and the following section is substituted therefor :—

Drunkenness. 93.—(1) Whenever any person is convicted of having been found drunk in any public place, or on any premises licensed under any Ordinance relating to liquor licences, a magistrate may sentence him to a fine not exceeding ten dollars.

(2) Whenever any person is convicted of riotous or disorderly behaviour while drunk in any public place a magistrate may sentence him to a fine not exceeding twenty-five dollars or to imprisonment for any term not exceeding two months.

(3) Whenever any person is convicted of having been drunk while in charge of any vehicle (other than a motor vehicle), or of any horse, in any public road or street, a magistrate may sentence him to a fine not exceeding twenty-five dollars or to imprisonment for any term not exceeding two months.

(4) Whenever any person is convicted of having been drunk while driving or being otherwise in charge of any motor vehicle a magistrate may sentence him to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

(5) For the purposes of sub-sections (3) and (4) a person shall be deemed to have been drunk if he was so much under the influence of alcohol as to have lost control of his faculties to such an extent as to render him unable to execute safely the occupation on which he was engaged at the time in question.

(6) Whenever any person is convicted of having been drunk while in possession of any loaded firearm or of any firearm and any ammunition therefor a magistrate may sentence him to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding six months. For the purposes of this sub-section a person shall be deemed to have been drunk if he was so much under the influence of alcohol as to have lost control of his faculties to such an extent as to render him unable to handle a firearm safely at the time in question.

13. Section 96 of the Magistrates Ordinance, 1890, is repealed and the following section is substituted therefor:—

Repeal of Ordinance No. 3 of 1890, s. 96, and substitution of new section.

Review of decision and re-hearing by magistrate. 96.—(1) Within seven clear days after the determination in any manner by a magistrate of any matter which he has power to determine in a summary way it shall be lawful for either party thereto to apply to the magistrate to review his decision.

(2) Any such application may be made by the party himself in person, or may be made by his counsel in person whether the party himself be present or not.

(3) If either party to the said matter is in the custody of the Superintendent of Prisons, the magistrate shall, unless he dismisses the application forthwith, inform the Superintendent of Prisons in writing that an application for a review has been made, and thereafter the Superintendent of Prisons shall produce the said party whenever so required in writing by a magistrate for the purposes of the review or of the application therefor.

(4) It shall be lawful for the magistrate to grant the application for a review at any time provided that the application for the review shall have been duly made in accordance with the provisions of sub-sections (1) and (2).

(5) If the magistrate grants the application for a review it shall be lawful for him upon the review to re-open and re-hear the case wholly or in part, and to take fresh evidence, and to reverse, vary or confirm his previous decision.

(6) For the purpose of the review the magistrate shall have all the powers, as to securing the attendance of the parties and witnesses and otherwise, that he would have if the matter were brought before him as an original complaint or information.

(7) No application for a review shall be granted if any proceedings have been commenced by either party with a view to questioning the decision of the magistrate by way of appeal, *mandamus* or *certiorari*, unless such proceedings shall have been abandoned.

(8) The decision of the magistrate upon a review shall for the purposes of sections 98 and 103 be deemed to be the determination of a proceeding which he has power to determine in a summary way.

14. Section 99 of the Magistrates Ordinance, 1890, is amended as follows:—

Amendment of Ordinance No. 3 of 1890, s. 99.

(a) by the deletion of the words "or parties" in the fifth line thereof;

(b) by the deletion of the words "or respondents" in the sixth line thereof;

(c) by the addition of the words "and to the Crown Solicitor" at the end thereof.

15. Section 100 of the Magistrates Ordinance, 1890, is amended by the repeal of the words "before the case has been set down for argument before the Full Court" in the second and third lines thereof and by the substitution therefor of the words "before the

Amendment of Ordinance No. 3 of 1890, s. 100.

commencement of the hearing by the Full Court” and by the addition at the end thereof of the following words:—

provided that if the case is so amended the provisions of sections 99 and 101 shall be complied with in respect of the amended case as if it were the case as originally delivered to the appellant and as if the delivery to the appellant of the amended case were the delivery to him of the original case.

