

13. *Deportation Amendment Bill*.—The Attorney General moved the Second reading of the Bill intituled “An Ordinance to amend the Deportation Ordinance, 1917.”

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.

14. *Liquors Amendment Bill*.—The Attorney General reported that the Bill intituled “An Ordinance to amend the law relating to intoxicating liquors” had passed through Committee with amendments 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.

ADJOURNMENT.

15. The Council then adjourned until Thursday, the 2nd day of January, 1930.

C. CLEMENTI,  
*Governor.*

Confirmed this 2nd day of January, 1930.

E. I. WYNNE-JONES,  
*Deputy Clerk of Councils.*

**No. 3.**—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. 1 of 1930.—An Ordinance to amend the Printers and Publishers Ordinance, 1927.

Ordinance No. 2 of 1930.—An Ordinance to incorporate a Body of Trustees capable of holding property for the purposes of the Church of England, and to provide for the performance of divine worship according to the rites and ceremonies of the Church of England, and, for certain objects ancillary to the aforesaid objects.

HONG KONG.

No. 1 OF 1930.

I assent.

L. S.

C. CLEMENTI,  
*Governor.*

3rd January, 1930.

An Ordinance to amend the Printers and Publishers Ordinance, 1927.

[3rd January, 1930.]

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 Printers and Publishers Amendment Ordinance, 1930. Short title.

2. The Printers and Publishers Ordinance, 1927, is amended by the insertion of the following section immediately after section 4 :—

Security.

4A.—(1) Subject to the provisions of sub-section (7), no newspaper shall be registered until a sum of three thousand dollars has been deposited with the Registrar by or on behalf of the person seeking registration. Any such deposit shall bear interest at the rate of four per cent per annum while under the control of the Registrar.

Insertion of new section 4A in Ordinance No. 25 of 1927.

(2) The money thus deposited shall be available to pay any fine which may be imposed upon the proprietor, printer, publisher, or editor of the newspaper in question, either under this Ordinance or in respect of any matter appearing in the said newspaper, and shall also be available to pay any damages that may be awarded in any action for libel in respect of any matter appearing in the said newspaper and the costs of any such action.

(3) The Registrar may direct that the whole of such money or such part as may be necessary shall be paid out in respect of such fine, damages or costs.

(4) When any money has been paid out under sub-section (3) the Registrar may in his discretion suspend the registration of the newspaper concerned until a deposit has been made with him, in respect of the

newspaper concerned, equal to the amount paid out under his direction, and during the period of such suspension the newspaper shall be deemed to be not registered, and for the purposes of sub-section (8) of section 4 of this Ordinance the requirements of the said section 4 shall be deemed not to have been complied with in the case of such newspaper.

(5) The proprietor of any newspaper may at any time give notice to the Registrar that he desires the registration of the newspaper to cease and the Registrar may on the receipt of such notice cancel the registration and the newspaper shall cease to be registered from the date of such cancellation.

(6) After the expiration of six months from any such cancellation of registration, or, in his discretion, before the expiration of that period, the Registrar may direct that the sum deposited in respect of such newspaper, or so much of such sum as remains deposited, shall be repaid to the person entitled to receive the same.

(7) It shall be lawful for the Registrar to accept, in lieu of the deposit of three thousand dollars, a bond in the said amount, by the person seeking the registration together with one or two sufficient sureties approved by the Registrar, conditioned for the payment of any fine which may be imposed upon the proprietor, printer, publisher or editor of the newspaper in question, either under this Ordinance or in respect of any matter appearing in the said newspaper, and also for the payment of any damages that may be awarded in any action for libel in respect of any matter appearing in the said newspaper and the costs of any such action.

3. The proprietor of every newspaper already registered at the commencement of this Ordinance shall, within three months of such commencement, in respect of such newspaper either make the deposit referred to in sub-section (1) of section 4A of the Printers and Publishers Ordinance, 1927, as enacted by section 2 of this Ordinance, or, in the discretion of the Registrar, enter into the bond referred to in Sub-section (7) of the said section 4A, and thereupon the provisions of the said section 4A shall apply to such deposit or bond as if it had been made or entered into before the registration of such newspaper. In the event of non-compliance with the provisions of this section the newspaper in question shall be deemed to be not registered, and for the purposes of sub-section (8) of section 4 of this Ordinance the requirements of the said section 4 shall be deemed not to have been complied with in the case of such newspaper.

Temporary provision.

Passed the Legislative Council of Hong Kong, this 2nd day of January, 1930.

E. I. WYNNE-JONES,  
*Deputy Clerk of Councils.*

HONG KONG.

No. 2 of 1930.

Enacted.

C. CLEMENTI,  
*Governor.*

3rd January, 1930.

An Ordinance to incorporate a Body of Trustees capable of holding property for the purposes of the Church of England, and to provide for the performance of divine worship according to the rites and ceremonies of the Church of England, and, for certain objects ancillary to the aforesaid objects.

[18th January, 1930.]

