

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

13. *Registration of Persons Amendment Bill.*—The Attorney General moved the Second reading of a Bill intituled “An Ordinance to amend the Registration of Persons Ordinance, 1914.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee with material amendments and requested the President's permission under Standing Order No. 28 (1) to suspend Standing Orders to allow the Bill to be read a third time at the same meeting.

The President gave the required permission and Council approved the suspension of Standing Orders.

The Attorney General then moved that the amended Bill, which had already appeared in the Gazette as amended, be read a third time in substitution for the Bill as read a second time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

14. The Council then adjourned *sine die*.

G. A. S. NORTHCOTE,
Governor.

Confirmed this 1st day of September, 1938.

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

No. 677.—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. 12 of 1938.—An Ordinance to amend the Sand Ordinance, 1935.

Ordinance No. 13 of 1938.—An Ordinance to make better provision for the prevention and punishment of sedition.

Ordinance No. 14 of 1938.—An Ordinance to prohibit the importation of undesirable publications.

HONG KONG.

No. 12 OF 1938.

I assent.

L.S.

G. A. S. NORTHCOTE.
Governor.

2nd September, 1938.

An Ordinance to amend the Sand Ordinance, 1935.

[2nd September, 1938.]

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 Sand Amendment Ordinance, 1938.

Amendment of Ordinance No. 50 of 1935, ss. 2 (1) and 3 (1). **2.** The words "Controller of Stores" are substituted for the words "Director of Public Works" in the fourth and fifth lines of sub-section (1) of section 2 and in the seventh line of sub-section (1) of section 3 of the Sand Ordinance, 1935.

New section 3A for Ordinance No. 50 of 1935. **3.** The Sand Ordinance, 1935, is amended by the insertion, immediately after section 3 thereof, of the following new section:—

Arrest. **3A.** The Controller of Stores and any public officer authorized by him, either generally or specially, shall have power to arrest and detain any person whom he may have cause to suspect of having committed, or of being about to commit, or of intending to commit any offence against this Ordinance.

Repeal of ss 5 and 6 of Ordinance No. 50 of 1935. **4.** Sections 5 and 6 of the Sand Ordinance, 1935, are repealed.

Passed the Legislative Council of Hong Kong, this 1st day of September, 1938.

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

HONG KONG.

No. 13 of 1938.

I assent.

(L.S.)

G. A. S. NORTHCOTE,
Governor.

2nd September, 1938.

An Ordinance to make better provision for the prevention and punishment of sedition.

[2nd September, 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 Sedition Ordinance, Short title.
1938.

2. In this Ordinance—

Definitions

“Publication” includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

“Seditious publication” means a publication having a seditious intention;

“Seditious words” means words having a seditious intention;

“Import” includes to bring or cause to be brought into the Colony.

3.—(1) A “seditious intention” is an intention—

(i) to bring into hatred or contempt or to excite disaffection against the person of His Majesty, His heirs or successors, or the Government of the Colony as by law established; or Seditious intention.

(ii) to excite His Majesty's subjects or inhabitants of the Colony to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the Colony as by law established; or

(iii) to bring into hatred or contempt or to excite disaffection against the administration of justice in the Colony; or

(iv) to raise discontent or disaffection amongst His Majesty's subjects or inhabitants of the Colony; or

(v) to promote feelings of ill-will and hostility between different classes of the population of the Colony; or

(vi) to endeavour to seduce any member of His Majesty's forces from his duty or allegiance to His Majesty.

But it is not a seditious intention—

(a) to show that His Majesty has been misled or mistaken in any of his measures; or

(b) to point out errors or defects in the government or constitution of the Colony as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or

(c) to persuade His Majesty's subjects or inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established; or

(d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of the Colony:

Provided that none of the acts or things mentioned in provisos (a), (b), (c) and (d) shall be deemed to be lawful if they are done in such a manner as to effect or be likely to effect any of the purposes (i) to (vi) which are declared in this section to be a seditious intention.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

Offences.

