

No. 946.—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. 46 of 1936.—An Ordinance to give effect to the change in name and style of the offices heretofore known as those of Director of Medical and Sanitary Services and Deputy Director of Medical and Sanitary Services.

Ordinance No. 47 of 1936.—An Ordinance to amend the Merchant Shipping Ordinance, 1899.

Ordinance No. 48 of 1936.—An Ordinance to provide for the registration and inspection of nursing homes and maternity homes and for purposes connected therewith.

Ordinance No. 49 of 1936.—An Ordinance to amend further the Midwives Ordinance, 1910.

Ordinance No. 50 of 1936.—An Ordinance to amend the Defences (Firing Areas) Ordinance, 1936.

Ordinance No. 51 of 1936.—An Ordinance to provide for a revised edition of the Ordinances, and for a revised edition of the Regulations of the Colony.

HONG KONG.

No. 46 OF 1936.

I assent.

L.S.

A. CALDECOTT,
Governor.

4th December, 1936.

An Ordinance to give effect to the change in name and style of the offices heretofore known as those of Director of Medical and Sanitary Services and Deputy Director of Medical and Sanitary Services.

[4th December, 1936.]

WHEREAS the Governor has been pleased, at the request of the Secretary of State in order to preserve uniformity in the nomenclature of scheduled posts of the Colonial Medical Service, to direct that the offices hitherto known and styled as the Director of Medical and Sanitary Services and as the Deputy Director of Medical and Sanitary Services shall be hereafter known and styled respectively as Director of Medical Services and Deputy Director of Medical Services, and it is expedient to give effect to such direction :—

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 Director of Medical and Sanitary Services (Change of Name) Ordinance, 1936. Short title.

2. Whenever in any Ordinance, order of the Governor in Council, order of the Governor, appointment, rule, regulation, minute, by-law, deed, contract, official letter, or other document the term "Director of Medical and Sanitary Services" or "Deputy Director of Medical and Sanitary Services", or the term "Principal Civil Medical Officer" or "Colonial Surgeon" occurs, and it is necessary to give effect thereto, such document shall be read and construed as if the term "Director of Medical Services" were substituted for the term "Director of Medical and Sanitary Services" or "Principal Civil Medical Officer" or "Colonial Surgeon" and as if the term "Deputy Director of Medical Services" were substituted for the term "Deputy Director of Medical and Sanitary Services". Construction of Ordinances, etc., where the terms "Director of Medical and Sanitary Services", "Deputy Director of Medical and Sanitary Services", "Principal Civil Medical Officer" or "Colonial Surgeon" occur.

3. Nothing in this Ordinance shall be deemed to involve an abolition of office or to affect the powers, duties or responsibilities attached to any office the title whereof has been changed. Change of name of office not to be deemed an abolition of office or to affect powers, duties or responsibilities attached thereto.

4. The Colonial Surgeon (Change of Name) Ordinance, 1897, and the Principal Civil Medical Officer (Change of Name) Ordinance, 1928, are repealed. Repeal of Ordinances No. 5 of 1897, and No. 5 of 1928.

Passed the Legislative Council of Hong Kong, this 2nd day of December, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

HONG KONG.

No. 47 OF 1936.

I assent.

L.S.

A. CALDECOTT,
Governor.

4th December, 1936.

An Ordinance to amend the Merchant Shipping Ordinance,
1899.

[4th December, 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 Merchant Shipping Amendment Ordinance, 1936.

Amendment
of Ordinance
No. 10 of
1899,
s. 39 (14).

2. Sub-section (14) of section 39 of the Merchant Shipping Ordinance, 1899, is amended by the addition of the words “, without the written permission of the Harbour Master” after the word “inclusive” at the end thereof.

Suspending
clause.

3. This Ordinance shall not come into operation unless and until 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
2nd day of December, 1936.

D. M. MACDOUGALL.
Deputy Clerk of Councils.

HONG KONG.

No. 48 OF 1936.

I assent.



A. CALDECOTT,
Governor.

4th December, 1936.

An Ordinance to provide for the registration and inspection of nursing homes and maternity homes and for purposes connected therewith.

[4th December, 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 Nursing and Maternity Homes Registration Ordinance, 1936.

Short title.
17 & 18 Geo.
5, c. 38,
s. 12 (1).

2.—(1) In this Ordinance—

“Register” and “Registration” mean register and registration under this Ordinance;

Interpreta-
tion.
17 & 18 Geo.
5, c. 38,
s. 10 (1).

“Nursing home” means any premises used or intended to be used for the reception of and the providing of nursing for persons suffering from any sickness, injury, or infirmity; but does not include any hospital or other premises maintained or controlled by any Imperial or local Government department.

