

No. 274.

Hong Kong.

ORDINANCE No. 39 of 1931. (TOBACCO).

In exercise of the powers conferred by sections 3 and 5 of the Tobacco Ordinance, 1931, the Governor in Council further amends the Regulations under the heading "Drawbacks", contained in the First Schedule to the said Ordinance, as follows:—

Amendment.

Regulation 1, amended as appears in Government Notification No. 89 published in the Gazette of the 17th February, 1933, is rescinded and the following regulation is substituted therefor:—

1.—(1) Subject to the conditions contained in the following regulations a drawback shall be paid according to the following scale upon every pound or fraction, not being less than a hundredth, of a pound of tobacco, not being tobacco of Empire origin, manufactured in the Colony, upon which the proper duties have been paid, when the tobacco is exported, by any licensed manufacturer, as merchandise, shipped by him as ships' stores, or exported by him by parcel post:—

- (a) On cigars at the rate of 91 cents per lb.
- (b) On cigarettes at the rate of 71 cents per lb.
- (c) On tobacco manufactured in Chinese fashion
 - (i) without the addition of oil, at the rate of 81 cents per lb.
 - (ii) with the addition of not more than 17 per cent. of oil, at the rate of 73 cents per lb.
- (d) On other manufactured tobacco—at a rate based upon the duty originally paid on the tobacco used in the manufacture: Such rate to be fixed by the Superintendent in each case.

Subject to such increase or reduction in the amount of such drawback as may result from the examination of such tobacco, or a sample or samples thereof.

(2) Subject to the conditions before referred to, and as appears in this regulation, a drawback shall be paid upon every pound or fraction, not being less than a hundredth, of a pound of tobacco of Empire origin manufactured in the Colony, upon which the proper duties have been paid, when the tobacco is exported, by any licensed manufacturer whose name appears on the list hereinafter mentioned and who duly observes and performs the conditions set forth in paragraph (4) of this regulation, as merchandise, shipped by him as ships' stores, or exported by him by parcel post. Such drawback shall be calculated according to the proportion of Empire and non-Empire tobacco in any blend and be at a rate based upon the duty originally paid on the tobacco of Empire origin used in the manufacture: Such rate to be fixed by the Superintendent in each case.

(3) A list containing the names of those licensed manufacturers deemed by the Superintendent, in his absolute discretion, to be eligible for the benefit of the provisions of this regulation relating to tobacco of Empire origin by reason of his reliance that they respectively will duly and faithfully observe and perform the conditions set forth in paragraph (4) of this regulation, shall be prepared and kept by the Superintendent, who shall have power, in his absolute discretion, to expunge any name from such list.

(4) The conditions to be observed and performed by licensed manufacturers listed as aforesaid shall be—

- (i) The prescribed duty in respect of the tobacco must have been paid by the licensed manufacturer claiming the drawback.
- (ii) The tobacco of Empire origin used in the licensed manufacturer's factory must be drawn either from bond or direct from the importing ship, so that the actual amount entering the factory can be ascertained from the duty-paid removal permits.
- (iii) Complete stock books must be kept, in English, by the licensed manufacturer, showing exactly how much of the stock of Empire leaf has been used in each brand of his manufacture, starting with the duty-paid removal permit as a base. Where the form of such stock book has not first been submitted to and approved by the Superintendent this condition shall not be deemed to be fulfilled.
- (iv) The Empire leaf must be stored in a separate place, approved by the Superintendent, and apart from the rest of the stock of leaf.
- (v) The licensed manufacturer must take stock of his Empire leaf at intervals of not longer than fourteen days.
- (vi) The licensed manufacturer must mark, in English and Chinese, all goods manufactured wholly or partly of Empire leaf with the proportion of Empire leaf used in the blend.
- (vii) All tobacco of Empire origin in respect of which drawback is applied for must be duly accounted for by the licensed manufacturer.
- (viii) Every application for drawback under paragraph (2) of this regulation must be accompanied by a statement, signed by the licensed manufacturer, showing the actual amount of tobacco of Empire origin on which drawback is claimed.
- (ix) All reasonable facilities must be given by the licensed manufacturer, his managers, agents, clerks, servants and workmen, to the Superintendent and Revenue Officers to enable him and them to be informed as to the observance and performance of these conditions.

(5) Drawback, whether in respect of Empire or non-Empire tobacco, shall be subject to the following proviso:—

Provided that in the case of tobacco

- (a) not being tobacco prepared in Chinese fashion which does not contain inorganic matter (including

sand) exceeding twenty two pounds, or sand exceeding four pounds, in every hundred pounds weight of such tobacco, exclusive of moisture, the drawback shall be calculated on a moisture standard of 14 per cent. and a proportionate deduction from the amount of drawback shall be made when the percentage of moisture exceeds 14.

When the proportion of inorganic matter (including sand) exceeds twenty-two per cent. of the tobacco, exclusive of moisture, a proportionate deduction shall be made from the drawback according to the appropriate rate appearing in this regulation.

- (b) being tobacco prepared in Chinese fashion with or without the addition of oil which does not contain inorganic matter (including sand) exceeding twenty-two pounds, or sand exceeding four pounds, in every hundred pounds weight of such tobacco, exclusive of moisture, the drawback shall be calculated on a moisture standard of 10 per cent., and a proportionate deduction from the amount of drawback shall be made when the percentage of moisture exceeds 10.

When the proportion of inorganic matter (including sand) exceeds twenty-two per cent. of the tobacco, exclusive of moisture, a proportionate deduction shall be made from the drawback according to the appropriate rate appearing in this regulation.

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

COUNCIL CHAMBER,
11th April, 1934.

No. 275

Hong Kong.

ORDINANCE No. 16 of 1903. (WATERWORKS).

In exercise of the powers conferred by section 23 of the Waterworks Ordinance, 1903, the Governor in Council makes the following regulations:—

1. On all new accounts, issued by the Government after the 1st day of April, 1934, for excess consumption charges referred to in regulation 1 of the Water Regulations, set forth on pages 307 and 308 of the Regulations of Hong Kong, 1844-1925, as subsequently amended, a rebate of ten per cent. shall be granted and allowed.

2. The foregoing regulation 1 shall be regarded as a temporary measure and shall be read with the said regulation 1 of the Water Regulations.

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

COUNCIL CHAMBER,
11th April 1934.