
APPOINTMENTS, &c.

No. 516.—His Majesty the KING has been pleased to approve the appointment of the Honourable Mr. JOHN JOHNSTONE PATERSON to be an Unofficial Member of the Legislative Council for a further period of four years, with effect from the 15th March, 1938.

6th July, 1938

No. 517.—His Excellency the Governor has been pleased to appoint Mr. BENJAMIN DAVIES EVANS, F.R.A.S. to act as Director of the Royal Observatory during the absence from the Colony of Mr. CHARLES WILLIAM JEFFRIES, or until further notice, with effect from the 7th July, 1938.

6th July, 1938.

No. 518.—His Excellency the Governor has been pleased to approve the following promotion in the Hong Kong Volunteer Defence Corps, with effect from 29th May, 1938:—

Second Lieutenant CHRISTOPHER D'ALMADA E CASTRO to be Lieutenant.

8th July, 1938.

NOTICES.

No. 519.

COLONIAL SECRETARY'S DEPARTMENT.

Notice is hereby given that His Excellency the Governor, by virtue and in exercise of the powers conferred on him by certain Additional Instructions of His Majesty dated the 30th day of April, 1938, a copy whereof is appended hereto, hereby appoints the 7th day of July, 1938, as the date on which the said Additional Instructions shall come into operation.

N. L. SMITH,
Colonial Secretary.

7th July, 1938.

Hong Kong.

Additional Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Hong Kong.

GEORGE R.I.

Dated 30th April, 1938.

ADDITIONAL INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies, or other Officer for the time being administering the Government of Our said Colony and its Dependencies.

Recites
Instructions
of 14th
February,
1917, and
Additional
Instruc-
tions.

WHEREAS by certain Instructions under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief (therein and hereinafter called the Governor) of Our Colony of Hong Kong and its Dependencies (therein and hereinafter called the Colony), bearing date the Fourteenth day of February, 1917, as amended by Additional Instructions bearing date the Tenth day of January, 1922, the Fifteenth day of November, 1928, and the Twentieth day of November, 1929, provision is made, amongst other things, for the constitution of the Executive and Legislative Councils of the Colony and the appointment and suspension of officers :

AND WHEREAS We are minded to make other provision in regards to the matters aforesaid :

Revokes
Additional
Instructions
and replaces
Clauses II,
V, XIII,
XIV, XVI,
XVIII,
XX, and
XXXII,
and revokes
Clause
XXXIII,
of Instruc-
tions of
14th
February,
1917.

NOW, THEREFORE, We do, by these Our Additional Instructions under Our Sign Manual and Signet, as from a date to be fixed by the Governor by notification in the Hong Kong Government Gazette, revoke, without prejudice to any appointment lawfully made, or to anything lawfully done, thereunder, the Additional Instructions of the Tenth day of January, 1922, the Fifteenth day of November, 1928, and the Twentieth day of November, 1929, and Clauses Five, Eighteen, Thirty-two and Thirty-three of the Instructions of the Fourteenth day of February, 1917, and We do hereby direct and enjoin and declare Our will and pleasure that from the date so fixed the said Instructions of the Fourteenth day of February, 1917, shall be construed as if the following Clauses had been inserted therein instead of the Second, Fifth, Thirteenth, Fourteenth, Sixteenth, Eighteenth, Twentieth, and Thirty-second Clauses thereof :—

Constitu-
tion of
Executive
Council.

II. The Executive Council of the Colony shall consist of the Senior Military Officer for the time being in command of Our regular troops within the Colony, the persons for the time being lawfully discharging the functions of Colonial Secretary, of Attorney-General, of Secretary for Chinese Affairs, and of Financial Secretary of the Colony, who are hereinafter referred to as *ex officio* Members, and of such other persons as We may from time to time appoint by any Instructions or Warrant under Our Sign Manual and Signet, or as the Governor in pursuance of Instructions from Us through one of Our Principal Secretaries of State may from time to time appoint by an Instrument under the Public Seal of

the Colony. Persons so appointed are hereinafter referred to as Official Members or Unofficial Members according as they hold, or do not hold, office under the Crown in the Colony at the time of appointment.

Every Unofficial Member shall vacate his seat at the end of five years from the date of the Instrument by which he is appointed or of such other period as may be specified in that Instrument, but shall be eligible to be re-appointed in the manner aforesaid for a further period or periods, each period not exceeding five years:

Vacation of seats.

Provided that if any such Member is provisionally appointed to fill a vacant seat in the Council and his provisional appointment is immediately followed by his definitive appointment, the said period of five years shall be reckoned from the date of the Instrument provisionally appointing him.

If any Official Member cease to hold office under the Crown in the Colony his seat in the Council shall thereupon become vacant.

V. The Members of the Executive Council shall have seniority and precedence as We may specially assign, and in default thereof, first the *ex officio* Members in the order in which their offices are above-mentioned (except that the Senior Military Officer if below the rank of Lieutenant-Colonel in Our Army, shall take precedence after the person lawfully discharging the functions of Attorney-General); then the Official Members, according to the priority of their respective appointments, or if appointed by the same Instrument, according to the order in which they are named therein; then the Unofficial Members, according to the like priority, except that any Unofficial Member re-appointed immediately on the termination of his term of Office shall, as between himself and other Unofficial Members, take precedence according to the date from which he has been continuously a Member of the Council.