“Maternity home” means any premises used or intended to be used for the reception of pregnant women or of women immediately after childbirth; but does not include any hospital or other premises maintained or controlled by any Imperial or local Government department.

“Qualified nurse” means a person registered in the general part of the register of nurses required to be kept under the Nurses Registration Ordinance, 1931;

Ordinance
No. 1 of
1931, s. 3
(2) (a).

“Certified midwife” means a woman certified under the Midwives Ordinance, 1910.

Ordinance
No. 22 of
1910.

“Pupil midwife” means a person who is undergoing training with a view to becoming a certified midwife, and for that purpose attending women in childbirth as part of a course

Ordinances
No. 22 of
1910,
No. 12 of
1926, No. 5
of 1928.

of practical instruction recognised by the Midwives Board established under section 4 (1) of the Midwives Ordinance, 1910, as amended by section 4 of the Midwives Amendment Ordinance, 1926, and by section 2 of the Principal Civil Medical Officer (Change of Name) Ordinance, 1928.

Ordinance
No. 1 of
1931,
s. 3 (2).

(2) In relation to any premises used or intended to be used solely for the reception of, and the provision of nursing for, a class of patients in whose case the requisite nursing can be suitably and adequately provided by nurses of a class whose names are contained in some part of the register of nurses required to be kept under the Nurses Registration Ordinance, 1931, other than the general part of that register, references in the definition of "Qualified nurse" contained in sub-section (1) of this section to the general part of the register shall be construed as including references to that other part of the register.

Registration
of nursing
and
maternity
homes.
17 & 18 Geo.
5, c. 38,
s. 1.

3.—(1) If any person carries on a nursing home or a maternity home without being duly registered in respect thereof, he shall be guilty of an offence against this Ordinance and shall in respect of each such offence be liable on summary conviction to a fine not exceeding five hundred dollars, or in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months and to a fine not exceeding five hundred dollars.

(2) Application for registration shall be made to the Director of Medical and Sanitary Services in writing in a form prescribed by him, and shall be accompanied by a fee of five dollars. Where the applicant desires registration of premises as a nursing home and as a maternity home separate forms shall be used and separate fees shall be paid in respect of each.

(3) Subject as provided in this Ordinance, the Director of Medical and Sanitary Services shall, on receipt of an application for registration, register the applicant in respect of the nursing home or maternity home named in the application and issue him a certificate of registration:

Provided that the Director of Medical and Sanitary Services may refuse to register the applicant if he is satisfied—

(a) that he or any person employed by him at the home is not a fit person, whether by reason of age or otherwise, to carry on or to be employed at a nursing home or maternity home of such a description as the home named in the application; or

(b) that for reasons connected with situation, construction, accommodation, staffing or equipment, the home or any premises used in connection therewith are not fit to be used for a nursing or maternity home of such a description as the home named in the application, or that the home or premises are used or to be used for purposes which are in any way improper or undesirable in the case of such a home; or

(c) in the case of a nursing home, that the home is not under the charge of a person who is either a duly qualified medical practitioner or a qualified nurse and who is resident in the home, or that there is not a proper proportion of qualified nurses among the persons having the superintendence of or employed in the nursing of the patients in the home; or

(d) in the case of a maternity home, that the person having the superintendence of the nursing of the patients in the home is not a certified midwife, or that any person employed in attending any woman in the home in childbirth or in nursing any patient in the home is not either a duly qualified medical practitioner, a certified midwife, or a pupil midwife, or that there is not a proper proportion of certified midwives or pupil midwives among the persons having the superintendence of or employed in the attendance on or nursing of the patients in the home.

(4) The current certificate of registration issued in respect of a nursing home or maternity home shall be kept affixed in a conspicuous place in the home, and, if default is made in complying with the foregoing requirement, the person carrying on the home shall be guilty of an offence against this Ordinance.

(5) Subject to the provisions of section 4, registration shall be valid until the end of the year in which it is made. Every person registered in respect of a nursing home or maternity home who desires to continue to be so registered for any subsequent year shall make application in the month of December for re-registration and shall pay the fee prescribed by sub-section (2).

4. Subject as provided in this Ordinance, the Director of Medical and Sanitary Services may at any time cancel the registration of a person in respect of any nursing home or maternity home on any ground which would entitle him to refuse an application for the registration of that person in respect of that home, or on the ground that that person had been convicted of an offence against this Ordinance or that any other person has been convicted of such an offence in respect of that home.

Cancellation of registration.
17 & 18 Geo. 5, c. 38, s. 2.

5.—(1) Before making an order refusing an application for registration or an order cancelling any registration the Director of Medical and Sanitary Services shall give to the applicant or to the person registered, as the case may be, not less than fourteen days' notice of his intention to make such an order, and every such notice shall state the grounds on which he intends to make the order and shall contain an intimation that, if within fourteen days after the receipt of the notice the applicant or person registered informs him in writing that he desires so to do, he will, before making the order, give him (in person or by a representative) an opportunity of showing cause why the order should not be made.

