

13. *Prohibited Publications Bill*.—The Attorney General addressed the Council and moved the Second reading of a Bill intituled “ An Ordinance to prohibit the importation of undesirable publications.”

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

On Council resuming, the Attorney General reported that the Bill had passed through Committee without amendment, and moved that it be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time and passed.

ADJOURNMENT.

14. The Council then adjourned until Thursday, the 15th day of September, 1938, at 2.30 p.m.

G. A. S. NORTHCOTE,  
*Governor.*

Confirmed this 15th day of September, 1938.

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

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**No. 719.**—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. 15 of 1938.—An Ordinance to amend the Female Domestic Service Ordinance, 1923.

Ordinance No. 16 of 1938.—An Ordinance to repeal and replace section 45A of the Offences Against the Person Ordinance, 1865, as enacted by the Offences Against the Person Amendment Ordinance, 1929.

Ordinance No. 17 of 1938.—An Ordinance to amend the Dangerous Drugs Ordinance, 1935.

Ordinance No. 18 of 1938.—An Ordinance to amend the New Territories Regulation Ordinance, 1910.

HONG KONG.

No. 15 OF 1938.

I assent.

L.S.

G. A. S. NORTHCOTE,  
*Governor.*

16th September, 1938.

An Ordinance to amend the Female Domestic Service Ordinance, 1923.

[16th 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 Female Domestic Service Amendment Ordinance, 1938.
- Amendment of Ordinance No. 1 of 1923, s. 3. (a) (i) and (ii).** 2. Section 3 (a) of the Female Domestic Service Ordinance, 1923, is amended by the insertion of the words "under the age of eighteen years" after the words "female domestic servant" in the first lines of paragraphs (i) and (ii).
- Amendment of Ordinance No. 1 of 1923, s. 5.** 3. Section 5 of the Female Domestic Service Ordinance, 1923, is amended by the substitution of the word "twelve" for the word "ten" in the second line and also in the marginal note.
- Amendment of Ordinance No. 1 of 1923, s. 10.** 4. Section 10 of the Female Domestic Service Ordinance, 1923, is amended by the deletion of the words "under the age of eighteen years" in the second and third lines.
- Amendment of Ordinance No. 1 of 1923, s. 15.** 5. Section 15 of the Female Domestic Service Ordinance, 1923, is amended by the substitution of the word "twelve" for the word "ten" in the fourth line and also in the marginal note.
- New sub-section (4) added to Ordinance No. 1 of 1923. Ordinance No. 22 of 1929, Ordinance No. 23 of 1936.** 6. Section 18 of the Female Domestic Service Ordinance, 1923, (as enacted by section 7 of the Female Domestic Service Amendment Ordinance, 1929, and amended by section 2 of the Female Domestic Service Amendment Ordinance, 1936) is amended by the addition of the following sub-section at the end thereof:—
- (4) Notwithstanding anything contained in section 20 of the Magistrates Ordinance, 1932, any complaint or information in respect of an offence against section 4A may be made or laid at any time.

Passed the Legislative Council of Hong Kong, this 15th day of September, 1938.

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

**HONG KONG.**

No. 16 of 1938.

I assent.

L.S.

G. A. S. NORTHCOTE,  
*Governor.*

16th September, 1938.

An Ordinance to repeal and replace section 45A of the Offences Against the Person Ordinance, 1865, as enacted by the Offences Against the Person Amendment Ordinance, 1929.

[16th 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 Offences Against the Person Amendment Ordinance, 1938. Short title.

2. Section 45A of the Offences Against the Person Ordinance, 1865, as enacted by section 3 of the Offences Against the Person Amendment Ordinance 1929, is repealed and the following section is substituted therefor:—

Substitution for Ordinance No. 2 of 1865, s. 45A, as enacted by Ordinance No. 13 of 1929, s. 3.

45A (1) Every person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of any other person for any valuable consideration shall be guilty of a misdemeanor and shall be liable to imprisonment for any term not exceeding two years.

