

Fourteen members voted against. The Hon. Mr. JOHN JOHNSTONE PATERSON, the Hon. Dr. TS'O SEEN-WAN, C.B.E., LL.D., the Hon. Mr. CHAU TSUN-NIN, the Hon. Mr. MARCUS THEODORE JOHNSON, the Hon. Mr. ARTHUR WILLIAM HUGHES, the Hon. Mr. EDGAR DAVIDSON, the Officer Commanding the Troops, the Colonial Secretary, the Attorney General, the Secretary for Chinese Affairs, the Colonial Treasurer, the Harbour Master, the Director of Medical and Sanitary Services and the Director of Public Works.

ADJOURNMENT.

17. The Council then adjourned until Wednesday, the 9th day of September, 1936, at 2.30 p.m.

A. CALDECOTT,
Governor.

Confirmed this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

No. 744.—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. 34 of 1936.—An Ordinance to amend again the Pensions Ordinance, 1932.

Ordinance No. 35 of 1936.—An Ordinance to amend further the Summary Offences Ordinance, 1932.

Ordinance No. 36 of 1936.—An Ordinance to amend the law relating to stamp duty.

Ordinance No. 37 of 1936.—An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935.

Ordinance No. 38 of 1936.—An Ordinance to amend the Public Health (Animals and Birds) Ordinance, 1935.

Ordinance No. 39 of 1936.—An Ordinance to amend the Public Health (Food) Ordinance, 1935.

HONG KONG.

No. 34 OF 1936.

I assent.



A. CALDECOTT,
Governor.

11th September, 1936.

An Ordinance to amend again the Pensions Ordinance, 1932.

[11th September, 1936.]

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 Pensions Amendment (No. 3) Ordinance, 1936.

Amendment of Ordinance No. 21 of 1932, s. 8.

2. Section 8 of the Pensions Ordinance, 1932, is amended by the addition of the following proviso at the end thereof:—

Provided nevertheless that it shall be lawful for the Governor in Council to grant a pension, gratuity or other allowance, calculated according to the principles upon which pensions, gratuities and other allowances are calculated under this Ordinance, to any officer who, with the consent of the Governor and with the approval of the Secretary of State, has voluntarily retired before attaining the age of fifty years not later than the 4th June, 1938.

Passed the Legislative Council of Hong Kong this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

HONG KONG.

No. 35 OF 1936.

I assent.

L.S.

A. CALDECOTT,
Governor.

11th September, 1936.

An Ordinance to amend further the Summary Offences Ordinance, 1932.

[11th September, 1936.]

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 Summary Offences (No. 2) Amendment Ordinance, 1936. Short title.

2. Paragraph (17) of section 3 of the Summary Offences Ordinance, 1932, is amended by the substitution of the words "distributed, posted up or exhibits, or causes to be distributed, posted up or exhibited, any handbill, notice or proclamation" for the words "posts up or exhibits, or causes to be posted up or exhibited, any notice or proclamation" in the first and second lines of that paragraph. Amendment of Ordinance No. 40 of 1932, s. 3 (17).

3. Section 3 of the Summary Offences Ordinance, 1932, is amended by the insertion of the following new paragraph after paragraph (17) thereof:— New paragraph (17A) for Ordinance No. 40 of 1932, s. 3.

(17A) In or near any public place defaces any rock or any road-cutting by carving or otherwise marking thereon any letter, character, figure or device;

Passed the Legislative Council of Hong Kong this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

HONG KONG.

No. 36 of 1936.

I assent.

(L.S.)

A. CALDECOTT,
Governor.

11th September, 1936.

An Ordinance to amend the law relating to stamp duty.

[11th September, 1936.]

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 Stamp Amendment Ordinance, 1936.

Insertion of new s. 31A in Ordinance No. 8 of 1921.

2. The following section is inserted in the Stamp Ordinance, 1921, immediately after section 31 thereof:—

Certain contracts to be chargeable with conveyance duty. 54 & 55 Vict. c. 39, s. 59.

