

MOTIONS.

6. *Vaccination Amendment Bill*.—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Vaccination Ordinance, 1923.”

The Colonial Secretary seconded.

The Honourable Mr. CHAU TSUN-NIN speaking on behalf of Chinese Members said that while they were prepared to support the Bill they would be glad of an assurance that the administration of the law would be carried out in such a manner as to cause as little interference with Chinese home life as possible.

At the request of the President, the Honourable Director of Medical Services replied stating that he was pleased to give the required assurance.

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.

7. The Council then adjourned *sine die*.

G. A. S. NORTHCOTE,
Governor.

Confirmed this 12th day of May, 1938.

B. C. K. HAWKINS,
Deputy Clerk of Councils.

No. 377.—His Excellency the Governor has given his assent, in the name and on behalf of His Majesty the KING, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 5 of 1938.—An Ordinance to amend the law relating to the protection of women and girls.

HONG KONG.

No. 5 of 1938.

I assent.

L. S.

G. A. S. NORTHCOTE,
Governor.

13th May, 1938.

An Ordinance to amend the law relating to the protection of
women and girls.

[13th May, 1938.]

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 Protection of Short title.
Women and Girls Ordinance, 1938.

2. In this Ordinance—

(a) "Brothel" means a house, room, vessel or other
place occupied, frequented or used by any two or more
females for prostitution;

(b) "Keeper" of premises includes any person having
or appearing to have the management or control of the
premises;

(c) "Occupier" of premises means the person in actual
occupation of the premises;

(d) "Owner" of premises means the person for the time
being receiving the rent or a consideration for the use of the
premises, whether on his own account or as agent or trustee
for any other person, or who would receive the same if such
place were let to a tenant;

(e) References to "marriage" or to "married" or
"unmarried" women or girls or to "intent to marry" shall
be construed as including references to non-Christian cus-
tomary marriages duly celebrated according to the personal
law and religion of either party as well as Christian marriages
and the civil equivalent of Christian marriages.

3.—(1) Every person who—

(a) takes part in bringing into or taking away from the
Colony by force, intimidation or fraud any woman or girl
for the purpose of prostitution either within or without the
Colony; or

Interpreta-
tion.Traffic in
women or
girls.

(b) takes part in bringing, taking, decoying or enticing any woman or girl into or away from the Colony with intent to sell, pledge, let out to hire, purchase, take in pledge, take on hire or otherwise dispose of such woman or girl for the purpose of prostitution either within or without the Colony; or

(c) takes part in bringing, taking, decoying or enticing any woman or girl into or away from the Colony for the purpose of prostitution either within or without the Colony, knowing that such woman or girl has been sold, pledged, let out to hire, purchased, taken in pledge, taken on hire; or

(d) takes part in selling, pledging, letting out to hire, purchasing, taking in pledge, taking on hire or otherwise disposing of, or in obtaining possession of any woman or girl for the purpose of prostitution either within or without the Colony; or

(e) knowingly derives any profit from the sale, pledge, hire, purchase, taking in pledge, taking on hire or other disposal of any woman or girl who has been sold, pledged, let out to hire, purchased, taken in pledge, taken on hire, or otherwise disposed of for the purpose of prostitution either within or without the Colony,

shall be guilty of a misdemeanor: Provided that in any prosecution under paragraph (c) where it is proved, to the satisfaction of the jury or the magistrate, as the case may be, that the woman or girl had in fact been sold, pledged, let out to hire, purchased, taken in pledge or taken on hire, knowledge thereof by the accused shall be presumed unless he satisfies the jury or magistrate that he had not such knowledge.

(2) It shall be no defence to any charge or indictment under this section that the woman or girl in question consented to the transaction or that she received the consideration or any part of the consideration therefor.

Procuration
of women
or girls.
48 & 49
Vict.
c. 69, s. 2.
cf. No. 3
of 1903, s. 3
and No. 41
of 1932,
s. 89.

4.—(1) Every person who—

(a) procures or attempts to procure any female under 21 years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connexion, either within or without the Colony, with any other person; or

(b) procures or attempts to procure any woman or girl to become, either within or without the Colony, a common prostitute; or

(c) procures or attempts to procure any woman or girl to leave the Colony, with intent that she may become an inmate of or frequent a brothel elsewhere; or

(d) procures or attempts to procure any woman or girl to leave her usual place of abode in the Colony, with intent that she may become an inmate of or frequent a brothel within or without the Colony,

shall be guilty of a misdemeanor.

(2) No person shall be convicted of any offence under any of paragraphs (b), (c) and (d) of sub-section (1) on the evidence of one witness only unless such witness is corroborated in some material particular by evidence implicating the accused.

5. Every person who carnally knows or attempts to have carnal knowledge of any unmarried girl, being of or above the age of 13 years and under the age of 16 years, shall be guilty of a misdemeanor: Provided that no prosecution shall be commenced for an offence under this section more than twelve months after the commission of the offence.