Unlawful transfers of possession custody or control of other persons for valuable consideration.

(2) Every person shall be guilty of a misdemeanor and liable to imprisonment for any term not exceeding two years, who without lawful authority or excuse harbours or has in his possession, custody or control any person with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or without the Colony.

(3) Nothing in this section shall be construed as affecting the customary giving or receiving of presents on occasions of *bonâ fide* betrothals, weddings or adoptions.

(4) No prosecution under this section shall be instituted without the consent of the Secretary for Chinese Affairs: Provided that such consent shall not be necessary for the arrest of any person suspected of having contravened this section.

Passed the Legislative Council of Hong Kong, this 15th day of September, 1938.

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

**HONG KONG.**

No. 17 OF 1938.

I assent.

(L. S.)

G. A. S. NORTHCOTE,  
*Governor.*

16th September, 1938.

An Ordinance to amend the Dangerous Drugs Ordinance,  
1935.

[16th 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 Dangerous Drugs Amendment Ordinance, 1938.

Amendment  
of Ordinance  
No. 35 of  
1935,  
s. 17 (2).

**2.** Sub-section (2) of section 17 of the Dangerous Drugs Ordinance, 1935, is amended by the substitution of the words "on indictment" for the words "or indictment" in the first line of paragraph (a) thereof.

New  
section 21A  
added to  
Ordinance  
No. 35 of  
1935.

**3.** The Dangerous Drugs Ordinance, 1935, is amended by the insertion of the following new sections immediately after section 21 thereof:—

21A.—(1) No person shall—

Special  
provision  
for the  
prohibition  
of heroin  
divans,  
storage  
places and  
factories,  
and for the  
responsi-  
bility of  
landlords  
in respect  
thereof.

(a) have in his possession any pipe fit and intended for the smoking of heroin: The burden of proof that any pipe fit for the smoking of heroin is not intended for such smoking shall lie on the defendant;

(b) smoke or consume any heroin in any heroin divan;

(c) keep, manage or act or assist in the management of any heroin divan or of any place in which heroin is unlawfully stored or manufactured;

(d) being the tenant, lessee, occupier or person in charge of any place, permit such place or any part thereof to be used as a heroin divan or for the unlawful storage or manufacture of heroin;

(e) being the lessor or landlord of any place, or the agent of such lessor or landlord, let the same with the knowledge that such place or some part thereof is to be used as a heroin divan or for the unlawful storage or manufacture of heroin, or consent to the use at any time of such place or any part thereof as a heroin divan or for the unlawful storage or manufacture of heroin.

(2) In and for the purposes of this section—

(a) "place" means any house, room, agency, boat, vehicle, vessel or any erection movable or otherwise or any spot on land or water;

(b) "lessee" and "tenant" respectively include any sub-lessee or sub-tenant and "tenancy" includes any sub-tenancy;

(c) "lessor" and "landlord" include the holder of any lease or tenancy who has sub-let his holding or any part thereof;

(d) "heroin divan" means any place opened, kept or used—

(i) for the sale of heroin to be smoked or consumed in such place; or

(ii) for the smoking or consumption of heroin where a fee or its equivalent is charged for such smoking or consumption or where any benefit or advantage whatever, direct or indirect, is derived by the keeper of such place in consequence of such smoking or consumption;

(e) whenever two or more pipes fit for the smoking of heroin are found in any place it shall be presumed until the contrary is proved that the place is a heroin divan;

(f) every person found in a heroin divan or found escaping therefrom on the occasion of its being entered under this Ordinance shall, until the contrary is proved, be presumed to be or to have been smoking or consuming heroin therein;

(g) the lessor or landlord of any place or the agent of such lessor or landlord shall be presumed to have consented to the use of such place or of any part thereof as a heroin divan or, as the case may be, for the unlawful storage or manufacture of heroin if it is proved to the satisfaction of the magistrate that he knew of such use and failed forthwith to proceed to put an end to the same by making a report at any police station or by terminating the lease or tenancy.