Notice of refusal or of cancellation of registration.
17 & 18 Geo. 5, c. 38, s. 3.

(2) If the Director of Medical and Sanitary Services, after giving the applicant or the person registered (if under the provisions of the preceding sub-section he is entitled so to do) an opportunity of showing cause as aforesaid, decides to refuse the application for registration or to cancel the registration, he shall make an order to that effect and shall send a copy of the order by registered post to the applicant or the person registered.

(3) Any person aggrieved by an order refusing an application for registration or cancelling any registration may, within fourteen days after the date on which the copy of the order was sent to him, appeal against it to the Governor in Council.

(4) No such order shall come into force until the expiration of fourteen days from the date on which it was made, or, where notice of appeal is given against it, until the appeal has been decided or withdrawn.

Regulations
17 & 18 Geo.
5, c. 38,
s. 4.

6.—(1) The Governor in Council may make regulations—

(a) prescribing the records to be kept of the patients received into a nursing home or maternity home, and, in the case of a maternity home, of any miscarriages or still births occurring in the home, and of the children born therein and of the children so born who are removed from the home otherwise than to the custody or care of any parent, guardian or relative;

(b) requiring notification to be given of any death occurring in a nursing home or maternity home.

(2) If any person acts in contravention of or fails to comply with the provisions of any regulation made under this Ordinance, he shall be guilty of an offence against this Ordinance.

Inspection
of nursing
homes.
17 & 18 Geo.
5, c. 38,
s. 5.

7.—(1) The Director of Medical and Sanitary Services, any medical officer appointed by the Governor as a Health Officer, any officer for the time being performing the duties of a Health Officer or some person duly authorised by the Director of Medical and Sanitary Services may, subject to such regulations as may be made by the Governor in Council, at all reasonable times enter and inspect any premises which are used, or which that officer or person has reasonable cause to believe to be used, for the purposes of a nursing home or maternity home and to inspect any records required to be kept in accordance with the provisions of the Ordinance.

(2) If any person refuses to allow any such officer to enter or inspect any such premises as aforesaid or to inspect any such records as aforesaid, or obstructs any such officer in the execution of his powers under this section he shall be guilty of an offence against this Ordinance.

Power to
exempt
certain
institutions.
17 & 18 Geo.
5, c. 38,
s. 6.
Schedule.

8. The Governor in Council may grant exemption from the operation of this Ordinance in respect of any hospital or institution. The hospitals and institutions in the Schedule shall be deemed to have been granted exemption under this section. The Governor in Council may withdraw any exemption granted, or deemed to have been granted, under this section.

Penalty for
offences
against
Ordinance
and pro-
vision as
to offences
by com-
panies.
17 & 18 Geo.
5, c. 38,
s. 8.

9.—(1) If any person is guilty of an offence against this Ordinance (other than an offence in respect of which some other penalty is specifically provided by this Ordinance) he shall in respect of each offence be liable on summary conviction to a fine not exceeding fifty dollars, and, in the case of a continuing offence, to a further fine not exceeding twenty dollars in respect of each day on which the offence continues after conviction.

(2) Where a person convicted of an offence against this Ordinance is a company, the chairman and every director of the company and every officer of the company concerned in the management thereof shall be guilty of the like offence, unless he proves that the act constituting the offence took place without his knowledge or consent.

10. This Ordinance shall come into operation on the first day of January, 1937.

Commence-
ment.
17 & 18 Geo
5, c. 38,
s. 10 (4).

Passed the Legislative Council of Hong Kong, this
2nd day of December, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

SCHEDULE.

[s. 8.]

The Alice Memorial and Affiliated Hospitals (the Alice Memorial Hospital, the Alice Memorial Maternity Hospital, the Nethersole Hospital and the Ho Miu Ling Hospital).

The Canossa Hospital.

The Eastern Maternity Hospital.

The Haw Par Hospital, Cheung Chau.

The Hong Kong Sanatorium and Hospital (formerly Yeung Wo Hospital).

The Kwong Wah Hospital.

The Majima Hospital.

The Matilda Hospital.

The St. Francis Hospital.

The St. Paul's Hospital.

The Sanatorium des Missions Etrangères Béthanie.

The Sisters of the Precious Blood Hospital.

The Tung Wah Hospital.

The Tung Wah Eastern Hospital.

The War Memorial Nursing Home.

HONG KONG.

No. 49 OF 1936.

I assent.

L.S.

A. CALDECOTT,
Governor.

4th December, 1936.

An Ordinance to amend further the Midwives Ordinance,
1910.