1. WHEREAS Saint John's Cathedral Church was erected on Crown land partly by means of private subscriptions and partly by means of public moneys and has since been maintained and kept up and divine worship has been performed therein and elsewhere in the Colony in accordance with the provisions of certain Ordinances and it is expedient to provide for a continuance of the performance of such divine worship and services in accordance with the rites and ceremonies of the Church of England:

2. AND WHEREAS the said Cathedral Church is now vested in and administered by an incorporated Church Body under the name of the Trustees of Saint John's Cathedral Church in Hongkong:

3. AND WHEREAS Saint Andrew's Church Kowloon and buildings connected therewith were erected on Crown land out of funds generously furnished by the late Sir Catchick Paul Chater C.M.G. the services at the said Church to be conducted according to the rites and ceremonies of the Church of England:

4. AND WHEREAS the Trustees of Saint John's Cathedral Church in Hongkong in addition to the powers conferred on them by the Saint John's Cathedral Church Ordinance 1899 were authorised by the Church Property Vesting Ordinance 1904 to acquire accept leases of purchase take hold and enjoy any lands buildings messuages or tenements and any other property of what kind or nature soever and where-soever situate for the purpose of endowing supporting maintaining carrying on or otherwise promoting the work of the Church of England in Hong Kong or in China whether such work should be of a religious educational or social nature or otherwise:

5. AND WHEREAS it is deemed expedient that all lands, buildings, messuages or tenements, property funds and endowments (save as hereinafter mentioned) of the Church of England in the Colony and elsewhere within the Diocese of Victoria Hong Kong

shall so far as possible be transferred to or vested in one central incorporated authority which may administer the same for the purpose of endowing, supporting, maintaining, carrying on or otherwise promoting the work of the Church of England in Hong Kong or elsewhere in the Diocese whether such work shall be of a religious educational or social nature, or otherwise:

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 Church of England Trust Ordinance, 1930.

**Interpretation.**     **2.** In this Ordinance—

(a) “Archdeacon of Hong Kong” means the clergyman holding the Bishop’s licence to such office.

(b) “Bishop” means the Bishop of Victoria, Hong Kong.

(c) “Chapel of ease” means a chapel under a mother church consecrated for the performance of public worship according to the liturgy of the Church of England, and so recognised by the Bishop, the officiating minister whereof has not a separate cure of souls.

(d) “Church Body” means the trustees of Saint John’s Cathedral Church in Hongkong as heretofore constituted.

(e) “Commissary” means a person nominated by the Bishop of Victoria, Hong Kong, to act for him or in his stead in accordance with the terms of a written authority signed by the Bishop, or, in the event only of the voidance of the see, a person nominated by the Archbishop of Canterbury.

(f) “Dean” means the clergyman in charge of Saint John’s Cathedral and holding the Bishop’s licence to such office.

(g) “Diocesan Conference” means the assembly of clergy and laity of the Church of England for the Diocese, constituted according to such rules as have been approved by the Bishop for the time being.

(h) “Diocese” means the area over which the Bishop of Victoria, Hong Kong, has ecclesiastical authority.

(i) “District” means an ecclesiastical area whether old or new the incumbent of which has a separate cure of souls therein.

(j) “Incumbent” means a clergyman with a cure of souls in charge of a church and holding the Bishop’s licence thereto.

(k) “Trustees” mean the trustees appointed by or under the provision of section 3 of this Ordinance.

#### *Trustees.*

**Constitution of the Trustees.**     **3.—(1)** (a) There shall be a Body of Trustees which, subject to the other provisions of this Ordinance, shall consist of:—

(i) The Right Reverend Charles Ridley Dupuy, Bishop of Victoria, Hong Kong.

(ii) The Very Reverend Alfred Swann, Dean of Saint John’s Cathedral.

(iii) The Reverend W. W. Rogers, Vicar of Saint Andrew's Church, Kowloon

and their successors in office for the time being, together with the following lay trustees:—

- (iv) Walter Leslie Pattenden { as representing Saint John's Cathedral,
- (v) Philip Jacks ..... {
- (vi) John Herbert Hunt ..... { as representing Saint Andrew's Church, Kowloon,
- (vii) Reginald Dowsett Thomas {

and hereafter of the persons for the time being duly elected and appointed in place of the above or any of them as their successors in accordance with regulations made under this Ordinance.

(b) In the case of every other church to which this Ordinance applies or shall hereafter apply, and whose incumbent has or shall have a separate cure of souls, the incumbent and two duly elected lay representatives of such church, shall be members of the Body of Trustees.

(c) All lay Trustees shall be actual communicants of the Church of England, of twenty-one years of age and upwards, of either sex, and of British nationality, and shall be elected at the annual church meetings as provided for in regulations made under this Ordinance.

(d) In the event of the absence on leave of any clerical trustee other than the Bishop it shall be lawful for the Trustees in their discretion to appoint temporarily the clergyman in charge of the church concerned.

(2) The Bishop shall have power to give and revoke a dormant commission to any clergyman of the Church of England to be a trustee, and to act for the Bishop in accordance with the terms of the dormant commission, during any absence of the Bishop from the Colony and during any incapacity of the Bishop, and to be a Trustee and to act in the stead of the Bishop in the case of voidance of the see. No such dormant commission shall take active effect on the ground of the incapacity of the Bishop or the voidance of the see until it has been published in the *Gazette* by the Colonial Secretary, with the approval of the Governor-in-Council, at the request of the remaining trustees then in the Colony. When a dormant commission has taken active effect upon such publication on the ground of the incapacity of the Bishop it shall continue to have active effect until the publication of a notice in the *Gazette* by the Colonial Secretary, at the request of the Bishop and of the majority of the remaining Trustees then in the Colony, suspending such active effect. Unless previously revoked any such commission shall continue in force, either as a dormant commission or in active effect as the case may be, after the voidance of the see until the arrival of a new Bishop or until a new Commissary has been nominated by the Archbishop of Canterbury.