(h) "unlawful" or "unlawfully" in relation to the storage or manufacture of heroin means otherwise than in accordance with—

(i) the provisions of this Ordinance or any regulations made thereunder; or

(ii) the terms and conditions of any licence or authorization granted in pursuance of the said provisions.

(3) Where it is proved to the satisfaction of a magistrate that an offence under sub-section (1) has been committed with respect to any premises or any part thereof he may order that a notice of the fact shall be served either personally or by registered post upon the landlord or tenant of the premises, or if such landlord or tenant is absent or under a disability upon his attorney, agent or rent collector, or if such landlord or tenant is a corporation upon the secretary or manager thereof.

(4) After service of such notice as is mentioned in sub-section (3) any magistrate may, at the request of any such landlord, 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 of such premises or any part thereof as from the date of such order, and thereupon such tenancy shall absolutely cease and determine for all purposes and any tenant or occupier of such premises or such part may thereafter be treated as a trespasser.

Any such order shall be sufficient authority to any constable to enter (by force, if needful) into the premises and give possession of the same, or any part thereof specified in the order, to the landlord or his agent: Provided that such entry shall not be made at any time except between 9 a.m. and 5 p.m.: Provided also that the powers given by this section shall be in addition to and not in derogation of any powers conferred by or under any other enactment.

(5) If, within twelve months after service of such notice as is mentioned in sub-section (3), an offence against sub-section (1) is proved to have been committed by the same or any other offender in respect of the same premises or any part of the same premises, the person upon whom service is made (and the landlord or tenant also, if such person be an attorney, agent, rent collector, secretary or manager) shall be guilty of an offence, and 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 again in contravention of sub-section (1).

(6) Every person who, after having been previously convicted of an offence punishable under this section or under section 10, subsequently commits any such offence (whether each of the convictions has been in respect of an offence of the same description or not) shall be liable on summary conviction to imprisonment for any term not exceeding twelve months, in addition to any punishment to which he may otherwise by law be liable.

Rules as to  
secrecy of  
information  
and protec-  
tion of  
informers.

21B.—(1) Except as hereinafter mentioned, no information laid under this Ordinance shall be admitted in evidence in any civil or criminal proceeding, and no witness shall be obliged to disclose the name or address of any informer or to state any matter which might lead to his discovery, and if any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding contain any entry in which any such informer is named or described or which might lead to his discovery, the court or magistrate shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery, but no further.

(2) But if, in any proceedings before a magistrate for any offence against any provision of this Ordinance, the magistrate, after full inquiry into the case, believes that the informer wilfully made in his information a material statement which he knew or believed to be false or did not believe to be true, or if, in any other proceeding, the court or magistrate is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, it shall be lawful for the court or magistrate to require the production of the original information, and to permit inquiry and require full disclosure concerning the informer.

Passed the Legislative Council of Hong Kong, this  
15th day of September, 1938.

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

HONG KONG.

No. 18 of 1938.

I assent.



G. A. S. NORTHCOTE,  
*Governor.*

16th September, 1938.

An Ordinance to amend the New Territories Regulation Ordinance, 1910.

[16th 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 New Territories Regulation Amendment Ordinance, 1938. Short title.

2. Sub-section (1) of section 6A of the New Territories Regulation Ordinance, 1910, is repealed and the following sub-section substituted therefor :— Substitution of new section 6A (1) in Ordinance No. 34 of 1910.

6A.—(1) It shall be lawful for the Governor in Council to make rules, to take effect within the New Territories except New Kowloon for the prevention and abatement of nuisances and the making of orders by magistrates in connexion therewith and also for any matter with regard to which the Urban Council may for the time being have power to make by-laws under the Public Health (Sanitation) Ordinance, 1935, and the Buildings Ordinance, 1935, to take effect elsewhere within the Colony. Ordinances Nos. 15 & 18 of 1935.

Passed the Legislative Council of Hong Kong, this 15th day of September, 1938.

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