

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 486.—The following bill is published for general information:—

[No. 29 :—20.12.33.—2.]

(C.S.O. 4317/32.)

A BILL

INTITULED

An Ordinance to amend the Commissioners Powers Ordinance, 1886.

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 Commissioners Powers Amendment Ordinance, 1934.

Substitution for Ordinance No. 13 of 1886, s. 4.

2. The Commissioners Powers Ordinance, 1886, is amended by the repeal of section 4 and by the substitution of the following section.

Proceedings arising from examination of witnesses.

4.—(1) No action of any description other than criminal proceedings shall be maintained against any person examined at any inquiry authorised by this Ordinance, in respect of any statement made or document produced by him, merely by reason of his making the statement or producing the document at the inquiry.

(2) No prosecution in respect of any statement made or document produced at any such inquiry shall be commenced without the sanction of the Attorney General.

New section 6 to Ordinance No. 13 of 1886.

3. The Commissioners Powers Ordinance, 1886, is amended by the insertion of the following section immediately after section 5.—

Appearance of counsel, etc.

6. Any person whose conduct is the subject of inquiry under this Ordinance, or who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel or a solicitor at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the commissioners, be represented in the manner aforesaid.

Objects and Reasons.

1. Section 2 of this Ordinance substitutes for section 4 of the principal Ordinance a new section the object of which is to encourage witnesses to make a full disclosure, and which in this respect follows in principle the old section which it replaces.

2. Old section 4 of the principal Ordinance was based on section 7 of the Truck Commission Act, 1870 (33 and 34 Vict. c. 105) and empowered commissioners to indemnify a witness from all proceedings "in respect of any matter touching which he has been examined". No such indemnity can now be given under the new section, but a witness is assured of freedom from civil action arising out of his examination by sub-section (1) and is protected from indiscriminate criminal proceedings by sub-section (2) which requires the consent of the Attorney General to a prosecution.

3. Section 3 of this Ordinance inserts a new section 6 in the principal Ordinance which entitles any person whose conduct is the subject of inquiry, or who is concerned in the matter under inquiry, to be represented by counsel or a solicitor. A similar amendment appears in the Straits Settlements Inquiry Commissions (Amendment) Ordinance, No. 13 of 1933.

4 Both the foregoing amendments are made in consequence of suggestions made by the Secretary of State in his despatches of 12th July and 9th August, 1932, and the form of the Ordinance has been approved by the Secretary of State in his despatch of the 15th November, 1933.

C. G. ALABASTER,
Attorney General.

December, 1933.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 487.—Statement of Sanitary Measures adopted against Hong Kong.

Place or Port.	Nature of Measures.	Date.	Reference to Government Notification.
Philippine Ports.	Inspections outside Manila harbour from 20th April. Third class passengers and new crew must comply with the vaccination requirements.	16th April, 1924.	—
All ports in the United States of America, including the Hawaiian Islands	Inspections outside the ports from 1st April. Steerage passengers must comply with the vaccination requirements.	30th April, 1926.	—
Bangkok.	Vessels detained at river mouth and passengers and crew vaccinated unless they can produce evidence of successful recent vaccination.	29th October, 1926.	No. S. 301.

W. T. SOUTHORN,
Colonial Secretary.

22nd December, 1933.