Defilement
of girl
between
13 and 16.
48 & 49
Vict.
c. 69,
s. 5 (1).
cf. No. 3
of 1916,
s. 5 (2),
and No. 1
of 1932,
s. 17 (1) (e).

6.—(1) Every person who carnally knows any girl under the age of 13 years, whether he is married to her or not, shall be guilty of felony and shall be liable to imprisonment for life.

Defilement
of girl
under 13.

48 & 49
Vict.
c. 69, s. 4.
cf. No. 3
of 1916,
ss. 2, 5, and
No. 1 of
1932, s. 17
(1) (e).

(2) Every person who attempts to have carnal knowledge of any girl under the age of 13 years, whether he is married to her or not, shall be guilty of a misdemeanor.

7.—(1) Every person who commits an indecent assault upon any female shall be guilty of a misdemeanor.

Indecent
assault
upon female.

(2) It shall be no defence to a charge or indictment for an indecent assault upon a girl under the age of 16 years to prove that she consented to the act of indecency.

24 & 25
Vict.
c. 100,
s. 52.
12 & 13
Geo. 5,
c. 56, s. 1.
cf. No. 3
of 1903,
s. 3 and
No. 41 of
1932, s. 89.

8.—(1) Every person who detains any woman or girl against her will—

Unlawful
detention
of women
or girls.

(a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or

48 & 49
Vict.
c. 69, s. 8.

(b) in or upon any premises for an immoral purpose or for the purpose of emigration; or

(c) in any brothel,

shall be guilty of a misdemeanor.

(2) For the purposes of this section, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, not only where force, intimidation or fraud is used, but also if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Procuring
defilement
of women
or girls.
48 & 49
Vict.
c. 69, s. 3.

9.—(1) Every person who—

(a) by threats, intimidation, false pretences, false representations or other fraudulent means procures or attempts to procure any woman or girl to have unlawful carnal connexion either within or without the Colony; or

(b) applies, administers to or causes to be taken by any woman or girl any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connexion with such woman or girl, shall be guilty of a misdemeanor.

(2) No person shall be convicted of an offence under this section on the evidence of one witness only unless such witness is corroborated in some material particular by evidence implicating the accused.

Carnal
knowledge
of female
idiot.
48 & 49
Vict.
c. 69, s. 5
(2).
cf. No. 3 of
1916, s. 5.

10. Every person who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile woman or girl in circumstances which do not amount to rape but which prove that the offender knew, at the time of the commission of the offence, that the woman or girl was an idiot or imbecile, shall be guilty of a misdemeanor.

Punishment
of house-
holder, etc.,
permitting
defilement
of girl.

11. Every person who, being the owner or occupier of any premises or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl of such age as is mentioned in this section to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall—

(1) if such girl is of or above the age of 13 years and under the age of 16 years be guilty of a misdemeanor; and

(2) if such girl is under the age of 13 years be guilty of felony and shall be liable to imprisonment for life.

Penalty on
occupier or
keeper of
premises
used as
a lodging
house for
prostitutes
or as a
brothel.

12. Every occupier or keeper of a house or portion of a house who uses it or knowingly permits it to be used as a lodging house for prostitutes or as a brothel shall be liable on summary conviction, for the first offence to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding three months, for a second offence (whether in respect of the same or other premises) to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months, and for a third or any subsequent offence (whether in respect of the same or other premises) to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding twelve months.

Service of
notice of
offence
under
section 12
on owner,
etc.

13. Where it has been proved to the satisfaction of a magistrate that an offence under section 12 has been committed with respect to any house or portion of a house he may order that a notice of the fact shall be served, either personally or by registered post, upon the owner or tenant of the premises or, if such owner or tenant is absent or under any disability, upon his attorney, agent or rent collector or, if such owner or tenant is a corporation, upon the secretary or manager thereof.

14. After service of such notice as is mentioned in section 13 any magistrate may, at the request of any such owner, tenant, attorney, agent, rent collector, secretary or manager, make an order (which shall be recognized and given effect to in any proceeding in any court) absolutely putting an end to any existing tenancy or sub-tenancy of such premises as from the date of such order, and thereupon such tenancy or sub-tenancy shall absolutely cease and determine for all purposes and the occupier, tenant or sub-tenant of such premises may thereafter be treated as a trespasser.

Power to determine tenancies of premises used in contravention of section 12.

15. If, after service of such notice as is mentioned in section 13, an offence against section 12 is proved to have been committed by any person within three months after such service, the person upon whom service is made (and, if he be an attorney, agent or rent collector, also the landlord whom he represents) shall be liable on summary conviction to a fine not exceeding five hundred dollars, unless he proves to the satisfaction of the magistrate that he neither knew nor had reasonable means of knowing that the premises were being used as a lodging house for prostitutes or as a brothel.

