

any testamentary disposition made by him or under an intestacy, as the case may be; but, nevertheless, no estate duty shall be payable in respect thereof, and its addition to the principal value of the estate shall not be taken into consideration for the purpose of increasing the rate at which estate duty on the remainder of the estate may be payable."

In the marginal note of Clause 17 the words "or after" were deleted.

On Council resuming, the Attorney General reported that the Bill had passed through Committee with material amendment and that in accordance with Standing Order No. 28 the third reading should be postponed to a subsequent meeting of the Council.

9. *Vagrancy Amendment Bill*.—The Attorney General moved the Second reading of the Bill intituled "An Ordinance to amend the law relating to Vagrancy."

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.

ADJOURNMENT.

10. The Council then adjourned until Thursday, the 16th day of June, 1932, at 2.30 p.m.

W. T. SOUTHORN,

Officer Administering the Government.

Confirmed this 23rd day of June, 1932.

R. A. C. NORTH,

Deputy Clerk of Councils.

No. 407.—His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 20 of 1932.—An Ordinance to amend the Liquors Ordinance, 1931.

Ordinance No. 21 of 1932.—An Ordinance to consolidate and amend the law regulating the granting of Pensions, Gratuities and other Allowances in respect of public service.

Ordinance No. 22 of 1932.—An Ordinance for the resumption of the City Hall property.

HONG KONG.

No. 20 of 1932.

I assent.



W. T. SOUTHORN,
Officer Administering the Government.

24th June, 1932.

An Ordinance to amend the Liquors Ordinance, 1931.

[24th June, 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 Liquors Amendment Ordinance, 1932.

Amend-
ment of
Ordinance
No. 36 of
1931.

2. The Liquors Ordinance, 1931, is amended—

(a) by the substitution of the word “alcoholic” for the word “intoxicating” in the title, section 2 (9), section 2 (10), the heading to section 41, section 55 (2), section 58 (1), section 88 (1), section 88 (2) and section 88 (5).

(b) by the substitution of the word “dutiable” for “intoxicating” wherever it occurs in section 77, section 84 and section 88 (3).

(c) by the deletion of the word “intoxicating” wherever it occurs in section 78 (6) and section 83.

(d) by the substitution of the words “not liable to duty under this Ordinance” for the words “unfit for use as a beverage” in section 2 (8).

(e) by the insertion of the words “and such other conditions as the Superintendent may impose” before the full stop at the end of sections 43 (1), 43 (2), 43 (3) first paragraph 44 (1), 46 (1) and 56 (1).

(f) by the substitution of the following paragraph for section 2 (27):—

(27) “Spirituous liquors” means liquors containing more than two per cent of proof spirit, but shall not include denatured spirits.

(g) by the substitution of the words “goods or” for the words “goods of” in section 88 (8).

Passed the Legislative Council of Hong Kong, this 23rd day of June, 1932.

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

HONG KONG.

No. 21 OF 1932.

I assent.

L.S.

W. T. SOUTHORN,
Officer Administering the Government.

24th June, 1932.

An Ordinance to consolidate and amend the law regulating the granting of Pensions, Gratuities and other Allowances in respect of public service.

[24th June, 1932.]

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 Pensions Ordinance, 1932. Short title.

2. In this Ordinance, unless the context otherwise requires, Interpretation.

(a) "Officer" includes a judge of the Supreme Court.

(b) "Pensionable office" means—

(i) in respect of service in this Colony, an office which has been declared by Government notification in the Gazette to be pensionable and has not been declared by subsequent notification in the Gazette to be nonpensionable;

Provided that any office may be declared to be pensionable only to the holder indicated in the notification relating to such office.

(ii) in respect of other public service, an office which is a pensionable office under the law or regulations in force relating to such service.

(c) "Pensionable emoluments" means—

(i) in respect of service in this Colony the salary attached to a pensionable office together with any personal allowance equivalent to salary which may have been granted to the holder of such office. In the case of every officer holding pensionable office and serving in this Colony on or after the 17th day of September, 1928, if he is either in a class eligible for Government quarters or rent allowance, or entitled to free quarters, but not otherwise, there shall be added an allowance to be reckoned as equal to one-sixth of the salary of the officer, or to £200 a year, in the case of a sterling salary, or to \$2,000 a year, in the case of a dollar salary, whichever sum is less: Provided that in the case of a European matron of or European nursing sister in a Government hospital, who is entitled to free quarters, the allowance shall be reckoned as equal to one-sixth of her salary or to £50 a year, whichever sum is greater.