31A.—(1) Any contract or agreement for the sale of any equitable estate or interest in any property whatsoever, or for the sale of any estate or interest in any property except lands, tenements, or hereditaments, or property locally situate out of the Colony, or goods, wares or merchandise, or stocks, or marketable securities, or United Kingdom patents, or trade marks and the proportion of goodwill created thereby, or any ship or vessel, or part interest, share, or property of or in any ship or vessel, shall be charged with the same *ad valorem* duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate, interest, or property contracted or agreed to be sold.

(2) Where the purchaser has paid the said *ad valorem* duty and before having obtained a conveyance or transfer of the property, enters into a contract or agreement for the sale of the same, the contract or agreement shall be charged, if the consideration for that sale is in excess of the consideration for the original sale, with the *ad valorem* duty payable in respect of such excess consideration, and in any other case with the fixed duty of twenty dollars or one dollar, as the case may require.

(3) Where duty has been duly paid in conformity with the foregoing provisions, the conveyance or transfer made to the purchaser or sub-purchaser, or any other person on his behalf or by his direction, shall not be chargeable with any duty, and the Collector, upon application, either shall denote the payment of the *ad valorem* duty upon the conveyance or transfer, or shall transfer the *ad valorem* duty thereto upon production of the contract or agreement, or contracts or agreements, duly stamped.

(4) Provided that where any such contract or agreement is stamped with the fixed duty of twenty dollars or one dollar,

as the case may require, the contract or agreement shall be regarded as duly stamped for the mere purpose of proceedings to enforce specific performance or recover damages for the breach thereof.

(5) Provided also that where any such contract or agreement is stamped with the said fixed duty, and a conveyance or transfer made in conformity with the contract or agreement is presented to the Collector for stamping with the *ad valorem* duty chargeable thereon within the period of six months after the first execution of the contract or agreement, or within such longer period as the Collector may think reasonable in the circumstances of the case, the conveyance or transfer shall be stamped accordingly, and the same, and the said contract or agreement, shall be deemed to be duly stamped. Nothing in this proviso shall alter or affect the provisions as to the stamping of a conveyance or transfer after the execution thereof.

(6) Provided also, that the *ad valorem* duty paid upon any such contract or agreement shall be returned by the Collector in case the contract or agreement be afterwards rescinded or annulled, or for any other reason be not substantially performed or carried into effect, so as to operate as or be followed by a conveyance or transfer.

3. Sub-section (1) of section 35 of the Stamp Ordinance, 1921, as amended by section 3 of the Stamp Amendment Ordinance, 1925, is further amended by the substitution of the words "as far as possible" for the words "in all respects" in the fifth line.

Amendment of Ordinance No. 8 of 1921, s. 35 (1) as amended by Ordinance No. 1 of 1925, s. 3.

4. The Schedule to the Stamp Ordinance, 1921, is amended by the insertion of the following heading immediately after heading 3 thereof:—

New Heading 3A for Ordinance No. 8 of 1921, Schedule.

3A	(1) Agreement or contract for the sale of any equitable estate or interest in any property whatsoever. <i>Exemption.</i> Ship or vessel, or any part interest, share, or property of or in any ship or vessel.	\$1 for every \$100 or part thereof of the amount or value of the consideration.	Over-embossed	7 days after execution.	The purchaser.
	(2) Agreement or contract for the sale of any estate or interest in any property. <i>Exemptions.</i> (a) Lands, tenements, or hereditaments. (b) Property locally situate out of the Colony. (c) Goods, wares, or merchandise. (d) Stocks or marketable security. (e) United Kingdom Patent.	\$1 for every \$100 or part thereof of the amount or value of the consideration.	Over-embossed	7 days after execution.	The purchaser.