(3) (a) The Bishop or his Commissary shall be chairman of the Trustees.

(b) A meeting of the Trustees shall be held at least once in every calendar year, and not more than fifteen months after the holding of the last preceding meeting.

(c) The Bishop or his Commissary and at least one-half of the remaining Trustees shall form a quorum.

Commissary.

Proceedings and acts of the trustees.

(d) No act or decision of the Trustees shall be valid unless approved by more than half of the whole number of Trustees.

(e) If any act be done or discretion be exercised by the majority of the Trustees, or if any instrument be executed in pursuance thereof, no such act discretion or instrument shall be questioned on the ground that the other Trustees, or any of them, did not concur or join therein, or objected thereto.

Notification of change in trustees.

4.—(1) All changes in the constitution of the Trustees shall be notified to the Colonial Secretary and published by him in the *Gazette*.

(2) No such change shall be deemed to have been made unless it shall have been so published in the *Gazette*.

(3) The production of a copy of the *Gazette* containing any such notification shall be *prima facie* evidence as to the constitution of the Trustees.

(4) The Trustees shall when required by the Governor furnish to him satisfactory proof of the succession, election or appointment of any new member thereof.

Incorporation and general powers of the trustees.

5.—(1) The Trustees shall be a body corporate under the name of "The Trustees of the Church of England in the Diocese of Victoria Hong Kong" and by that name shall have perpetual succession and shall and may sue and be sued in all courts and shall and may have and use a common seal and may break, change, alter and make anew the said seal.

Power to acquire property.

(2) The Trustees shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature and kind soever and wheresoever situate, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any Government, municipality, corporation or company, and also to purchase, acquire, and possess goods and chattels of what nature or kind soever, for the purpose of endowing, supporting, maintaining, carrying on or otherwise promoting the work of the Church of England in Hong Kong or elsewhere in the Diocese whether such work shall be of a religious, educational or social nature or otherwise.

Power to dispose of property.

(3) The Trustees, subject to the provisions of section 6, shall further have power by deed or writing under their common seal to grant, sell, convey, assign, surrender, yield up, mortgage, demise, reconvey, reassign, transfer or otherwise dispose of or deal with any lands, buildings, messuages, tenements, goods and chattels or other property which are for the time being vested in or belonging to the Trustees, upon such terms as to the Trustees may seem fit: Provided that nothing in this section contained shall be construed so as to authorise any breach of trust on the part of the Trustees.

Use of seal.

(4) All deeds and other documents requiring the seal of the Trustees shall be sealed with such seal in the presence of the Bishop or his Commissary and shall be signed by such Bishop or Commissary and by two Trustees.

Vesting of property in Trustees. Saint John's Cathedral Church and Precincts.

6.—(1) Saint John's Cathedral Church and the precincts thereof (a plan of which, signed by the Director of Public Works and sealed with the seal of the Colony, was deposited at the Land Office on the 29th day of April 1892) together with all buildings, rights, easements and appurtenances thereunto belonging, and together with all the estate right, title and interest of the Church Body as heretofore constituted shall vest in

the Trustees in fee simple for the sole and express purpose of a church and to the intent that divine worship and the services usual in the Church of England shall be therein performed and carried on in accordance with the rites and ceremonies of the said Church subject nevertheless to the road and right of way delineated and coloured red on the said plan which road shall be maintained as heretofore by the Government: Provided always that if at any time the church shall cease to be used as a church for divine worship and the services usual in the Church of England shall cease to be performed and carried on therein in accordance with the said rites and ceremonies, the church and the precincts thereof shall revert to and become the absolute property of the Crown unless the same shall be sold or otherwise disposed of with the consent in writing of the Governor.

(2) All that piece or parcel of ground known and registered in the Land Office as Kowloon Inland Lot No. 1153 and the Church building and buildings erected thereon, together with all rights easements and appurtenances thereunto belonging and together with all the estate, right, title and interest held upon trust by the Church Body as heretofore constituted, shall vest in the Trustees for the residue now unexpired of the term of 75 years created therein by the Crown lease thereof, subject to the payment of the rent reserved by the said Crown lease and the performance and observance of the lessee's covenants and conditions therein contained, upon trust to permit the said premises to be used by the clergyman for the time being in charge of the services of the said church (or if there shall be no clergyman in charge by any other clergyman of the Church of England who may be approved by the Bishop) for the conduct of such services in accordance with the rites and ceremonies of the Church of England and for such other purposes not inconsistent with the provisions of the said Crown lease as may be directed by the Church Council duly constituted: Provided always that the Trustees shall not be deemed personally liable for any payments of money in excess of that provided or available for the purposes of the church: And provided that the said premises or any part thereof shall not be used for any other purpose whatever than for a church the services of which shall be conducted according to the rites and ceremonies of the Church of England, and for the erection of schools or parsonage or other buildings in connection with such church, without the previous licence or consent of His Majesty the King his heirs successors or assigns signified in writing by the Governor of Hong Kong or other person duly authorised in that behalf: And provided that the said premises or any part thereof should not be let, underlet, mortgaged, assigned or otherwise parted with without the previous consent of His said Majesty his heirs, successors or assigns signified as aforesaid or upon other terms and provisions than set forth in the said Crown lease.

Saint  
Andrew's  
Church  
Kowloon.

