

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.

5. *Chinese Temples Amendment Bill*.—The Attorney General moved the Second reading of the Bill intituled “An Ordinance to amend the Chinese Temples Ordinance, 1928.”

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.

6. *Foreshores and Sea Bed Amendment Bill*.—The Attorney General stated that the Second and Third readings of the Bill would not be taken that day.

7. *Estate Duty Bill*.—The Attorney General moved that Council go into Committee to consider the report of the Standing Law Committee and the Estate Duty Bill. Under Standing Order No. 27 section 14 permission was asked to substitute for the Bill as read a second time the Bill recommended by the Standing Law Committee.

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.

ADJOURNMENT.

8. The Council then adjourned until Thursday, the 10th day of March, 1932, at 2.30 p.m.

W. PEEL,  
*Governor.*

Confirmed this 17th day of March, 1932.

R. A. C. NORTH,  
*Deputy Clerk of Councils.*

No. 167.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinance passed by the Legislative Council :—

Ordinance No. 6 of 1932.—An Ordinance to Provide for and Regulate Industrial and Reformatory Schools.

HONG KONG.

No. 6 OF 1932

I assent.

(L.S.)

W. PEEL,  
*Governor.*

18th March, 1932.

An Ordinance to Provide for and Regulate Industrial and Reformatory Schools.

[18th March, 1932.]

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 Industrial and Reformatory Schools Ordinance, 1932.

Interpretation.

2. "Youthful offender" means any person who, in the absence of legal proof to the contrary, is, in the opinion of the court before whom such person is brought or appears, seven years of age or upwards and under the age of sixteen years.

"Order of detention" means an order of detention made in pursuance of this Ordinance.

"Parent", when used in relation to a youthful offender, includes a guardian and any other person legally liable to maintain such youthful offender.

"Expenses", when used in relation to a person detained under an order of detention, includes the expenses of or in connection with the custody, industrial training, education and maintenance of the person.

"Industrial training" means actual employment in agriculture or horticulture or training in some branch of useful industry.

"Manager" includes the superintendent, manager or managers of any reformatory school established by the Government and the director, manager, superintendent or other person having the management or control of any certified industrial school.

"Certified Industrial School" means any school or institution certified by the Governor under this Ordinance.

"Reformatory School" means any school or institution established by the Government under the provisions and for the purposes of this Ordinance.

"Visitor" means any person appointed by the Governor under this Ordinance to be a visitor of any reformatory or certified Industrial School.

*Certified Industrial Schools.*

3. The Governor in Council may, upon the application of the manager of any school or institution in which industrial training is provided, and in which children are fed, clothed and lodged as well as taught, certify by writing under the hand of the Governor that the school or institution is

Certification  
of industrial  
schools.

fit for the reception of youthful offenders to be sent there under this Ordinance, and thenceforth the school or institution shall be deemed a certified industrial school.

4.—(1) The manager of a certified industrial school may make all necessary Rules not repugnant to this Ordinance for the regulation and management of the institution under his charge.

Manager  
may make  
rules subject  
to the  
approval  
of the  
Governor  
in Council.

(2) No such Rules shall be enforced until they have been submitted to and approved of by the Governor in Council.

5.—(1) A report of the condition and management of every certified industrial school shall be made to the Governor in Council at least once in each year by such person as the Governor appoints.

Report on  
conditions.

(2) If after his report the Governor in Council is dissatisfied with the condition and management of the school he may withdraw his certificate, and upon notice in writing of such withdrawal having been given to the manager thereof the school shall cease to be a certified industrial school from such time as is specified in such notice.

Withdrawal  
of certificate.

6.—(1) The manager of any certified industrial school may, upon giving six months', and the executors and administrators of a deceased manager may upon giving one month's, previous notice in writing of his or their intention so to do, relinquish the certificate given to such school.

Manager or  
his executors  
or adminis-  
trators may  
relinquish  
certificate.

(2) At the expiration of six months or one month, as the case may be, from the date of such notice, unless before that time the notice is withdrawn, the certificate shall be deemed to be relinquished.

