

7. *Immigration and Passports Bill*.—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to regulate the entry and departure of persons into and out of the Colony, to prohibit the entry of undesirable immigrants and to confer various powers in connection therewith.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

8. *Miscellaneous Licences Amendment Bill*.—The Attorney General addressed the Council and moved the First reading of a Bill intituled “An Ordinance to amend the Miscellaneous Licences Ordinance, 1933.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a first time.

9. *The China Fleet Club Incorporation Bill*.—The Hon. Sir WILLIAM EDWARD LEONARD SHENTON, Kt. addressed the Council and moved the First reading of a Bill intituled “An Ordinance for the Incorporation of the Trustees of the China Fleet Club.”

The Hon. Mr. C. G. S. MACKIE seconded.

Question—put and agreed to.

Bill read a first time.

ADJOURNMENT.

10. The Council then adjourned until Thursday, the 17th day of May, 1934, at 2.30 p.m.

W. PEEL,
Governor.

Confirmed this 17th day of May, 1934.

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

NO. 388.—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. 7 of 1934.—An Ordinance to amend the law relating to Opium.

Ordinance No. 8 of 1934.—An Ordinance to regulate the entry and departure of persons into and out of the Colony, to prohibit the entry of undesirable immigrants and to confer various powers in connection therewith.

Ordinance No. 9 of 1934.—An Ordinance to amend the Miscellaneous Licences Ordinance, 1933.

Ordinance No. 10 of 1934.—An Ordinance for the Incorporation of the Trustees of the China Fleet Club.

HONG KONG.

No. 7 OF 1934.

I assent.

L.S.

W. PEEL,
Governor.

18th May, 1934.

An Ordinance to amend the law relating to Opium.

[18th May, 1934.]

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 Opium Amendment Ordinance, 1934. Short title.

2. Section 15 of the Opium Ordinance, 1932, as amended by the Opium Amendment Ordinance, 1933, is repealed and the following section is substituted therefor:—

Substitution for Ordinance No. 7 of 1932, s. 15, as amended by Ordinance No. 16 of 1933.

15.—(1) No person shall

(a) smoke opium in any opium divan; or

(b) keep or manage or act or assist in the management of any opium divan; or

(c) being the tenant, lessee, occupier, or person in charge of any place, knowingly permit such place or any part thereof to be used as an opium divan; or

(d) being the lessor or landlord of any place, or the agent of such lessor or landlord, let the same with the knowledge that such place or some part thereof is to be used as an opium divan, or consent to the use, at any time, of such place or any part thereof as an opium divan.

(2) In and for the purposes of this section

(a) "lessee" and "tenant" respectively include any sub-lessee or sub-tenant;

(b) "lessor" and "landlord" respectively include the holder of any lease or tenancy who has sublet his holding or any part thereof; and

(c) the lessor or landlord of any place, or the agent of such lessor or landlord, shall be presumed to have consented to the use of such place or of any part thereof as an opium divan, if it is proved, to the satisfaction of the magistrate, that he knew of such use, and failed forthwith to proceed to put an end to the same, by making a report at any police station, or by terminating the lease or tenancy.

Opium divans and smoking therein prohibited.

Passed the Legislative Council of Hong Kong, this 17th day of May, 1934.

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

HONG KONG.

No. 8 OF 1934.

I assent.

L. S.

W. PEEL,
Governor.

18th May, 1934.

An Ordinance to regulate the entry and departure of persons into and out of the Colony, to prohibit the entry of undesirable immigrants and to confer various powers in connection therewith.

[18th May, 1934.]

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 Immigration and Passports Ordinance, 1934.

PART I.

*Examination of Immigrants and Landing Restrictions.*Police
examination
of ships.

2.—(1) It shall be lawful for any police officer, authorised thereto in writing by the Inspector General of Police either generally or for a particular occasion, to board any ship (not being or having the status of a ship of war) and to examine the articles of such ship, the passengers and crew and the passports and travel documents of the passengers.

(2) The master of every such ship shall, when hailed or otherwise called upon to do so by any such authorised police officer, hoist the signal flag "S" over the code pennant and shall keep the said flag and pennant hoisted until authorised by the police officer to take it down.