[4th December, 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 Midwives (No. 2)
Amendment Ordinance, 1936.Amendment
of Ordinance
No. 22 of
1910, s. 2
as amended
by Ordin-
ances
Nos. 12 of
1926 and 21
of 1936.**2.** Section 2 of the Midwives Ordinance, 1910, as
amended by the Midwives Amendment Ordinance, 1926, and
by the Midwives Amendment Ordinance, 1936, is amended
by the insertion of the words "and enrolled" after the word
"certified" wherever that word occurs.Amendment
of Ordinance
No. 22 of
1910, s. 5.**3.** Section 5 of the Midwives Ordinance, 1910, is
amended by the addition of the words "practising or
authorised to practise in the Colony" after the word
"midwives" in the second line.Amendment
of Ordinance
No. 22 of
1910, s. 6.**4.** Section 6 of the Midwives Ordinance, 1910, is
amended by the insertion of the words "cancelling her
certificate and" after the word "Board" in the second line.Amendment
of Ordinance
No. 22 of
1910, s. 7.**5.** Section 7 of the Midwives Ordinance, 1910, is
amended by the insertion of the words "and enrolled" after
the word "certified" wherever that word occurs.Amendment
of Ordinance
No. 22 of
1910, s. 8.**6.** The first paragraph of section 8 of the Midwives
Ordinance, 1910, is repealed and the following two paragraphs
are substituted therefor:—Every certified woman, not already enrolled, who
desires to practise or to be authorised to practise in the
Colony shall, before holding herself out as a practising

midwife or commencing to practise as a midwife, give notice in writing to the secretary applying for admission to the roll and shall pay an enrolment fee of five dollars.

Every certified and enrolled woman who desires her name to be retained on the roll on its next annual publication shall give notice of such desire in writing to the secretary in the month of January and shall pay a retention fee of one dollar.

7. Section 14 of the Midwives Ordinance, 1910, is amended by the insertion of the words "and enrolled" after the word "certified" in paragraph (b).

Amendment
of Ordinance
No. 22 of
1910, s. 14.

Passed the Legislative Council of Hong Kong, this 2nd day of December, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

HONG KONG.

No. 50 OF 1936.

I assent.

L. S.

A. CALDECOTT,
Governor.

4th December, 1936.

An Ordinance to amend the Defences (Firing Areas) Ordinance, 1936.

[4th December, 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 Defences (Firing Areas) Amendment Ordinance, 1936.

Amendment of Ordinance No. 1 of 1936, s. 2.

2. Section 2 of the Defences (Firing Areas) Ordinance, 1936, is amended by the insertion of the word "gliders," after the word "kites," in the definition of "Aircraft".

Amendments of Ordinance No. 1 of 1936, s. 10.

3. Section 10 of the Defences (Firing Areas) Ordinance, 1936, is amended—

(i) by the insertion of the words "or aircraft" after the word "vessel" in paragraphs (a), (b) and (c);

(ii) by the deletion of paragraphs (f) and (g).

New section 10A inserted in Ordinance No. 1 of 1936.

4. The Defences (Firing Areas) Ordinance, 1936, is amended by the insertion of the following section after section 10 thereof:—

Power of Governor in Council to amend Schedules.

10A. The Governor in Council may amend the Schedules to this Ordinance in any manner whatsoever provided that no amendment of the Firing Areas shall extend any such area beyond the Colony and its territorial waters.

New First Schedule substituted for First Schedule to Ordinance No. 1 of 1936. Appendix.

5. The First Schedule to the Defences (Firing Areas) Ordinance, 1936, is repealed and the Schedule in the Appendix to this Ordinance is substituted therefor.

Construction and commencement.

6. This Ordinance shall be read and construed as one with, and shall come into operation at the same time as, the Defences (Firing Areas) Ordinance, 1936, which it amends and which shall not be brought into operation by Proclamation until His Majesty's pleasure not to disallow this Ordinance is known.

Passed the Legislative Council of Hong Kong, this 2nd day of December, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.

APPENDIX.

[s. 5.]

First Schedule.

[s. 3.]

Firing Areas.

NOTE.—All Latitudes are N. and Longitudes E. Latitudes and Longitudes taken from Admiralty Charts Nos. 3429, 1466, 3605, 3280, 3279 and 1180, but longitudes from Charts Nos. 1180 and 3605 have been decreased by 9".