Penalty on owner, etc., where premises again used within three months in contravention of section 12.

16. Any European officer of police, not being below the rank of sergeant, who is authorized generally in writing for that purpose by the Commissioner of Police, and any person who is authorized generally in writing for that purpose by the Secretary for Chinese Affairs, may at all times, without notice, enter and demand to see and interrogate any or all the inmates of any place on land or water which he may have reason to believe is used as a lodging house for prostitutes or as a brothel or in connexion with which he may have reason to believe that an offence has been committed under this Ordinance.

Powers of authorized persons to visit suspected premises.

17.—(1) Every male person who—

(a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) solicits for immoral purposes,

shall be guilty of a misdemeanor.

Living on earnings of prostitution or soliciting, by males, etc.

61 & 62 Vict. c. 39, s. 1, and 2 & 3 Geo. 5, c. 20, s. 7.

cf. No. 3 of 1903.

(2) If it is made to appear to a magistrate, by information upon oath, that there is reason to suspect that any house or any part of a house is used by a female for the purposes of prostitution and that any male person in or frequenting the house is living wholly or in part on the earnings of prostitution therein, the magistrate may issue a warrant authorizing any police officer to enter and search the house and to arrest such male person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the court or the magistrate to the contrary, be deemed to be knowingly living on the earnings of prostitution.

(4) Every female who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that

she is aiding, abetting or compelling her prostitution with any person, or generally, shall be liable on summary conviction to imprisonment for any term not exceeding three months.

Receiving, detaining or harbouring women or girls brought into the Colony by force, etc.

18.—(1) Every person shall be guilty of a misdemeanor who without lawful authority or excuse—

(a) receives, harbours, detains or has under his control any woman or girl who has been brought into or is about to be taken away from the Colony by force, intimidation or fraud; or

(b) receives, harbours, detains or has under his control any unmarried girl under the age of 21 years without the consent of the person having the lawful care or charge of her.

(2) Where any person accused under paragraph (b) of sub-section (1) is proved to have received, harboured, detained or had under his control any female who appears to the magistrate to be under the age of 21 years, it shall, until the contrary is proved, be presumed (a) that the female was an unmarried girl, and was under the age of 21 years, at the date of the alleged offence, and (b) that the accused received, harboured or detained her, or had her under his control, without the consent of the person having the lawful care or charge of her.

(3) No prosecution under this section shall be instituted without the consent of the Secretary for Chinese Affairs: Provided that the consent of the Secretary for Chinese Affairs shall not be necessary for the arrest of any person suspected of having committed an offence against this section.

(4) No person charged under this section shall be entitled to be acquitted on the ground that such person brought the woman or girl into the Colony, or on the ground that such person took the woman or girl, or caused her to be taken, out of the possession of the person having the lawful care or charge of her.

Receiving or detaining or harbouring girls procured or women or girls sold for prostitution.

19. Every person who—

(a) receives, harbours, detains or has under his control any girl under the age of 16 years, knowing that she has been procured for the purpose of having unlawful carnal connexion with any other person, and with intent to aid such purpose; or

(b) receives, harbours, detains or has under his control any woman or girl, knowing that she has been sold, pledged, let out to hire, purchased or otherwise disposed of either within or without the Colony for the purpose of prostitution, and with intent to aid such purpose; or

(c) receives, harbours, detains or has under his control any woman or girl with intent that she shall be sold, pledged, let out to hire, purchased, taken in pledge, taken on hire or otherwise disposed of for the purpose of prostitution either within or without the Colony,

shall be guilty of a misdemeanor.

Decoying women or girls for emigration.

20. Every person who by force, intimidation or any fraudulent means brings, takes, decoys or entices any woman or girl into or away from the Colony for the purpose of emigration shall be guilty of a misdemeanor.

21.—(1) Every person who commits the crime of rape shall be guilty of felony and shall be liable to imprisonment for life.

Rape.
24 & 25
Vict.
c. 100,
s. 48.

(2) Every man who induces a married woman to permit him to have carnal connexion with her by personating her husband shall be deemed guilty of rape.

48 & 49
Vict. c. 69,
s. 4.

(3) If upon the trial of any indictment, or the hearing of any information or charge, for rape or for any offence made felony in section 6 the jury or the magistrate, as the case may be, is satisfied that the defendant is guilty of an offence under section 5, 6, 9 or 10 or of an indecent assault, but is not satisfied that the defendant is guilty of the felony charged in such indictment, information or charge, or of an attempt to commit the same, then and in every such case the jury or the magistrate, as the case may be, may acquit the defendant of such felony and find him guilty of an offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment, information or charge for such offence as aforesaid, or for an indecent assault.

48 & 49
Vict. c. 69,
s. 9.