Amendment of Ordinance No. 3 of 1890, s. 101. **16.** Section 101 of the Magistrates Ordinance, 1890, is amended by the addition of the words “Crown Solicitor and to the” immediately before the word “opposite” in the sixth line thereof.

Amendment of Ordinance No. 3 of 1890, s. 103. **17.** Section 103 of the Magistrates Ordinance, 1890, is amended by the insertion of the words “or on the ground that there was no evidence on which the magistrate could properly convict or make the order or give the determination or take the proceeding in question, as the case may be,” immediately after the word “fact” in the seventh line thereof.

Amendment of Ordinance No. 3 of 1890, s. 104. **18.** Section 104 of the Magistrates Ordinance, 1890, is amended by the addition of the words “and on the Crown Solicitor,” immediately after the word “respondent” in the fifth line thereof.

Amendment of Ordinance No. 3 of 1890, s. 106. **19.** Section 106 of the Magistrates Ordinance, 1890, is amended by the addition of the following sub-section thereto:—

(7) If default is made in performing any part of the condition of the recognizance it shall be lawful for the Full Court upon motion by the respondent to declare the recognizance estreated, and the appeal shall thereupon for the purposes of section 111 be deemed to have been decided in favour of the respondent.

Insertion of new section 106A in Ordinance No. 3 of 1890. **20.** The following section is inserted in the Magistrates Ordinance, 1890, immediately after section 106 thereof:—

Service and notice. **106A.**—(1) Any notice or document required to be given, sent to or served on the respondent by the appellant shall be deemed to have been duly given, sent or served if the same shall have been delivered to the solicitor for the time being representing the respondent.

(2) If there be no solicitor representing the respondent and it shall be proved that it was impracticable to give or send to or serve on the respondent any notice or document required by this Ordinance the Full Court, in court or in chambers, may direct that the notice or document be advertised or otherwise published and in any event may proceed as though the said notice or document had been duly given or sent to or served on the respondent.

Insertion of new section 108A in Ordinance No. 3 of 1890. **21.** The following section is inserted in the Magistrates Ordinance, 1890, immediately after section 108 thereof:—

Depositions admissible on appeal. **108A.** On any appeal under section 103, or on any application under section 102, or on any motion under section 113A, the depositions taken before the magistrate, or a certified

copy thereof, shall, without prejudice to any other method of proof, be admissible as evidence of the evidence which was given and of the statements which were made before the magistrate, and generally that the proceedings therein recorded took place.

22. Section 112 of the Magistrates Ordinance, 1890, is repealed and the following section is substituted therefor:—

Repeal of Ordinance No. 3 of 1890, s. 112, and substitution of new section.

Treatment of appellant, etc., pending appeal or rehearing.

112.—(1) Any judge shall have power to admit to bail any appellant who is in the custody of the Superintendent of Prisons, or such judge may order him to be brought up to the court in custody for the purpose of attending the appeal or any application or proceeding therein.

(2) Every person who has applied in writing to a magistrate to state and sign a case, or who has applied to a magistrate for leave to appeal to the Full Court by way of a rehearing, or who has applied to a magistrate to review his decision or adjudication under the provisions of section 96, shall, if he is in the custody of the Superintendent of Prisons, be treated, pending the determination of such application and of the subsequent appeal or review, if any, in such manner as may be directed, by the rules made under the Prisons Ordinance, 1899, for the case of persons awaiting trial.

Ordinance No. 4 of 1899.

