

LEGISLATIVE COUNCIL.

No. S. 383.—The following Bills were read a first time at a meeting of the Council held on the 28th September, 1933 :—

[No. 30 :—18.9.33.—1.]

A BILL

INTITULED

An Ordinance to apply a sum not exceeding Twenty-seven million twenty-nine thousand two hundred and thirty-five Dollars to the Public Service of the year 1934.

WHEREAS the expenditure required for the service of this Colony for the year 1934 has, apart from the contribution to the Imperial Government in aid of Military Expenditure and Charges on account of Public Debt, been estimated at the sum of Twenty-seven million twenty-nine thousand two hundred and thirty-five Dollars :

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 Appropriation for 1934 Ordinance, 1933.

Appropriation. 2. A sum not exceeding Twenty-seven million twenty-nine thousand two hundred and thirty-five Dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the year 1934, and the said sum so charged may be expended as hereinafter specified, that is to say :—

EXPENDITURE.

His Excellency the Governor	\$ 173,504
Colonial Secretary's Department and Legislature..	314,300
Secretariat for Chinese Affairs	168,767
Treasury	294,518
Audit Department	120,866
District Office, North	69,844
Distirct Office, South	45,175
Post Office	501,637
Wireless Telegraph Services	178,174
Imports and Exports Office	463,025
Harbour Department	1,169,562
Air Services	167,238
Royal Observatory	70,856
Fire Brigade	357,576
Supreme Court	283,005
Attorney General	68,596
Crown Solicitor's Office	73,313
Official Receiver	35,422

Carried forward\$4,555,378

<i>Brought forward</i>	\$4,555,378
Land Office	70,261
Magistracy, Hong Kong	71,512
Magistracy, Kowloon	34,593
Police Force	3,093,466
Prisons Department	898,503
Medical Department	1,745,589
Sanitary Department	1,179,394
Botanical and Forestry Department	136,423
Education Department	2,007,363
Kowloon-Canton Railway	1,142,781
Volunteer Defence Corps	173,113
Miscellaneous Services	1,528,270
Charitable Services	201,041
Pensions	2,090,000
Public Works Department	2,718,748
Public Works, Recurrent	1,690,850
Public Works, Extraordinary	3,591,950
Government House & City Development	100,000
TOTAL	\$27,029,235

[No. 23 :—14.8.33.— 3.]

A BILL

INTITULED

An Ordinance to amend further the Dangerous Goods Ordinance, 1873.

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 Dangerous Goods Amendment Ordinance, 1933. Short title.

2. Section 11 of the Dangerous Goods Ordinance, 1873, as enacted by Section 2 of the Dangerous Goods Amendment Ordinance, 1925, is repealed, and the following section is substituted therefor :— Repeal of Ordinance No. 1 of 1873, s. 11 and substitution of new section.

11.—(1) It shall be lawful for any police officer or officer of the Fire Brigade, if authorised by the Inspector General of Police in that behalf— Search.

(a) to search any place in which such officer authorised as aforesaid may have reasonable grounds for suspecting that there may be any thing which under paragraph (c) is liable to seizure;

(b) to search, and if necessary to stop and search, any ship (not being or having the status of a ship of war) in which such officer may have reason to suspect that there may be any thing which under paragraph (c) is liable to seizure;

(c) to seize, remove and detain—

(i) any thing with respect to which such officer may have reasonable grounds for suspecting that any offence against this Ordinance has been committed;

(ii) any other thing which may appear to such officer likely to be, or to contain, evidence of any such offence.

(2) Such officer may—

(a) break open any outer or inner door of or in any such place;

(b) forcibly enter any such ship and every part thereof:

(c) remove by force any material obstruction to, or any person obstructing, any arrest, detention, search, inspection, seizure, or removal, which he is empowered to make;

(d) detain every person found in such place until such place has been searched; and

(e) detain every such ship, and every person on board such ship, and prevent every person from approaching or boarding such ship, until such ship has been searched.

(3) Every person who delays or obstructs any detention, arrest, search, inspection, seizure, or removal, which is authorised by this Ordinance, shall be liable to a fine not exceeding two hundred and fifty dollars.