(3) All that piece or parcel of ground situate lying and being at Mount Kellett in the Peak District of the Colony of Hong Kong and registered in the Land Office as Rural Building Lot No. 46, and all that piece or parcel of ground situate at Mount Kellett aforesaid and registered in the Land Office as Garden Lot No. 4, together with all messuages, erections and buildings thereon respectively, and all rights, privileges, easements and appurtenances thereto respectively belonging, and all the estate, right, title, interest, property, claim and demand of the Church Body as heretofore constituted, shall vest in the Trustees for the residues of the respective terms of 75 years and 21 years respectively created therein by the respective Crown leases thereof, subject to the payment of the rents and to the performance and observance of the lessee's covenants and conditions in the said Crown leases respectively reserved and contained.

Kellett  
Crest.



**Furniture and effects.** (4) The furniture, fittings, fixtures, chattels and effects held for the use of Saint John's Cathedral, of Saint Peter's Church and of Saint Andrew's Church, Kowloon, and all the right, title, interest, property, claim and demand therein or thereto of the Church Body as heretofore constituted shall vest in the Trustees absolutely.

**Saint John's Cathedral Hall Endowment Fund.** (5) The sum of ten thousand dollars, the endowment fund for the use of Saint John's Cathedral Hall, and the securities or investments now representing the same now vested in the Church Body under the Declaration of Trust dated the 3rd day of February, 1922, shall be transferred to and vested in the Trustees absolutely subject to the trusts and provisions of the said declaration of trust.

**Other property.** (6) All books, papers and other documents hitherto kept at Saint John's Cathedral or Saint Peter's Church or Saint Andrew's Church or belonging or appertaining thereto respectively, and all moneys belonging or due or owing to Saint John's Cathedral or the Church Body as heretofore constituted or to Saint Andrew's Church or the Vestry thereof, shall vest in the Trustees absolutely.

**Memorials.** (7) All memorials in or about Saint John's Cathedral and in or about Saint Peter's Church and in or about Saint Andrew's Church shall be under the care and custody of the Trustees.

**Delegation of powers to Church Councils.** 7.—(1) The Trustees shall delegate the care and maintenance of any land, building, furniture, fittings, chattels, effects, records and memorials and the expenditure of income appertaining to Saint John's Cathedral Church and Saint Andrew's Church, Kowloon, respectively and provision for the administration of the services to be performed therein to the respective Church Councils of such churches to be appointed in manner hereinafter provided.

(2) The Trustees may make similar delegation of their powers in the case of any other church to which this Ordinance applies or shall hereafter apply.

**First Schedule.** (3) Every such delegation shall be by an instrument in writing signed by the Bishop or his Commissary and two of the Trustees which shall be in the form provided in the First Schedule and shall specify the property committed to the care of each Church Council and what powers and duties the Church Council shall have in the matter of making alteration or addition thereto. But no alterations by way of addition or diminution to the fabric or utensils or ornaments of such churches shall be made without the previous written consent of the Bishop.

(4) The Trustees shall have power by an instrument signed as aforesaid to revoke or amend any letter of delegation.

**Boards of Patronage** 8.—(1) Whenever a vacancy occurs or is expected to occur in any cure of souls the Trustees shall appoint a Board of Patronage, to be constituted as hereinafter provided, which shall appoint a clergyman for institution to such cure when vacant and shall return his name to the Trustees together with the agreed terms of appointment. The Trustees shall before entering into any contract with such clergyman obtain the written approval of the Bishop or in the case of the incapacity of the Bishop of his Commissary of such appointment. If no notice of appointment shall be returned to the Trustees and by them to the Bishop or his Commissary within six months after a vacancy in any cure it shall be competent for the Bishop or his Commissary to appoint.

(2) Such Board of Patronage shall consist of the Bishop or his Commissary, who shall be chairman, the Archdeacon of Hong Kong, one lay representative of the Trustees and four lay representatives of the Church Council concerned: Provided that if the Archdeacon is also the incumbent of the church in which the vacancy is expected to occur he shall not be a member of the Board: Provided also that when a vacancy occurs or is expected to occur in the office of Dean two additional members (one clerical to represent the clergy and one lay to represent the laity) shall be appointed by the Diocesan Conference or in default of such appointment in such manner as the Trustees for the time being may approve.

(3) The time and manner of the summoning and meeting of such Board and the mode of its procedure shall be determined by the Board itself, subject to any direction that may be given by the Trustees. The Bishop or his Commissary and not less than three representatives of the church council concerned shall constitute a quorum.

(4) The fixing of the salary of the clergyman in charge of any church shall be determined by a sub-committee consisting of not more than six to be appointed by the Church Council concerned which shall report to the Board its decision, but such decision shall be subject to the approval of the Board.

(5) The question of the renewal or termination of the agreement of the clergyman in charge of any church shall be decided by a Board of Patronage, constituted as hereinbefore provided, to be appointed by the Trustees *ad hoc* which Board shall report its decision to the Trustees: provided that no dismissal except on the expiration of an agreement shall be valid without the written approval of the Bishop or in the case of the incapacity of the Bishop of his Commissary.