7 Edw. 7, c. 23, s. 14 (3).

(3) The time during which an appellant, pending the determination of his appeal, is admitted to bail, and, subject to any directions which the Full Court may give to the contrary, the time during which the appellant, if in custody, is treated under this section as if he were a person awaiting trial, shall not count as part of any term of imprisonment under his sentence, and any imprisonment under the sentence of the appellant, whether it is the sentence passed by the magistrate or the sentence passed by the Full Court, shall, subject to any directions which may be given by the Full Court, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody as from and including the day on which the appeal is determined, or, if he is not in custody, as from and including the day on which he is received into prison under the sentence.

(4) Sub-sections (1) and (3) shall apply to the case of a person who has applied for a re-hearing under the provisions of section 96, as if he were an appellant, save that references to a judge shall be understood as references to the magistrate by whom the original proceeding was determined, references to the Full Court shall be understood as references to such magistrate upon the rehearing, and references to an appeal shall be understood as references to a review.

23. The following section is inserted in the Magistrates Ordinance, 1890, immediately after section 113 thereof:—

Insertion of new section 113A in Ordinance No. 3 of 1890.

Death, absence or incapacity of magistrate.

113A. If any step in or in connexion with any appeal or intended appeal is rendered impossible by the death, absence or incapacity of a magistrate, the Full Court upon motion shall have power for good cause

to order that the case be heard *de novo* by the Full Court and the same shall be so heard accordingly.

Insertion of new section 127 in Ordinance No. 3 of 1890. 24. The following section is inserted in the Magistrates Ordinance, 1890, immediately after section 126 thereof :—

Amendment of law as to rogues and vagabonds. 34 & 35 Vict. c. 112, s. 15. 54 & 55 Vict. c. 69, s. 7. 127. That part of section 4 of the Vagrancy Act, 1824, which relates to suspected persons and reputed thieves frequenting certain places with intent to commit felony shall be read and construed subject to the following provisions :—

- (a) The part in question shall be read and construed as if instead of the words "highway or place adjacent" there were inserted the words "or any highway or any place adjacent to a street or highway".
- (b) In proving intent to commit felony it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case, and from his known character as proved to the magistrate before whom he is brought, it appears to such magistrate that his intent was to commit a felony.
- (c) The part in question shall apply also to every suspected person or reputed thief loitering about or in any of the places referred to with the intent specified as it applies to suspected persons and reputed thieves frequenting the places referred to with the intent specified.

Amendment of Ordinance No. 3 of 1890, First Schedule, Form No. 70. 25. Form No. 70 in the First Schedule to the Magistrates Ordinance, 1890, is amended by the addition of the following words to the form of caution, immediately after the words "upon your trial" :—

"And you are clearly to understand that you have nothing to hope from any promise of favour and that you have nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of your guilt, but that whatever you say now may be given in evidence upon your trial notwithstanding such promise or threat".

Amendment of Ordinance No. 3 of 1890 Third Schedule. Ordinance No. 7 of 1891. 26. Paragraph 9 of the Third Schedule to the Magistrates Ordinance, 1890, is amended by the addition at the end thereof of the words, "other than the offence of obtaining credit under false pretences or by means of any other fraud under section 82 (5) (a) of the Bankruptcy Ordinance, 1891."

Passed the Legislative Council of Hong Kong, this 15th day of December, 1927.

E. W. HAMILTON,
Deputy Clerk of Councils.

HONG KONG.

No. 24 of 1927.

I assent.

L. S.

C. CLEMENTI,
Governor.

16th December, 1927.

An Ordinance to provide for the formation, establishment and regulation of the Hong Kong Police Reserve.

[16th December, 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 Hong Kong Police Reserve Ordinance, 1927. Short title.

2. In this Ordinance :—

Interpretation.

- (a) "Captain Superintendent" means the Captain Superintendent of the Hong Kong Police Reserve, who shall be the person holding the office of Captain Superintendent of the Hong Kong Police Force.
- (b) "Reserve equipment" includes all uniform, clothing, arms, accoutrements, ammunition, batons and other effects of every kind supplied by the Government and issued to a member of the Hong Kong Police Reserve.
- (c) "Reserve" means the Hong Kong Police Reserve Force.
- (d) "Subordinate officer" means every member of the Hong Kong Police Reserve above the rank of constable except the Captain Superintendent, the Deputy Superintendents and the Assistant Superintendents.