22. When any woman of any age has any interest, whether legal or equitable, present or future, absolute, conditional or contingent, in any real or personal estate, or is a presumptive heiress or co-heiress or presumptive next of kin, or one of the presumptive next of kin, to anyone having such interest, every person who from motives of lucre takes away or detains such woman against her will with intent to marry or carnally know her or to cause her to be married or carnally known by any other person, shall be guilty of felony and shall be liable to imprisonment for any term not exceeding fourteen years.

Abduction
of woman
against her
will from
motives of
lucre.
24 & 25
Vict.
c. 100,
s. 53.

23. Every person who fraudulently allures, takes away or detains any such woman as is mentioned in section 22, being under the age of 21 years, out of the possession and against the will of her father or mother or of any other person having the lawful care or charge of her, with intent to marry or carnally know her or to cause her to be married or carnally known by any other person, shall be guilty of felony and shall be liable to imprisonment for any term not exceeding fourteen years.

Fraudulent
abduction
of girl
against the
will of her
father or
mother, etc.
24 & 25
Vict.
c. 100,
s. 53.

24. Every person who is convicted of any offence against section 22 or section 23 shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she has any such interest, or which comes to her as such heiress, co-heiress or next of kin as aforesaid; and if any such marriage as aforesaid has taken place, such property shall on such conviction be settled in such manner as the Supreme Court may, on any information at the suit of the Attorney General, appoint.

Offender
incapable
of taking
property of
abducted
woman or
girl.
24 & 25
Vict.
c. 100,
s. 53.

25. Every person who by force takes away or detains against her will any woman of any age, with intent to marry or carnally know her or to cause her to be carnally known by any other person, shall be guilty of felony and shall be liable to imprisonment for any term not exceeding fourteen years.

Forcible
abduction
of woman
with intent
to marry
her.
24 & 25
Vict.
c. 100,
s. 54.

Abduction
of girl
under 21
years of
age.
24 & 25
Vict.
c. 100,
s. 55.

26. Every person who unlawfully takes or causes to be taken any unmarried girl, being under the age of 21 years, out of the possession and against the will of her father or mother or of any other person having the lawful care or charge of her shall be guilty of a misdemeanor: Provided that no prosecution shall be brought under this section in respect of any girl of or above the age of 16 years without the consent of the Secretary for Chinese Affairs.

Presumption
as to age
of girl.

27. When a person is charged with an offence under this Ordinance, or under any other enactment, in respect of a girl who is alleged in the charge or indictment to be under any specified age, and such girl appears to the presiding magistrate or judge to be under that age, such girl shall for the purposes of the enactment under which the charge or indictment is brought be deemed to be under that age unless the contrary is proved.

No summary
conviction or
warrant to
be quashed
for want
of form.
24 & 25
Vict.
c. 100,
s. 72.

28. No summary conviction under this Ordinance shall be quashed for want of form or be removed by *certiorari*, and no warrant of commitment shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted and there is a good and valid conviction to sustain the same.

Punishment
for mis-
demeanor
under this
Ordinance.

29. Every person who is convicted of any misdemeanor under this Ordinance shall be liable to imprisonment for any term not exceeding two years: Provided always that if the case is determined by a single magistrate instead of being, in his discretion, sent for trial, he shall not impose a heavier sentence than one year's imprisonment, and that where there appears a necessity for a heavier sentence, the case shall be committed for trial at the Supreme Court.

Flogging.
cf. No. 3
of 1903.

30.—(1) Whenever any person is convicted either summarily or before the Supreme Court of any offence against the provisions of section 4 or section 7 it shall be lawful for the magistrate or court to direct that, in addition to the punishment hereinbefore prescribed, the offender, if a male, be flogged.

(2) Whenever a person is convicted of any offence against the provisions of section 3, 5, 6, 8, 9, 10, 11, 17, 18, 19 or 20, if it is proved that the offender has been previously convicted either summarily or before the Supreme Court of an offence against the provisions of the same or any other of the said sections it shall be lawful for the magistrate or court to direct that, in addition to the punishment hereinbefore prescribed, the offender, if a male, be flogged.

Powers
of the
Secretary
for Chinese
Affairs as
to guardian-
ship, etc.

31.—(1) Whenever any person adopts as his own and obtains the custody of the child of any other person, such child being a girl under the age of 21 years, the legal guardianship of such child while in this Colony shall vest in the Secretary for Chinese Affairs unless the custody of the child was given to the adopter by order of a competent court.

(2) Subject to the provisions of sub-section (5), whenever the Secretary for Chinese Affairs, upon such inquiry as he may think fit to make, is satisfied that either of the parents or any person acting in the place of a parent of any girl under the age of 21 years has parted or agreed to

part with the custody of the girl to some other person either permanently or for any consideration except marriage, the Secretary for Chinese Affairs, in his absolute discretion, may in writing declare that the girl shall be his ward, and upon the making of such declaration the legal guardianship of the girl while in this Colony shall vest in the Secretary for Chinese Affairs.