(4) Any authority given by the Inspector General of Police under this section may be given to an individual or to a class, and may be (1) general, so as to embrace all the powers referred to in this section, or (2) limited, so as to embrace only a portion of those powers, or (3) particular, for a particular occasion.

New
Section 18A
to Ordinance
No. 1 of
1873.

3. The Dangerous Goods Ordinance, 1873, is amended by the addition of the following section after section 18 thereof:—

Offences
and penalties
generally.

18A.—(1) Every person who contravenes any of the provisions of this Ordinance or of any regulation made thereunder or who fails to observe any condition or restriction imposed by or under this Ordinance shall be deemed to commit an offence against this Ordinance.

(2) Every person who commits or attempts to commit any offence against this Ordinance for which no special penalty is provided shall be liable to a fine not exceeding two hundred and fifty dollars.

Objects and Reasons.

1. Section 2 of this Ordinance repeals and in effect re-enacts section 11 of the principal Ordinance, but extends the power of search therein contained to officers of the Fire Brigade acting under the authority of the Inspector General of Police, it having been found necessary to transfer certain duties of inspection to such officers.

2. The principal Ordinance as first enacted contained a power to make bye-laws for regulating the landing of dangerous goods and the mooring of ships on which such goods were carried. This power was later amended, and finally replaced (in the Dangerous Goods Amendment Ordinance, 1922) by the power to make regulations which appears in the present section 5 (1) of the principal Ordinance. The section (section 7) however, governing penalties for breach of the regulations, retains substantially the form in which it was originally enacted, and provides for a penalty only in cases where goods are illegally moved, stored, shipped, landed, etc. Consequently no penalty is recoverable for a breach of regulations made, or of conditions of a licence issued, under section 5 (1) unless the breach also falls within section 7.

3. Section 3 of this Ordinance provides for a penalty for breach of the principal Ordinance, a regulation or condition of a licence in all cases where such provision has not already been made.

C. G. ALABASTER,
Attorney General.

August, 1933.

[No. 22.—13.9.33.—3.]

(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:—

1. This Ordinance may be cited as the Industrial and Reformatory Schools Amendment Ordinance, 1933. Short title.

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 definitions: Amendment of Ordinance No. 6 of 1932, s. 2.

"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."

"Child" means a person under the age of 14 years.

"Young person" means a person of 14 years or upwards and under the age of 16 years.

Amendment
of Ordin-
ance 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 Ordin-
ance No. 6
of 1932,
s. 6 (1).

4. Section 6 (1) of the Industrial and Reformatory Schools Ordinance, 1932, is repealed and the following sub-section is substituted therefor:—

Managers
or executors
or adminis-
trators of
sole
manager
may re-
linquish
certificate.

6.—(1) The managers of any certified industrial school may, upon giving six months', 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 Ordin-
ance No. 6
of 1932,
s. 8 (3)

5. Section 8 (3) of the Industrial and Reformatory Schools Ordinance, 1932, is repealed and the following sub-section 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.

Amendment
of Ordin-
ance No. 6
of 1932,
s. 17 (4).

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 Ordin-
ance No. 6
of 1932,
s. 19 (2).

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 Ordin-
ance No. 6
of 1932,
s. 31 (1).

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.

Commence-
ment.

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

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". Section 2 also defines "child" and "young person" as they are referred to in sections 3 and 31 of the principal Ordinance.

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.

September, 1933.

[No. 27 :—19.9.33.—2.]

C.S.O. 3148/26.

A BILL

INTITULED

An Ordinance to amend the law with respect to transactions with money-lenders.

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 Money-lenders Amendment Ordinance, 1933.

New section 2A added to Ordinance No. 16 of 1911.

2. The Money-lenders Ordinance, 1911, is amended by the addition of the following new section after section 2 thereof :—

Execution of judgments in respect of loans by money-lenders not to be enforced by imprisonment.

2A. No person shall be imprisoned in execution of a judgment for the payment of money due in respect of any loan by a money-lender.

Objects and Reasons.

The object of this Ordinance is to put an end to the application to moneylending transactions of the provisions of the Code of Civil Procedure relating to execution of judgments for money by imprisonment.

C. G. ALABASTER,
Attorney General.

September, 1933.

