

The Colonial Secretary seconded.
 Question—put and agreed to.
 Bill read a third time and passed.

13. *Public Health (Animals and Birds) Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Public Health (Animals and Birds) Ordinance, 1935.”

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.

14. *Public Health (Food) Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Public Health (Food) Ordinance, 1935.”

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.

15. The Council then adjourned until Wednesday, the 16th day of September, 1936, at 2.30 p.m.

A. CALDECOTT,
Governor.

Confirmed this 16th day of September, 1936.

D. M. MACDOUGALL,
Clerk of Councils.

No. 757.—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 1936.—An Ordinance to validate certain undertakings which have been constructed or commenced over and upon unleased Crown foreshores and sea bed ; and to enact certain general provisions which shall be deemed incorporated, unless expressly varied or excepted, in future Ordinances authorising reclamation or other works of a public nature over and upon such foreshores and sea bed.

Ordinance No. 41 of 1936.—An Ordinance to provide for the incorporation of the Superioress in Hong Kong of the Congregation of the Sisters of the Precious Blood.

HONG KONG.

No. 40 OF 1936.

I assent.

L. S.

A. CALDECOTT,
Governor.

16th September, 1936.

An Ordinance to validate certain undertakings which have been constructed or commenced over and upon unleased Crown foreshores and sea bed; and to enact certain general provisions which shall be deemed incorporated, unless expressly varied or excepted, in future Ordinances authorising reclamation or other works of a public nature over and upon such foreshores and sea bed.

[16th 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 Public Reclamations Validation and Clauses Ordinance, 1936.

Part I.

Validation of undertakings set out in the Schedule and extinction of rights, claims, etc. with respect thereto.

2.—(1) All public and private rights of navigation or fishing and all public and private rights of access, user, possession or occupation, and all other public or private rights (if any) in upon and over the Crown foreshore, sea bed and land occupied, or to be occupied on completion, by each of the undertakings set out in the Schedule, and existing prior to the commencement thereof, shall be deemed to have been extinguished and to have ceased to exist on such commencement; and such undertakings are validated for all purposes notwithstanding that such works may have been undertaken or commenced without regard to such rights (if any) and without the authority of any enactment extinguishing such rights.

(2) No claim shall at any time be made, or action brought or continued, in respect of the extinguishment under this section, in whole or in part, of any public or private right, or the injurious affection of any land or other property resulting therefrom.

Section 10 to apply also to the Pipe Lines and other undertakings in Schedule.

3. The provisions of section 10 shall apply also to the Pipe Lines and other undertakings set out in the Schedule.

Part II.

4. In any future Ordinance authorising any undertaking for reclamation or other works of a public nature over and upon unleased Crown foreshore and sea bed, provisionally and subject to the definitive approval of the Governor in Council, the provisions of this Part of this Ordinance shall be deemed to be incorporated unless expressly varied or excepted by such Ordinance.

Application of Part II to future Ordinances authorising provisionally public undertakings over and upon unleased Crown foreshore and sea bed. cf. 8 & 9 Vict. c. 18, s. 1.

5.—(1) Notification of every such undertaking with a description thereof and of the area intended to be occupied in connection therewith, shall be published in every ordinary issue of the Gazette during a period of two months and shall also be published by proclamation in the Chinese language which shall be publicly posted in some suitable place on or near the said area.

Notification of undertaking, hearing of objections, publication of definitive approval and commencement of execution of undertaking.

(2) Every such notification and proclamation shall contain a notice calling upon all persons having objections to the said undertaking or any claims of private right in respect thereof to send in their objections or claims of right in writing, specifying the nature of such objections and claims, to the Director of Public Works before the expiration of the said period of two months.

(3) All such objections and claims shall be duly considered by the Governor in Council who shall afford to every person, who has so sent in his objection or claim in writing, an opportunity of being heard in person or by counsel or solicitor.

(4) After affording the objectors and claimants an opportunity of being heard, or if no objection or claim is sent in as aforesaid, the Governor in Council may give definitive approval of the undertaking or any modification thereof.

(5) Notification of such definitive approval with a description of the undertaking and of the area intended to be occupied in connection therewith shall be published in the Gazette.

(6) The execution of any such undertaking or any modification thereof shall not be commenced until such definitive approval shall have been so published.

