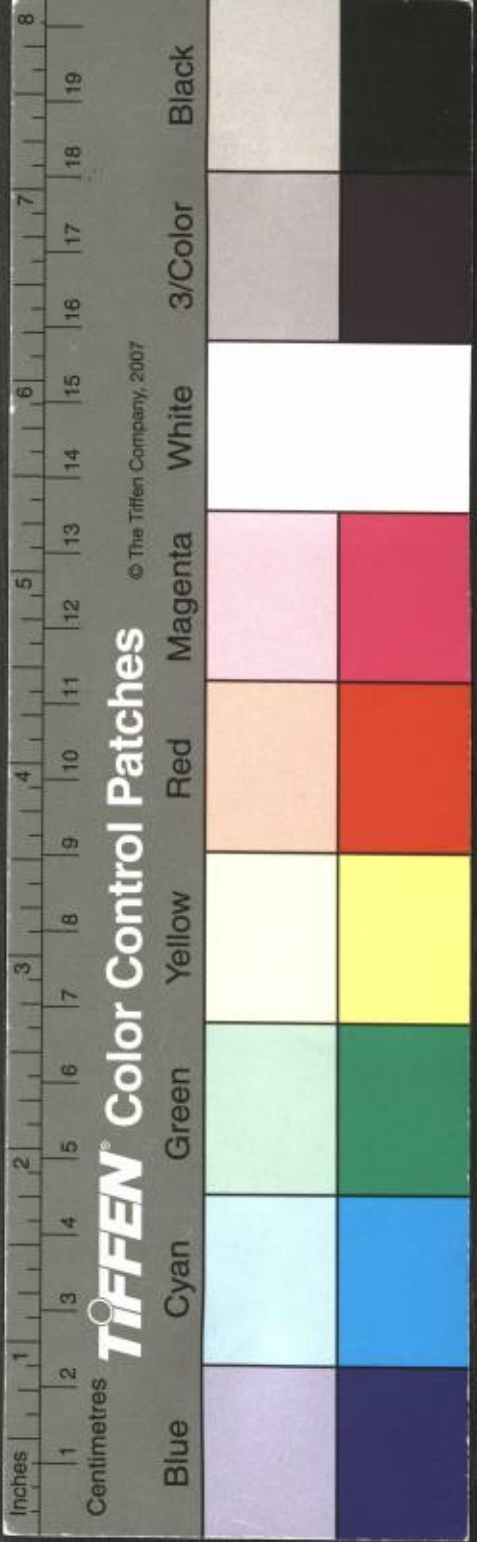


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PROCLAMATIONS & ORDINANCES
1947

PROCLAMATIONS & ORDINANCES
OF
HONG KONG

1947



PROCLAMATION

No. 1

Mark Young
Governor.



WHEREAS by section 13 of the Crown Rents (Apportionment) Ordinance, 1936, (Ordinance No. 4 of 1936) it is provided that the said Ordinance shall apply to, and come into operation as regards such lots, areas or districts and as from such date or dates as shall be from time to time appointed by the Governor by Proclamation :

NOW I, Sir MARK AITCHISON YOUNG, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same, in exercise of the powers conferred on me by the said section, do hereby PROCLAIM and APPOINT that the said Ordinance shall apply to, and come into operation as regards :—

Sec. A of INLAND Lot No. 1388

KOWLOON INLAND Lot No. 50

KOWLOON INLAND Lot No. 523

as from the nineteenth day of February, 1947.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong, this nineteenth day of February, 1947.

Published by His Excellency's Command.

[Signature]
Colonial Secretary.

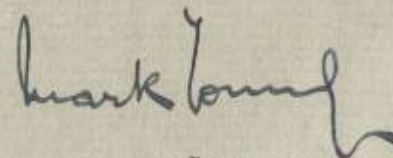
GOD SAVE THE KING.





PROCLAMATION.

No. 2.


Governor.



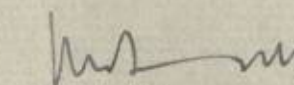
By His Excellency Sir MARK AITCHISON YOUNG, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same.

