

12. *Births and Deaths Registration Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to consolidate and amend the law relating to the Registration of Births and Deaths.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

In section 30 the words “Amendment of the Vaccination Ordinance, 1923.” were added as a marginal note. In the Second Schedule, Form No. 4 the word “to” was substituted for the word “of” in the sixth line. A new Chinese version of Form No. 4 was substituted. In Form No. 15, the figures “14” were substituted for the figures “11” in the seventh line. In Form No. 19, in the Notice, the word “or” was deleted, and the words “and nationality so far as is known,” were inserted after the word “occupation” in the first line of paragraph 7 (4).

On Council resuming, the Attorney General reported that the Bill had passed through Committee with immaterial amendments, 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.

13. The Council then adjourned until Thursday, the 23rd day of August, 1934, at 2.30 p.m.

W. PEEL,
Governor.

Confirmed this 23rd day of August, 1934.

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

No. 641.—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. 22 of 1934.—An Ordinance to amend the Coroner's Abolition Ordinance, 1888.

Ordinance No. 23 of 1934.—An Ordinance to amend the Jury Ordinance, 1887.

Ordinance No. 24 of 1934.—An Ordinance to amend the Official Signatures Fees Ordinance, 1888.

Ordinance No. 25 of 1934.—An Ordinance to amend the law relating to Merchant Shipping.

Ordinance No. 26 of 1934.—An Ordinance to amend the Betting Duty Ordinance, 1931.

Ordinance No. 27 of 1934.—An Ordinance to amend further the Supreme Court Ordinance, 1873.

HONG KONG.

No. 22 OF 1934.

I assent.

W. PEEL,
Governor.

24th August, 1934.

An Ordinance to amend the Coroner's Abolition Ordinance,
1888.

[24th August, 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 Coroner's Abolition Amendment Ordinance, 1934.

New section 2 added to Ordinance No. 5 of 1888.

2. The Coroner's Abolition Ordinance, 1888, is amended by the addition of the following section after section 1 thereof:—

Rules for practice and procedure at inquiries and post mortem examinations.

2. The Governor in Council may make rules for regulating the practice and procedure at or in connection with inquiries and post mortem examinations.

(*cf.* 11 & 12 Geo. 5 c. 30, s. 26).

Amendment of Ordinance No. 5 of 1888, s. 4.

3. Section 4 of the Coroner's Abolition Ordinance, 1888, is amended by the substitution of the word "any" for the word "either" in the second line thereof.

Amendment of Ordinance No. 5 of 1888, s. 7.

4. Section 7 of the Coroner's Abolition Ordinance, 1888, is amended:

(a) by the insertion of the words and figures "Subject to the provisions of sections 16 and 18, and to any rules under section 2", at the beginning of sub-section (1) thereof, and

(b) by the deletion of the words "and make such order with regard thereto as he may consider necessary" in the last two lines of sub-section (1) thereof.

5. Section 8 of the Coroner's Abolition Ordinance, 1888, is repealed, and the following section is substituted therefor :—

Substitution
for Ordin-
ance No. 5
of 1888,
s. 8.

8.—(1) Whenever judgment of death is executed on any offender, the magistrate shall, within twenty four hours after the execution (or forty eight hours if a public or general holiday intervenes in respect of which the magistrates are not exempted from the operation of the Holidays Ordinance, 1912), with a jury of three persons as hereinafter provided, inquire into and ascertain the identity of the body and the cause of death, and whether judgment of death was duly executed on the offender.

Executions
and deaths
in prison.

(cf. 31 &
32 Vict.
c. 24, s. 5.)

Ordinance
No. 5 of
1912.

(2) Whenever any prisoner dies in prison, the magistrate shall, with a jury of three persons as hereinafter provided, as soon as practicable inquire into the cause of death.

(cf. 50 & 51
Vict. c. 71,
s. 3.)

(3) At any inquiry under this section the magistrate shall view the body: but it shall not be necessary for the jury to view the body unless it appears to the magistrate or to the greater number of the jurors expedient that the jury should do so.

6. Section 12 of the Coroner's Abolition Ordinance, 1888, is amended:

Amendment
of Ordin-
ance No. 5
of 1888,
s. 12.