(a) *Firing Area A*:—

The sea area included in this Firing Area is bounded as follows:—

By a line starting from High Water Mark at light marking Harbour Boundary (latitude 22° 17' 23"—longitude 114° 14' 03"), thence following High Water Mark along northern shore of Lyemun and western shore of Junk Bay to latitude 22° 18' 23"—longitude 114° 15' 03", thence across Junk Bay to latitude 22° 18' 43"—longitude 114° 15' 45", thence following High Water Mark along eastern shore of Junk Bay to latitude 22° 16' 46"—longitude 114° 16' 28", thence to Junk Island at latitude 22° 16' 46"—longitude 114° 16' 14", thence following High Water Mark along southern shore of Junk Island to latitude 22° 16' 34"—longitude 114° 15' 49", thence across to Lao Shui Pai (latitude 22° 16' 36"—longitude 114° 14' 21"), thence following High Water Mark northward to light marking Harbour Boundary (latitude 22° 17' 9"—longitude 114° 13' 56"), thence across Lyemun to starting point.

(b) *Firing Area B*:—

The area included in this Firing Area is bounded as follows:—

By a line starting from High Water Mark at Cape Collinson (latitude 22° 15' 48"—longitude 114° 15' 18"), thence across to Slope Island (latitude 22° 15' 51"—longitude 114° 16' 21"), thence following High Water Mark along southern shore of Slope Island and southern shore of Tai Miu to Fo Tau Point (latitude 22° 15' 42"—longitude 114° 17' 53"), thence on a bearing of 98° to latitude 22° 14' 48"—longitude 114° 24' 45", thence on a bearing of 218° to latitude 22° 09' 00"—longitude 114° 20' 00", thence on a bearing of 270° to latitude 22° 09' 00"—longitude 114° 19' 35", thence to the northern end of Waglan Island (latitude 22° 11' 25"—longitude 114° 18' 14"), thence to Tai Long Head (latitude 22° 12' 33"—longitude 114° 15' 33"), thence northward following High Water Mark to starting point.

(c) *Firing Area C*:—

The area included in this Firing Area is bounded as follows:—

By a line starting from High Water Mark at Bluff Point (latitude 22° 11' 46"—longitude 114° 12' 42"), thence following High Water Mark along the southern shore of Tai Tam Peninsula to latitude 22° 11' 51"—longitude 114° 13' 15", thence to Beaufort Island at latitude 22° 11' 22"—longitude 114° 14' 32", thence following High Water Mark along the western and southern shores of Beaufort Island to latitude 22° 10' 46"—longitude 114° 14' 33", thence across to Pu Toi Island at latitude 22° 10' 00"—longitude 114° 14' 58", thence on a bearing of 148° to latitude 22° 09' 00"—longitude 114° 15' 41", thence on a bearing of 270° to latitude 22° 09' 00"—longitude 114° 05' 43", thence across to Un Kok Point on Lamma Island (latitude 22° 11' 00"—longitude 114° 08' 50"), thence across East Lamma Channel to starting point.

(d) *Firing Area D*:—

The area included in this Firing Area is bounded as follows:—

By a line starting from High Water Mark at Shikongtsui (latitude 22° 16' 36"—longitude 114° 06' 50"), thence following High Water Mark southward to Waterfall Bay (latitude 22° 15' 02"—longitude 114° 08' 02"), thence across East Lamma Channel to Boulder Point on Lamma Island (latitude 22° 14' 33"—longitude

114° 06' 56"), thence following High Water Mark along the western shore of Lamma Island to Tai Kok Point (latitude 22° 10' 45"—longitude 114° 08' 06"), thence on a bearing of 180° to latitude 22° 09' 00"—longitude 114° 08' 06", thence on a bearing of 270° to latitude 22° 09' 00"—longitude 113° 58' 21", thence to Chang Chau Island (latitude 22° 11' 54"—longitude 114° 01' 06"), thence following High Water Mark along the eastern shore of Chang Chau Island to latitude 22° 13' 30"—longitude 114° 01' 57", thence across to Papai Island at latitude 22° 14' 33"—longitude 114° 02' 31", thence following High Water Mark along the eastern shore of Papai and Chau Kung Islands to latitude 22° 15' 56"—longitude 114° 03' 06", thence across to Kau I Chau Island at latitude 22° 17' 02"—longitude 114° 04' 36", thence across to starting point.

(e) *Firing Area E*:—

The area included in this Firing Area is bounded as follows:—

By a line starting from High Water Mark at western end of Stonecutters Island (latitude 22° 19' 10"—longitude 114° 07' 46"), thence across to Green Island (latitude 22° 17' 15"—longitude 114° 06' 36"), thence across to eastern shore of Lantau at latitude 22° 17' 45"—longitude 114° 01' 23", thence following High Water Mark along the eastern shore of Lantau to latitude 22° 20' 13"—longitude 114° 03' 20", thence across to Chung Hue at latitude 22° 19' 42"—longitude 114° 05' 26", thence following High Water Mark along the southern shore of Chung Hue to latitude 22° 20' 00"—longitude 114° 06' 20", thence along the eastern shore of Chung Hue to latitude 22° 20' 37"—longitude 114° 06' 26", thence to the Island at latitude 22° 20' 46"—longitude 114° 07' 15", thence to Stonecutters Island at latitude 22° 19' 37"—longitude 114° 08' 05", thence along the shore of Stonecutters Island westwards to starting point.

