

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.

14. *Merchandise Marks Amendment (No. 2) Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend further the Merchandise Marks Ordinance, 1890.”

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.

15. *Morrison Scholarships Fund Incorporation Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to incorporate a Body of Trustees capable of holding property and empowered to administer a trust fund known as the Morrison Scholarships Trust Fund for the purpose of providing scholarships at Queen’s College in this Colony.”

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.

16. The Council then adjourned until Thursday, the 22nd day of November, 1934, at 2.30 p.m.

W. PEEL,  
Governor.

Confirmed this 22nd day of November, 1934.

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

No. 886.—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. 40 of 1934.—An Ordinance to make provision for the cremation of the dead.

Ordinance No. 41 of 1934.—An Ordinance to protect the sand supplies of the Colony and to regulate the sale of sand.

HONG KONG.

No. 40 OF 1934.

I assent.

W. PEEL,  
*Governor.*

23rd November, 1934.

An Ordinance to make provision for the cremation of the dead.

[23rd November, 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 Cremation Ordinance, 1934.
- Interpretation.** 2. In this Ordinance “crematorium” means any building or place designed or adapted for the purpose of burning human remains.
- Orders as to crematoria.** 3. The Governor may make orders for any of the following purposes:—
- (1) to set apart any place or building or portion of a building for the purpose of a Government crematorium;
  - (2) to discontinue the use of any Government crematorium and appropriate the site and buildings thereof to any other lawful purpose;
  - (3) to assign the care, conduct and control of Government crematoria to any person, board, body or institution.
- Use of unauthorised crematoria prohibited.** 4. No building or place shall be used as a crematorium other than and except—
- (1) Government crematoria;
  - (2) the crematoria named in the Schedule;
  - (3) crematoria hereafter established with the consent of the Governor notified in the Gazette;
  - (4) a building or place in respect of which the Director of Medical and Sanitary Services shall have granted special and written permission, upon such terms and conditions as he may see fit, to some person or institution to use the same for the burning of the human remains or class of human remains specified in such permit.
- Schedule.**

5. Subject to the proviso in this section contained, no human remains shall be burned in any crematorium, other than Government crematoria and crematoria named in the Schedule, until the plans and site thereof have been approved by the Director of Medical and Sanitary Services and the Director of Public Works, and until it has been made to appear to the Governor that the crematorium is complete, and has been constructed in accordance with such plans and is properly equipped for the purpose of the disposal of human remains by burning: Provided that the foregoing provisions of this section shall not apply to the burning of human remains under and in accordance with a permit granted by the Director of Medical and Sanitary Services as mentioned in section 4.

Matters preliminary to burning of human remains in a crematorium. Schedule.

6. No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, except with the consent of the Governor in Council, nor in the consecrated part of any burial ground.

Site of crematorium.

Any consent of the Governor in Council under the provisions of this section may be limited in point of time and may be subject to such terms and conditions as he may see fit to impose.

7.—(1) It shall be lawful for the Governor in Council to make regulations in respect of any of the following matters:—

Regulations.

(a) the maintenance and inspection of crematoria;

(b) the cases in which and the conditions under which the burning of any human remains may take place;

(c) the disposal or interment of the ashes resulting from any such burning;

(d) the forms of the notices, certificates and declarations to be given or made before any such burning is permitted to take place, such declarations to be made under and by virtue of the Statutory Declarations Ordinance, 1893;

Ordinance No. 8 of 1893.

(e) the fees or charges to be taken and made for the burning of human remains in any crematorium;

(f) the registration of the burnings;

(g) the closing of crematoria, other than Government crematoria, and the delegation of authority to order such closure; and

(h) all such other matters not hereinbefore specifically mentioned as may conduce to the better carrying out of this Ordinance.

(2) All statutory provisions relating to the destruction and falsification of registers of burials, and the admissibility of extracts therefrom as evidence in courts and otherwise, shall apply to the registers of burnings directed by such regulations to be kept.