(3) If in any case it appears to the Secretary for Chinese Affairs that any girl under the age of 21 years has been treated as a drudge or treated with cruelty or unkindness or has otherwise not been properly treated by the person in whose custody she is or appears to be or that the girl is unwilling to remain in such custody it shall be lawful for the Secretary for Chinese Affairs to call upon such person to produce proof to his satisfaction that such person is her legal guardian and has treated and is treating her properly. Failing the production of such proof and subject to the provisions of sub-section (5) the Secretary for Chinese Affairs may in his absolute discretion declare that the girl shall be his ward, and upon the making of such declaration the legal guardianship of the girl while in this Colony shall vest in the Secretary for Chinese Affairs.

(4) The Secretary for Chinese Affairs may revoke any such declaration as is mentioned in sub-section (2) or (3) by a subsequent declaration, and upon the making of any such subsequent declaration the legal guardianship of the girl to whom the declaration relates shall vest or re-vest in the person in whom, but for the provisions of this section, it would otherwise by law be vested: Provided that, notwithstanding anything in this sub-section, the powers conferred by sub-sections (2) and (3) may be exercised from time to time as occasion requires.

(5) As soon as practicable after making any declaration under this section in respect of any girl the Secretary for Chinese Affairs shall inform the person in whose custody the girl appears to be of the making of the declaration and any person aggrieved by the making of any declaration by the Secretary for Chinese Affairs under this section may apply in a summary manner to a judge in chambers within three months after the making of the declaration or within such extended time as the judge in any case may allow and on such application the judge may give such directions in the matter as he thinks proper.

(6) Where the legal guardianship of any girl is vested in the Secretary for Chinese Affairs he may make any order (including if he thinks fit an order for her removal to and detention in a place of refuge) regarding the custody and control of the girl which he may think desirable in her interest and if he thinks fit may require any person in whose charge he shall place the girl to enter into a bond, with one or more sureties, to treat the girl well.

(7) Where the legal guardianship of any girl is vested in the Secretary for Chinese Affairs he may at any time require any person in whose custody she is or appears to be to do all or any of the following things—

(a) to produce such girl;

(b) to furnish photographs of such girl and of himself;

(c) to give security to the satisfaction of the Secretary for Chinese Affairs that the girl will not leave the Colony without the consent in writing of the Secretary for Chinese Affairs;

(d) to give like security that the girl will not be trained for or employed in any occupation other than such occupation as may be approved of in writing by the Secretary for Chinese Affairs.

(8) Any person who fails to produce any girl when so required by the Secretary for Chinese Affairs or fails to perform any obligation imposed under any bond executed under sub-section (6) or (7) shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months in addition to any penalty to which he may otherwise by law be liable.

(9) The Secretary for Chinese Affairs, any Assistant Secretary for Chinese Affairs and any public officer authorized thereto in writing by the Secretary for Chinese Affairs, either generally or specially, may at any reasonable time enter and inspect the home of and interview any girl of whom the legal guardianship is vested in the Secretary for Chinese Affairs.

Registration of girls of whom guardianship is vested in Secretary for Chinese Affairs.

32.—(1) The Secretary for Chinese Affairs shall keep a register of the girls of whom the legal guardianship is vested in him by virtue of this Ordinance.

(2) Every person who at the date of the passing of this Ordinance has in his custody or control any girl the legal guardianship of whom is vested in the Secretary for Chinese Affairs pursuant to section 31 (1) shall within three months from such date as may be appointed by the Governor by notification in the Gazette give notice thereof in a manner to be prescribed by regulations.

(3) Every person who acquires the custody or control of any such girl shall within one month from the date of acquiring such custody or control give notice thereof in a manner to be prescribed by regulations.

(4) Every person who brings into the Colony any such girl shall within one week from the date of bringing such girl into the Colony give notice thereof in a manner to be prescribed by regulations:

Provided that nothing in this section shall apply in the case of any girl required to be registered under the Female Domestic Service Ordinance, 1923.

Regulations for registration

33. It shall be lawful for the Governor in Council to make regulations with respect to any of the following matters or for any of the following purposes:—

(a) the registration of girls the legal guardianship of whom is vested in the Secretary for Chinese Affairs and the keeping of such registers up to date;

(b) the inspection and control of such girls;

(c) generally for the purposes of section 32.

34.—(1) Every person who contravenes any of the provisions of section 32 or of any regulation made under section 33 shall upon summary conviction be liable to a fine not exceeding fifty dollars or to imprisonment for any term not exceeding one month. Penalty.

(2) No prosecution under section 32 or 33 shall be instituted without the consent of the Secretary for Chinese Affairs.