(a) by the deletion of the words "of jury" in the marginal note thereto, and

(b) by the addition of the following sub-section at the end thereof:—

(3) At every inquiry without a jury the magistrate shall record his finding on the evidence.

7. Section 13 of the Coroner's Abolition Ordinance, 1888, is amended as follows:—

Additions
to Ordin-
ance No. 5
of 1888,
s. 13.

(a) The section is re-numbered as sub-section (1) thereof, and

(b) The following sub-sections are added:—

(2) The magistrate shall, in the absence of reason to the contrary, adjourn an inquiry if, before the close of the inquiry, any person has been charged before him or some other magistrate with the murder or manslaughter of the person whose death is the subject of the inquiry.

(cf. 16
& 17
Geo. 5
c. 30,
s. 20 (1)).

(3) Whenever the magistrate resumes an inquiry which has been adjourned in accordance with the provisions of sub-sections (1) or (2), and the jury has been discharged and a new jury empanelled, the magistrate shall proceed in all respects as if the inquiry had not previously been begun, and the provisions of this Ordinance shall apply accordingly as if the resumed inquiry were a fresh inquiry: Provided that the deposition of a witness who was examined at the original inquiry and is dead or unable to be present at the resumed inquiry may be read as evidence at the resumed inquiry.

(cf. 16 &
17 Geo. 5
c. 30,
s. 20 (3)).

(4) If the inquiry resumed as aforesaid is an inquiry by the magistrate without a jury, or with the jury empanelled at the original inquiry, the magistrate may proceed at the resumed inquiry as if the inquiry had not been adjourned.

Substitution
for Ordin-
ance No. 5
of 1888,
s. 14.

8. Section 14 of the Coroner's Abolition Ordinance, 1888, is repealed, and the following section is substituted therefor:—

Powers of
magistrate.

14.—(1) (a) The magistrate shall have, in relation to the inquiries provided for in sections 7 and 8, the same powers in all respects as he possesses or may possess in relation to any other proceedings taken before him, and may, at the conclusion of any such inquiry, issue his warrant in Form No. 5 in the Schedule for the apprehension and committal to prison of any person to be brought before him or some other magistrate to be prosecuted according to law, and he may bind over any witness who shall have been examined at the inquiry in a recognisance with or without surety to appear and give evidence in such prosecution:

Schedule,
Form
No. 5.

(*cf.* 16
& 17
Geo. 5,
c. 30,
s. 20 (2)).

Provided that no person who has been charged on indictment may be charged with any offence of which he could have been convicted on the indictment.

Ordinance
No. 41 of
1932.

(b) Every person who has been committed to prison as aforesaid may at any time require from the magistrate's clerk copies of the depositions on which such committal has been made, on payment of the like fees as are by law payable for copies of depositions under section 81 (4) of the Magistrates Ordinance, 1932.

Ordinance
No. 41 of
1932.

(c) When the magistrate has committed any person to prison under the provisions of this section any magistrate may, if he thinks fit, admit such person to bail in the same cases and in the same manner as is provided in section 97 of the Magistrates Ordinance, 1932, and thereupon such person, if in custody, shall be discharged therefrom.

(*cf.* Ordin-
ance No. 7
of 1896,
s. 14).

(2) The magistrate shall have the power to make such order as may be necessary for the purposes of any inquiry which he is empowered by this Ordinance to hold, or with regard to the disposal of any body which may be the subject of such inquiry.

Substitution
for Ordin-
ance No. 5
of 1888,
s. 16.

9. Section 16 of the Coroner's Abolition Ordinance, 1888, is repealed, and the following section is substituted therefor:—

Power
to the
Attorney
General
to require
inquiry
to be held.

16. The Attorney General may require the magistrate to hold an inquiry into the cause of and the circumstances connected with the death of any person.

Substitution
for Ordin-
ance No. 5
of 1888,
s. 18.

10. Section 18 of the Coroner's Abolition Ordinance, 1888, is repealed, and the following section is substituted therefor:—

Power
to the
Attorney
General
to direct
further
investiga-
tion in
certain
cases.

