

LEGISLATIVE COUNCIL.

No. S. 324.—The following Bills were read a first time at a Meeting of the Council held on the 3rd October, 1912 :—

A BILL

ENTITLED

An Ordinance to amend the Law relating to Criminal Sessions.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title. 1. This Ordinance may be cited as the Criminal Sessions Law Amendment Ordinance, 1912.

Amendment of section 5 of Ordinance No. 9 of 1899. 2. Section 5 (1) of the Criminal Procedure Ordinance, 1899, is hereby amended by the insertion of the words "with the exception of the months of January and July" after the word "month" in the second line.

Repeal of section 4 of Ordinance No. 7 of 1910 and substitution of new section therefor. 3. Section 4 of the Magistrates Amendment Ordinance, 1910, is hereby repealed and the following section is substituted therefor :—

"4. Section 77 of the Principal Ordinance is hereby repealed and the following section is inserted in lieu thereof :—

"77.—(1.) If the Magistrate commits the accused to prison for trial between the 10th and 18th days both inclusive of any month with the exception of the months of December and June he shall inform or cause the accused to be informed thereof in the words or to the effect following :—

'A.B., you stand committed to Gaol until the Criminal Sessions of the Supreme Court which will be holden next month there to take your trial.'

(2.) If the Magistrate commits the accused to prison for trial on any other day of the month except between the 10th and 18th days both inclusive of the months aforesaid except the months of December and June or if such Magistrate commits the accused to prison for trial on any day in the months of December and June he shall inform or cause the accused to be informed thereof in the words or to the effect following :—

'A.B., you stand committed to Gaol until the next Criminal Sessions of the Supreme Court there to take your trial.'

Provided always that the Court may of its own motion or on the application either of the Crown or of the accused order the accused to be tried on such date as the Court may fix."

Objects and Reasons.

The object of this Bill is to provide for the non-holding of Criminal Sessions in the months of January and July, these two months being those in which it has been ascertained that it will be convenient for the Judge of H.B.M.'s Court in Shanghai to visit Hongkong for the purpose of carrying out the duties which will be undertaken by him under the provisions of the Full Court Ordinance, 1912. The Bill also makes the necessary consequent amendments in that section of the Magistrates Ordinance, 1890, which determines the date at which a prisoner committed by a Magistrate for trial must come before the Criminal Sessions.

JOHN A. BUCKNILL,  
Attorney General.

A BILL

ENTITLED

An Ordinance to consolidate and amend the law  
with respect to vehicles and traffic.

BE it enacted by the Governor of Hongkong, with the  
advice and consent of the Legislative Council thereof,  
as follows :—

1. This Ordinance may be cited as the Vehicles and short title.  
Traffic Regulation Ordinance, 1912.

2. In this Ordinance and in any Regulation made under definitions,  
the provisions thereof—

- (a.) "Driver" includes a rider of a bicycle or tricycle, a puller of a ricksha, a bearer of a chair, and any person in charge of or assisting in the control of any vehicle.
- (b.) "Heavy Motor Car" includes every vehicle propelled by mechanical power which unladen exceeds two tons in weight.
- (c.) "Motor Bicycle" includes every two-wheeled vehicle propelled by mechanical power which does not unladen exceed in weight three hundredweight.
- (d.) "Motor Car" includes every vehicle propelled by mechanical power which does not unladen exceed two tons in weight but it shall not include any "Motor Bicycle" or "Motor Tricycle" as defined in this section.
- (e.) "Motor Tricycle" includes every three wheeled vehicle propelled by mechanical power which does not unladen exceed in weight three hundredweight.
- (f.) "Private Vehicle" includes every vehicle which does not fall within the definition of a "Public Vehicle".
- (g.) "Public Vehicle" includes every vehicle which plies for hire or is from time to time let out for hire or is intended to be let out for hire but it shall not include any bicycle or tricycle not propelled by mechanical power.
- (h.) "Road" includes every highway, thoroughfare, street, lane, alley, court, square, archway, passage, path, way, and place, to which the public have access, either continuously or intermittently and either of right or by licence, whether the same be the property of the Crown or otherwise.
- (i.) "Trailer" includes every vehicle drawn or propelled by another vehicle.
- (j.) "Unladen Weight" in relation to a motor bicycle, motor tricycle, motor car, or heavy motor car, means the weight of any such vehicle exclusive of the weight of any load or of any water, fuel, or accumulators used for the purpose of propulsion.
- (k.) "Vehicle" includes every means of conveyance or of transit or other mobile apparatus used or capable of being used on land and in whatever way drawn or propelled or carried; but it shall not include any perambulator or any conveyance for use solely on railways or tramways.

