

9. *Liquors Amendment Bill.*—The Attorney General moved the Second reading of the Bill intituled “An Ordinance to amend the Liquors Ordinance, 1931.”

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.

10. *Pensions Bill.*—The Attorney General addressed the Council and stated that an amendment had been suggested to clause 19. Under Standing Order 28 (2) the bill could be re-committed after the third reading had been moved and seconded. He then moved the third reading.

The Colonial Secretary seconded.

The Hon. Sir HENRY E. POLLOCK, Kt., K.C., moved that the Bill be re-committed for consideration of an amendment to clause 19.

The Hon. Mr. W. E. L. SHENTON seconded.

Council in Committee on the Bill.

In Clause 19 after the word “thereunder” in the tenth line the following words were inserted “, 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.”

On Council resuming, the Attorney General reported that the Bill had passed through Committee with an amendment, which the President ruled to be immaterial. He then moved the third reading.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

11. The Council then adjourned until Thursday, the 30th day of June, 1932, at 2.30 p.m.

W. T. SOUTHORN,
Officer Administering the Government.

Confirmed this 30th day of June, 1932.

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

No. 416.—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. 23 of 1932.—An Ordinance to amend the Merchant Shipping Ordinance, 1899.

Ordinance No. 24 of 1932.—An Ordinance to amend further the Crown Solicitors Ordinance, 1912.

HONG KONG.

No. 23 OF 1932.

I assent.

W. T. SOUTHORN,
Officer Administering the Government.

30th June, 1932.

An Ordinance to amend the Merchant Shipping Ordinance,
1899.

[30th 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 Merchant Shipping Amendment Ordinance, 1932. Short title.

✓ **2.** Section 2 (f) of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the words “a marine magistrate” for the words “the marine magistrate”. Amendment of Ordinance No. 10 of 1899, s. 2 (f).

✓ **3.** Section 3 (8) of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the words “such fee as the Governor in Council shall prescribe” for the words “the sum of one dollar” in the tenth line thereof. Amendment of Ordinance No. 10 of 1899, s. 3 (8).

4. Section 5 (3) of the Merchant Shipping Ordinance, 1899, is amended by the addition of the following provisoes at the end thereof:— Addition to Ordinance No. 10 of 1899, s. 5 (3).

Provided that the agreements may be made for a voyage or, if the voyages of the ship average less than six months in duration, may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages shall be referred to as running agreements; and provided also that running agreements shall not be for a longer period than six months or the first arrival of the ship at her port of destination in the Colony after the expiration of that period, or the discharge of cargo consequent on that arrival.

5. Section 10 of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the following sub-section for sub-section (10) thereof:— Substitution for Ordinance No. 10 of 1899, s. 10 (10).

(10) On receipt of such declarations, and if satisfied that the provisions of this section have been complied with, the Governor may, if in his absolute discretion he thinks fit to do so, cause a certificate in duplicate to be prepared and issued to the effect that the provisions of the law with respect to the survey of the ship and the transmission of declarations in respect thereof have been complied with; and such certificate shall state the limits, if any, beyond which, according to the declaration of the surveyor or surveyors such ship is not fit Issue of certificate.

to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the surveyor or surveyors such ship is fit to carry, distinguishing (if necessary) between the respective numbers to be carried on the deck and in the cabins, such number to be subject to such conditions and variations, according to the time of the year, the nature of voyage, the cargo carried, and other circumstances as the case may require.

New sub-section (19A) of Ordinance No. 10 of 1899, s. 10.

6. Section 10 of the Merchant Shipping Ordinance, 1899, is also amended by the insertion of the following sub-section after sub-section (19) thereof:—

Governor may cancel certificate where master is not in control of ship.

(19A). The Governor may also revoke and cancel any such certificate in any case in which he has reason to believe that the certificated master of the ship is not exercising, or is not permitted to exercise, proper control of the ship.

Substitution for Ordinance No. 10 of 1899, s. 10 (23).