4.—(1) Any person who—

(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

(d) imports any seditious publication, unless he has no reason to believe that it is seditious,

shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding \$1,000 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and any seditious publication shall be forfeited to the Crown.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding \$500 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication shall be forfeited to the Crown.

5.—(1) No prosecution for an offence under section 4 shall be begun except within six months after the offence is committed. Legal proceedings.

(2) A person shall not be prosecuted for an offence under section 4 without the written consent of the Attorney General.

6. No person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness. Evidence.

7. If a magistrate is satisfied by information on oath that there is reasonable cause to believe that an offence under this Ordinance has been or is about to be committed he may grant a search warrant authorizing any police officer to enter any premises or place named in the warrant, with such assistance as may be necessary, and if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place which the officer has reasonable ground for suspecting to be evidence of an offence under this Ordinance. Search warrant.

8. The Seditious Publications Ordinance, 1914, is hereby repealed. Repeal of Ordinance No. 6 of 1914.

Passed the Legislative Council of Hong Kong, this 1st day of September, 1938.

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

HONG KONG.

No. 14 OF 1938.

I assent.

G. A. S. NORTHCOTE,
Governor.

2nd September, 1938.

An Ordinance to prohibit the importation of undesirable publications.

[2nd September, 1938.]

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 Prohibited Publications Ordinance, 1938.

Definitions. **2.** In this Ordinance—

“ Publication ” includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

“ Periodical publication ” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

“ Prohibited publication ” means any publication or periodical publication the importation of which is prohibited under section 3;

“ Import ” includes to bring or to cause to be brought into the Colony.

Power to prohibit importation of publication.

3. If the Governor is of opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by order in Council prohibit the importation of such publication, and in the case of a periodical publication may, by the same or a subsequent order in Council, prohibit the importation of any past or future issue thereof.

Offences.

4.—(1) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any prohibited publication, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding \$1,000 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited to the Crown.

(2) Any person who without lawful excuse has in his possession any prohibited publication, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding \$500 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication or extract therefrom shall be forfeited to the Crown.

5.—(1) Any person who has in his possession at the time when an Order in Council is made under section 3 any publication to which such Order in Council refers or any extract therefrom or to whom a prohibited publication or any extract therefrom is sent without his knowledge or privity or in response to a request made before its importation was prohibited shall forthwith if or as soon as the nature of its contents is or becomes known to him deliver such publication or extract therefrom to the officer in charge of the nearest police station, and in default thereof shall be guilty of an offence and liable to imprisonment for one year or to a fine not exceeding \$500 or to both such imprisonment and fine, and such publication or extract therefrom shall be forfeited to the Crown.

Delivery of prohibited publications to police station.

(2) A person who delivers or who is convicted for failing to deliver a prohibited publication or extract therefrom to a police officer in accordance with sub-section 1 of this section shall not be liable to be convicted for having imported or for having in his possession such publication or extract therefrom.

6.—(1) It shall be lawful for the Postmaster General, the Superintendent of Imports and Exports or the Commissioner of Police or any person duly authorized by any such officer to detain, open and examine any package or article which is suspected to be or to contain a prohibited publication or any extract therefrom and during such examination to detain any person suspected of committing any offence under section 4 or section 5 in respect of such publication or extract therefrom.

Power to examine packages.

(2) If such package or article is found to be or to contain a prohibited publication or extract therefrom, such package or article may be impounded and retained by the officer examining the same and any person detained during such examination may forthwith be arrested and proceeded against for a breach of the provisions of this Ordinance.

7. If a magistrate is satisfied by information on oath that there is reasonable cause to believe that an offence under this Ordinance has been or is about to be committed he may grant a search warrant authorizing any police officer to enter any premises or place named in the warrant, with such assistance as may be necessary, and if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place which the officer has reasonable ground for suspecting to be evidence of an offence under this Ordinance.

Search warrant.

Passed the Legislative Council of Hong Kong, this 1st day of September, 1938.

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