HONG KONG.

No. 51 OF 1936.

I assent.

L.S.

A. CALDECOTT,
Governor.

4th December, 1936.

An Ordinance to provide for a revised edition of the Ordinances, and for a revised edition of the Regulations, of the Colony.

[4th December, 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 Ordinances and Regulations of Hong Kong (1937 edition) Ordinance, 1936. Short title.

2. In this Ordinance—

(a) "The Ordinances of Hongkong, 1844-1923" means the edition of the Ordinances of Hong Kong prepared by Arthur Dyer Ball, Esquire, and authorised to be used by proclamation of the Governor, dated the 18th day of September, 1924, and made in virtue of the Ordinances of Hongkong, 1844-1923, Ordinance, 1923. Interpretation.
Ordinance No. 18 of 1923.

(b) "The Ordinances of Hong Kong (1937 edition)" means the edition of the Ordinances of Hong Kong to be prepared under the authority of this Ordinance.

(c) "The Regulations of Hong Kong (1937 edition)" means the edition of the Regulations of Hong Kong to be prepared under the authority of this Ordinance.

3. The Governor may appoint a fit and proper person as editor to prepare the Ordinances of Hong Kong (1937 edition) and the Regulations of Hong Kong (1937 edition). Appointment of editor.

4. In the preparation of the Ordinances of Hong Kong (1937 edition), the editor shall have the following powers:— Powers of editor.

(1) to omit—

(a) Ordinances or parts of Ordinances which have been repealed;

(b) introductory words of enactment;

(c) headings or parts of headings of divisions or subdivisions of Ordinances which in the opinion of the editor are not necessary to the proper interpretation of the Ordinances;

(d) regulations contained in Schedules to Ordinances which in the opinion of the editor can conveniently be included in the Regulations of Hong Kong (1937 edition):

(2) to insert in their proper places in such Ordinances as have been amended all the provisions of the Ordinances amending the same as indicated therein as if the said amended Ordinances had been ordered to be printed as amended by such amending Ordinances; and further, where all the amendments made by such amending Ordinances are so inserted as aforesaid so that the object of such Ordinances has been effected, to treat the remainder of such Ordinances as exhausted and to omit the same:

(3) to make grammatical and typographical amendments and to revise the punctuation where in the opinion of the editor such amendment or revision is necessary:

(4) to substitute—

(a) figures for words, and

(b) in references to Ordinances, the serial number for the short title,

or *vice versa*, where in the opinion of the editor such substitution is convenient:

(5) to adopt a convenient standard form in all Ordinances for the interpretation sections and for the sections giving power to make regulations:

(6) to recast the marginal notes and references to the sections of Ordinances, and the headings of divisions or subdivisions of Ordinances, where in the opinion of the editor such recasting is necessary:

(7) to make such formal alterations to names, localities, offices, titles and otherwise as may be necessary to bring any Ordinance into conformity with the circumstances of the Colony in the year 1937: and

(8) to do all such things relating to form and method as may be necessary for the perfecting of the Ordinances of Hong Kong (1937 edition).

Numbering
of Ordinances.

5. The numbering of the Ordinances contained in the Ordinances of Hongkong, 1844-1923, and of the Ordinances passed after the 31st day of December, 1923, and of the sections of any such Ordinances shall be preserved unless any alteration of such numbering shall be authorised by the special Ordinances referred to in section 6 (1).

Ordinances
to be
prepared by
editor for
the purposes
of revision.

6.—(1) All omissions and amendments in the Ordinances of Hong Kong (1937 edition), other than those referred to in section 4, shall be collected by the editor and submitted to the Legislative Council in the form of one or more Ordinances.

(2) Where a later Ordinance, the object of which is to amend an earlier Ordinance, contains new matter which cannot be inserted in the earlier Ordinance in the manner indicated by section 4 (2), and it is expedient that such new matter should be incorporated in the earlier Ordinance, it shall be lawful for the editor to effect such incorporation by one of the Ordinances mentioned in sub-section (1): and when all of such new matter has been incorporated, and the amendments, if any, in such later Ordinance have been inserted in their proper places as indicated by section 4 (2)

so that the object of the later Ordinance has been effected, the remainder of the said later Ordinance shall be treated as exhausted and omitted from the Ordinances of Hong Kong (1937 edition).