WHEREAS by the third section of the Suppression of Robberies Ordinance, 1947 (Ordinance No. 13 of 1947) it is provided that the said Ordinance shall come into force by Proclamation of the Governor.

NOW THEREFORE, I, the said SIR MARK AITCHISON YOUNG, do hereby proclaim that the said Ordinance shall come into force with effect from the date hereof.

Given under my hand and the Public Seal of the Colony of Hong Kong, this 16th day of April, 1947.

Published by His Excellency's Command.


Colonial Secretary.

GOD SAVE THE KING.

HONG KONG.

No. 1 OF 1947.



I assent.

Mark Young
Governor.

10th January, 1947.

An Ordinance to consolidate and amend the law relating to general and school holidays.

[10th January, 1947.]

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 Holidays Ordinance, 1947. Short Title.

2. In this Ordinance, Interpreta-
tion.

(a) "General holiday" means a day which, subject to the provisions of section 5, shall be a dies non and which shall be kept as a holiday by all banks, educational establishments, public offices and Government departments;

(b) "School holiday" means a day which shall be kept by all Government schools, military schools and schools registered under the Education Ordinance, 1913.

3. The following days shall be general holidays— General
holidays.

(1) every Sunday;

(2) the first week-day of January;

(3) Chinese New Year's Day, or if that day should be a Sunday then the following day;

(4) the first week-day following Chinese New Year's Day, or if Chinese New Year's Day should be a Sunday then Tuesday following Chinese New Year's Day;

(5) Good Friday;

(6) the day following Good Friday;

(7) Easter Monday;

(8) the Birthday of His Majesty the King, unless it shall be ordered by the Governor, by an order published in the Gazette, that His Majesty's Birthday is to be kept on some other day, and then, such other day;



- (9) Whit Monday;
- (10) the first week-day in July;
- (11) the first Monday in August;
- (12) the 30th day of August, or if that day should be a Sunday then the following day;
- (13) Chinese Mid-Autumn Festival Day, or if that day should be a Sunday then the following day;
- (14) the tenth day of October, or if that day should be a Sunday then the following day;
- (15) the day following Remembrance Sunday;
- (16) Christmas Day; or if that day should be a Sunday then the following day;
- (17) the twenty-sixth day of December, or if that day should be a Sunday then the following day, or if Christmas Day should be a Sunday then the Tuesday following Christmas Day.

4. The following day shall be a School holiday :

School
Holiday.

Empire Day, that is to say, the 24th day of May, or if that day should be a Sunday then the following day.

5. The Governor may make regulations excluding in whole or in part from the operation of section 3 any public office or Government department.

Regulations
may exclude
public offices,
etc.

6. Subject to the provisions of section 14 of the Bills of Exchange Ordinance, 1885, it shall not be necessary for any person to make any payment or to do any other act, including noting or protesting, relating to any negotiable instrument on a general holiday, but all obligation to make such payment or to do any such other act shall apply to the next following day not being itself a general holiday.

Acts relating
to negotiable
instruments
not compell-
able to be
done on a
general
holiday.

7. It shall be lawful for the Governor in Council by notification in the Gazette to appoint any day to be observed as a general holiday in addition to or in substitution for any day mentioned in section 3 and thereupon the provisions of this Ordinance shall apply to such added or substituted day and shall cease to apply to any day for which another has been so substituted.

Power of the
Governor in
Council to
appoint
holidays.

8. Subject to the provisions of section 32 of the Code of Civil Procedure relating to certain civil procedure, any summons or warrant may be issued, any summons may be served, any warrant or order may be served or executed, and any arrest, search or seizure may be made, on any day, whether a general holiday or not.

Process, etc.,
on holidays.

Ordinance
No. 3 of
1901.

9. The Holidays Ordinance, 1912, and the Holidays Amendment Ordinance, 1941, are hereby repealed.

Repeal of
Ordinances
No. 5 of
1912 and
No. 1 of
1941.

Passed the Legislative Council of Hong Kong, this 9th day of January, 1947.

[Handwritten signature]

Deputy Clerk of Councils.

HONG KONG.

No. 2 OF 1947.



I assent.

Mark Young

Governor.

17th January, 1947.