7. Section 10 of the Merchant Shipping Ordinance, 1899, is also amended by the substitution of the following sub-section for sub-section (23) thereof:—

Report of structural alteration.

(23) If any structural alteration is made in any passenger ship, the owners, agents, charterers and master shall, within twenty-four hours after the alteration is made or as soon thereafter as possible, report the same by letter to the Harbour Master, and in default, without reasonable excuse therefor, they shall be severally liable to a fine not exceeding five hundred dollars.

Substitution for Ordinance No. 10 of 1899, s. 10 (25).

8. Section 10 of the Merchant Shipping Ordinance, 1899, is also amended by the substitution of the following sub-section for sub-section (25) thereof:—

Penalties for carrying passengers in excess of complement.

(25) The owner, agent, charterer, master or comradore of any passenger ship shall not receive or have on board thereof or on or in any part thereof at any place within the waters of the Colony any number of passengers which, having regard to the time, occasion and circumstances of the case, is greater than the number allowed by the passenger certificate; and if he does so he shall be liable to a fine not exceeding two hundred dollars, and also to an additional fine not exceeding five dollars for every passenger above the number so allowed.

Amendment of Ordinance No. 10 of 1899, s. 14 (3).

9. Section 14 (3) of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the words "Every owner, agent, charterer, master or comradore" for the words "Every owner or master" in the first line thereof.

Substitution for Ordinance No. 10 of 1899, s. 17 (5) (a).

10. Section 17 (5) of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the following paragraph for paragraph (a) thereof:—

(a) The Harbour Master, if he has reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the provisional detention of such ship for a period not exceeding twenty-four hours; and subject to the further provisions of this section, the Governor may by order extend such period either indefinitely or for such definite period as he may deem fit.

11. Part V of the Merchant Shipping Ordinance, 1899, is amended by the insertion of the following heading and section after section 19 :—

New heading and section 19A to Ordinance No. 10 of 1899.

Reports.

19A. When any steamship or motorship has sustained or caused any accident occasioning loss of life or has received any material damage affecting the seaworthiness or the efficiency thereof, either in the hull or in any part of the machinery, the master shall, within twenty-four hours after the happening of the accident or damage, or as soon thereafter as possible, report the same by letter to the Harbour Master, and in default, without reasonable excuse therefor, he shall be liable to a fine not exceeding five hundred dollars.

Report to Harbour Master of accident to ship 57 & 58 Vict. c. 60, s. 425.

12. Section 21 of the Merchant Shipping Ordinance, 1899, is amended by the addition of the words "without the written permission of the Harbour Master" after the word "Colony" at the end thereof.

Amendment of Ordinance No. 10 of 1899, s. 21.

13. Section 22 of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the words "properly to the satisfaction of the Harbour Master" for the word "properly" in the fourth line of sub-section (3).

Amendment of Ordinance No. 10 of 1899, s. 22 (3).

14. Section 22 of the Merchant Shipping Ordinance, 1899, is also amended by the insertion of the following sub-section after sub-section (3) :—

New sub-section (3A) of Ordinance No. 10 of 1899, s. 22.

(3A). The obligations as to proper mooring of a ship to the satisfaction of the Harbour Master imposed by sub-section (3) shall fall on the owners, agents and charterers in the case of any ship without a master.

Owners agents and charterers liable where ship is without a master.

15. Section 26 (1) (c) of the Merchant Shipping Ordinance, 1899, is amended by the insertion of the word "oil" after the word "rubbish," in the first line.

Amendment of Ordinance No. 10 of 1899, s. 26 (1) (c).

16. Section 26 of the Merchant Shipping Ordinance, 1899, is also amended by the substitution of the following sub-section for sub-section (2) thereof :—

Substitution for Ordinance No. 10 of 1899, s. 26 (2).

(2) (a).—No vessel shall lie alongside any public wharf or public landing place or alongside any part of any praya wall except when engaged in taking on board or landing passengers or cargo.

Obstruction of wharves lying off praya at night, etc.