(3) Without prejudice to the generality of the provisions of sub-section (1), the following omissions shall be held to be included therein:—

(a) Ordinances or parts of Ordinances which have expired or have become spent or have lost their effect or are no longer required;

(b) repealing sections, and tables and lists of repealed enactments, in schedules or otherwise;

(c) preambles, or parts of preambles, to Ordinances which in the opinion of the editor no longer serve any useful purpose; and

(d) sections prescribing the date when, or the method by which, any Ordinance, or any part of any Ordinance, is to come into force, where the omission in the opinion of the editor can conveniently be made: Provided that in all cases a note shall be inserted at the head of all Ordinances of the date of their commencement.

7.—(1) The Ordinances of Hong Kong (1937 edition) shall include all the Ordinances in force on the 1st day of January, 1937, and also any unrepealed Ordinance passed before but not brought into force on or before that date, and shall be comprised in two or more volumes, as may be necessary. Extent of revision of Ordinances.

(2) The editor shall further prepare and issue as part of his undertaking—

(a) a chronological table of all the Ordinances of the Colony, including those which have been repealed, or which were not included in the Ordinances of Hongkong, 1844-1923: Provided that he may for such purpose adopt the chronological table prepared for the Ordinances of Hongkong, 1844-1923, by Arthur Dyer Ball, Esquire;

(b) a full and complete index to the subject-matter of all Ordinances contained in the Ordinances of Hong Kong (1937 edition); and

(c) such indexes and tables of reference to the aforesaid or other matters as he may consider necessary for perfecting the Ordinances of Hong Kong (1937 edition),

all of which things shall be included in one or more supplementary volumes separate and distinct from those containing the Ordinances, and shall, together with the volumes containing the Ordinances, form one edition entitled "The Ordinances of Hong Kong (1937 edition)".

8. The editor shall further prepare and issue in two or more volumes a collection of the regulations in force in the Colony on the 1st day of January, 1937, to be known as the Regulations of Hong Kong (1937 edition), omitting— Collection of regulations.

(i) regulations of particular and not of general application; and

(ii) save by reference only, regulations contained in Schedules to Ordinances which in the opinion of the editor cannot conveniently be included in the said collection,

and including—

(i) regulations contained in Schedules to Ordinances which in his opinion can conveniently be so included;

(ii) in an Appendix, such other Government Notifications as he may think desirable for the purposes of convenient reference; and

(iii) such indexes and tables of reference to the aforesaid or other matters as he may consider necessary for perfecting the Regulations of Hong Kong (1937 edition),

and for these purposes the editor shall have the same powers, as nearly as may be, with regard to regulations, as he has with regard to Ordinances under section 4.

Approval of
new editions
of Ordinances
and
Regulations
by proclama-
tion.

9.—(1) Each volume of the Ordinances of Hong Kong (1937 edition) after it is printed shall, by general order of the Governor in that behalf, be impressed on the title page thereof with the seal of the Colony.

(2) After the printing of each of the volumes containing the Ordinances, and after the passing of the special Ordinances referred to in section 6 relating to the Ordinances contained in that volume, the said volume shall be laid before the Legislative Council for approval, and such approval, if given, shall be notified by proclamation of the Governor.

(3) The supplementary volumes referred to in section 7 (2) and the volumes of the Regulations of Hong Kong (1937 edition) shall similarly be laid before the Legislative Council for approval as soon as conveniently may be after the printing of each volume, and such approval, if given, shall similarly be notified by proclamation of the Governor.

Preservation
of Ordinances.

10.—(1) A copy of this Ordinance and of all Ordinances passed after the 31st day of December, 1936, certified under the hand of the Governor and the seal of the Colony shall, as soon as conveniently may be after they have been passed by the Legislative Council and assented to by the Governor, be transmitted by the Clerk of Councils to the Registrar of the Supreme Court, who shall preserve them for record together with the collection of Ordinances of the Colony from the commencement thereof down to and inclusive of Ordinance No. 30 of 1886, and the sealed copies of all the Ordinances subsequent to Ordinance No. 30 of 1886 already preserved in the Registry of the Supreme Court.

Originals.

(2) All such sealed copies and all the copies contained in the said collection shall be deemed to be the originals.

Copy of
Ordinances
of Hong-
kong, 1844-
1923, to be
preserved.

(3) The Registrar of the Supreme Court shall also obtain and preserve a copy of the Ordinances of Hongkong, 1844-1923.

(4) In so far as there are variations between the Ordinances of Hongkong, 1844-1923, and the aforesaid originals in the case of Ordinances passed up to the end of the year 1923, such originals shall be deemed to have been amended by, and such variations shall be deemed to have been authorised by, the Ordinances of Hongkong, 1844-1923, Ordinance, 1923.

Variations between the Ordinances of Hongkong, 1844-1923, and originals.

Ordinance No. 18 of 1923.