(ii) in respect of other public service, emoluments which count for pension in accordance with the law or regulations in force in such service.

(d) "Public service" means service in a civil capacity under the Government of this Colony or the Government of Great Britain and Northern Ireland, or the Government of India or of any British Dominion, Colony or Protectorate or a territory under a British Mandate, or under the Board of Education for England and Wales, or the Crown Agents for the Colonies, or the Colonial Audit Department (Home Establishment), or the Kenya and Uganda Railways and Harbour Administration, and any such other service as the Secretary of State may determine to be "public service" for the purpose of any provision of this Ordinance or of the regulations made thereunder.

Service as a Governor or High Commissioner of a British Dominion, Colony or Protectorate, or a territory under a British Mandate, or as a Governor in India shall be deemed to be public service except for the purposes of computation of pension or gratuity and of section 11 of this Ordinance;

(e) "Other public service" means public service not under the Government of this Colony.

Regulations.

3.—(1) It shall be lawful for the Governor in Council with the sanction of the Secretary of State to make regulations for the granting of pensions, gratuities and other allowances to persons who have been in the public service of this Colony.

(2) Every such regulation shall be laid before the Legislative Council and shall be published in the Gazette.

Pensions, etc., to be charged on revenue and assets of the Colony.

4. There shall be charged on and paid out of the General revenue and assets of the Colony all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance under this Ordinance.

Pensions, etc. not of right.

5.—(1) No officer shall have an absolute right to compensation for past services or to any pension, gratuity or other allowance under this Ordinance, nor shall anything in this Ordinance contained limit the right of the Crown or the Government to dismiss any officer without compensation.

Certificate of conduct.

(2) No officer shall be granted a pension, gratuity or other allowance without a certificate to the effect that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of such pension, gratuity or other allowance. The certificate shall be given by the Governor in the case of the Colonial Secretary or a judge, by the Colonial Secretary in the case of any other head of a department, and by the head of the officer's department in other cases.

Withholding or reduction of pension, etc.

(3) Where it is established to the satisfaction of the Governor in Council that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

Service not qualifying for pension, etc.

6. No pension, gratuity or other allowance shall be granted under this Ordinance to any officer—

(a) in respect of any service in any of the following capacities, namely, Private Secretary or Aide-de-Camp to the Governor, Private Secretary or clerk to a judge, unless in the permanent public service of this Colony, apprentice in a public department, volunteer, normal student, student in training or pupil teacher, or

(b) in respect of any service while on probation or agreement, unless without break of service he is confirmed in a pensionable office in this Colony or in an office in other public service which is at the time of confirmation pensionable under the law or regulations in force relating to such service, or

(c) if he held a pensionable office in the service on the 1st day of January, 1894, in respect of any service while under the age of sixteen years, or

(d) if he did not hold such pensionable office on the 1st day of January, 1894, in respect of any service while under the age of eighteen years.

7. Except as expressly provided in the Police Force Ordinance, 1900, as amended by the Police Force Amendment Ordinances, 1929 and 1930 and by section 21 of this Ordinance, no pension, gratuity or other allowance shall be granted under this Ordinance to any member of the Police Force or member of the civilian staff referred to in the said Ordinance.

No pension, etc., to members of the Police Force, etc., under this Ordinance.

8. No pension, gratuity or other allowance shall be granted under this Ordinance to any officer who has retired from the public service of this Colony, other than a Governor, unless he has retired—

Cases in which pension, etc., may be granted.

(a) on or after attaining the age of fifty-five years, or in the case of transfer to other public service, on or after attaining the age at which an officer is permitted by the law or regulations in force relating to the service in which he is last employed to retire on pension, gratuity or other allowance; or

(b) with the consent of the Governor on or after attaining the age of fifty years; or

(c) on or after attaining the age of fifty years, with not less than fifteen years service in this Colony, if he be an Indian subordinate officer of the Prison Department, lady medical officer, lady serving in the Education Department, European attendant at a Government mental hospital, or nurse (other than a European matron or European nursing sister referred to in paragraph (d) of this section) in a Government Hospital; or

(d) on attaining the age of fifty years, if she be a European matron or European nursing sister, of a Government Hospital, who has been in the service of this Colony for a period of ten years, or, on attaining any less age if she has been in such service for a period of twenty years; or

(e) on a certificate from the head of his department and from three Government medical officers that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office and that such infirmity is likely to be permanent:

Provided that in the case of an officer retiring while on leave of absence, a certificate from any medical practitioner authorised by the Secretary of State to make the examination shall be sufficient proof of incapacity for further service; or

(f) on abolition of his office; or

(g) upon his removal on the ground of inefficiency as provided in section 9.