(b) No vessel shall without a written permit from the Harbour Master be moored or at anchor, between 9 p.m. and 5 a.m., within a distance of less than one hundred yards from low water mark of such part of the Colony as is declared in paragraph 2 of Table N in the Schedule to this Ordinance to be a part of the Colony in respect of which the provisions of section 26 (2) (b) of this Ordinance shall apply, or of such part of the Colony as may be declared by regulation made by the Governor in Council in substitution for the said paragraph 2 of Table N: Provided that nothing contained in this sub-paragraph shall be construed as extending to any vessel moored or at anchor alongside any private wharf with the written consent of the owner of such wharf.

(c) No vessel shall lie alongside any other vessel, or any wharf or landing place, public or private, or any part of any praya wall, in such manner as to obstruct the free access of any other vessel thereto.

(d) No raft or floating logs shall be moored alongside any wharf or landing place, public or private, or any part of the praya wall, in such manner as to obstruct the free access of any vessel thereto.

(e) No vessel shall lie alongside any other vessel without the consent of the master thereof.

(f) No vessel shall lie alongside any private wharf or landing place without the consent of the owner thereof.

(g) No vessel shall lie alongside any private wharf or landing place between 9 p.m. and 5 a.m. except with the written permission of the owner thereof.

(h) Where any of the provisions of this sub-section require a vessel to have a written permit or written permission such provision shall not be deemed to be complied with unless the written permit or written permission is kept on board the vessel in question during the period during which it is required.

(i) Upon proof before a magistrate of any contravention of any of the provisions of this sub-section the master or other person in charge of the vessel in question shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for any term not exceeding three months.

(j) If the master or the person who was in charge of the vessel in question at the time of the contravention cannot be found, or if there was no person in charge at the time of the contravention, the licensee of the vessel in question shall, upon proof before a magistrate of the fact of the contravention, be liable to a fine not exceeding two hundred and fifty dollars, whether such licensee was aware of the contravention or not.

Amendment
of Ordin-
ance No. 10
of 1899,
s. 30 (1).

✓ **17.** Section 30 (1) of the Merchant Shipping Ordinance, 1899, is amended by the insertion of the words “,Deputy Harbour Master” after the words “Harbour Master” in the third line thereof.

Amendment
of Ordin-
ance No. 10
of 1899,
s. 30 (3).

✓ **18.** Section 30 (3) of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the words “five hundred dollars” for the words “two hundred dollars” in the last line thereof.

Substitution
for Ordin-
ance No. 10
of 1899,
s. 32 (4).

19. Section 32 of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the following sub-section for sub-section (4) thereof:—

(4) A receipt for the said dues as well as for any fees payable in respect of moorings or buoys shall be given by the person appointed to collect the same (hereafter in this section referred to as the collector) to every person paying the same, and it shall be lawful for the Harbour Master to refuse to grant a clearance to any ship if such receipt is not produced to him.

Amendment
of Ordin-
ance No. 10
of 1899,
s. 36 (5).

✓ **20.** Section 36 (5) of the Merchant Shipping Ordinance, 1899, is amended by the substitution of the words “written permission” for the word “permission” in the fifth line thereof.

21. Section 37 of the Merchant Shipping Ordinance, 1899, is amended by the insertion of the following sub-section after sub-section (2) thereof :—

New sub-section (2A) of Ordinance No. 10 of 1899, s. 37.

(2A) The Harbour Master shall, with the approval of the Governor, by regulation appoint suitable anchorages in the waters of the Colony to be called anchorages for launches and motor boats,

Anchorage.

22. Section 37 of the Merchant Shipping Ordinance, 1899, is also amended by the substitution of the following sub-section for sub-section (7) thereof :—

Substitution for Ordinance No. 10 of 1899, s. 37 (7).

(7) Every owner, agent, charterer or master of any launch or motor boat, who permits such launch or motor boat to ply while in an unseaworthy or unsafe condition, whether by reason of overloading or from any other cause whatsoever, shall be liable to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months.

Unseaworthiness.