Application of provisions as to destruction etc. of registers and admissibility of extracts as evidence.

8.—(1) Every person who contravenes any such regulation as aforesaid, or knowingly carries out or procures or takes part in the burning of any human remains, except in accordance with such regulations and the provisions of this

Penalties for breach of regulations, etc.

Ordinance, shall (in addition to any liability or penalty which he may otherwise incur) be liable upon summary conviction to a fine not exceeding five hundred dollars.

(2) Every person who wilfully makes any false declaration or representation, or signs or utters any false certificate, with a view to procuring the burning of any human remains, shall (in addition to any penalty or liability which he may otherwise incur) be liable to imprisonment for any term not exceeding two years.

(3) Every person who, with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or, with such intent, makes any declaration or gives any certificate under this Ordinance, shall be liable on conviction on indictment to imprisonment for any term not exceeding five years.

Fees and charges to be part of funeral expenses.

9. The prescribed fees, and charges and expenses properly incurred in or in connexion with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

Saving for magistrate.

10. Nothing in this Ordinance shall interfere with any jurisdiction or power of any magistrate to order the cremation of a body, and nothing in this Ordinance shall authorise any person to create or permit a nuisance.

Repeal of Ordinance No. 5 of 1914.

11. The Cremation Ordinance, 1914, is repealed.

Passed the Legislative Council of Hong Kong, this 22nd day of November, 1934.

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

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**SCHEDULE.**

[s. 4 (2).]

1. The Japanese Crematorium at Sookunpoo.
2. The Sikh burning ground behind the Sikh Temple.
3. The cremation ground for Indian troops at Kowloon shown on a plan deposited in the office of and signed by the Director of Public Works, and thereon coloured red and blue.

HONG KONG.

No. 41 of 1934.

I assent.

L.S.

W. PEEL,  
Governor.

23rd November, 1934.

An Ordinance to protect the sand supplies of the Colony and to regulate the sale of sand.

[23rd November, 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 Sand Ordinance, Short title. 1934.

2. In this Ordinance "sand" means the loose particles of inorganic matter which are deposited on foreshores or on land other than land in the Colony held under lease from the Crown. Interpretation.

3. Within the Colony the Governor shall have the exclusive privilege of collecting, storing and selling sand. Governor to have exclusive privilege of collecting and selling sand.

4. It shall be lawful for the Governor to prescribe the places from which sand shall be taken and at which it shall be stored, the means whereby it shall be collected and the price at which it shall be sold. Governor authorised to prescribe details.

5. It shall be lawful for the Director of Public Works to grant permits for the collection of sand and its removal to a prescribed place of storage. Power of Director of Public Works to issue permits.

6.—(1) Except under the authority of this Ordinance no vessel other than an ocean-going steamship or motor-ship shall carry any sand whether such sand has been obtained within or without the Colony. Carriage of sand by sea prohibited.

(2) Where any sand is found on board any vessel in contravention of sub-section (1), the master or person in charge of such vessel shall be deemed to be in possession of such sand.

**Penalty.**

7.—(1) Every person who removes any sand from any place, except in accordance with a permit granted under section 5 or except, after purchase, from a prescribed place of storage, or is found in possession of sand otherwise than under the authority of this Ordinance, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars in addition to the forfeiture of the sand in respect of which the offence has been committed.

(2) Where any person is convicted under sub-section (1) of possession of sand on board any vessel and the fine ordered by a magistrate to be paid is not forthwith paid, it shall be lawful for the magistrate to order such vessel to be forfeited.

(3) In any prosecution under this section the onus of proof that possession of any sand is under the authority of this Ordinance shall rest upon the person so removing or found in possession of sand.

**Proceeds to go to revenue.**

8. All proceeds from the sale of sand under the authority of this Ordinance shall be paid into the general revenues of the Colony.

**Commencement.**

9. This Ordinance shall come into force on such date as may be fixed by Proclamation of the Governor.

Passed the Legislative Council of Hong Kong, this 22nd day of November, 1934.

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