18. Where the proceedings at any inquiry have been closed by the magistrate and it appears to the Attorney General that further investigation is necessary, the Attorney General may require the magistrate to re-open such inquiry and make further investigation, and thereupon the magistrate shall re-open the inquiry and make further investigation and thereafter proceed in the same manner as if the proceedings at such inquiry had not been closed.

11. Sections 15 and 19 of the Coroner's Abolition Ordinance, 1888, are repealed.

Repeal of
ss. 15 and
19 of
Ordinance
No. 5 of
1888.

12. The Schedule to the Coroner's Abolition Ordinance, 1888, is amended by the addition thereto of the following form immediately after form No. 4:—

Addition
of new
Form
No. 5 to
Schedule to
Ordinance
No. 5 of
1888.

FORM No. 5.

[s. 14.]

Warrant of Commitment.

To each and all of the constables of Hong Kong and to the Superintendent of Prisons.

Whereas at proceedings taken before me, a magistrate of the said Colony, under the provisions of the Coroner's Abolition Ordinance, 1888, with respect to the death of *A.B.* and duly taken and held this day of 19 , at , it appears to me that sufficient grounds are disclosed for charging *C.D.* of with the offence of , an offence punishable under section of the Ordinance, :

These are, therefore, to command you, the said constables, in His Majesty's name forthwith to convey the said *C.D.* to a prison, and there to deliver him to the Superintendent of Prisons, with this precept; and you, the said Superintendent, to receive the said *C.D.* into your custody in a prison, and there safely keep him until he shall be brought before me or such other magistrate as may then be sitting at the police court at , to be prosecuted for the said offence according to law on the day of , 19 , or on such other day not being more than seven days thereafter as may be directed by the magistrate before whom he is charged or until he shall earlier be thence discharged by due course of law, unless you shall otherwise be ordered in the meantime.

Dated this day of , 19 .

(L.S.)

(Signed)

Magistrate.

Passed the Legislative Council of Hong Kong, this
23rd day of August, 1934.

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

HONG KONG.

No. 23 of 1934.

I assent.

L. S.

W. PEEL,
Governor.

24th August, 1934.

An Ordinance to amend the Jury Ordinance, 1887.

[24th August, 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 Jury Amendment Ordinance, 1934.
- Substitution for Ordinance No. 6 of 1887, ss. 13 and 14.** **2.** Sections 13 and 14 of the Jury Ordinance, 1887, are repealed and the following sections are substituted:—
- Passing over names for panel.** 13.—(1) In forming any panel, the Registrar shall pass over the names of all persons drawn who are dead or absent from the Colony, but shall return to the ballot box the names of any temporary absentees.
- Ordinance No. 5 of 1888.** (2) In forming a panel under section 9 of the Coroner's Abolition Ordinance, 1888, the Registrar may also pass over and return to the ballot box the names of any persons drawn, if, in his opinion, such persons cannot conveniently be served in sufficient time to secure their attendance as jurors at the inquiry.
- Summoning of jurors. Schedule.** 14. The Registrar shall issue summonses, according to the form in the Schedule, which shall be served on the persons drawn either personally or by leaving the same at their respective residences or places of business; provided that where personal service is not effected the summons shall be left not less than two clear days before the day appointed for the sitting of the court.
- Amendment of Ordinance No. 6 of 1887, s. 23.** **3.** Section 23 of the Jury Ordinance, 1887, is amended by the substitution of the words "Registrar or clerk of the court, who" for the words "Registrar; and the Registrar" in the fifth line.

Passed the Legislative Council of Hong Kong, this 23rd day of August, 1934.

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

HONG KONG.

No. 24 of 1934.

I assent.

L.S.

W. PEEL,
Governor.

24th August, 1934.

An Ordinance to amend the Official Signatures Fees Ordinance,
1888.

[24th August, 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 Official Signatures Fees Amendment Ordinance, 1934. Short title.

2. Section 2 of the Official Signatures Fees Ordinance, 1888, is amended by the addition of the following paragraph at the end thereof:— Amendment of Ordinance No. 1 of 1888, s. 2.

(11) for the signature of the Head of the Sanitary Department—\$5.

Passed the Legislative Council of Hong Kong, this
23rd day of August, 1934.R. A. C. NORTH,
Deputy Clerk of Councils.