Retirement
for inefficiency.

9. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity, or other allowance, cannot otherwise be granted to him under this Ordinance, the Governor in Council with the approval of the Secretary of State, may, if he considers it justifiable having regard to all the circumstances of the case, grant such a pension, gratuity or other allowance as he thinks just and proper, but in no case exceeding in amount that for which the officer would be eligible if he were suffering from some infirmity of mind or body likely to be permanent.

Compulsory
retirement.

10.—(1) It shall be lawful for the Governor in Council to require any officer other than a judge, whenever appointed, to retire from the public service of this Colony who—

(a) appears to the Governor to be unable to discharge efficiently the duties of his office; or

(b) being a woman who has entered the public service after the commencement of this Ordinance is married.

(2) The normal age of retirement for any public officer, other than a judge, shall be deemed to have been attained if he or she—

(a) has attained the age of fifty-five years, or

(b) being an Indian subordinate officer of the Prison Department, lady medical officer, lady serving in the Education Department, or a European attendant at a Government mental hospital, or a matron, nursing sister or nurse in a Government hospital, has attained the age of fifty years;

and any such officer, who shall have attained the normal age of retirement, shall retire from the public service of the Colony unless the Governor in Council decides that his or her services shall be retained. In no case, however, except with the approval of the Secretary of State, shall the services of any such officer be retained for more than five years after he or she has attained the normal age of retirement.

Maximum
pension
from all
public
sources.

11.—(1) A pension granted to an officer under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in this Colony.

(2) Where the officer has been or is granted a pension or pensions in respect of other public service, he may be granted the full pension for which he is eligible in respect of his service in this Colony, but no person may at any time draw from the funds of this Colony an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two-thirds of the highest pensionable emoluments drawn by such person at any time in the course of his service in this Colony or in other public service.

Provided further that where such a person receives, in respect of some period of public service, both a gratuity and a pension the amount of such pension shall be deemed, for the purpose of this sub-section, to be four-thirds of its actual amount.

(3) In a case falling under any of the limitations laid down by sub-section (2), the amount of pension to be drawn from the funds of this Colony shall be subject to the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or pensions similarly to be drawn in respect of other public service.

(4) For the purposes of the preceding sub-sections, an allowance granted in respect of injury shall not be taken into account; but where the officer is granted such an allowance the amount of such allowance which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from such allowance, falls short of two-thirds of such highest pensionable emoluments.

12. No pension, gratuity or other allowance granted under this Ordinance shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Government. Pension etc., not to be assignable.

13. If any officer to whom a pension or other allowance has been granted under this Ordinance is adjudicated a bankrupt or is declared insolvent by judgment of the Court, then such pension or allowance shall forthwith cease: Pension etc., to cease on bankruptcy.

Provided always that in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner it shall be lawful for the Secretary of State, or where such adjudication of bankruptcy or declaration of insolvency was made in this Colony, the Governor in Council, from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as he shall think fit, to cause all or any part of the monies to which such pensioner would have been entitled by way of pension or allowance, had he not become a bankrupt or insolvent, to be paid to, or applied for the maintenance and personal support or benefit of all or any, to the exclusion of the other or others of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the Secretary of State or the Governor in Council, as the case may be, thinks proper; and such monies shall be paid or applied accordingly.

14.—(1) If any person to whom a pension or other allowance has been granted under this Ordinance is convicted before any Court of competent jurisdiction whether in the Colony or elsewhere, of any crime or offence for which he is sentenced to death or penal servitude or transportation or any term of imprisonment, it shall be lawful for the Secretary of State or, if such conviction is had in this Colony, the Governor in Council to direct that such pension or allowance shall forthwith cease, and thereupon such pension or allowance shall cease accordingly. Pension etc., to cease on conviction.

(2) If any person whose pension or allowance has ceased under the provisions of sub-section (1) shall at any time receive a full pardon in respect of the crime or offence of which he was convicted, his pension or allowance shall be restored with retrospective effect.