*Regulations.*

9.—(1) It shall be lawful for the Trustees to make regulations for all or any of the following matters:—

- (a) the mode of filling up casual vacancies among their number;
- (b) the holding of meetings of the Trustees and the conduct of business thereat;
- (c) the election and tenure of office of an auditor and the appointment and tenure of office of a treasurer and secretary and the mode of filling up casual vacancies among such officers;
- (d) the regulation of the Church Councils constituted by section 10 of this Ordinance, and the constitution and regulation of Church Councils for any other existing church or for any future church to which this Ordinance shall apply;
- (e) the keeping of accounts by Church Councils;
- (f) the care, maintenance and administration of Saint Peter's Church and other chapels of ease;
- (g) all other matters relating to the affairs of the Trustees.

(2) Subject to the exercise of the above powers the regulations contained in the Second Schedule shall be in force from the commencement of this Ordinance and shall deem to have been made under this Ordinance.

(3) No amendment of the regulations contained in the Second Schedule shall apply in the case of any particular Church Council until such amendment has been adopted at a meeting of the qualified and duly enrolled electors of the Church in question.

(4) The regulations contained in the Second Schedule shall apply in the case of the Church Council of any future church until such regulations shall have been amended and the amendments shall have been adopted at a meeting of the qualified and duly enrolled electors of the Church in question.

*Church Councils.*

**Church Councils of Saint John's Cathedral and of Saint Andrew's Church.** **10.** There shall be a Saint John's Cathedral Church Council and a Saint Andrew's Church, Kowloon, Church Council, and such other Church Councils as may be constituted by regulations made under this Ordinance. The primary duties of every such Council, whether constituted by or under this Ordinance, shall be to cooperate with the incumbent in the initiation, conduct and development of work in the church concerned in accordance with the Regulations for Church Councils for the time being in force and to exercise the powers conferred upon them in accordance with Section 7 of this Ordinance: Provided always that all matters connected with the religious services of the churches shall be under the immediate direction and management of the respective incumbents or clergymen in charge subject nevertheless to the control of the Bishop: And provided also that no change in the customary arrangement and conduct of the religious services in any church shall be made arbitrarily and without the consent of the Church Council, and that the incumbent or clergyman in charge shall inform the Council before making any change. Any question which may then or from time to time arise between the incumbent or clergyman in charge and Church Council with regard to any such change shall be referred to the Bishop who after such consultation as he shall think best both with the incumbent or clergyman in charge and the Council, shall make orders thereon against which there shall be no appeal.

*Miscellaneous.*

**Future churches.** **11.** The provisions of this Ordinance shall apply to every church of the Church of England hereafter established in the Colony.

**Right of visitation.** **12.** The right of visitation of churches shall lie with the Bishop, and, under the general or special authority of the Bishop, with the Archdeacon of Hong Kong who may report to the Trustees any irregularities in regard to the fulfilment of the duties of any particular Church Council in matters delegated to it by the Trustees.

**Bishop's right to use Cathedral.** **13.** The Bishop shall have the right of using the Cathedral, upon due notice being given, for ordinations, confirmations and other special services, of determining the order and form of such services, and of preaching and celebrating the Holy Communion therein.

**Right of troops to use of Cathedral Church on payment of certain sum.** **14.** So long as an annual sum of not less than five hundred dollars shall be paid to the Trustees for the use of Saint John's Cathedral Church by the troops constituting the Garrison, the Trustees shall allow and arrange for the use of such Church by the said troops for one service at least on every Sunday in the year, but shall not be bound to provide any clergyman to perform the same.

**Government grant for services at prisons and Government hospitals.** **15.** It shall be lawful for the Governor to appropriate such proportion of any sum which may be voted by the Legislative Council for general ecclesiastical or religious purposes as he may deem proper to the Trustees, and thereupon the Dean or other clergyman nominated by the Trustees, if such sum is ac-

cepted by the Trustees, shall be bound when so required to provide for all requisite religious services and ministrations of the Church of England at the prisons and Government hospitals.

**16.**—(1) The Trustees shall have power to decide as to the erection of memorial tablets or other memorials in any church within the scope of this Ordinance or the precincts thereof, subject in each case to the written approval of the Bishop. Power to erect memorials.

(2) The Trustees, subject to the written consent of the Bishop, may order the removal of any monument, tablet or other memorial in any church or the precincts thereof which has become ruinous dilapidated or unsightly if the donor thereof or his representatives cannot be found or will not properly repair and maintain it to the satisfaction of the Trustees: Provided always that three months' notice of such intended removal shall be given in writing to the donor or his representatives if he or they can be found, and if not a notice signifying such intended removal shall be posted for three months in the western porch of the church concerned. Power to remove ruinous memorial, etc.

(3) The Trustees shall have power, subject in each case to the written approval of the Bishop, to make alterations in a church or its furniture and to add to or remove ornaments therein. Alterations.

**17.** Nothing in this Ordinance shall affect or be deemed to affect the Chater (Saint John's Cathedral Church) Endowment Fund or the Chater (Saint Andrew's Church) Endowment Fund, save that for the purposes of such funds the Trustees shall be substituted for the Church Body and Vestry respectively and shall authorise the payment of the income of such Funds to the Council of the church concerned. Saving of the Chater Endowment Funds.

**18.** Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King or his heirs or 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. Saving of rights of the Crown and of certain other rights.

**19.** The Saint John's Cathedral Church Ordinance, 1899, and The Church Property Vesting Ordinance, 1904, are repealed. Repeal of Ordinances No. 5 of 1899 and No. 16 of 1904.

**20.** This Ordinance shall come into operation on the 18th day of January, 1930. Commencement of Ordinance.

Passed the Legislative Council of Hong Kong, this 2nd day of January, 1930.