(5) Subject to the provisions of section 11 (1), any original within the meaning of sub-section (2) and any Ordinance contained in the Ordinances of Hongkong, 1844-1923, may be proved respectively by a certified copy of such original and by a certified copy of such Ordinance as contained in the Ordinances of Hongkong, 1844-1923, or, by order of a judge, by production by the Registrar of the Supreme Court of such original or of such Ordinance as contained in the Ordinances of Hongkong, 1844-1923. Subject, however, to any objection being taken, any such original or any Ordinance contained in the Ordinances of Hongkong, 1844-1923, may be proved by the production of a copy of the Gazette or of a copy of any collection of Ordinances, purporting to be printed by the Government Printers, containing a copy of such original, or of a volume of the Ordinances of Hongkong, 1844-1923, purporting to be impressed on the title page thereof with the seal of the Colony, containing such Ordinance.

Proof of Ordinances.

(6) Any person shall be entitled to inspect any such originals or the copy of the Ordinances of Hongkong, 1844-1923, during office hours on payment of twenty-five cents for each inspection not exceeding three hours, and to take copies or extracts therefrom for certification by the Registrar of the Supreme Court on payment of twenty-five cents per folio of seventy-five words for each copy or extract.

Inspection of originals and Ordinances of Hongkong, 1844-1923.

11.—(1) From the date of each proclamation referred to in section 9 (2), the volume of the Ordinances of Hong Kong (1937 edition) referred to in such proclamation shall be deemed to be, and shall be, without any question, in all courts and for all purposes whatsoever, the sole and only proper statute book of the Ordinances contained therein. From the date of the said proclamation, in so far as there may be variations between the Ordinances contained in the Ordinances of Hong Kong (1937 edition) and the Ordinances of Hongkong, 1844-1923, or between the Ordinances contained in the Ordinances of Hong Kong (1937 edition) and the originals preserved by the Registrar of the Supreme Court of Ordinances passed between the commencement of the year 1924 and the end of the year 1936, the Ordinances contained in the Ordinances of Hongkong, 1844-1923, and the Ordinances passed during the said period shall be deemed to have been amended by, and such variations to have been authorised by, this Ordinance :

Validity and operation of the Ordinances of Hong Kong (1937 edition) and the Regulations of Hong Kong (1937 edition).

Provided that nothing in this section shall affect the operation of any Ordinance which may be passed before the issue of such proclamation, for the repeal, alteration or amendment of any earlier Ordinance, after such Ordinance has been printed in the Ordinances of Hong Kong (1937 edition).

(2) Subject to the provisions of section 8, each volume of the Regulations of Hong Kong (1937 edition) shall contain all the regulations made in pursuance of the powers conferred by the Ordinances contained in a corresponding volume of the Ordinances of Hong Kong (1937 edition), and from and after the date of any proclamation under section 9 (3) relating to such volume of the Regulations—

(a) the volume shall for all purposes be deemed to contain all the regulations in force under and by virtue of the Ordinances in the corresponding volume of the Ordinances of Hong Kong (1937 edition) on the 1st day of January, 1937;

(b) any regulations which, although in force in the Colony on the 1st day of January, 1937, under and by virtue of the said Ordinances, are not contained in the said volume of regulations, shall be deemed to have been repealed; and

(c) in so far as there may be variations between the regulations in force in the Colony on the 1st day of January, 1937, and the same regulations as printed in the Regulations of Hong Kong (1937 edition) the regulations in force on the 1st day of January, 1937, shall be deemed to have been repealed and the regulations as printed in the said edition of the Regulations shall be deemed to have been substituted therefor.

Construction of references to former editions of Ordinances.

12. Where in any existing enactment or in any existing document of whatever kind reference is made to an Ordinance which is affected by or under the operation of this Ordinance, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding enactment as contained in the Ordinances of Hong Kong (1937 edition).

Place of this Ordinance in the Ordinances of Hong Kong (1937 edition).

13. This Ordinance shall be printed as the first of the Ordinances to be contained in the Ordinances of Hong Kong (1937 edition).

Repeal of Ordinances Nos. 18 of 1923 and 1 of 1926.

14. The Ordinances of Hongkong, 1844-1923, Ordinance, 1923, and the Regulations Ordinance, 1926, are hereby repealed: Provided that this repeal shall not affect the validity of any Ordinance contained in the Ordinances of Hongkong, 1844-1923, or any regulation under any such Ordinance, until the Ordinance or regulation has been replaced by an Ordinance or regulation contained in a volume of the Ordinances of Hong Kong (1937 edition) or of the Regulations of Hong Kong (1937 edition) in respect of which a proclamation has been issued under section 9 (2) or section 9 (3).

Passed the Legislative Council of Hong Kong this 2nd day of December, 1936.

D. M. MACDOUGALL,
Deputy Clerk of Councils.