Precedence.

XIII. The Legislative Council of the Colony shall consist of the Governor, the Senior Military Officer for the time being in Command of Our regular troops within the Colony, the persons for the time being lawfully discharging the functions of Colonial Secretary, Attorney-General, Secretary for Chinese Affairs, and Financial Secretary of the Colony, and such other persons holding office under the Crown in the Colony, and not exceeding four in number at any one time, as We may from time to time appoint by any Instructions or Warrants under Our Sign Manual and Signet, or as the Governor, in pursuance of Instructions from Us through one of Our Principal Secretaries of State, may from time to time appoint by an Instrument under the Public Seal of the Colony, and all such persons shall be styled Official Members of the Legislative Council; and further of such persons, not exceeding eight in number at any one time, as the Governor, in pursuance of Instructions from Us through one of Our Principal Secretaries of State, may from time to time appoint by an Instrument under the Public Seal of the Colony, and all such persons shall be styled Unofficial Members of the Legislative Council.

Constitution of Legislative Council.

Official Members.

Unofficial Members.

If any Official Member of the Legislative Council cease to hold office under the Crown in the Colony, his seat in the Council shall thereupon become vacant.

Provisional
appoint-
ment of
members.

XIV. Whenever any Member of the Legislative Council, other than an *ex officio* Member, shall, in the manner hereinafter provided, have resigned his seat in the Council or shall die, or whenever the seat of any such Member shall otherwise become vacant, or wherever any such Member shall be suspended from the exercise of his functions as a Member of the Council, or be declared by the Governor by an Instrument under the Public Seal to be incapable of exercising his functions as a Member of the Council, or be absent from the Colony, or shall be acting in an office the holder of which is an *ex officio* Member of the Council, the Governor may, by an Instrument under the Public Seal, appoint some person to be provisionally a Member of the Council in the place of such Member.

Such person shall hold his place in the Council during Our pleasure and shall forthwith cease to be a Member of the Council if his appointment is disallowed by Us, or revoked by the Governor or superseded by the definitive appointment of a Member of the Council, or if the Member in whose place he was appointed shall be released from suspension, or, as the case may be, shall be declared by the Governor capable of again exercising his functions in the Council, or shall return to the Colony, or shall cease to sit in the Council as an *ex officio* Member.

When any person shall be lawfully discharging the functions of more than one of the offices the holders of which are *ex officio* Members of the said Council, the Governor may, by an Instrument under the Public Seal, appoint any fit person to be provisionally a Member of the Council so long as the said offices shall continue to be so discharged by one person but any such appointment may be disallowed or revoked as aforesaid.

The Governor shall, without delay, report to Us, through one of Our Principal Secretaries of State, every provisional appointment of any person as a Member of the Legislative Council.

Tenure of
Office of
Unofficial
Members of
Legislative
Council.

XVI. Every Unofficial Member of the Legislative Council shall vacate his seat at the end of four years from the date of the Instrument by which he is appointed or of such other period as may be specified in that Instrument, but shall be eligible to be re-appointed in the manner hereinbefore provided for a further period or periods, each period not exceeding four years :

Unofficial
Members
eligible for
re-appoint-
ment.

Provided that if any such Member is provisionally appointed to fill a vacant seat in the Council and his provisional appointment is immediately followed by his definitive appointment, the aforesaid period of four years shall be reckoned from the date of the Instrument provisionally appointing him.

Resignation
of Members.

XVIII. Any Member of the Legislative Council, other than an *ex officio* Member, may resign his seat in the Council by writing under his hand, but no such resignation shall take effect until it be accepted by the Governor in writing, or by Us through one of Our Principal Secretaries of State.

XX. The Members of the Legislative Council shall take precedence as We may specially assign, and in default thereof, as follows:—

(1) First, the Official Members in the following order:—

(a) The *ex officio* Members in the order in which their offices are hereinbefore mentioned (except that the Senior Military Officer, if below the rank of Lieutenant-Colonel in Our Army, shall take precedence after the person lawfully discharging the functions of Attorney-General);

(b) Other Official Members according to the priority of their respective appointments, or if appointed by the same Instrument, according to the order in which they are named therein.

(2) Secondly, the Unofficial Members in the following order:—

(a) The Unofficial Members who are also Members of the Executive Council of the Colony according to the precedence taken as between themselves as Members of the Executive Council;

(b) Other Unofficial Members according to the priority of their respective appointments, or if appointed by the same Instrument, according to the order in which they are named therein: Provided that any such Unofficial Member who is re-appointed immediately on the termination of his term of office shall, as between himself and other Unofficial Members who are not also Members of the Executive Council, take precedence according to the date from which he has been continuously a Member of the Legislative Council.

XXXII. All commissions to be granted by the Governor to any person or persons for exercising any office or employment shall, unless otherwise provided by law, be granted during pleasure only.

Appoint-
ments by
Governor
to be
during
pleasure.

Given at Our Court at Saint James's this Thirtieth day of April, 1938, in the Second year of Our Reign.