

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 338.—The following bill is published for general information:—

[No. 22.—10.8.33.—2.]

(C.S.O. 4305/31).

A BILL

INTITULED

An Ordinance to amend the Industrial and Reformatory Schools Ordinance, 1932.

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 Industrial and Reformatory Schools Amendment Ordinance, 1933.

Amendment of Ordinance No. 6 of 1932, s. 2.           **2.** Section 2 of the Industrial and Reformatory Schools Ordinance, 1932, is amended by the repeal of the definition of “youthful offender” at the commencement thereof, and by the substitution of the following definition:

“Youthful offender” means any offender who, in the absence of legal proof to the contrary, is, in the opinion of the court before whom such person is brought or appears, seven years of age or upwards and under the age of sixteen years.”

Amendment of Ordinance No. 6 of 1932, s. 3.           **3.** Section 3 of the Industrial and Reformatory Schools Ordinance, 1932, is amended by the insertion of the words “or young persons” after the words “in which children.”

Substitution for Ordinance No. 6 of 1932, s. 6 (1).           **4.** Section 6 (1) of the Industrial and Reformatory Schools Ordinance, 1932, is repealed and the following subsection is substituted therefor:—

Managers or executors or administrators of sole manager may relinquish certificate.           **6.**—(1) The managers of any certified industrial school may, upon giving six months’ notice, and the executors or administrators of a deceased manager (if only one) may upon giving one month’s previous notice in writing of their intention so to do, relinquish the certificate given to such school.

Substitution for Ordinance No. 6 of 1932, s. 8 (3).           **5.** Section 8 (3) of the Industrial and Reformatory Schools Ordinance, 1932, is repealed and the following subsection is substituted therefor:—

(3) When the withdrawal or relinquishment of the certificate of an industrial school takes effect, the persons committed to the care thereof or detained therein shall be, by order of the Governor, either discharged or transferred,

in the case of youthful offenders, to some other certified industrial school the managers of which are willing to receive and detain them or to a reformatory school, and in the case of the others, to some other institution or certified industrial school the managers of which are willing to receive them.

6. Section 17 (4) of the Industrial and Reformatory Schools Ordinance, 1932, is amended by the deletion of the word "renew" in the third line of that sub-section.

Amendment of Ordinance No. 6 of 1932, s. 17 (4).

7. Section 19 (2) of the Industrial and Reformatory Schools Ordinance, 1932, is amended by the substitution of the word "adaptations" for the word "adaptions" in the penultimate line.

Amendment of Ordinance No. 6 of 1932, s. 19 (2).

8. Section 31 (1) of the Industrial and Reformatory Schools Ordinance, 1932, is amended (a) by the deletion of the word "detained" in the eighth line of that sub-section, and (b) by the insertion of the words "or young person" after the word "child" wherever that word occurs.

Amendment of Ordinance No. 6 of 1932, s. 31 (1).

9. This Ordinance shall come into operation at the same time as the Industrial and Reformatory Schools Ordinance, 1932, which it amends.

Commencement.

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#### *Objects and Reasons.*

1. Section 2 of this Ordinance repeals the definition of "youthful offender" in section 2 of the principal Ordinance and re-enacts it with the substitution of the word "offender" for the word "person".

2. This amendment is made in consequence of suggestions made by the Secretary of State in his despatch of the 29th April, 1933, intimating that His Majesty will not be advised to exercise his power of disallowance in respect of Ordinance No. 6 of 1932.

3. The amendment is intended to make it clear that the children who are dealt with under section 17 of the Juvenile Offenders Ordinance, No. 1 of 1932, who are not charged with any offence and cannot therefore be regarded as offenders, are excluded from the definition of "youthful offender" in the Industrial and Reformatory Schools Ordinance, No. 6 of 1932.

4. Section 3 amends 3 of the principal Ordinance so as to include young persons as well as children.

5. Section 4 substitutes a redrafted sub-section for sub-section 6 (1) of the principal Ordinance so as to provide, as in the case of section 48 of the Children Act, 1908, (8 Ed. 7. c. 67), that the relinquishment of the certificate given to a certified industrial school may be made, in the case of a deceased sole manager, by his executors or administrators.

6. Section 5 substitutes a redrafted sub-section for section 8 (3) of the principal Ordinance which makes a distinction between the orders of the Governor relating to youthful offenders detained under section 7 in certified industrial schools on the withdrawal or relinquishment of the certificates and the orders relating to other children committed to such schools.

7. Section 6 deletes the word "renew," from section 17 (4) of the principal Ordinance which empowered a court making an order of detention to "renew, vary or revoke" it. The Secretary of State in his despatch of the 29th April, 1933, suggested that if an offender is sentenced to a definite term of detention he should be released at the end of that term unless during the detention he has committed an offence for which he can be given a further term.

8. Section 7 corrects a misprint in section 19 (2) of the principal Ordinance.

9. Section 8 deletes the word "detained" from section 31 (1) of the principal Ordinance as the section applies to children committed to certified industrial schools under section 17 of Ordinance No. 1 of 1932 as well as to youthful offenders under Ordinance No. 6 of 1932 and the word "detained" is considered inapplicable to the former. Section 8 also adds the word "or young person" after the word "child" wherever that word occurs in section 31 (1).

10. Section 9 brings this amending Ordinance into force at the same time as the principal Ordinance which it amends. Such coming into force will be on a date fixed by Proclamation under section 38 of Ordinance No. 6 of 1932.

C. G. ALABASTER,  
*Attorney General.*

*August, 1933.*