7. The manager of a certified industrial school may decline to receive any youthful offender proposed to be sent to him under this Ordinance, but when he has once received him shall be deemed to have undertaken to educate, clothe, lodge and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or relinquishment of the certificate takes effect, or until the contribution by Government towards the custody and maintenance of the youthful offender detained in the school is discontinued, whichever first happens.

Privilege &  
liability of  
managers.

8.—(1) Whenever the certificate is withdrawn from or relinquished by the manager of a certified industrial school, no youthful offender shall be received into such school under this Ordinance after the date of the receipt by the manager of the school of the notice of withdrawal, or after the date of the notice of relinquishment, as the case may be.

Effect of  
withdrawal  
or relinquish-  
ment of  
certificate.

(2) The obligation of the manager to educate, clothe, lodge and feed any youthful offender in the school at the respective dates aforesaid shall, excepting so far as the Governor otherwise directs, be deemed to continue until the withdrawal or relinquishment of the certificate takes effect, or until the contribution by Government towards the custody and maintenance of the youthful offender detained in the school is discontinued, whichever first happens.

(3) When the withdrawal or relinquishment of the certificate of an industrial school takes effect, the children detained therein shall be, by order of the Governor, either discharged or transferred to some other certified industrial school or to a reformatory school.

(4) A notice of the grant of any certificate to an industrial school or of the withdrawal or relinquishment of such certificate shall forthwith be inserted, by order of the Governor, in the Gazette.

Regulations  
as to re-  
mission of  
sentences.

9. The Governor in Council may make regulations for the remission of the sentences of persons detained in certified industrial schools.

*Government Reformatory Schools.*

Governor  
may  
establish  
reformatory  
schools.

10.—(1) The Governor in Council may, by order to be published in the Gazette, establish one or more reformatory schools for the reformation of youthful offenders.

(2) Every such order shall specify the premises in which the reformatory school to which it refers shall be established, and shall state whether the same shall be used for male or female offenders or both.

Any prison  
or part  
thereof may  
be declared a  
reformatory  
school.

11. The Governor in Council may declare any existing or future prison or part thereof to be a reformatory school within the meaning and for the purposes of this Ordinance.

Governor  
may appoint  
officers to  
reformatory  
schools.

12. The Governor may appoint to every reformatory school a superintendent or manager and such other officers, either male or female, as may be deemed necessary, and allow to the said officers such remuneration as he thinks proper.

Governor  
may make  
regulations  
for re-  
formatory  
schools.

13. The Governor in Council may make regulations for the management of every reformatory school so established as aforesaid, for the maintenance of order and discipline of the persons detained therein as well as of the officers thereof and for the remission of the sentences of persons detained therein.

*Visitors.*

Visitors.

14. The Governor may appoint one or more fit and proper person or persons to be the visitor or visitors of reformatory or certified industrial schools, and may remove every such visitor and appoint another in his stead.

Powers and  
duties of  
visitors.

15.—(1) Every person so appointed and every Judge of the Supreme Court, Member of the Executive or Legislative Council or Magistrate may enter at all times any reformatory or certified industrial school, and may make such inquiries or examination therein as to him appears necessary, and also make such reports as are required by the Governor.

(2) Any manager who at any time refuses admittance to any such visitor, or to any Judge of the Supreme Court, or to any Member of the Executive or Legislative Council, or to any Magistrate, or offers to him any hindrance or obstruction, shall be liable on summary conviction to a fine not exceeding fifty dollars.

Penalty for obstructing visitors and others having the right of inspection.

### *Youthful Offenders.*

16. Every reformatory school and every certified industrial school shall be a lawful place of detention for such youthful offenders as are ordered to be detained therein, and shall be subject to be inspected and reported on as herein provided.

Reformatory and certified schools lawful places of detention.

17.—(1) When a youthful offender is convicted before any court of an offence punishable, in the case of an adult, by fine or imprisonment the court may, in addition to or in lieu of sentencing him according to law to any other punishment, order such offender to be sent to a reformatory or certified industrial school there to be detained for any period not less than two and not longer than five years and not being in any case longer than until such offender attains the age of eighteen years; Provided that the offender shall not in addition be sentenced to imprisonment.