(f) Trade mark and the proportion of goodwill created thereby.				
(g) Ship or vessel, or any part interest, share, or property of or in any ship or vessel.				
See also :— Letters Patent Trade Marks.				

Amendment of Ordinance No. 8 of 1921, Schedule, Heading 10 (7).

5. Heading No. 10 (7) in the Schedule to the Stamp Ordinance, 1921, is amended in the third column by the substitution of the figures and words "10 cents for the first \$100 or part thereof and 5 cents for every subsequent \$100 or part thereof" for the figures and words "10 cents for every \$500 or part thereof."

New Heading 29 (6A) for Ordinance No. 8 of 1921, Schedule.

6. Heading No. 29 in the Schedule to the Stamp Ordinance, 1921, is amended by the insertion of the following sub-heading immediately after sub-heading (6) thereof :—

(6A) Agreement for a collateral or auxiliary or additional or substituted security or for a mortgage to be executed by way of further assurance : provided in every case that the principal security was duly stamped under sub-heading (1).	10 cents for every \$100 or part thereof of the value of the additional or substituted security	Over-embossed.	7 days after execution.	All persons executing.
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Passed the Legislative Council of Hong Kong, this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

HONG KONG.

No. 37 of 1936.

I assent.

LS.

A. CALDECOTT,
Governor.

11th September, 1936.

An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935.

[11th September, 1936.]

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 Public Health (Sanitation) Amendment Ordinance, 1936. Short title.

2. The definition 'Urban District' in section 3 of the Public Health (Sanitation) Ordinance, 1935, is amended by the deletion of the words "the City of Victoria," and the substitution therefor of the words "the Island of Hong Kong." Amendment of Ordinance No. 15 of 1935, s. 3.

3. The definition 'Workshop' in section 3 of the Public Health (Sanitation) Ordinance, 1935, is amended— Amendment of Ordinance No. 15 of 1935, s. 3.

(a) by the substitution of a full stop for a comma after the word "article" in the sixth line thereof; and

(b) by the deletion of the words "provided that at least twenty persons are employed in manual labour in the said premises or in the close, curtilage or precincts thereof."

4. Section 3 of the Public Health (Sanitation) Ordinance, 1935, is amended by the insertion immediately after the definition 'Pail latrine' of the following definition:— Amendment of Ordinance No. 15 of 1935, s. 3.

'Laundry' means any place at which articles of clothing or of household use are washed, and includes any place wherein any such articles are dried, aired, ironed or stored after washing or where any such articles are received for the purpose of being forwarded to or returned from any place where they are to be or have been washed. Laundry.

5. Sub-section (1) (xx) of section 4 of the Public Health (Sanitation) Ordinance, 1935, is amended by the deletion of the words "the regulation of" and by the substitution therefor of the following words "the construction, licensing, regulation and proper sanitary maintenance of". Amendment of Ordinance No. 15 of 1935, s. 4 (1) (xx).

Amendment
of Ordinance
No. 15 of
1935, s. 4
(1).

6. Section 4 (1) of the Public Health (Sanitation) Ordinance, 1935, is amended by the addition of the following subsection at the end thereof:—

(xxvi) the fixing of fees to be charged in connection with any of the above matters.

Amendment
of Ordinance
No. 15 of
1935, s. 9.

7. Section 9 of the Public Health (Sanitation) Ordinance, 1935, is amended—

(a) by the insertion of the words “or any officer of the Sanitary Department” after the word “Officer” in the first line thereof; and

(b) by the deletion of the words “for Health Officers” in the marginal note thereto.

Amendment
of Ordinance
No. 15 of
1935, s. 13.

8. Section 13 of the Public Health (Sanitation) Ordinance, 1935, is amended by the insertion after the word “condition” in the fourth line thereof of the following words—“or is otherwise unlawfully occupied under this Ordinance”.

Amendment
of Ordinance
No. 15 of
1935, s. 22
(1).