3.—(1) It shall be lawful for the Governor in Council to make regulations in respect of the following matters :— Regulations.

- (a) the conditions of admission to the Reserve ;
- (b) uniform ;
- (c) equipment ;
- (d) weapons to be carried ;

- (e) drills and musketry training ;
- (f) duties and responsibilities of the Reserve when not called up for active service ;
- (g) numbers and strength of the Reserve ;
- (h) appointment, duties and pay of medical officers in connection with the health of the Reserve ;
- (i) pay ;
- (j) conditions of resignation from the Reserve ;
- (k) gratuities and pensions to members of the Reserve for wounds or injuries received whilst on duty ;
- (l) gratuities and pensions to widows and dependents of members of the Reserve who are killed on duty or whose death is directly traceable to wounds or injuries received, or exposure or illness contracted whilst on duty ;
- (m) the general government and discipline of the Reserve ;
- (n) such other things as may be necessary for the carrying into effect of the provisions of this Ordinance.

(2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the Gazette of the making of such regulations, and if a resolution be passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any such regulation shall be rescinded or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded or amended as the case may be, as from the date of publication in the Gazette of the passing of such resolution.

Constitution. 4. The Reserve shall consist of a Captain Superintendent, and such Deputy Superintendents, Assistant Superintendents, subordinate officers and constables, as the Governor in Council may from time to time direct.

Administration. 5. The Captain Superintendent, subject to the control of the Governor and the provisions of this Ordinance, shall be charged with the direction and administration of the Reserve.

Enrolment. 6. The Captain Superintendent may enrol in the Reserve such persons as offer their services in accordance with the regulations for the time being in force provided that he consider the persons suitable for the duties to be performed under this Ordinance, and every person upon being enrolled shall become a member of the Reserve and subject to the provisions of this Ordinance.

Appointment, promotion and dismissal of officers and other members. 7.—(1) The Deputy Superintendents and Assistant Superintendents may be appointed and promoted by the Captain Superintendent with the approval of the Governor and may be dismissed by the Governor.

(2) A subordinate officer may be appointed, promoted, reduced or dismissed by the Captain Superintendent.

(3) A constable may be promoted or dismissed by the Captain Superintendent.

Reserve to be supplied with equipment. 8. Every member of the Reserve shall be supplied with such equipment as may be prescribed by regulation.

Reserve equipment to remain the property of the Government. 9.—(1) All reserve equipment shall be and remain the property of the Government.

(2) All Reserve equipment shall when required by the Captain Superintendent be produced or delivered up as directed by the Captain Superintendent.

(3) On the death of any member of the Reserve, the person or persons into whose hands the Reserve equipment of the deceased member may come shall forthwith return the same to the Captain Superintendent.

10. — (1) If any member of the Reserve wilfully makes away with, sells, or pawns, or wilfully or negligently damages, destroys, or negligently loses or unlawfully refuses or neglects to produce, deliver or deliver up, any Reserve equipment, the value thereof shall be recoverable from him summarily before a magistrate by the Captain Superintendent, and he shall also 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.

Reserve equipment not to be wrongfully disposed of.

(2) If any person knowingly buys or takes in exchange or in pawn from any member of the Reserve, or any person acting on his behalf, or solicits or entices any member of the Reserve to sell or pawn, or has in his possession without lawful authority or excuse, any Reserve equipment, such person shall upon summary conviction be liable to a fine not exceeding two hundred and fifty dollars and imprisonment for any term not exceeding six months.

11. — (1) In case of actual or apprehended tumult or riot or attack on the Colony, the Governor by proclamation may call out the Reserve for active service.

Calling out for active service.

(2) Every member of the Reserve if so called out shall be bound to assemble at such place and perform such duties as the Captain Superintendent shall direct.