Order of Detention.

(2) Where such an order has been made in respect of a youthful offender of the age of fourteen years or upwards, and no reformatory or certified industrial school can be found the managers of which are willing to receive him, the Governor may order the offender to be brought before the court which made the order or any court having the like jurisdiction, and that court may make such order or pass such sentence as the court may determine, so however that the order or sentence shall be such as might have been originally made or passed in respect of the offence.

(3) The court may in addition to making an order of detention under the foregoing subsections make an order that the youthful offender be placed under the supervision of a probation officer.

(4) The Court making an order of detention may of its own motion, or on the application of any person, from time to time by order renew, vary or revoke any such order; and may by an order of detention fix a date when such order shall come up before the court for consideration.

(5) An order of detention made in pursuance of this section may, if the court think fit, be made to take effect either immediately or at a later date specified therein, regard being had to the age or health of the youthful offender.

(6) If—

- (a) an order of detention is made but is not to take effect immediately; or
- (b) at the time specified for the order to take effect the youthful offender is unfit to be sent to a reformatory or certified industrial school; or
- (c) the school to which the youthful offender is to be sent cannot be ascertained until inquiry has been made;

the court may make an order committing him either to custody in any place to which he might be committed on remand or to the custody of a relative or other fit person or institution named by the court and he shall be kept in that custody accordingly until he is sent to a reformatory or certified industrial school in pursuance of the order of detention.

Religious persuasion of offender to be considered.

**18.** In selecting the place of detention to which a youthful offender is to be sent the court shall have regard, so far as practicable, to the religious persuasion of the youthful offender.

Duties and powers of manager.

**19.**—(1) It shall be the duty of the manager of a reformatory or certified industrial school to report to the Governor immediately he considers it would be consistent with the welfare of a youthful offender for him to be discharged from the custody of the school.

(2) The manager of a reformatory or certified industrial school to which a youthful offender under the age of ten years is sent, may, with the consent of the Governor, board the offender out with any suitable person until he reaches the age of ten years and thereafter for such longer period, with the consent of the Governor, as the manager considers to be advisable in the interests of the offender, subject to the exercise by the manager of such powers as to supervision, recall and otherwise as may be prescribed by rules made by the Governor in Council; and where an offender is so boarded out he shall nevertheless be deemed for the purposes of this Ordinance to be a youthful offender detained in the reformatory or certified industrial school, and the provisions of this Ordinance shall apply accordingly, subject to such necessary adaptations as may be made by order of the Governor in Council.

Discharge of offender.

**20.**—(1) The Governor may at any time discharge a youthful offender from the custody of any reformatory or certified industrial school, or order such youthful offender to be removed from one school to another or from a school of one class to a school of another class, but so that the period of detention originally prescribed by the order of detention shall not be increased by such removal.

(2) The discharge of a youthful offender under the foregoing sub-section may be on licence and the licence may be in such form and may contain such conditions as the Governor may direct and the Governor may at any time revoke or vary the conditions of a licence.

(3) Where a licence has been revoked the youthful offender to whom the licence related shall return to such place as the Governor may direct, and if he fails so to do may be apprehended without warrant and taken to that place.

(4) On the revocation of a licence, any obligation to contribute to the expenses of the youthful offender shall revive and be in force during the period for which the youthful offender is detained.

(5) The discharge of a youthful offender under the provisions of this section shall not affect any order placing him under the supervision of a probation officer.

*Power to apprentice youthful offender.*

**21.**—(1) The manager of a reformatory or certified industrial school may, if the youthful offender consents thereto and with the approval of the Governor, bind any youthful offender detained under this Ordinance as an apprentice notwithstanding that his period of detention has not expired. Power to apprentice Offender.

(2) Any youthful offender who is bound as aforesaid and who absconds from the service of his master shall be liable to be arrested without warrant and brought before a court of competent jurisdiction and shall be liable to imprisonment for any term not exceeding three months and may be ordered by the court to return to the place in which he was detained before his apprenticeship there to complete his period of detention, provided that such youthful offender shall not be detained longer than until he attains the age of eighteen years.