(3) Where any pension or allowance has ceased under the provisions of sub-section (1) it shall be lawful for the Secretary of State or, if the conviction of the pensioner was had in this Colony, the Governor in Council to cause all or any part of the monies which would have been payable to the pensioner by way of pension or allowance to be paid to or applied for the maintenance and personal support or benefit of any wife, child or children of the pensioner and, after the expiration of his sentence, for the benefit of the pensioner himself, in such proportions and manner as the Secretary of State or the Governor in Council, as the case may be, thinks proper

Pension,
etc., to
cease on
accepting
employment
in certain
companies.

15.—(1) If any person to whom a pension or other allowance has been granted under this Ordinance becomes either a director of any company the principal part of whose business is in any way directly concerned with this Colony, or an officer or a servant employed in this Colony by any such company, without in every such case the permission of the Governor in Council in writing first had and obtained, then in every such case it shall be lawful for the Governor in Council, with the approval of the Secretary of State, to direct that such pension or allowance shall forthwith cease, and thereupon such pension or allowance shall cease accordingly.

(2) It shall be lawful for the Governor in Council with the approval of the Secretary of State, on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of such company, or to be employed as an officer or servant of such company in this Colony, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect if he shall see fit, to such date as he specifies, and such pension or allowance shall be restored accordingly.

Gratuity to
Estate
where
officer dies
in service
of the
Colony.

16. Where an officer holding a pensionable office, who is not serving on probation or agreement, dies while in service of this Colony, and during the five years preceding his death has continuously held pensionable office in this Colony or offices in other public service which were, when he held them, pensionable under the law or regulations in force relating to such service, it shall be lawful for the Governor in Council to grant to his legal personal representative, or in case the gratuity does not exceed \$1,000 to such person as the Governor in Council shall name as the recipient, a gratuity of an amount not exceeding one year's pensionable emoluments of the officer so dying. Such gratuity, if granted to the legal personal representative, shall form part of the estate of the officer for purposes of distribution under any testamentary disposition made by him or under an intestacy, as the case may be; but, nevertheless, no estate duty shall be payable in respect thereof, and its addition to the principal value of the estate shall not be taken into consideration for the purpose of increasing the rate at which estate duty on the remainder of the estate may be payable.

Gratuity
to women
officers
retiring on
marriage.

17. Where an officer, being a woman and holding a pensionable office in this Colony, has completed not less than five years' service in this Colony, and resigns such office on, or with a view to marriage, or is required to retire from the public service under the provisions of section 10 (*d*), she may be granted a gratuity calculated at the rate of one-twelfth of a month's pensionable emoluments for each completed month of service: provided that such gratuity shall not exceed one year's pensionable emoluments.

Pension
to widow,
etc., of
officer
killed,
etc., in
discharge
of duty.

18.—(1) It shall be lawful for the Governor in Council to award to the widow and orphans of an officer who has been killed in the discharge of his duty, or who dies as a direct result of injuries received while on duty, or who dies of illness the contraction of which was specifically attributable to the nature of his duties, a pension not exceeding ten-sixtieths of the deceased officer's emoluments or \$100 a year, whichever sum is greater: Provided that this maximum may be exceeded in exceptional cases.

(2) If the widow of any such officer marries again her pension under the provisions of this section shall cease on the remarriage: Provided that the pension may in the discretion of the Governor in Council, be revived upon re-widowhood.

(3) The pension of an orphan under the provisions of this section shall cease in the case of a male at the age of eighteen years, and in the case of a female on marriage or at the age of twenty-one years.

(4) Any grant made under the provisions of this section shall be in addition to any grant made under the provisions of section 16.

19. Subject to the provisions of section 7, the provisions of this Ordinance shall apply to all officers in the service of this Colony at or after the commencement of this Ordinance and to all those who having served in this Colony have before the commencement of this Ordinance been transferred to other public service and are still in other public service at the commencement of this Ordinance: Provided that nothing herein contained shall be deemed to diminish the rights acquired by any person under any enactment hereby repealed or rules or minutes made thereunder or the rights and obligations conferred or imposed by sections 3 and 3A of the Pensions Ordinance, 1862, on or in respect of any judge or other public officer in the service of this Colony at the commencement of this Ordinance. But this proviso shall not be so construed as to entitle any officer, who shall have exercised any option or made any election under any regulations made under this Ordinance, to treat his decision or election as revocable.

Application
of Ordinance.

20. Where in the Widows' and Orphans' Pension Ordinance, 1908, or in any Ordinance amending or substituted for the same, the pension of any person who is the contributor himself is referred to, then if such person receives, in respect of some period of service for such pension, both a gratuity and a pension the amount of such pension, for the purposes of the said Ordinance, shall be deemed to be four-thirds of its actual amount.