(3) While such flag and pennant remain hoisted, no person (other than police officers, the pilot or the Port Health Officer) shall leave or board any such ship without the permission of the said authorised police officer nor shall any person (other than the persons in the vessels of the police, the pilot or the Port Health Officer) approach within thirty yards of the ship.

(4) The master of every such ship shall, whenever required to do so by any such authorised police officer—

(a) exhibit a complete list of the crew;

(b) furnish a complete list of the names of the passengers, specifying their nationality, so far as the same can be ascertained, the ports at which they embarked and the ports of their intended disembarkation;

(c) produce the passengers and crew for inspection and interrogation.

3.—(1) Every person produced for inspection and interrogation under section 2 (4), and every person liable to be so produced who has disembarked without the permission of the authorised police officer while the "S" flag and code pennant remain hoisted, shall truthfully and fully answer all questions put to him by any such authorised police officer, with the object of determining whether he belongs to any of the classes of person referred to in section 4 (1), notwithstanding that the answer to any such question may tend to render him liable to any restriction whatsoever or may tend to incriminate him.

Persons inspected and interrogated to answer truthfully and fully certain inquiries.

(2) Any answer to any such question shall be admissible in evidence in any proceedings under this Ordinance against the person making such answer: Provided that nothing in this section shall be construed as rendering any such answer inadmissible in any other proceedings in which it would otherwise be admissible.

(3) If any such person refuses to answer any such question put to him or if his answers are unsatisfactory, the authorised police officer may refuse him permission to land or prevent him from landing or may take him into police custody and detain him until an opportunity arises of returning him to his port of embarkation or to the country of his birth or citizenship.

4.—(1) If it is found by any such authorised police officer that any person produced for inspection and interrogation under section 2 (4), or any person liable to be so produced who has disembarked without the permission of the authorised police officer while the "S" flag and code pennant remain hoisted—

Classes of persons who may be prevented from landing or expelled.

(a) is diseased, maimed, blind, idiot, lunatic or decrepit, and without the means of subsistence and may be hindered by his state from earning a livelihood;

(b) cannot show that he has in his possession, or that he is physically able to earn, the means of decently supporting himself and his dependents if any;

(c) is a professional beggar or vagrant or a person likely to become a charge upon the public or upon any public charitable institution;

(d) is a person suffering from a contagious disease which is loathsome or dangerous;

(e) being a person for whom a passport is necessary, is not in possession of a valid passport, or is in possession of a forged or altered passport or of a passport which does not comply with any regulation in force relating to passports;

(f) has been deported, banished or expelled from any country or state or has been shipped by the Government authorities of any country or state with a view to his being repatriated;

(g) is suspected of being likely to promote sedition or to cause a disturbance of public tranquillity;

(h) cannot show that he has definite employment awaiting him, or that he has a reasonable prospect of obtaining employment; or

(i) is a prostitute or a person living on the earnings of prostitution.

the authorised police officer may refuse such person permission to land or may prevent him from landing or may take him into police custody and detain him until an opportunity arises of returning him to his port of embarkation or to the country of his birth or citizenship.

(2) The master of the ship shall give to the authorised police officer any information relating to any person on board his ship suspected of belonging to any of the classes of persons mentioned in sub-section (1) as is reasonably required for the purposes of this Ordinance, and shall answer to the best of his knowledge all such questions touching such person as are put to him.

Provision for appeal by master if dissatisfied with action of the authorised police officer.

5. If the master of the ship is dissatisfied with the action taken by the authorised police officer under section 3 (3) or section 4 (1) the matter may be referred by the master to the Inspector General of Police, or in the case of persons mentioned in paragraphs (a) or (d) of section 4 (1) to the Port Health Officer, who shall decide the matter.

Master, owners, agents and consignees liable for cost of maintenance and removal of prohibited immigrant.

6. In cases where any person is prevented from landing or detained under section 3 (3) or section 4 (1) the master of the ship shall provide him with a free passage to the port of his embarkation, and if the ship has left the Colony without such person being on board the master, owner, agent, charterer and consignee of the ship shall be liable to pay to the Government of the Colony all costs incurred by the Colony for the maintenance and removal of such person to the port of his embarkation.

PART II.

Passports and Travel Documents.

Persons exempted from provisions of Part II.