*Expenses of Certified Industrial Schools.*

**22.**—(1) The Governor in Council may order the payment from the Colonial Treasury of such sums of money and upon such conditions as he thinks fit towards the alteration, enlargement, rebuilding or equipping of a certified industrial school, or towards the purchase of any land required for the use of an existing certified industrial school, or for the site of any school intended to be a certified industrial school. Expenses of certified industrial schools.

(2) No payment for the alteration, enlargement, equipment, establishment or building of a certified industrial school or intended certified industrial school, or for the purchase of land, shall be ordered or made unless previously approved by resolution of the Legislative Council.

*Expenses of youthful offenders.*

**23.** The Governor or any person appointed by him may contract with the manager of any certified industrial school for the reception and maintenance therein of any youthful offender in consideration of such payments as are agreed on. Power to contract with managers.

**24.**—(1) Any court having power to order a youthful offender to be sent to a reformatory or certified industrial school shall have power to make orders on the parent of the youthful offender to contribute for the whole or any part of the expenses of the youthful offender during the period of detention such sums as the court may think fit and may of its own motion, or on the application of any person, from time to time revoke or vary such orders or remit wholly or partially any payment ordered to be made under this section. Expenses of offenders.

(2) Any such order may be made on the complaint or application of the manager of the reformatory or certified industrial school to which the youthful offender is ordered to be sent or on the complaint or application of the Inspector General of Police and either at the time when the youthful offender is ordered to be sent to the reformatory or certified industrial school or subsequently, and the sums ordered to be contributed shall be paid to such persons as the court may name.

(3) A court having power to make an order for contribution under this section may issue an order requiring the parent to attend and show cause why an order for contribution should not be made, and an order for contribution under this section may be made on a parent who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) A court making an order for contribution under this section shall have regard to the means of the person on whom such order shall be made.

(5) Any sums ordered to be contributed by a parent under this section may be recovered from him by distress or imprisonment in like manner as if the same were a fine legally imposed on him by the Court.

(6) Where an order for contribution has been made under this section the person on whom such order has been made shall give notice of any change of address to the Inspector General of Police and, if he fails to do so without reasonable excuse, he shall be liable on summary conviction to a fine not exceeding One hundred dollars.

*Offences in relation to Reformatory and  
Certified Industrial Schools.*

Punishment  
of refractory  
offender.

**25.** Any youthful offender detained in a reformatory or certified industrial school who—

- (a) wilfully neglects or wilfully refuses to conform to the rules thereof; or
- (b) is guilty of wilful insubordination against the discipline thereof;

shall be liable to be punished in the manner prescribed by the rules of the said reformatory or certified industrial school.

Escape of  
offender.

**26.** Any youthful offender detained in a reformatory or certified industrial school who escapes therefrom may, at any time before the expiration of his period of detention, be apprehended without warrant and brought back to the place in which he was detained there to complete his period of detention, provided that such youthful offender shall not be detained longer than until he attains the age of eighteen years.

Prosecution  
of detained  
person com-  
mitting  
offence.

**27.—(1)** Any youthful offender who during his period of detention in a reformatory or certified industrial school commits any crime or offence against the laws of the Colony shall be liable to be prosecuted before the courts of the Colony on account of such offence.

(2) If found guilty and sentenced to imprisonment on account thereof, he shall, after completing the term of such imprisonment, be taken back to the reformatory or certified industrial school wherein he was detained or such other reformatory or certified industrial school as the Governor may direct there to complete his period of detention, provided that such youthful offender shall not be detained longer than until he attains the age of eighteen years.

**28.—Any person who—**

Penalties for  
assisting  
escape.

(a) Knowingly assists or induces, directly or indirectly, a youthful offender to escape from any reformatory or certified industrial school wherein he is detained; or



- (b) knowingly harbours, conceals or prevents from returning to such reformatory or certified industrial school any youthful offender who has escaped therefrom or knowingly assists in so doing;

shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for any term not exceeding six months.