(3) Notwithstanding anything contained in section 20 of the Magistrates Ordinance, 1932, any complaint or information in respect of an offence against section 32 or section 33 may be laid at any time. Ordinance
No. 41 of
1932.

35.—(1) In any proceedings under section 32, 33 or 34 the following shall be admissible in evidence upon production:— Admissibility of
register, etc.

(a) any register, or any part of any register, which purports to be kept under section 32 (1);

(b) any extract from any such register purporting to be certified as correct by the Secretary for Chinese Affairs or any Assistant Secretary for Chinese Affairs;

(c) any photograph purporting to be certified by the Secretary for Chinese Affairs or any Assistant Secretary for Chinese Affairs as a photograph furnished to him in pursuance of any of the provisions of this Ordinance or any regulation made thereunder or in connexion with the registration of any girl under this Ordinance.

(2) If any such photograph appears to have a serial number, and if the said serial number occurs in some part of any such register as apparently assigned to some particular girl, it shall until the contrary is proved be assumed that the photograph in question is the photograph of the girl indicated by the said serial number.

36.—(1) Whenever the Secretary for Chinese Affairs has reason to believe that any woman or girl has been brought into or is about to be taken out of this Colony by force, threats, intimidation, false pretences, false representations or other fraudulent means, or is in the custody or control or under the direction or influence of another person and is or is likely to be exposed to any danger of seduction or prostitution, he may inquire into the case and— Powers of
Secretary
for Chinese
Affairs to
protect
women or
girls from
immoral
exploitation

(i) may make any order (including if he thinks fit an order for removal to and detention in a place of refuge) regarding the custody and control of the woman or girl which he may think desirable in her interest, and if he thinks fit may require any person in whose charge he shall place her to enter into a bond, with one or more sureties, to treat her well; or

(ii) may require any person in whose custody she is or appears to be to do all or any of the following things—

(a) to produce such woman or girl;

(b) to furnish photographs of such woman or girl and of himself;

(c) to give security to the satisfaction of the Secretary for Chinese Affairs that the woman or girl will not leave the Colony without the consent in writing of the Secretary for Chinese Affairs;

(d) to give like security that the woman or girl will not be trained for or employed in any occupation other than such occupation as may be approved of in writing by the Secretary for Chinese Affairs:

Provided that nothing in paragraph (i) of this sub-section shall be deemed to authorize the detention of any person of or above the age of 13 years.

(2) Any person who fails to produce any woman or girl when so required as aforesaid by the Secretary for Chinese Affairs or fails to perform any obligation imposed by any bond executed under sub-section (1) shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months in addition to any penalty to which he may otherwise by law be liable.

(3) The Secretary for Chinese Affairs, any Assistant Secretary for Chinese Affairs and any public officer authorized thereto in writing by the Secretary for Chinese Affairs, either generally or specially, may at any reasonable time enter and inspect the home of and interview any woman or girl concerning whom an order or requirement has been made under paragraph (i) or (ii) of sub-section (1).

Regulations
for women
or girls
in refuges.
Schedule.

37.—(1) Every woman or girl residing or detained in any such place of refuge as is referred to in section 31 (6) or 36 (1) (i) shall be subject to such regulations as may be made by the Governor in Council; and every woman or girl who contrary to any such regulation leaves any such place of refuge in which she is residing may be arrested and taken back to such place by any police officer or by any public officer specially or generally authorized in writing in that behalf by the Secretary for Chinese Affairs.

Schedule.

(2) The regulations in the Schedule shall be deemed to have been made under this Ordinance and shall be in force until altered, rescinded or amended by the Governor in Council.

(3) Every person who contravenes any such regulation shall be liable, upon summary conviction, to a fine not exceeding fifty dollars or to imprisonment for any term not exceeding one month.

Penalty for
inducing or
assisting
woman or
girl to leave
refuge, etc.

38.—(1) Every person who induces or assists any woman or girl so residing or detained to leave, contrary to any such regulation, the place of refuge, or knowingly harbours any such woman or girl shall be liable upon summary conviction to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding three months.

(2) Every person who without lawful authority or purpose communicates or attempts to communicate with any woman or girl so residing or detained, or induces or attempts to induce any such woman or girl to break any such regulation, shall be liable to the same punishment.

39.—(1) The Secretary for Chinese Affairs, or any officer generally or specially authorized for that purpose in writing by the Secretary for Chinese Affairs, may enter, and for that purpose may use force if necessary, and may search, any vessel, house, building or other place for the purpose of ascertaining whether there is therein any woman or girl who is or may be liable to be dealt with under the provisions of this Ordinance, or whether any offence under this Ordinance is being, or has been, committed, and may remove any such woman or girl to a place of refuge to be there detained until her case be inquired into.

Powers of search, etc., by Secretary for Chinese Affairs, etc.