E. I. WYNNE-JONES,  
*Deputy Clerk of Councils.*

FIRST SCHEDULE

LETTER OF DELEGATION

*issued pursuant to Section 7 of The Church of England Trust Ordinance, 1930.*

To the CHURCH COUNCIL OF CHURCH.

THE TRUSTEES appointed under The Church of England Trust Ordinance, 1930, hereby delegate the care and maintenance of the following property to the above mentioned Church Council, namely:—

and empower the said Church Council to exercise the following powers and duties, namely:—

GIVEN under the hands of the Bishop of Victoria, Hong Kong, and of two of the trustees this day of 19 .

..... Bishop.

..... } Trustees.  
..... }

SECOND SCHEDULE

[Sec. 9]

REGULATIONS FOR CHURCH COUNCILS.

1. In these Regulations the expression "Church Councils" means the bodies constituted under that name by or under the Church of England Trust Ordinance, 1930. Meaning of expression Church Councils.
  
2. Every Church Council shall consist of:— Constitution of Church Councils.
  - (a) the incumbent or clergyman in charge;
  - (b) the senior licensed assistant clergyman, if any;
  - (c) such number of lay representatives (who may be of either sex) as the annual church meeting may from time to time decide. Such lay representatives must be actual communicant members of the Church of England of twenty-one years of age and upwards and not entered upon the electoral roll of any other church in the Diocese. No candidate may be elected who has not previously consented to serve. The number may be altered from time to time by a resolution passed at an annual church meeting of the church concerned but so that the alteration shall not take effect till the year following the date at which it is made;
  - (d) co-opted members if the Church Council concerned so decides not exceeding in number one-fifth of the elected lay representatives and being either in Holy Orders or actual lay communicant members of the Church of England of either sex and of twenty-one years of age and upwards.
  
3. The election of lay representatives to the Church Council shall take place at the annual church meeting of the church concerned. Election of lay representatives.
  
4. Lay representatives and co-opted members shall continue in office until the next annual church meeting unless in the meanwhile they vacate office by death, absence for six months, incapacity to act or resignation. Duration of office of lay representatives and co-opted members.
  
5. In the event of death, absence for a period of six months, incapacity to act or resignation of any lay representative or co-opted member on a Church Council the remaining members may appoint some other qualified person to act in his or her place until the next annual church meeting. Filling up members and of casual vacancies among lay representatives or co-opted members.
  
6. Meetings of Church Councils shall be in accordance with the Rules of Procedure set forth in the Appendix hereto. Meetings of Church Councils. Appendix.
  
7. Every Church Council shall appoint a secretary and treasurer as provided for in the Rules of Procedure. Secretary and treasurer for Church Councils.
  
8. In addition to the powers conferred by the Church of England Trust Ordinance, 1930, each Church Council shall have— Powers of Church Councils.
  - (1) power to frame an annual budget of moneys required for the maintenance of the work of the Church for which it is appointed and otherwise, and to take such steps as it thinks necessary for raising collecting and allocating of such moneys;

- (2) power jointly with the incumbent to determine the objects to which all moneys to be given or collected in the church shall be allocated, subject to the directions contained in the Book of Common Prayer as to the disposal of money given at the offertory, and to determine the mode of collection of all donations and the fees to be taken for marriages, burials and other services;
- (3) power jointly with the incumbent to appoint and dismiss and (if so authorised by the Trustees in their letters of delegation) to pay the salaries of assistant chaplains, organists and subordinate officials, and to determine the conditions of the tenure of their offices or of their employment, Provided that no appointment or dismissal of a clergyman shall be valid unless approved in writing by the Bishop;
- (4) power to make representation to the Bishop with regard to any matter affecting the welfare of the church concerned;
- (5) power to make regulations regarding all or any of the following matters:—
- (a) holding of meetings of the Church Council and the conduct of business thereat,
- (b) keeping of accounts of moneys received and expended by the Church Councils,
- (c) all other matters relating to the affairs of the Church Council,

Provided that no regulation shall be valid until it has been approved by an annual or special church meeting; and provided that no regulation shall be inconsistent with the provisions of the Church of England Trust Ordinance, 1930, or with any regulation made thereunder by the Trustees.

Church Councils to keep accounts.

**9.** Every Church Council shall furnish to the annual church meeting as provided for in Regulation 17 an account made up to the 31st December in every year immediately preceding such meeting setting out the income and expenditure of the Church Council during the year together with a statement of the funds and property (if any) remaining in its hands at the date of the account. Such account and statement having been duly audited shall together with a report upon the fabric, goods and ornaments of the church be submitted for approval at such meeting or at any adjournment thereof and the said account statement and report if approved shall be signed by the chairman of the meeting and shall be forthwith published and affixed on or near the principal door of the church and any other conspicuous place or places in the parish at the discretion of the Church Council. A copy of the account, statement and report shall be furnished by the Church Council to the Trustees.

Keeping of registers of baptisms, marriages and burials.

**10.** Every Church Council shall cause to be kept proper books of registry of all baptisms and marriages solemnized in the church and of all burials performed by the clergy.

Provision of safe for Books.

**11.** Every Church Council shall provide a fire-proof safe for the safe custody of all books of registry belonging to the church.

Provision of Inventory.

**12.** Every Church Council shall provide and keep up to date an inventory of all church property for which it may be responsible.