HONG KONG.

No. 25 OF 1934.

I assent.

L.S.

W. PEEL,
Governor.

24th August, 1934.

An Ordinance to amend the law relating to Merchant Shipping.

[24th August, 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 Merchant Shipping (No. 2) Amendment Ordinance, 1934.

Amendment of Ordinance No. 10 of 1899, s. 2 (*h*).
cf. 22 Geo. 5, c. 9, s. 74.

2. The Merchant Shipping Ordinance, 1899 is amended by the substitution of the following paragraph for paragraph (*h*) of section 2:—

(*h*) “The Merchant Shipping Acts” means the Merchant Shipping Acts, 1894 to 1932 and includes all regulations thereunder.

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

3. Section 10 of the Merchant Shipping Ordinance, 1899, as amended by the Merchant Shipping Amendment Ordinance 1932, is further amended by the addition of the following subsection at the end thereof:—

(26) If any person—

cf. 57 and 58 Vict. c. 60, s. 282, and 22 Geo. 5, c. 9, s. 71.

(*a*) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration or certificate required by or under this Ordinance or the Merchant Shipping Acts; or

(*b*) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to any such declaration or certificate;

that person shall in respect of each offence be guilty of a misdemeanour.

Substitution for Ordinance No. 10 of 1899, s. 14, and heading.

4. Section 14 of the Merchant Shipping Ordinance, 1899, as amended by the Merchant Shipping Amendment Ordinance, 1932, and the heading thereto are repealed and the following heading and section are substituted therefor:—

Inspection of vessels which are exempt from Part II of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932.

Inspection of non-load line vessels.

14. A Government surveyor may go on board and inspect any vessel which is exempt from Part II of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as extended to the Colony by Order of His Majesty in Council under section 64 thereof.

5. Sub-sections (1), (2) and (3) of Section 41 of the Merchant Shipping Ordinance, 1899, are repealed and the following sub-sections are substituted therefor:—

Substitution for Ordinance No. 10 of 1899, s. 41.

(1) Such of the provisions of the Merchant Shipping Acts as apply to this Colony and are inconsistent with the provisions of this Ordinance are hereby repealed so far as they relate to ships registered in this Colony: But in all other respects the provisions of the said Acts shall be deemed to be in force in the Colony of Hong Kong, so far as they are applicable thereto, and to extend, so far as they can be extended, to all ships registered in the Colony and to the owners, masters and crews of such ships: Provided, however, that the provisions of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, shall extend to the Colony and to ships registered therein and their owners, masters and crews only when, and to the extent that they may be, extended to the Colony by Orders of His Majesty in Council under section 36 or 64 thereof

Modified application of Merchant Shipping Acts, *cf.* 57 & 58 Vict. c. 60, ss. 264 and 735.

(2) Where by or under any of the said Acts functions are required to be performed by the Governor, such functions may be performed by the Governor or by any public officer nominated for the purpose by him.

Certain functions to be exercised by the Governor or his nominee.

(3) Any misdemeanor or other offence under any of the said Acts or under this Ordinance may be prosecuted, heard and determined summarily by any magistrate in accordance with the provisions of the Magistrates Ordinance, 1932: Provided that any fines expressed in terms of English currency that may be imposed shall be paid in local currency calculated at the day's opening demand rate of exchange on London published in the Colony by the Hong Kong and Shanghai Banking Corporation.

Offences *cf.* 22 Geo. 5, c. 9, s. 72.

6. Paragraph (a) of Section 17 (5) of the Merchant Shipping Ordinance, 1899, as enacted by section 10 of the Merchant Shipping Amendment Ordinance, 1932, is repealed and the following paragraph is substituted therefor:—

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

(a) The Harbour Master or any Government ship surveyor or engineer surveyor 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.

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

Commencement.

Passed the Legislative Council of Hong Kong, this 23rd day of August, 1934.

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

HONG KONG.

No. 26 OF 1934.

I assent.

L.S.

W. PEEL,
Governor.

24th August, 1934.

An Ordinance to amend the Betting Duty Ordinance, 1931.

[24th August, 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 Betting Duty Amendment Ordinance, 1934.

Amendment
of Ordinance
No. 40 of
1931, s. 6.