6. Subject to the provisions of sections 7, 8 and 9, upon the publication of such definitive approval all public and private rights of navigation or fishing and all public and private rights of access, user, possession or occupation, and all other public or private rights (if any) in upon and over the Crown foreshore, sea bed and land to be occupied by the undertaking shall be extinguished and cease to exist.

Extinction of rights on publication of definitive approval.

7.—(1) No action shall at any time be brought or continued in respect of the extinguishment under section 6, in whole or in part, of any public or private right or the injurious affection of any land or other property resulting therefrom. But any person who shall have sent in a claim

Provision for compensation claims where private rights are affected.

of private right under section 5 (2) (or the executors, administrators or assigns of such person) and who seeks to recover compensation in respect of any such extinguishment or injurious affection, may, within two months after the publication of the definitive approval under section 5 (5), deliver to the Director of Public Works a Statement of Claim in writing setting forth, with full particulars, the nature of his claim and the amount of compensation which he seeks to recover.

(2) The Governor may, if he thinks fit, enter into an agreement with any claimant for the compromise or settlement of any claim.

(3) If the Governor makes no offer of settlement or compromise which is accepted within two months of such delivery of the written Statement of Claim, the claimant may within three months of such delivery notify the Director of Public Works that he desires a reference to a judge; and the Governor shall thereupon refer the claim with the particulars thereof to such one of the judges as the Chief Justice shall arrange.

(4) Such judge shall on the application of any party, or may without any such application, appoint one or more assessors to advise him upon any matters requiring professional knowledge.

(5) Such judge may order such pleadings and discovery to be filed or made as he may consider necessary for the proper determination of the issues and shall hear any evidence which either the Director of Public Works or the claimant may wish to tender and, if so desired, hear counsel or solicitor on behalf of the Crown and the claimant, and shall determine the amount of compensation, if any, to be paid to any such claimant, and may award costs in his discretion either for or against the Crown or for or against any party claiming compensation, such costs in case of difference to be taxed by the Registrar of the Supreme Court.

(6) There shall be an appeal as of right to the Full Court from any award or decision of a judge under this section.

Powers of judge in claims of compensation.

8. For the purposes of the hearing of any claim for compensation, such judge shall have powers similar to those vested in the Supreme Court on the occasion of any action in respect of the following matters:—

- (a) enforcing the attendance of witnesses and examining them upon oath, or otherwise;
- (b) compelling the production of documents;
- (c) punishing persons guilty of contempt;
- (d) ordering inspection of any premises; and
- (e) entering upon and viewing any premises.

No enlargement of compensation rights.

9. Nothing in this Ordinance shall be deemed to recognise or create any right or claim, or any greater right or claim to compensation than but for this Ordinance would exist and be recognised and enforceable by action in the Court.

Liability for damage to works.
10 & 11
Vict. c. 27,
s. 74.

10.—(1) The owner of every vessel or float of timber shall be answerable to the Government for any damage done by such vessel or float of timber, or by any person employed about the same, to any undertaking authorised or validated by this Ordinance or connected therewith, and the master

or person having the charge of such vessel or float of timber through whose wilful act or negligence any such damage is done shall also be liable to make good the same; and the Government may detain any such vessel or float of timber until sufficient security has been given for the amount of damage done by the same: Provided that no such owner shall be liable, in the absence of negligence by himself or his employees, if the damage was occasioned through stress of weather conditions at a time when day or night typhoon signals No. 9 (gale expected to increase) or No. 10 (wind of typhoon force expected) are displayed by the Royal Observatory.

(2) Any claim or other proceedings by the Government under this section may be brought in the name of the Attorney General.

(3) Nothing in this section shall be deemed to authorise the arrest of, or proceedings against, any vessel which is the property of His Majesty or of any foreign State.

11. Nothing in this Ordinance shall be deemed to be in derogation of any of the powers or rights of the Crown. Saving of right of the Crown.

12. Nothing in this Ordinance shall be deemed to authorise the construction of any works within or interfering with the Admiralty works authorised by the Naval and Military Works Ordinance, 1906, without the previous consent of His Majesty's Lords Commissioners of the Admiralty. Saving of Admiralty rights. Ordinance No. 8 of 1906.

Passed the Legislative Council of Hong Kong, this 16th day of September, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

SCHEDULE.