**13.** A Church Council may, if so authorised by the Trustees in the letter of delegation, and in accordance with any regulations laid down by the Bishop, permit the erection or order the removal of any monument, tablet or other memorial in the church or in the precincts thereof, but no such monument, tablet or other memorial shall be erected or removed without the previous written consent of the Bishop.

**14.** A Church Council may, if so authorised by the Trustees in the letter of delegation, make alterations in the church or its furniture, and may add to or renew ornaments to or in the church, but no such alteration, addition or renewal shall be made without the previous written consent of the Bishop.

**15.**—(1) If any difficulty arises with respect to the conduct of any Church Council for which provision is not made in the Church of England Trust Ordinance, 1930, or in the regulations, or in the event of a Church Council and an incumbent being unable to agree as to any matter in which their joint action is required, the Bishop may give such directions as may appear to him to be necessary.

(2) On representation being made to the Bishop by a majority of the lay members of a Church Council or by one-tenth of the electors on the electoral roll, and if such representation is deemed by the Bishop to show sufficient cause for the same, the Bishop shall convene a special meeting of the Church Council or church meeting, and shall either take the chair himself or appoint a chairman to preside at such meeting.

*Electoral Roll.*

**16.**—(1) A roll of electors shall be formed by every Church Council on which persons claiming to be qualified electors in the church concerned shall if their claim is allowed be entered and they shall remain on the roll as long as their title to be qualified electors in the church concerned continues.

(2) The initial rolls shall be formed by the Dean for the Cathedral and the Vicar of Saint Andrew's Church, Kowloon for Saint Andrew's Church, Kowloon and in the case of other churches by the respective incumbents.

(3) Each roll shall be kept and revised by the Church Council concerned when it is constituted. It shall be annually revised not less than twenty-eight days before the annual church meeting. Notice of such revision shall be affixed at the place or places hereinafter prescribed with respect to notice convening the said annual church meeting fourteen days at least before such revision takes place.

(4) The roll shall be published by being affixed at or near the principal door of the church concerned in such manner as the Church Council (or, in the case of an initial roll, as the incumbent) shall appoint and except in the case of the initial roll, shall be open for the enrolment of new voters continuously up to fourteen days before the annual church meeting.

(5) Qualified electors are persons of either sex of eighteen years and upwards who:—

- (a) are baptised and are members of the Church of England or a Church in communion therewith and
- (b) do not belong to any religious body which is not in communion with the Church of England and
- (c) are not entered upon the electoral roll of any other church in the Diocese and
- (d) have signed the declaration set forth hereunder.



## I.

being a worshipper at (*name of Church*),  
declare that I have attained the age of eighteen years  
and reside at

and am a member of the Church of  
England or a Church in communion therewith and do  
not belong to any religious body which is not in com-  
munion with the Church of England and that I am  
not entered upon the electoral roll of any other  
church in the Diocese.

Dated this            day of            19            .

(Signed) .....

(6) The number of qualified persons on the electoral  
roll shall be reported each year to the Bishop or his  
Commissary within one month after the annual  
church meeting.

*Annual Church Meeting.*

Annual  
church  
meeting.

**17.**—(1) There shall be held annually in connection  
with each church in the month of January the annual  
church meeting of qualified and duly enrolled  
electors:—

- (a) for electing representatives to the Board of  
the Trustees of the Church of England in the  
Diocese of Victoria Hong Kong;
- (b) for electing the Church Council;
- (c) for electing representatives to the Diocesan  
Conference;
- (d) for electing sidesmen;
- (e) for electing an auditor;
- (f) for receiving from the Church Council and  
considering
  - (i) a copy or copies of the electoral roll;
  - (ii) an annual report on their proceedings;
  - (iii) a statement of the financial affairs of the  
Church;

(g) for the transaction of any other business con-  
nected with the affairs of the Church.

Discussion

(2) All the above matters shall be open to free dis-  
cussion and before the report is proposed for adoption  
and it shall be open to any member of the meeting to  
ask any question about church matters or bring about  
a discussion of any matter of general church interest  
by moving a general resolution or by moving to give  
any particular recommendation to the Church Coun-  
cil in the fulfilment of its duties. The meeting shall  
have power to adjourn and to determine its own time  
of meeting and rules of procedure.

Convening  
of annual  
church  
meeting and  
form of  
notice  
therefor.

(3) The meeting shall be convened by the incum-  
bent or clergyman in charge by notice (in the form  
hereafter set forth) affixed at or near the principal  
door of the church for a period including the two  
Sundays immediately preceding the day of the meet-  
ing. The meeting shall be held in such place at such  
date and hour as shall be directed by the Church  
Council or in the absence of such direction as shall be  
fixed by the incumbent or clergyman in charge.

*Form of Notice.*

Notice is hereby given that the annual church meet-  
ing of the            church will be held  
at            on            day the            day  
of            19            , at            o'clock in the  
noon for the purposes following namely:—

- (a) the election of representatives to the Board of  
the Trustees of the Church of England in the  
Diocese of Victoria Hong Kong;

- (b) the election of the Church Council;
- (c) the election of representatives to the Diocesan Conference;
- (d) the election of sidesmen;
- (e) the election of an auditor;
- (f) the receiving from the Church Council and considering
  - (i) a copy or copies of the electoral roll;
  - (ii) an annual report on their proceedings;
  - (iii) a statement of the financial affairs of the Church;
- (g) the transacting of any other business connected with the affairs of the church.

Dated the                      day of                      19                      .