7. The provisions of this Part of this Ordinance shall not apply to—

- (a) persons of or under the age of fifteen years;
- (b) persons of Chinese race;
- (c) persons who pass through the waters of the Colony without landing in the Colony; and
- (d) persons employed in any capacity in the service of any ship, who arrive in the Colony and leave in the same ship on her next departure.

Necessity for valid passport or travel document.

8. No person to whom this Part of this Ordinance applies shall enter the Colony unless he has in his possession—

- (a) a valid passport; or
- (b) some other valid travel document establishing his nationality and identity and authorising him to travel to and enter the Colony issued or endorsed, in the case of a British subject or British protected person by a competent British Official, and in other cases by an Official having authority to issue or endorse such a document in respect to the person in question.

9. No passport or travel document shall be deemed to be valid unless---

Requirements for the validity of passports and travel documents.

(a) an indication, either specific or in general terms, which is not invalidated by any other indorsement, appears thereon to the effect that the passport or travel document is valid for Hong Kong;

(b) it was issued or renewed to the holder, in the case of a passport by or on behalf of the Government of the Country or State of which he is a subject or citizen, and in the case of a travel document by a competent Official, not more than five years before the arrival of the holder in the Colony and that it is still within the period of its validity if any such period be stated.

(c) it has a photograph of the person or persons to whom it relates so affixed as to obviate the possibility of its removal and the substitution of another photograph: Provided that this paragraph shall not apply in the case of any Pardanashin or Gosha woman; and

(d) in the case of a person who is neither a British subject nor a British protected person, it bears a visa, by a British Consular Officer in a foreign Country or State or by a duly authorised Official in some part of His Majesty's dominions, which was granted not more than one year before the arrival of such person in the Colony and is still within the period of its validity, and which is either specifically or generally applicable to the journey on which the holder is engaged or which he has completed by his arrival in the Colony: Provided that this paragraph shall not apply in the case of a person included in any agreement, applicable to this Colony, between His Majesty's Government or the Government of this Colony and any other Government, for the mutual abolition or waiver of visas.

10. Neither the possession of a valid passport or travel document nor any visa or endorsement thereon shall be deemed to imply that the holder will be permitted to land in the Colony, or, if allowed to land, that he will be permitted to stay in the Colony; nor shall it serve as any excuse for disobeying any deportation, banishment or expulsion order

Valid passport or travel document implies no right to land or to stay in the Colony.

11.—(1) The holder of a valid passport or travel document with a visa authorising transit only through the Colony shall not remain in the Colony longer than is reasonably necessary to enable him to tranship or to find other means by which to proceed to his destination; and the holder of a passport or travel document with a visa authorising direct transit only shall proceed to his destination by the earliest means of transport of which he can reasonably avail himself: Provided that in either case the duration of the stay in the Colony of any such holder may be extended with the consent in writing of the Inspector General of Police, for which consent there shall be charged either the Official Signature fee of \$5 or a fee equal to the difference between the cost of a transit visa and the cost of an ordinary visa in the case in question, whichever fee be the higher.

Provisions as to transit visas and limiting endorsements.

(2) Where the holder of a valid passport or travel document is an alien, who has not resided in the Colony for more than one month since his last arrival therein, it shall be lawful for the Inspector General of Police to make an endorsement thereon, without fee, defining a limited period during which the alien may stay in the Colony.

(3) The holder of a valid passport or travel document which bears an endorsement defining a limited period of stay in the Colony shall not remain in the Colony after the period has expired: Provided that the period of his stay may be extended with the consent in writing of the Inspector General of Police, for which consent the Official Signature fee of \$5 shall be paid.

**Production
of documents
on demand.**

12. Every person who possesses a passport or other official document tending directly or indirectly to establish his identity, nationality or occupation, or any absolute or conditional liability on his part to any naval, military or air-force service under any country or state whatsoever, shall upon demand by any police officer produce such passport or other document forthwith for inspection or for endorsement.

PART III.

General.

Penalties.

13.—(1) Every person who contravenes any of the provisions of this Ordinance shall be guilty of an offence and shall be liable, upon summary conviction, to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

(2) Every person who lands without the permission of the authorised police officer under section 2 (3), or who lands without such permission after permission to land has been refused under section 3 (3) or section 4 (1), or who contravenes any of the provisions of section 8 or section 11, shall be guilty of an offence and shall be liable, in addition to the penalties imposed by sub-section (1), to be expelled from the Colony by order of the convicting magistrate.