[No. 24 :—9.9.33.—2.]

(C.S.O. 2/3690/30.)

A BILL

INTITULED

An Ordinance to amend the Juvenile Offenders 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 Juvenile Offenders Amendment Ordinance, 1933.

Amendment of Ordinance No. 1 of 1932, s. 17 (1).

2. Section 17 (1) of the Juvenile Offenders Ordinance, 1932, is amended by the repeal of the paragraph immediately preceding the proviso at the end thereof and by the substitution of the following paragraph therefor :—

And the court before which a person is brought as coming within one of these descriptions, if satisfied on enquiry of that fact, may order the child or young person to be taken out of the custody, charge, or care of any person, and to be committed to the care of a relative of the child or young person or some other fit person or institution (including a Certified Industrial School as defined by the Industrial and Reformatory Schools Ordinance, 1932) named by the court (such relative or other person or institution being willing to undertake such care), until the child or young person attains the age of eighteen years, or for any shorter period, and may in addition to such order make an order that the child or young person be placed under the supervision of a probation officer, and the court may of its own motion, or on the application of any person, from time to time, by order renew, vary or revoke any such order.

Ordinance
No. 6 of
1932.

3. This Ordinance shall come into operation at the same time as the Juvenile Offenders Ordinance, 1932, which it amends.

Commence
ment.

Objects and Reasons.

1. Section 2 of this Ordinance repeals the penultimate paragraph of section 17 (1) of the principal Ordinance and re-enacts it with the substitution in the first bracket of the words "including a Certified Industrial School as defined by the Industrial and Reformatory Schools Ordinance, 1932" for the words "including an Industrial or Reformatory School".

2. The object of the amendment is to ensure that persons dealt with under section 17 (1) of Ordinance No. 1 of 1932 are not sent to Reformatory Schools but, where necessary, to Certified Industrial Schools, as defined by Ordinance No. 6 of 1932, in order to prevent the attachment of any unnecessary stigma to the children or young persons who are dealt with under section 17 of Ordinance No. 1 of 1932.

3. Section 3 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 27 of Ordinance No. 1 of 1932.

C. G. ALABASTER,
Attorney General.

September, 1933.

(C S.O. 982/25/III.)

A BILL

INTITULED

An Ordinance to amend the law relating to the jurisdiction of Magistrates in Bankruptcy offences.

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 Bankruptcy and Magistrates Amendment Ordinance, 1933.

Amendment of Ordinance No. 10 of 1931, s. 144.

2. Section 144 of the Bankruptcy Ordinance, 1931, is amended by the deletion of the words “under the Magistrates Ordinance, 1890 ”

Amendment of Ordinance No. 41 of 1932, Third Schedule.

3. The Third Schedule to the Magistrates Ordinance, 1932, is amended by the repeal of paragraph 9 therein.

Objects and Reasons.

1. The 9th paragraph of the Magistrates Ordinance No. 3 of 1890 as amended by section 26 of Ordinance No. 23 of 1927 excluded from summary jurisdiction any offence against any provision of the laws relating to bankrupts other than the offence of obtaining credit under false pretences or by means of any other fraud under section 82 (5) (a) of the Bankruptcy Ordinance, No. 7 of 1891.

2. By the Larceny Amendment Ordinance No. 8 of 1931 paragraph (a) of section 82 (5) of the Bankruptcy Ordinance, 1891, was repealed and transferred to the Larceny Ordinance No. 5 of 1865 as section 78A thereof.

3. By section 146 and the Third Schedule of the Bankruptcy Ordinance, No. 10 of 1931, paragraph 9 of the Magistrates Ordinance 1890 (as amended in 1927) was repealed, and section 144 of the Bankruptcy Ordinance, No. 10 of 1931, provided that any offence under it or under the 1891 Ordinance might be dealt with summarily by a Magistrate under the Magistrates Ordinance, 1890.

4. The Magistrates Ordinance 1890 was repealed and replaced by the Magistrates Ordinance, No. 41 of 1932, but through an oversight paragraph 9 of the Third Schedule was re-enacted instead of being omitted.

5. Paragraph 2 of this amending Ordinance deletes from section 144 of Ordinance No. 10 of 1931 the reference to the Magistrates Ordinance, 1890 which has been repealed.