Inter-
pretation
of
"pension"
in Ordinance No. 15
of 1908,
where the
pension of
the contributor
himself is
referred to.

21. Section 17A of the Police Force Ordinance, 1900, as amended by the Police Force Amendment Ordinance, 1929, is amended by the substitution of the words "the provisions of the Pensions Ordinance, 1932, and any regulations made thereunder" for the words "the provisions of the pension minutes issued under or for the purposes of the Pensions Ordinance, 1862".

Amend-
ment of
Section 17A
of Ordinance No. 11
of 1900.
Ordinance
No. 18 of
1929.

22. The following enactments are repealed:—

- (a) The Pensions Ordinance, 1862.
- (b) The Pensions Amendment Ordinance, 1928.
- (c) The Pension Minutes issued under or for the purposes of the Pensions Ordinance, 1862.

Repeal of
Ordinance
No. 2 of
1862, and
Ordinance
No. 2 of
1928.

Provided that such repeal shall in no way affect the pension of any person, who retired from the service of the Colony or other public service before the commencement of this Ordinance, under any enactment hereby repealed or rules or minutes made thereunder.

Passed the Legislative Council of Hong Kong, this 23rd day of June, 1932.

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

HONG KONG.

No. 22 OF 1932.

I assent.



W. T. SOUTHORN,
Officer Administering the Government.

24th June, 1932.

An Ordinance for the resumption of the City Hall property.

[24th June, 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 City Hall Resumption Ordinance, 1932.

Resumption
of M.L.
82 and
extinction
of rights,
etc.

2. The Indenture of Crown Lease of Marine Lot number eighty-two dated the sixth day of March, 1866, and made between Her late Majesty Queen Victoria, of the one part, and Alexander Turing, John Macdonall and Phineas Ryrie, of the other part, is determined; and the premises thereby demised together with all buildings now standing thereon revert to the Crown free from any restriction whatever, and the Governor shall have power to deal with the same and to dispose of the same for building or any other purpose in the same way and to as full an extent as in the case of other Crown lands; and all trusts, property, estate, rights, claims and easements or supposed trusts, property, estate, rights, claims or easements of any persons or class of persons, whether Crown leaseholders, shareholders in the City Hall or licensees or otherwise, whether *inter se* or in any other respect to the user or possession or occupation of, in, over, or in any way in relation thereto are absolutely extinguished and determined.

Provision
as to
disposal of
funds, etc.,
in posses-
sion of
City Hall
Committee.

3.—(1) The treasurer of the Committee, hitherto known as the City Hall Committee, shall pay to the Colonial Treasurer any unexpended balance remaining of the Committee's funds; and the Colonial Treasurer shall thereupon transfer such balance (if any) to the general revenue of the Colony.

Ordinance
No. 5 of
1929.

(2) The provisions of sections 10, 11 and 12 of the Unclaimed Balances Ordinance, 1929, shall apply to any money so transferred to the general revenue of the Colony to the same extent as if such money had been transferred under the provisions of the Ordinances mentioned in the said sections except that no petition under section 10 or section 11 shall be entertained unless presented within one year after the commencement of this Ordinance.

(3) Subject to the provisions of this section all claims of any person against the Government, the City Hall Committee or any member or officer thereof in respect of such money as well as all trusts in respect thereof are absolutely extinguished and determined.

4.—(1) The City Hall Committee shall hand over the furniture, fittings, book-cases, books, show-cases, specimens, exhibits and other effects of the City Hall, including the library and museum, to the Director of Public Works who shall dispose of them, or any of them, as the Governor in Council may direct.

Provision as to disposal of library and museum and furniture and effects.

(2) Subject to the provisions of this section all claims of any person against the Government, the City Hall Committee or any member or officer thereof in respect of the property to be transferred to the Director of Public Works as well as all trusts in respect thereof are absolutely extinguished and determined.

5. Nothing in this Ordinance shall be deemed to affect the rights of His Majesty the King, 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 the rights of the Crown and of certain other persons.

Passed the Legislative Council of Hong Kong, this 23rd day of June, 1932.

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

APPOINTMENTS, &c.

No. 408.—His Excellency the Officer Administering the Government has been pleased to appoint YEUNG PING (楊平) and TAM SZE (譚四) to be "Forest Officers" for the control and superintendence of the forests of the Colony in place of LI PO (李波) and CHAU HON (周漢) dismissed, with effect from the 1st June, 1932.

17th June, 1932.