2. Sub-section (1) of section 6 of the Betting Duty Ordinance, 1931, is repealed and the following sub-section substituted :—

(1) On every bet made on any totalisator or pari-mutuel authorised by this Ordinance there shall be charged a duty on a scale to be determined from time to time by a resolution of the Legislative Council.

Passed the Legislative Council of Hong Kong, this 23rd day of August, 1934.

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

HONG KONG.

No. 27 OF 1934.

I assent.

L.S.

W. PEEL,
Governor.

24th August, 1934.

An Ordinance to amend further the Supreme Court Ordinance, 1873.

[24th August, 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 Supreme Court Amendment Ordinance, 1934. Short title.

2. The proviso added by the Supreme Court Amendment Ordinance, 1929, to section 6 of the Supreme Court Ordinance, 1873, is repealed and the following is substituted therefor:— Substitution for proviso at end of Ordinance No. 3 of 1873, s. 6.

Provided that the practice and procedure, howsoever established and regulated, with regard to exchequer and revenue proceedings and the practice with regard to writs of *certiorari*, *habeas corpus* and *mandamus* shall be the same as they were in England on the 31st day of December, 1930.

3. Sub-section (2) of section 9 of the Supreme Court Ordinance, 1873, as enacted by section 2 of the Supreme Court Amendment Ordinance, 1933, is repealed and the following sub-section is substituted therefor:— Substitution for Ordinance No. 3 of 1873, s. 9 (2) as enacted by Ordinance No. 12 of 1933, s. 2.

(2) Every Chief Justice and every Puisne Judge shall, save when appointed by the Governor under the provisions of section 10 of this Ordinance or under the provisions of section 2 (4) of the Full Court Ordinance, 1933, be appointed by Letters Patent under the public seal by the Governor, in accordance with such instructions as he may receive through a Secretary of State, and shall hold his office during His Majesty's pleasure, subject to any conditions contained in any regulation made by or under the authority of His Majesty for His Majesty's Colonial Service. Ordinance No. 8 of 1933.

4. Section 11 of the Supreme Court Ordinance, 1873, as enacted by section 2 of the Supreme Court Amendment Ordinance, 1933, is repealed and the following section is substituted therefor:—

Substitution
for Ordin-
ance No. 3
of 1873,
s. 11 as
enacted by
Ordinance
No. 12 of
1933, s. 2.

11. No Chief Justice or Puisne Judge shall accept or perform any other office or place of profit or emolument not authorised by law: Provided that this section shall not apply to a Judge temporarily appointed under section 10.

Chief
Justice
and Puisne
Judges not
to hold
any other
office of
profit.

Proviso.

5.—(1) Section 13 of the Supreme Court Ordinance, 1873, is amended by the insertion of the following as sub-section (2):

Amendment
of Ordin-
ance No. 3
of 1873,
s. 13.

“(2) The powers and duties of the Registrar shall include such powers and duties as were on the 31st day of December, 1930, assigned to the King’s Remembrancer in England, and the Registry of the Supreme Court shall be deemed to be the office or department of the King’s Remembrancer in the Colony.”

(2) Sub-sections (2) and (3) of the same section 13 are renumbered (3) and (4) respectively.

Passed the Legislative Council of Hong Kong, this 23rd day of August, 1934.

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

APPOINTMENTS, &c.

No. 642.—His Majesty the KING has been pleased to approve the provisional appointment of the Honourable Mr. JOHN OWEN HUGHES to be temporarily an Unofficial Member of the Legislative Council in the place of the Honourable Sir HENRY EDWARD POLLOCK, Kt., K.C., LL.D., who is temporarily absent from the Colony, with effect from 4th May, 1934.

24th August, 1934.

No. 643.—His Excellency the Governor has been pleased to appoint Captain REGINALD DAVID WALKER, M.C., to be Manager and Chief Engineer of the Kowloon-Canton Railway, with effect from the 11th August, 1934.

24th August, 1934.

No. 644.—His Excellency the Governor has been pleased to appoint Mr. WALTER MORRIS THOMSON to act as District Officer in the Southern District of the New Territories in addition to his other duties, with effect from 21st August, 1934.

24th August, 1934.