(3) The period of such service shall continue so long as the Governor considers necessary, and shall end only by proclamation of the Governor.

(4) Nothing in this Ordinance shall render any member of the Reserve liable to serve or proceed on duty without his consent beyond the limits of the Colony.

12. Every member of the Reserve when called out on service shall be entitled to such pay and allowances, if any, as may be laid down by regulation.

Pay when called out.

13. All members of the Reserve who shall have received wounds or injuries when called out on active service and the widows and the families or dependents of all such members of the Reserve, who may have been killed or have died of wounds received during such active service or have died from illness directly traceable to fatigue or exposure incident to such active service, shall be eligible for such pensions or gratuities as the Governor in Council shall fix, provided that no pension shall exceed the sum of one thousand dollars per annum and no gratuity shall exceed the sum of five thousand dollars.

Pensions to members disabled and widows and families of those killed on active service.

14. Every member of the Reserve when called up for active service shall have the same powers for the preservation of the peace, the prevention of offences, the apprehension of offenders, and for all other purposes, and shall enjoy the same privileges, protection and immunities as a European member of corresponding rank in the regular police force: Provided that nothing in this section shall be construed as conferring any right to any pay, pension or reward, or any exemption from liability to jury service.

Powers of members of the Reserve.

15. It shall be lawful for the Captain Superintendent:—

Powers of the Captain Superintendent.

(1) to make departmental orders as he may think fit for the carrying out of the daily routine of the Reserve and for regulating the internal economy thereof;

(2) to appoint fit persons to be instructors of the Reserve in such subjects as he may consider necessary for the efficient performance by the Reserve of its duties;

(3) to issue such orders as he may deem necessary to make the Reserve an efficient force and to maintain it as such and to see that such orders are duly obeyed;

(4) when the Reserve is not called out for active service, to employ, without pay any members of the Reserve, who volunteer for such duty, to assist the regular police in the execution of their duty. Every member of the Reserve when so employed, shall enjoy the same rights and privileges, protection and immunities as a European member of corresponding rank in the regular police force, except as to pay, pension or other reward.

(5) to take full charge of the Reserve when it is called out for active service and to issue all necessary orders for the duties which it has been called upon to perform and to take such steps as may be necessary to see that such orders are duly executed.

Duties of members of the Reserve.

16. It shall be the duty of every member of the Reserve:—

- (1) to obey all lawful commands of his superior officer;
- (2) to attend such drills and parades and to undergo such training as may be specified in the orders issued by the Captain Superintendent;
- (3) to make himself efficient as a member of the Reserve;
- (4) to make himself conversant with the departmental orders and to carry out his duties under the same and on the calling out of the Reserve to carry out such duties as may be assigned to him;
- (5) to keep his equipment in good and serviceable order; and
- (6) upon ceasing to be a member of the Reserve to return forthwith his equipment in good order (fair wear and tear excepted) to the Captain Superintendent.

Penalty when the Reserve is not called out.

17. Every member of the Reserve, who, when the Reserve is not called out for active service, wilfully neglects or fails to carry out his duty shall be liable to be reprimanded and summarily dismissed from the Reserve.

Penalties when the Reserve is called out.

18.—(1) Every member of the Reserve called out for active service who without reasonable excuse refuses or neglects to serve shall be liable on summary conviction to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months.

(2) When the Reserve is called out for active service every constable and subordinate officer not above the rank of Sub-Inspector who shall be guilty of any of the offences set out in sub-section (3) shall be liable to any or all of the following penalties:—

- (a) reduction in rank or class;
- (b) a fine not exceeding twenty-five dollars;
- (c) drills, not exceeding ten in number;
- (d) loss of pay during any period of absence from duty;
- (e) caution, warning, reprimand, or severe reprimand.

These penalties may be imposed by the Captain Superintendent or the Deputy Superintendent: Provided that the penalty of reduction in rank or class shall only be imposed by the Captain Superintendent.