9. Section 22 (1) of the Public Health (Sanitation) Ordinance, 1935, is amended—

(a) by the insertion of the words “any of the provisions of this Ordinance or of” after the word “of” in the second line thereof;

(b) by the insertion of the words “of this Ordinance or” after the word “provisions” in the fourth line thereof;

(c) by the insertion of the words “Ordinance or” after the word “with” in the marginal note thereto.

Amendment
of Ordinance
No. 15 of
1935, s. 22
(2).

10. Section 22 (2) of the Public Health (Sanitation) Ordinance, 1935, is amended by the insertion of the words “any of the provisions of this Ordinance or of” after the word “contravening” in the fourth line thereof.

Amendment
of Ordinance
No. 15 of
1935, s. 36.

11. Section 36 of the Public Health (Sanitation) Ordinance, 1935, is amended by the deletion of the words “, with the consent of the Governor in Council,” in the proviso thereof.

Amendment
of Ordinance
No. 15 of
1935, s. 74,
s. 75 (8).

12. The words “Colonial Secretary” are substituted for the word “Governor” in section 74, and in sub-section (8) of section 75 and the marginal note thereto, of the Public Health (Sanitation) Ordinance, 1935.

Amendment
of Ordinance
No. 15 of
1935, s. 75,
s.s. 3 (b).

13. Sub-section 3 (b) of section 75 of the Public Health (Sanitation) Ordinance, 1935, is amended by the deletion of the words “the Governor under the hand of”.

Amendment
of Ordinance
No. 15 of
1935, s. 75,
s.s. (5).

14. Sub-section (5) of section 75 of the Public Health (Sanitation) Ordinance, 1935, is amended by the deletion of the words “the Governor, under the hand of” in the second and third lines thereof and by the substitution of the words “Colonial Secretary” for the word “Governor” in the marginal note thereto.

Passed the Legislative Council of Hong Kong, this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

HONG KONG.

No. 38 of 1936.

I assent.



A. CALDECOTT,
Governor.

11th September, 1936.

An Ordinance to amend the Public Health (Animals and Birds) Ordinance, 1935.

[11th September, 1936.]

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 Public Health Short title.
(Animals and Birds) Amendment Ordinance, 1936.

2. The following heading and sections are inserted in the New sections 12, 13 and 14 added to Ordinance No. 16 of 1935.
Public Health (Animals and Birds) Ordinance, 1935, immediately after section 11 thereof:—

Appeal to Governor in Council.

12.—(1) Whenever any person is dissatisfied with the Appeal to Governor in Council against decision of any person entrusted with power under this Ordinance.
exercise of the discretion of the Urban Council or of any person to whom discretionary power is given under this Ordinance in respect of any act, matter or thing which is by this Ordinance made subject to the exercise of the discretion of such authority, or with any action or decision of the Council or of any such person either as to the carrying out of or the meaning of any of the provisions of this Ordinance, or whenever any of the provisions of this Ordinance are, owing to special conditions, undesirable, the person so dissatisfied may, unless proceedings have already been taken before a magistrate in relation thereto, appeal to the Governor in Council, who, if in his opinion the exercise of such discretion or such action or decision requires modification, revocation or setting aside, or such special conditions exist as render any such provision undesirable, may make such order in respect thereof as may be just.

(2) The grounds of such appeal shall be concisely stated in writing, and the appellant may, if he so desires, be present at the hearing of such appeal and be heard in its support either by himself or by his representative, and the Governor in Council shall thereafter determine the matter in the absence of, and without further reference to, the Urban Council.

Governor in Council empowered in any appeal to state case for the opinion of Full Court on question of law.

13.—(1) In any appeal under the provisions of section 12 the Governor in Council may at any time in his discretion direct a case to be stated for the opinion of the Full Court on any question of law involved in any appeal submitted to him. The terms of such case shall be agreed upon by the parties concerned, or in the event of their failure to agree shall be settled by the Full Court. The Full Court shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the matter to the Governor in Council who shall give effect by order to the finding of the court. The costs of such hearing shall be in the discretion of the court.