3. The Governor-in-Council may make regulations :— Regulations.

- (1.) for licensing and regulating vehicles and their drivers ;
- (2.) for regulating and restricting traffic, whether vehicular or pedestrian ;
- (3.) for controlling the conduct of persons using public vehicles ;

- (4.) for the apprehension of persons who commit offences against this Ordinance ;
  - (5.) for prohibiting either absolutely or during specified hours the driving of any specified kind of vehicle on any road on which the driving of such kind of vehicle would in the opinion of the Governor-in-Council be dangerous or undesirable ;
  - (6.) prescribing the fees to be paid in respect of any licence granted under the provisions of this Ordinance ;
  - (7.) prescribing the fares which may be charged for the hire of any public vehicle ;
  - (8.) generally for the carrying into effect of the provisions of this Ordinance ;
- Penalty for breach of. and any such Regulations made under the provisions of this section shall be of the same force and effect as if they had formed part of this Ordinance and any person contravening any of the provisions of any such Regulations so made under the provisions of this section shall be deemed guilty of an offence against this Ordinance and shall be punishable in manner hereinafter determined.
- Penalty for offence against Ordinance. 4. Every person convicted of an offence against the provisions of this Ordinance shall be liable on summary conviction thereof to a fine not exceeding fifty dollars or in default of payment thereof to imprisonment for a period not exceeding two months.
- Penalty for offence against conditions of licence. 5. Every person who shall contravene the provisions of any condition upon which any licence under the provisions of this Ordinance shall have been issued to or held by him shall be guilty of an offence against the provisions of this Ordinance and shall be punishable accordingly.
- Compensation for injury how granted. 6.—(1.) Any person convicted of an offence against the provisions of this Ordinance or of any Regulation made under the provisions of this Ordinance or of any condition upon which any licence shall have been issued to or held by such person under the provisions of this Ordinance or any Regulation made under the provisions of this Ordinance may be ordered by the Magistrate to pay to any person to whom such Magistrate may think that any compensation should be paid in respect of any injury, loss, or otherwise, compensation not exceeding fifty dollars, in addition to the penalty provided for under the provisions of this Ordinance, and in default of payment of such compensation the Magistrate may order the person ordered to pay the same to be imprisoned for a period not exceeding two months in respect of such default.
- Compensation a bar to legal proceedings but at option of complainant. (2.) The payment of such compensation or imprisonment in default thereof shall be a bar to any further proceedings at the suit of the person to whom any such compensation has been ordered to be made, provided that no such order for the payment of any such compensation shall be made unless the party who has suffered any such injury or loss or otherwise sustained damage shall consent thereto.
- Repeal. 7. The several enactments specified in the Schedule are repealed to the extent specified in the 3rd column thereof.

SCHEDULE.

(s. 7.)

*Enactments Repealed.*

Number and Year of Ordinance.	Short Title.	Extent of Repeal.
No. 8 of 1887.	The Licensing Ordinance, 1887.	S. 2, lines 2, 3 and 4. S. 3, the figure (1) in line 3, and sub-sec. (2). S. 6, sub-secs. (5) and (6). S. 9, sub-secs. (4), (5) and (6). S. 10. The Schedule, from "Public Vehicles" to the end.
No. 5 of 1895.	The Private Vehicles Ordinance, 1895.	The whole.
No. 3 of 1899.	The Vehicles Regulation Ordinance, 1899.	The whole.
No. 25 of 1911.	The Private Vehicles Amendment Ordinance, 1911.	The whole.

*Objects and Reasons.*

The object of this Bill is to consolidate and simplify the present Laws relating to the regulation of vehicles and traffic.

The scheme of the Bill is simple: it defines various kinds of vehicles; gives power to the Governor-in-Council to make regulations providing for that administrative detail which, being constantly affected by varying conditions, cannot well be expressly included in Statute Law.

It provides penalties for breach of the Law, of the Regulations and of the conditions of Licences issued under the Law.