6. Paragraph 3 of this amending Ordinance repeals paragraph 9 in the Third Schedule to Ordinance No. 41 of 1932.

7. The effect of these amendments is to carry out the intention of section 144 of the Bankruptcy Ordinance, 1931, which was to enable Magistrates to exercise their summary jurisdiction in Bankruptcy offences.

C. G. ALABASTER,
Attorney General.

August, 1933.

[No. 31 :—21.9.33.—1.]

(C.S.O. 1/5994/29).

A BILL

INTITULED

An Ordinance for the establishment and administration of a Mercantile Marine Assistance Fund in Hong Kong.

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 Mercantile Marine Assistance Fund Ordinance, 1933. Short title.

2. A Fund to be known as "The Mercantile Marine Assistance Fund of Hong Kong" shall be established and kept at the Treasury. Establishment of the Fund.

3.—(1) The said Fund shall be maintained by an appropriation thereto on the first day of January in each year from the general revenue of the Colony of such a sum as may be deemed by the Legislative Council sufficient for the requirements of the Fund during that year. Maintenance of the Fund.

(2) Any sum standing to the credit of the said Fund on the 31st day of December in any year shall be re-appropriated by the Treasurer to the general revenue of the Colony.

4.—(1) The said Fund shall be administered by a Committee, the Chairman of which shall be the Harbour Master, and the other members of which shall be appointed by the Governor. Administration of the Fund.

(2) The administration by the Committee shall be controlled by the Regulations in the Schedule or by any Regulations made by the Governor in Council who shall have power to amend the Schedule in any manner whatsoever. Regulations. Schedule.

SCHEDULE. (s. 4 (2)).

Mercantile Marine Assistance Fund Regulations.

1. The persons qualified to receive assistance from the Mercantile Marine Assistance Fund of Hong Kong shall be or shall have been officers or seamen of the Mercantile Marine or their dependants who are in the opinion of the Committee both deserving of and in need of such assistance.

2. Any qualified person desiring such assistance shall send his application, with full particulars as to his circumstances, to the Harbour Master, who, after making such enquiry, if any, as he deem necessary, shall convene a meeting of the members of the Committee in the Colony to consider the case.

3. At any such meeting four members shall be deemed a quorum, the decisions of the Committee shall be determined by a majority of votes and the Chairman shall have an original vote and also, if the votes be equal, a casting vote.

4. The grant or refusal of assistance shall be in the absolute discretion of the Committee.

5. Assistance shall be of three descriptions.

(a) The payment, in whole or in part, of passages from the Colony.

(b) Regular assistance in the Colony.

(c) Temporary assistance in the Colony.

6. Assistance may be reduced, suspended or discontinued at any time by the Committee. In no case shall it be granted to a person who has received a passage, or an assisted passage from the Colony and has returned thereto.

7. Regular assistance may be granted only to qualified persons who are British subjects and who reside, or whose families reside in the Colony.

8. Notwithstanding anything hereinbefore contained the Harbour Master may at any time grant temporary assistance as a charge on the Fund to an amount of or in value not exceeding \$20 in respect of any one qualified applicant, on his own responsibility and without consulting the other members of the Committee, who however shall be informed thereof at their next meeting.

9. The Committee shall, not later than the 1st March, in each year, furnish to the Governor a report on their administration of the Fund for the previous year.

Objects and Reasons.

1. The object of this Ordinance is to establish in the Colony a Mercantile Marine Assistance Fund to be administered by a Committee financed by the revenues of the Colony.

2. Similar Funds have been established in Singapore and Penang, under Straits Settlements Ordinance No. 125, s. 417 (as amended by No. 28 of 1926); but there the financing is done by debiting the expenses of the Fund against a particular section of the revenue, the fees paid in respect of Sunday Cargo Working exemptions. In Calcutta a proportion of the Sunday working fees is allocated to the Seamen's Welfare Committee there. In England similar service is performed by the Mercantile Marine Masters and Officers Relief Fund which receives contributions from the National Relief Fund, King George's Fund and other sources.

C. G. ALABASTER,
Attorney General.

September, 1933.