(2) Any party to the appeal shall be entitled to be heard by counsel on the hearing of any case so stated.

(3) No proceedings by way of *mandamus*, injunction, prohibition or other order shall be taken against the Governor in Council in respect of anything arising out of this section.

(4) The Clerk of Councils shall give the appellant seven days notice of the hearing of the appeal, and shall at the same time furnish the appellant with a copy of the evidence and documents submitted by the respondent for the consideration of the Governor in Council.

Provided that nothing herein contained shall be deemed to prevent any person from applying to the Supreme Court for a *mandamus*, injunction, prohibition or other order, should he elect so to do instead of appealing to the Governor in Council under section 12.

Order of Governor in Council enforced by the Court.

14. Every order of the Governor in Council on any appeal shall be final and may be enforced by the Supreme Court as if it had been an order of that court.

Renumbering of sections 12 and 13 of Ordinance No. 16 of 1935.

3. Sections 12 and 13 of the Public Health (Animals and Birds) Ordinance, 1935, are renumbered sections 15 and 16 respectively.

Passed the Legislative Council of Hong Kong, this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

HONG KONG.

No. 39 OF 1936.

I assent.



A. CALDECOTT,
Governor.

11th September, 1936.

An Ordinance to amend the Public Health (Food) Ordinance,
1935.

[11th September, 1936.]

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 Public Health Short title.
(Food) Amendment Ordinance, 1936.

2. Section 2 of the Public Health (Food) Ordinance, Amendment
of Ordinance
No. 13 of
1935, s. 2.
1935, is amended by the repeal of the definitions “Dairy”,
“Dairyman” and Milkshop” and by the substitution therefor
of the following definitions:—

“Dairy” includes any farm, cowshed, milk store, or
other place from which milk is supplied on, or for, sale or in
which milk is kept or used for purposes of sale or manufacture
into butter, cheese, dried milk or condensed milk for sale, and,
in the case of a purveyor of milk who does not occupy any
premises for the sale of milk, includes the place where he
keeps the vessels used by him for the sale of milk, but does
not include a shop from which milk is not supplied otherwise
than in the properly closed and unopened receptacles in which
it was delivered to the shop, or a shop or other place in
which milk is sold for consumption on the premises only.

“Dairyman” includes any keeper of cows or buffaloes
for the purpose of trade in milk, any purveyor of milk, any
occupier of a dairy, or any occupier of a milk shop, and in
cases where a dairy or milk shop is owned by a corporation
or company includes the secretary or other person actually
managing such dairy or milk shop.

“Milk shop” includes any premises on which fresh milk
is sold in the properly closed and unopened receptacles in
which it was delivered to the premises, but does not include
a shop or other place in which milk is sold for consumption
on the premises only.

Amendment
of Ordinance
No. 13 of
1935, s. 4
(4).

3. Section 4 (4) of the Public Health (Food) Ordinance, 1935, is amended by the deletion of the words "the Director of Medical and Sanitary Services," and by the substitution therefor of the words "the Chairman of the Urban Council,".

Amendment
of Ordinance
No. 13 of
1935, s. 4
(5).

4. Section 4 (5) of the Public Health (Food) Ordinance is amended—

(a) by the substitution of the word "twenty-four" for the word "forty-eight", and

(b) by the deletion of the words "and may order the articles seized to be restored" at the end of the section and by the substitution therefor of the words "and may order to be paid by way of compensation such sum of money not exceeding the market value of the food seized as he may consider reasonable."

Repeal
of Ordinance
No. 13 of
1935, s. 4
(6).

5. Section 4 (6) of the Public Health (Food) Ordinance is repealed.

Amendment
of Ordinance
No. 13 of
1935, s. 5.