.....  
*Incumbent.*

(4) Fifteen electors shall be a quorum at the annual or a special church meeting of Saint John's Cathedral Church, of Saint Andrew's Church, Kowloon or of any other church that comes within the provisions of the Church of England Trust Ordinance, 1929. Quorum.

(5) The incumbent or clergyman in charge shall be the chairman of the meeting if present and if not a chairman shall be chosen by and from the electors present who shall preside at the meeting but no clerical chairman shall have a vote (except a casting vote) in the election of the Church Council. Chairman.

(6)—(a) The candidates must either previously to the meeting by written notice to the convenor thereof or at the meeting be nominated by one elector and seconded by another. Elections

(b) If more candidates are nominated than there are seats to be filled the election shall take place at the meeting unless a poll is demanded by at least three of the voters present at the meeting.

(c) At every election each elector on the roll shall have as many votes as there are persons to be elected but may not give more than one vote to any one candidate.

(d) Where an equality of votes renders a casting vote necessary to decide the election it shall be given by the person presiding over the election.

(e) The result of an election shall be forthwith announced by the person presiding over the election and a notice of the result shall be affixed at or near the principal door of the church and the notice shall be left so affixed not less than fourteen days following the date of election.

*Appeals.*

Appeals.

**18.** Any appeal against the allowance or disallowance of enrolment on the electoral roll or of a vote or against the report of the result of the election shall be made in writing to the incumbent within seven days after the date of publication of such allowance or disallowance or the publication of such result as the case may be. A commission shall be constituted by the Church Council and any appeal shall be considered and decided by such two or more members of the commission as the commission shall appoint and their decision shall be final.

**Appendix.**

[Regs 6 &amp; 8]

*Rules of Procedure for Church Councils.*Meetings of  
Church  
Council.

**1.** Every Church Council shall hold not less than four meetings in each year. Meetings shall be convened by the chairman and if not more than four meetings are held they shall be at quarterly intervals so far as possible.

Power to call  
meetings.

**2.** The chairman may at any time convene a meeting of the Church Council. If he refuses or neglects to do so within seven days after a requisition for that purpose signed by not less than one-third of the members of the church council has been presented to him those members may forthwith convene a meeting.

Notice of  
meeting.

**3.** Except as provided in Rule 7, at least ten clear days before any meeting of a Church Council notice thereof specifying the time and place of the intended meeting, and signed by or on behalf of the chairman of the Church Council or the persons convening the meeting, shall be posted at or near the principal door of the church.

Notice of  
motion.

**4.** Notices of motion may be sent in writing to the secretary by any member of the Church Council at any time. Not less than seven days before the meeting a notice thereof specifying the time and place of the meeting signed by or on behalf of the secretary shall be sent to every member of the Church Council. Such notice shall contain the agenda of the meeting including any motion of which notice has been received by the secretary.

Quorum and  
agenda.

**5.** No business shall be transacted at any meeting of a Church Council unless at least one-third of the full number of members are present thereat, and no business which is not specified in the agenda shall be transacted at any meeting except by the consent of three-quarters of the members present at the meeting.

Order of  
business.

**6.** The business of a meeting of a Church Council shall be transacted in the order set forth in the agenda unless the Church Council by resolution otherwise determine.

Short notice  
for  
emergency  
meetings.

**7.** In case of sudden emergency and other special circumstances requiring immediate action by a Church Council a meeting may be convened by the chairman at not less than three days notice in writing to the members of the church council concerned, but the

quorum for the transaction of any business at such meeting shall be a majority of the then existing members of the church council concerned and no business shall be transacted at such meeting except such as is specified in the notice convening the meeting.

8. The meetings of a Church Council shall be held at such place as the Church Council may direct or in the absence of such direction as the chairman may direct. Place of meeting.

9. Subject to the foregoing rules any motion proposed by any member of a Church Council present at a meeting shall be submitted to the meeting and shall be decided by a majority of votes of the members present and voting thereon. Vote of majority to decide.

10. In case of an equal division of votes the chairman of the meeting shall have a second or casting vote. Casting vote.

11. The names of the members present at any meeting of a Church Council shall be recorded in the minutes, and the names of those voting on each question on which a division is taken if the members composing either the majority or the minority so require shall be recorded so as to show how the vote of each member was given: Provided nevertheless that the vote on any question shall be by ballot if the meeting so decide. Minutes.

12. Any meeting of a Church Council may adjourn its proceedings to such time as may be determined at such meeting and to any place authorised under Rule 8. Adjournments.

13. A Church Council may appoint one of its number to act as secretary of the Church Council without remuneration. If no member is appointed so to act the Church Council shall appoint some other fit person with such remuneration (if any) as it shall think fit. The secretary shall have charge of the electoral roll and of all documents relating to current business of the Church Council. He shall be responsible for keeping the minutes and shall record all resolutions passed by the Church Council and shall keep the secretary of the Diocesan Conference informed as to his address. Secretary of Council.

14. A Church Council shall appoint one or more of its number to act as treasurer solely or jointly without remuneration. Treasurer of Council.

15. A Church Council may appoint committees for the purposes of the various branches of church work in the district and may include therein persons who are not members of the Church Council. The incumbent shall be a member of all committees *ex officio*. Power to appoint committees.

16. Any question arising on the interpretation of these rules shall be referred to the Bishop and any decision given by him or by any person appointed by him on his behalf shall be final. Interpretation.