(3) Any such order shall have the effect of authorising any police officer to arrest and detain such person and to do all such other acts as may be necessary to enable such person to be expelled from the Colony by such ship or route as the Governor may determine.

**Arrest and
search.**

14. It shall be lawful for any Police officer authorised thereto in writing by the Inspector General of Police, either generally or for a particular occasion, to enter any place or vessel (not being or having the status of a ship of war), and to arrest any person whom he may reasonably suspect of having committed an offence against any provision of this Ordinance, and to search any such person and the effects of any such person: provided that no female shall be searched except by a female.

**Repeal of
Ordinance
No. 35 of
1923.**

15. The Passports Ordinance, 1923, is repealed.

**Commence-
ment.**

16. This Ordinance shall not come into operation unless 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 17th day of May, 1934.

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

HONG KONG.

No. 9 OF 1934.

I assent.

L.S.

W. PEEL,
Governor.

18th May, 1934.

An Ordinance to amend the Miscellaneous Licences Ordinance,
1933.

[18th May, 1934.]

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 Miscellaneous Licences Amendment Ordinance, 1934. Short title.

2. Section 2 of the Miscellaneous Licences Ordinance, 1933, is amended by the substitution of the following paragraph for paragraph (c) thereof:— Amendment of Ordinance No. 25 of 1933, s. 2.

(c) "Hawker" means any person who trades in any street or public thoroughfare or goes from place to place, or goes on board any vessel, selling or exposing for sale any goods, wares or merchandise immediately to be delivered, or exposing samples or patterns of any goods, wares or merchandise to be afterwards delivered, or selling or offering for sale his skill in handicraft, except a person selling or seeking orders for goods, wares or merchandise to or from persons who are dealers therein, and who buy to sell again. cf. 51 & 52 Vict. c. 33 s. 2: 34 & 35 Vict. c. 96, s. 3.

Passed the Legislative Council of Hong Kong, this 17th day of May, 1934.

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

HONG KONG.

No. 10 OF 1934.

I assent.

W. PEEL,
Governor.

18th May, 1934.

An Ordinance for the Incorporation of the Trustees of the
China Fleet Club.

[18th May, 1934.]

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 China Fleet Club Incorporation Ordinance 1934.

Incorporation.

2.—(1) The Trustees of The China Fleet Club appointed under the hand of the Commodore or other officer in charge of His Majesty's Naval Establishments at Hong Kong shall be a body corporate (hereinafter called "the Corporation") and shall have the name of "The Trustees of the China Fleet Club" 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 the said seal may break change alter and make anew as to the Corporation may seem fit.

(2) The Trustees, whether the first Trustees or appointed in succession, immediate or otherwise, of any of the first Trustees shall be deemed to be the Trustees and be members of the Corporation upon notice of their appointment and of the retirement of the retiring Trustees, if any, whom they shall have been appointed to replace, being filed with the Registrar of Companies.

(3) Any such notice shall be signed by the Commodore or other Officer in charge of His Majesty's Naval Establishments at Hong Kong aforesaid.

Power of Corporation.

3. The Corporation shall have full power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate in this Colony or elsewhere, and also to invest monies on deposit in any bank, either in this Colony or elsewhere, on such terms as may seem expedient to it, or on mortgage of any lands, buildings, messuages or tenements in this Colony or elsewhere, or on the mortgages or debentures, stocks, funds, shares or securities of any corporation or company carrying on business or having an office in this Colony or elsewhere, and also to purchase and acquire all manner of goods and chattels whatsoever.

The Corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender and yield up mortgage, demise, reassign, transfer or otherwise dispose of or deal with any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds and securities, goods and chattels vested in the Corporation on such terms as to the Corporation may seem fit.

4. All deeds and other instruments requiring the corporate seal of the Corporation shall be sealed with its seal and signed by one of the Trustees. Execution of Documents.

5. Nothing in this Ordinance shall affect or 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 persons except such as are mentioned in this Ordinance and those claiming by from or under them. Saving of the rights of the Crown and certain other persons.

Passed the Legislative Council of Hong Kong, this 17th day of May, 1934.

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