(2) The Secretary for Chinese Affairs or such officer as aforesaid may, during or after any such search as is referred to in sub-section (1), arrest or cause to be arrested any person reasonably suspected of being liable to prosecution for an offence against this Ordinance, and may seize and detain any articles, books, documents or accounts which he may have reason to believe to relate to any offence against this Ordinance.

(3) No person shall refuse the Secretary for Chinese Affairs or such officer as aforesaid access to any such vessel, house, building or other place, or otherwise obstruct or hinder him in effecting an entrance, or in removing such woman or girl, or in seizing and detaining such articles, books, documents or accounts.

(4) (a) In carrying out any search under the provisions of this section the Secretary for Chinese Affairs or such officer as aforesaid shall have power to put questions and to give any such order or direction as may be necessary to the inmates of any vessel, house, building or other place for the purpose of carrying out such search.

(b) The inmates of any vessel, house, building or other place shall answer truthfully all questions put to them by the Secretary for Chinese Affairs, or such officer as aforesaid, and shall obey any order or direction given by him touching any matter or any person connected with such search.

(c) No person shall by force, restraint, threats, inducement or other means cause any woman or girl who is or may be liable to be dealt with under the provisions of this Ordinance to conceal herself in or to leave any vessel, house, building or other place being searched or about to be searched by the Secretary for Chinese Affairs or such officer as aforesaid under the provisions of this section, with the intent that the search of the Secretary for Chinese Affairs or such officer may thereby be evaded or obstructed.

(5) Every person who contravenes any of the provisions of this section shall be liable upon summary conviction to a fine not exceeding one thousand dollars and to imprisonment for any term not exceeding six months.

40.—(1) The Secretary for Chinese Affairs may from time to time hold any such inquiry as he thinks fit for any of the purposes of this Ordinance and by notice in writing under his hand may require any person to attend such inquiry and to give evidence.

Powers of Secretary for Chinese Affairs to require persons to attend inquiry.

(2) Every person who—

(a) on service of such notice, does not appear at the time and place therein mentioned; or

(b) fails to produce all documents in his custody, possession or power, or to answer truthfully all questions which the Secretary for Chinese Affairs may put to him, relating to the matter under inquiry; or

(c) having any woman or girl in his custody or control and being required by the Secretary for Chinese Affairs to produce her, without lawful excuse refuses or neglects to comply with such requirement,

shall upon summary conviction be liable to a fine not exceeding one hundred dollars, or to imprisonment for any term not exceeding three months.

Service of
summons,
notice, etc

41. All summonses, notices and other documents required to be served or given under this Ordinance shall be deemed validly and sufficiently served or given to or left with the person intended to be served or to whom the notice is intended to be given or, if he cannot be readily found, if posted by registered post to, or left with some adult at, his last known place of abode or business.

Reception
in evidence
of warrant
or order,
direction,
or authoriza-
tion under
hand of the
Secretary
for Chinese
Affairs.

42. Every warrant, order, direction or authorization, purporting to be issued in pursuance of this Ordinance under the hand of the Secretary for Chinese Affairs, shall be received in evidence in every court without further proof, and shall be evidence of the facts therein stated, and all acts done in pursuance thereof shall be deemed to have been authorized by law.

Appointment
of officers.

43. The Governor may appoint such officers as may be necessary for carrying out the provisions of this Ordinance.

Repeal of
Ordinances
No. 4 of
1897, No. 21
of 1929,
No. 43
of 1932,
No. 14 of
1934, and
No. 25 of
1936.

44. The Protection of Women and Girls Ordinance, 1897, the Protection of Women and Girls Amendment Ordinance, 1929, the Protection of Women and Girls Amendment Ordinance, 1932, the Protection of Women and Girls Amendment Ordinance, 1934, and the Protection of Women and Girls Amendment Ordinance, 1936, and all regulations made thereunder are repealed.

Amendment
of Ordinances
No. 2
of 1865,
No. 3 of
1903, No. 3 of
1916, No. 1
of 1923,
No. 13 of
1929, No. 22
of 1929,
No. 1
of 1932 and
No. 41 of
1932.

45.—(1) Section 3 (6) of the Flogging Ordinance, 1903, is repealed and the following paragraph is substituted:—

“(6) of any offence punishable with flogging under section 30 of the Protection of Women and Girls Ordinance, 1938.”

(2) The date “1938” is substituted for the date “1897” wherever it occurs in

(a) section 45 (2) (a) of the Offences Against the Person Ordinance, 1865 (as enacted by section 2 of Ordinance No. 13 of 1929), sections 2 (1) and 5 (2) of the Punishment of Incest Ordinance, 1916, section 17 (1) (e) of the Juvenile Offenders Ordinance, 1932, and section 89 (5) of the Magistrates Ordinance, 1932.