23. Section 37 of the Merchant Shipping Ordinance, 1899, is also amended by the substitution of the following sub-section for sub-section (15) thereof :—

Substitution for Ordinance No. 10 of 1899, s. 37 (15).

(15) The provisions of this section, other than sub-sections (11) and (16), shall not apply to launches or motor boats which are the property of His Majesty or of any foreign state.

Exemption.

24. Table I in the Schedule to the Merchant Shipping Ordinance, 1899, as enacted by section 2 of the Merchant Shipping Amendment Ordinance, 1931, Ordinance No. 5 of 1931, is repealed and the following Table is substituted therefor :—

Substitution for Ordinance No. 10 of 1899, Schedule, Table I.

Table I.

Engagement and Discharge Fees.

The collection of fees at the rates stated in the following paragraphs is authorised as from the 31st day of July, 1931.

1.—ENGAGEMENT AND DISCHARGE OF SEAMEN AT THE MERCANTILE MARINE OFFICE.

Fee for engagement or discharge of a mate, purser, engineer, surgeon, carpenter, steward or wireless telegraph operator	\$1.00
Fee for engagement or discharge of every other seaman	\$0.75

2.—ENGAGEMENT AND DISCHARGE OF SEAMEN ON BOARD SHIP.

The fee for engagement or discharge shall be as in paragraph 1: Provided that where seamen are re-engaged on board the ship at the time of discharge the fee payable shall be the discharge fee plus half the engagement fee.

In addition to the engagement or discharge fees there shall be paid a fee for each visit according to the following scale :—

Where not more than 40 seamen are engaged or discharged	\$15.00
---	---------

Where more than 40 and not more than 100 seamen are engaged or discharged	\$30.00
Where more than 100 and not more than 150 seamen are engaged or discharged	\$37.50
Where more than 150 seamen are engaged or discharged for the first 150	\$37.50
for every additional 50 or less	\$ 7.50

In all the above cases the actual travelling expenses of the officers of the Mercantile Marine Office, between that office and the ship, shall be charged in addition if the Harbour Master so directs.

3.—OVERTIME FEES WHERE SEAMEN ARE ENGAGED OR DISCHARGED.

On Sundays or other General or Public Holidays:—

Before 6 a.m., and after 8 p.m. ...	\$20.00 per hour
at other times	\$10.00 per hour

On Saturdays:—

From 8 a.m., to 9 a.m.	\$ 5.00 per hour
From 6 a.m., to 8 a.m. and from 1 p.m. to 8 p.m.	\$10.00 per hour
Before 6 a.m., and after 8 p.m. ...	\$20.00 per hour

On other days:—

From 8 a.m. to 9 a.m., and from 5 p.m. to 6 p.m.	\$ 5.00 per hour
From 6 a.m. to 8 a.m., and from 6 p.m. to 8 p.m.	\$10.00 per hour
Before 6 a.m. and after 8 p.m.	\$20.00 per hour

On all the above occasions any portion of an hour shall count as one hour.

Suspending
clause.

25. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

Passed the Legislative Council of Hong Kong, this
30th day of June, 1932.

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

HONG KONG.

No. 24 OF 1932.

I assent.

W. T. SOUTHORN,
Officer Administering the Government.

30th June, 1932.

An Ordinance to amend further the Crown Solicitors Ordinance, 1912.

[30th 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 Crown Solicitors Amendment Ordinance, 1932. Short title.

2. Sub-section (2) of section 3 of the Crown Solicitors Ordinance, 1912, as enacted by section 3 of Ordinance No. 9 of 1924, is repealed and the following sub-section is substituted:— Substitution for Ordinance No. 35 of 1912, s. 3 (2).

(2) Any person duly appointed and acting as Crown Solicitor, and any person duly appointed and acting as Assistant Crown Solicitor who is qualified for appointment as Crown Solicitor, shall be entitled to appear to prosecute persons at the Criminal Sessions and also to appear before the Full Court on any appeal or question reserved arising out of any such prosecution.

Passed the Legislative Council of Hong Kong, this 30th day of June, 1932.

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