Date.	Undertaking.	Approximate Area in Acres.	Whether in Progress or Completed.
1912-1926	Reclamation at Shamshuipo ...	103	Completed.
1920-1928	Tai Kok Tsui Reclamation	84	do.
1922-1927	Water Boat Dock at Laichikok.	1.4	do.
1923-1927	Kowloon Bay East Reclamation	18.5	do.
do.	Kowloon Bay West Reclamation	128.5	do.
1929-1930	Passenger Ferry Pier at Shan Tung Street, Mong Kok Tsui.	.25	do.
do.	Passenger Ferry Pier at Pei Ho Street, Shamshuipo25	do.
1930	First Cross-Harbour Pipe Line.	—	do.
1931-1932	Vehicles and Passenger Ferry Pier and approaches at Jubilee Street, Hong Kong	1.73	do.
do.	Vehicles and Passenger Ferry Pier and approaches at Jordan Road, Kowloon	2.66	do.
1931	Reclamation at North Point extending eastwards from M.L. 431	18	In progress.
1932	Reclamation at Yacht Club	5.66	do.
1934	Reclamation at Kun Tong	90	do.
1934	Reclamation at Kennedy Town.	7	do.
1934	Refuse-boat Pier and Live-stock Landing at Ma Tau Kok Road	5	Completed.
1934	Refuse-boat Pier at Kweilin Street028	do.
1934	Second Cross-Harbour Pipe Line	—	do.
1934	Landing Steps at Arsenal Street	.009	do.

HONG KONG.

No. 41 of 1936.

I assent.



A. CALDECOTT,
Governor.

16th September, 1936.

An Ordinance to provide for the incorporation of the Superioress in Hong Kong of the Congregation of the Sisters of the Precious Blood.

[16th 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 Sisters of the Precious Blood Order Incorporation Ordinance, 1936. Short title.

2. The Superioress for the time being in the Colony of Hong Kong of the Congregation of the Sisters of the Precious Blood shall be a body corporate (hereinafter called the corporation) and shall have the name of "The Superioress of the Sisters of the Precious Blood" and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal. Incorporation of the Superioress in Hong Kong of the Congregation of the Sisters of the Precious Blood.

3.—(1) Subject to the provisions of subsection (2), the corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind so ever and wheresoever situate, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon mortgages, debentures, stocks, funds, shares or securities of any government, municipality, corporation, company or person, and also to purchase acquire and possess other goods and chattels of what nature and kind soever. Power of the Corporation.

(2) Notwithstanding the provisions of sub-section (1), the corporation shall not acquire any immovable property in the Colony unless it shall have previously obtained the special consent of the Governor in Council in each case.

(3) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings,

messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or other goods and chattels, which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit.

Vesting of property.

4. The piece or parcel of ground known and registered in the Land Office as New Kowloon Inland Lot No. 1114 with the messuages, erections and buildings thereon together with all rights easements and appurtenances belonging or appertaining thereto or therewith usually held occupied and enjoyed are hereby transferred to and vested in the corporation subject to the payment of the rents and the performance of the covenants and conditions reserved by and contained in the Crown Lease thereof or in any license relating thereto.

Appointment of Superioress.

5.—(1) Sister Joanna Tam the present Superioress in this Colony of the said Congregation having furnished satisfactory evidence of her appointment to that office, shall for the purposes of this Ordinance be deemed to be the Superioress in this Colony of the said Congregation until the appointment in her stead of some other person as such Superioress.

(2) When any other person is appointed to the office of the Superioress in the Colony of the said Congregation such person shall, within three weeks after her appointment or within such further time as may be allowed by the Governor, furnish to the Governor satisfactory evidence of her appointment.

(3) A notification in the Gazette under the hand of the Colonial Secretary that such evidence has been furnished to the Governor by such person shall be conclusive evidence of such appointment.

Execution of documents.

6. All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the person who is for the time being Superioress in this Colony of the said Congregation or of her Attorney duly authorised and such signing shall be taken as sufficient evidence of the due sealing of such deeds and other instruments and all deeds, instruments and other documents and writings requiring the signature of the corporation shall be signed by such Superioress or her Attorney.

Saving of the rights of the Crown and of certain other persons.

7. 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 other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

Passed the Legislative Council of Hong Kong, this 16th day of September, 1936.

D. M. MACDOUGALL,
Deputy of Clerk Council's.