(3) The words "vested in the Secretary for Chinese Affairs by virtue of the provisions of the Protection of Women and Girls Ordinance, 1938" are substituted for the words "already vested in the Secretary for Chinese Affairs by virtue of the provisions of the Protection of Women and Girls Ordinance, 1897, or hereafter vested in him by virtue of the provisions of the Protection of Women and Girls Ordinance, 1897, as amended by the Protection of Women and Girls Amendment Ordinance, 1929" in section 23 of the Female Domestic Service Ordinance, 1923, as enacted by the Female Domestic Service Amendment Ordinance, 1929.

Passed the Legislative Council of Hong Kong, this 12th day of May, 1938.

B. C. K. HAWKINS,
Deputy Clerk of Councils.

SCHEDULE.

Regulations.

[s. 37.]

Places of refuge.

1. The home provided by the Po Leung Kuk under section 16 of the Po Leung Kuk Ordinance, 1893, and the institutions known as the Italian Convent, the Heep Yunn School, the Tai Po Rural Home and Orphanage and the Salvation Army Home for Women and Girls shall be the places of refuge referred to in the Protection of Women and Girls Ordinance, 1938.

2. No woman or girl sent to a place of refuge shall leave or attempt to leave the same without the written order of the Secretary for Chinese Affairs, or escape or attempt to escape whilst being conducted to or from the same.

3. No woman or girl detained in a place of refuge shall behave in a disorderly or noisy manner.

4. Every woman or girl detained in a place of refuge shall obey all lawful orders and commands of the persons in charge of the same and of the matrons, teachers and other persons placed in control of the inmates.

5. No woman or girl detained in a place of refuge shall communicate or attempt to communicate with any person except with the approval of the persons in charge of the same.

6. The matron, with the approval of the committee of the Po Leung Kuk or the managers of places of refuge other than the Po Leung Kuk, may direct the women and girls in their respective place of refuge to wash clothes and cook and do other domestic work, and every such woman and girl shall perform such work when so directed.

7. Any woman or girl who disobeys any of these regulations may for each such disobedience be confined in a room by the matron for a period not exceeding one day. Every such punishment shall be recorded and reported to the committee of the institution. In the case of repeated disobedience and recalcitrancy the committee shall report the matter to the Secretary for Chinese Affairs for such action as he may see fit to take under section 37 (4) of the Protection of Women and Girls Ordinance, 1938.

Registration.

[ss. 32 and 33.]

1. Notice required by section 32 shall be given by filling in, signing and delivering the particulars prescribed in Appendix A at the office of the Secretary for Chinese Affairs, or at the office of the District Officer at Tai Po, or at any police station.

2. In these regulations—

(a) "Custodian" means the person having the possession, custody or control of any girl the legal guardianship of whom is vested in the Secretary for Chinese Affairs;

(b) "Ward" means any girl the legal guardianship of whom is vested in the Secretary for Chinese Affairs.

3. The particulars required to be notified shall be those specified in Appendix A so far as they can reasonably be ascertained.

4.—(1) The custodian shall make a report upon—

(a) the death of the ward;

(b) the disappearance of the ward;

(c) any intended removal of the ward from the Colony whether temporarily or permanently;

(d) any change of address whether temporary or permanent in the address at which the ward or custodian resides;

(e) the intended marriage of the ward.

(2) Any such report may be made at the office of the Secretary for Chinese Affairs, or at the office of the District Officer at Tai Po, or at any police station.

5. The names of wards shall be removed from the register as soon as practicable after they attain the age of 21 years or after their marriage if before that age.

6. The inspection and control of wards shall be carried out by officers appointed by the Governor to be inspectors under section 33.

7. The powers of every such inspector shall be as follows:—

(a) to enter during the day any premises whatsoever in which such inspector has reasonable cause to believe that any girl is a ward;

(b) to interrogate any ward or suspected ward;

(c) to take any ward or suspected ward to the office of the Secretary for Chinese Affairs for the purposes of investigation and inquiry;

(d) to require any person whether the custodian or not to give and provide all reasonable facilities, information and assistance to any such inspector in the carrying out of his duties and powers.

8. Every person shall comply with all reasonable requirements of any such inspector.

[Reg. 3.]

APPENDIX A.

Photograph of

ward

FORM OF NOTICE.

(passport size)

Serial number.

Date of registration.

Name or names (1) of ward in English and Chinese.

Address at which the ward resides.

Age of ward (2).

Name of father of ward in English and Chinese.

Name of mother of ward in English and Chinese.

Native place of ward.

Name of custodian in English and Chinese.

Name of custodian's wife/(3) husband in English and Chinese.

Address at which custodian resides.

Occupation of custodian.

.....
*Signature of Custodian.**Interpreted by*
.....

(1) If the name of the ward is changed on adoption, both old and new names should be given.

(2) The date of birth must be given if known. If only the age is given it should be stated whether it is given according to Chinese or English reckoning.

(3) Strike out whichever word is inapplicable. If custodian is a widower or widow no answer is required.