(3) The offences to which the preceding sub-section refers are as follows:—

- (a) drunkenness on duty or in uniform;
- (b) drinking on duty;
- (c) smoking on duty;
- (d) insubordination or disrespect to a superior officer;
- (e) improperly disclosing information concerning police affairs;
- (f) soliciting or accepting any gratuity;

- (g) unpunctuality ;
- (h) slovenly conduct or appearance in uniform ;
- (i) infringement of any regulation or departmental order made under this Ordinance ;
- (j) exceeding duty, unnecessary interference or violence ;
- (k) bringing discredit on the force ;
- (l) wilfully carrying out duties in a negligent or inefficient manner ;
- (m) refusal to obey lawful commands or carry out duties assigned to him.

19. Every member of the Reserve who, within twelve months from the date of his enrolment in the Reserve, ceases to be a member of the Reserve either by resignation or dismissal shall pay to the Captain Superintendent the cost of his uniform. The cost of the uniform may be recovered in a summary way before a magistrate.

Members leaving the Reserve within twelve months to pay the cost of their uniform.

20. Whenever any member of the Reserve is by a Medical Board appointed by the Governor certified to be unfit for further service because of ill health, the Captain Superintendent shall inform such member that he has been invalided out of the Reserve and he shall thereupon cease to be a member of the Reserve.

Invaliding members out of the Reserve.

21.—(1) It shall be lawful for the Governor upon report made by the Captain Superintendent to grant rewards to any member of the Reserve who may distinguish himself by extraordinary diligence, zeal or exertion in the execution of his duties.

Power to grant rewards badges and medals for extraordinary services, etc.

(2) It shall be lawful for the Governor to grant distinctive badges or medals to members of the Reserve for long and faithful or extraordinary service and to withdraw the same if the recipient be subsequently guilty of misconduct.

22. A person may cease to be a member of the Reserve by :—

- (1) being invalided out of the Reserve ;
- (2) resignation in accordance with the regulations ;
- (3) dismissal by the Governor or Captain Superintendent under the provisions of this Ordinance or the regulations made thereunder.

Cessation of membership of the Reserve.

23. Any of the powers conferred on the Captain Superintendent by this Ordinance may be exercised by any deputy superintendent or assistant superintendent deputed for that purpose by the Captain Superintendent.

Delegation of powers by Captain Superintendent.

24. All persons who immediately before the commencement of this Ordinance were members of the former Police Reserve established under the provisions of the Police Reserve Ordinance, 1914, shall be deemed to have been enrolled under this Ordinance, and all equipment issued to any such person shall be deemed to have been issued to such person under this Ordinance.

Members of Police Reserve transferred to the new Reserve.

25. Every person who, not being a member of the reserve, puts on the dress or takes the name, designation, or character of a member of the Reserve for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which a member of the Reserve would be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, 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.

Impersonation of or improper assumption of character of member of the Reserve.

Unauthorized possession, manufacture or sale of badges and equipment.

26.—(1) No person shall without lawful authority or excuse have in his possession :—

- (a) any badge, identification document, equipment, clothing or other thing issued to any member of the Reserve ; or
- (b) any badge, identification document, equipment, clothing or other thing usually issued to members of the Reserve ; or
- (c) any badge, document, equipment or clothing which so closely resembles any badge, identification document, equipment or clothing usually issued to members of the Reserve as to lead to the belief that it is such badge, identification document, equipment or clothing.

(2) No person shall, without lawful authority or excuse, make, copy or sell any badge or document which so closely resembles any badge or identification document usually issued to a member of the Reserve as to lead to the belief that it is such badge or identification document.

(3) Every person who contravenes any of the provisions of this section 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.

Repeal of Ordinance No. 27 of 1914.

27. The Hong Kong Police Reserve Ordinance, 1914, is repealed.

Passed the Legislative Council of Hong Kong, this 15th day of December, 1927.

E. W. HAMILTON,
Deputy Clerk of Councils.