It also (in section 6) introduces a scheme by which, if a person, who has been in any way damaged as the result of the commission by any other person of an offence against the Law, so desires, the Magistrate may order compensation to be paid by the offending to the damaged party in settlement of any possible legal action which might lie at the suit of the damaged party against the offender.

JOHN A. BUCKNILL,  
*Attorney General.*

10th September, 1912.

A BILL

ENTITLED

An Ordinance to amend the Merchant Shipping Ordinance, 1899.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Merchant Shipping Amendment Ordinance, 1912. Short title.
2. Sub-section 1 of section 38 of the Merchant Shipping Ordinance, 1899, as amended by section 15 of the Merchant Shipping Amendment Ordinance, 1903, and by section 10 of the Merchant Shipping Amendment Ordinance, 1905, is hereby amended by the deletion of the word "British" in the second line thereof. Amends section 38 of Ordinance 10 of 1899.

*Objects and Reasons.*

The object of this Bill is to do away with the provision of the section amended by which the privileges locally granted by special licence to river steamers were restricted to British ships. The privileges referred to relate to licensing a river steamer to carry a number of passengers based on a more liberal estimate than in other steamers. The reason for the alteration is that, now, rights of reciprocity have been arranged between Great Britain and some other nations on certain points relative to maritime matters and consequently the restriction in the Ordinance of 1899 is no longer required.

JOHN A. BUCKNILL,  
*Attorney General.*

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A BILL

ENTITLED

An Ordinance to authorize the Appropriation of a further Supplementary Sum of Twenty-eight thousand six hundred Dollars and forty-five Cents, to defray the Charges of the Year 1911.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the year 1911, in addition to the charge upon the revenue of the Colony for the service of the said year already provided for :

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

A sum of Twenty-eight thousand six hundred Dollars and forty-five Cents, is hereby charged upon the revenue of the Colony for the service of the year 1911, the said sum so charged being expended as hereinafter specified ; that is to say :—

Charge on account of Public Debt, - -	\$15,398.32
Pensions, - - - - -	13,202.13
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Total, - - - - -	<u>\$28,600.45</u>

A BILL

ENTITLED

An Ordinance to apply a sum not exceeding Seven million one hundred and sixteen thousand four hundred and fifty-four Dollars to the Public Service of the year 1913.

WHEREAS the expenditure required for the service of this Colony for the year 1913 has, apart from the contribution to the Imperial Government in aid of Military Expenditure, been estimated at the sum of Seven million one hundred and sixteen thousand four hundred and fifty-four Dollars:

Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the “Appropriation Short title. Ordinance for 1913”.

2. A sum not exceeding Seven million one hundred and sixteen thousand four hundred and fifty-four Dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the year 1913 and the said sum so charged may be expended as hereinafter specified, that is to say:—

EXPENDITURE.	\$
Governor, - - - - -	83,078
Colonial Secretary's Department and Legislature,	79,672
Do., Special Expenditure,-	1,244
Registrar General's Department, - - -	43,736
Audit Department, - - - - -	31,024
Do., Special Expenditure,-	50
Treasury, - - - - -	64,084
Harbour Master's Department, - - -	232,972
Do., Special Expenditure,-	250
Observatory, - - - - -	21,477
Do., Special Expenditure,-	2,114
Miscellaneous Services, - - - - -	181,473
Judicial and Legal Departments, - - -	257,484
Do., Special Expenditure,-	800
Police and Prison Departments, - - -	858,742
Do., Special Expenditure,-	5,500
Medical Departments,- - - - -	238,489
Do., Special Expenditure,-	560
Sanitary Department, - - - - -	337,346
Do., Special Expenditure,-	13,275
Botanical and Forestry Department, - - -	44,192
Education, - - - - -	276,636
Do., Special Expenditure,-	11,850
Military Expenditure,—	
Volunteers, - - - - -	42,324
Do., Special Expenditure,-	5,018
Public Works,—	
Public Works Department, - - - - -	378,886
Do., Special Expenditure, -	1,765
Public Works, Recurrent, - - - - -	435,600
Public Works, Extraordinary, - - - - -	1,693,300
Post Office, - - - - -	439,343
Kowloon-Canton Railway, - - - - -	256,672
Charge on account of Public Debt, - - -	752,323
Pensions, - - - - -	300,800
Charitable Services, - - - - -	24,375
Total, -	\$7,116,454