*General.*

**29.**—(1) The order of detention made by a court in pursuance of which a youthful offender is sent to a reformatory or certified industrial school shall be in writing under the hand of the presiding magistrate and the seal of the court and shall be delivered with the youthful offender to the manager of the reformatory or certified industrial school and shall be sufficient authority for his detention therein, or in any other place to which he is transferred in pursuance of this Ordinance, in accordance with the tenor thereof.

Provisions  
as to  
custody of  
person  
detained.

(2) A youthful offender whilst so detained and whilst being conveyed to and from a reformatory or certified industrial school shall be deemed to be in legal custody and if he escapes may be apprehended without warrant and taken to the place wherein he was detained or to or from which he was being conveyed.

(3) Every officer of a reformatory or certified industrial school authorised by the manager thereof or by the court to take charge of any youthful offender ordered to be detained under this Ordinance, for the purpose of conveying him to or from the school or of apprehending and bringing him back to the school in case of his escape or refusal to return, shall for that purpose and while engaged in that duty have all the powers, protection and privileges of a police constable.

**30.**—(1) Every order, authority or direction which by the provisions of this Ordinance may be given by the Governor shall be in writing.

Orders  
of the  
Governor.

(2) A copy under the hand of the Colonial Secretary shall be evidence of any such order, authority or direction purporting to be contained therein until the contrary is shown.

**31.**—(1) The production of the order, warrant or other document, in pursuance of which a child is directed to be sent to a reformatory or certified industrial school, or committed to the care or custody of a society or institution, with a statement endorsed thereon or annexed thereto purporting to be signed by the manager to the effect that the child named therein was duly received into and is at the date of the signing thereof detained in such school, or by the secretary of such society or institution to the effect that such child was duly taken into the custody or care of such society or institution and is at the date of signing thereof still in their care or custody, or has been otherwise dealt with according to law, shall in all proceedings relating to such child be *prima facie* evidence of the identity and of the lawful detention or disposal of the child named in such order, warrant or other document.

Presump-  
tions.

(2) A school to which any youthful offender is ordered to be sent in pursuance of this Ordinance shall, until the contrary be proved, be presumed to be a reformatory or certified industrial school within the meaning of this ordinance.

Evidence of certification.

**32.**—(1) The production of the Gazette containing a notice of the grant or withdrawal of the certificate by the Governor to or from an industrial school, or of the relinquishment of such certificate, shall be sufficient evidence of the fact of a certificate having been duly granted to or withdrawn from the school named in the notice or relinquished by the manager thereof.

(2) The grant of a certificate to an industrial school may be proved by the production of the certificate itself or of a copy of the same purporting to be signed by the Colonial Secretary.

(3) A copy of the rules of a reformatory or certified industrial school purporting to be signed by the Clerk of Councils, shall be evidence of such rules in all legal proceedings whatsoever.

Service of notice.

**33.** Any notice required to be given to a manager of a reformatory or certified industrial school may be served on him by being delivered personally to him or by being sent by post or otherwise in a letter addressed to him at the school.

Order not to be invalidated by subsequent proof of age.

**34.** Where a person charged with an offence is brought before a court and it appears to the court that he is above the age of seven and under the age of sixteen years an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated or presumed or declared by the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Ordinance, be deemed to be the true age of that person; and where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, that person shall for the purposes of this Ordinance be deemed not to be a youthful offender.

Power to make regulations.

**35.** The Governor in Council may by order make regulations for carrying this Ordinance into effect, and in particular for prescribing the forms to be used for the purpose of legal proceedings thereunder or otherwise.

Saving.

**36.** Save in so far as other provision is expressly made in this Ordinance, nothing in this Ordinance shall be deemed to affect any other law relating to children or young persons.

Repeal of Ordinance No. 11 of 1901.

**37.** The Reformatory Schools Ordinance, 1901, is repealed.

Commencement.

**38.** This Ordinance shall come into force on such date as may be fixed by proclamation of the Governor.

Passed the Legislative Council of Hong Kong, this 17th day of March, 1932.

R. A. C. NORTH,  
*Deputy Clerk of Councils.*