6. Section 5 of the Public Health (Food) Ordinance, 1935, is amended—

(a) by the deletion from sub-section (2) thereof of the following words—"and the fixing of fees to be charged in connection therewith", and

(b) by the insertion of the following sub-section, numbered (13A) immediately after sub-section (13) thereof:—

(13A) The fixing of fees to be charged in connection with any of the above matters.

New
sections 10,
11, 12, 13
and 14
added to
Ordinance
No. 13 of
1935.

7. The following sections are inserted in the Public Health (Food) Ordinance, 1935, immediately after section 9 thereof:—

Power of
arrest in
absence of
police officer.

10. In the absence of an officer of police it shall be lawful for any officer of the Sanitary Department in whose presence an offence against any of the provisions of this Ordinance or of any by-law made thereunder has been committed, to arrest the offender and either give him into the custody of an officer of police or take him to the nearest police station: Provided that no such arrest shall be effected except in a public place or place of public resort or unless it is impracticable to proceed against the offender by complaint and summons.

Application
of Ordinance
to New
Territories,
etc.

11. This Ordinance and the regulations and by-laws made thereunder shall not apply to any part of the New Territories, except New Kowloon, unless and to such extent as the Governor in Council shall by order otherwise direct.

Appeal to
Governor in
Council
against
decision of
any person
entrusted
with power
under this
Ordinance.

12.—(1) Whenever any person is dissatisfied with the exercise of the discretion of the Urban Council or of any person to whom discretionary power is given under this Ordinance in respect of any act, matter or thing which is by this Ordinance made subject to the exercise of the discretion of such authority, or with any action or decision of the Council or of any such person either as to the carrying out of or the meaning of any of the provisions of this Ordinance, or whenever any of the

provisions of this Ordinance are, owing to special conditions, undesirable, the person so dissatisfied may, unless proceedings have already been taken before a magistrate in relation thereto, appeal to the Governor in Council, who, if in his opinion the exercise of such discretion or such action or decision requires modification, revocation or setting aside, or such special conditions exist as render any such provision undesirable, may make such order in respect thereof as may be just.

(2) The grounds of such appeal shall be concisely stated in writing, and the appellant may, if he so desires, be present at the hearing of such appeal and be heard in its support either by himself or by his representative, and the Governor in Council shall thereafter determine the matter in the absence of, and without further reference to, the Urban Council.

13.—(1) In any appeal under the provisions of section 12 the Governor in Council may at any time in his discretion direct a case to be stated for the opinion of the Full Court on any question of law involved in any appeal submitted to him. The terms of such case shall be agreed upon by the parties concerned, or in the event of their failure to agree shall be settled by the Full Court. The Full Court shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the matter to the Governor in Council who shall give effect by order to the finding of the court. The costs of such hearing shall be in the discretion of the court.

Governor in Council empowered in any appeal to state case for the opinion of Full Court on question of law.

(2) Any party to the appeal shall be entitled to be heard by counsel on the hearing of any case so stated.

(3) No proceedings by way of *mandamus*, injunction, prohibition or other order shall be taken against the Governor in Council in respect of anything arising out of this section.

(4) The Clerk of Councils shall give the appellant seven days notice of the hearing of the appeal, and shall at the same time furnish the appellant with a copy of the evidence and documents submitted by the respondent for the consideration of the Governor in Council.

Provided that nothing herein contained shall be deemed to prevent any person from applying to the Supreme Court for a *mandamus*, injunction, prohibition or other order, should he elect so to do instead of appealing to the Governor in Council under section 12.

14. Every order of the Governor in Council on any appeal shall be final and may be enforced by the Supreme Court as if it had been an order of that court.

Order of Governor-in-Council enforced by the Court.

8. Sections 10, 11 and 12 of the Public Health (Food) Ordinance, 1935, are renumbered sections 15, 16 and 17 respectively.

Renumbering of sections 10, 11 and 12 of Ordinance No. 13 of 1935.

Passed the Legislative Council of Hong Kong, this 9th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.