An Ordinance to amend the Quarantine and Prevention of
Disease Ordinance, 1936.

[17th January, 1947.]

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 Quarantine and Short title.
Prevention of Disease (Amendment) Ordinance, 1947.

2. In section 18 of the Quarantine and Prevention of Amendment
of Ord. No.
7 of 1936,
s. 18.
Disease Ordinance, 1936, the word "Governor" shall be
substituted for the words "Governor in Council".

Passed the Legislative Council of Hong Kong, this 16th
day of January, 1947.

A. - [Signature]

Deputy Clerk of Councils.

HONG KONG.

No. 3 OF 1947.



I assent.

Mark Young

Governor.

17th January, 1947.

An Ordinance to provide for the incorporation of the Council of the Helena May Institute for Women and for vesting in the Corporation the property and rights of the Association known as The Helena May Institute for Women registered under the provisions of the Companies Ordinances, 1911 to 1915.

[17th January, 1947.]

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 Helena May Institute for Women Ordinance, 1947. Short title.

2. In this Ordinance, unless otherwise provided or unless the context otherwise requires,— Interpreta-
tion.

(a) "Constitution" means the constitution of the Helena May Institute for Women as set forth in the Schedule to this Ordinance and any amendment or variation thereof approved by the Governor which may be made thereunder; [c.f. Y.M.
C.A. Ord.
No. 16 of
1932.]

(b) "Council" means the Council for the time being of the Helena May Institute for Women appointed in accordance with the constitution.

3. (1) The Members of the Council of the Helena May Institute for Women and their successors in office as hereinafter defined shall be a body corporate (hereinafter called "the Corporation") and shall have the name of "The Council of the Helena May Institute for Women", and in that name shall have perpetual succession and shall and may sue and be sued in all Courts in the Colony and shall and may have and use a Common Seal. Incorporation.

(2) The first Members of the Council shall be Lady Young, Mrs. Mary Campbell, Mrs. Margaret Cassidy, Mrs. Margery Everett, Mrs. Katharine Fleming, Mrs. Edith Rowell, Mrs. Mabel Annett, Mrs. Ivy Sykes, Mrs. Elsie Dunbar, Mrs. Marlis Gundersen, Mrs. Victoria Lo and Mrs. Dorothy Woo and they shall hold office until new members are elected at the first Annual General Meeting convened in accordance with the provisions of the Constitution, unless they shall resign or otherwise vacate their offices in accordance with the provisions of the Constitution.

(3) Subsequent Members of the Council, whether appointed in immediate succession to any of the first members or not, shall be appointed in accordance with the Constitution, and shall for the time being be deemed to be the successors in office of the first directors and to be members of the Corporation.

(4) The Corporation shall from time to time and at all times inform the Colonial Secretary of all changes in the membership of the Council.

(5) The Council shall be held to be legally constituted notwithstanding any vacancies occurring therein by the death, absence, resignation or incapacity of any member or by any other cause.

Powers of
the Corporation

4. (1) The Corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situated and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any corporation or company, and also to purchase, acquire and possess vessels, goods and chattels of what nature and kind soever.

(2) The Corporation shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, re-assign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, vessels, goods and chattels which are for the time being vested in or belonging to the Corporation, upon such terms as to the Corporation may seem fit.

[c.f. H.K.
University
Ord. No. 10
of 1911, s.5.]

(3) Notwithstanding the provisions of sub-section (2) of this section the Corporation shall not sell, convey, assign or dispose of the lands vested in the Corporation by this Ordinance or any buildings thereon or any part thereof to any person without the written licence of the Governor and if the said lands and buildings or any part thereof shall at any time cease to be used for the purposes of the Corporation in accordance with the provisions of the Constitution the said lands and buildings or part thereof, as the case may be, shall revert to the Crown.

5. All deeds and other instruments requiring the Common Seal of the Corporation shall be sealed in the presence of two members of the Council and shall be signed by such two members and the Secretary for the time being.

Execution of
Documents.

6. All matters of internal management shall be settled and carried out in accordance with the Constitution.

Internal
Management.

7. (1) The Company incorporated by the name of the Helena May Institute for Women shall be and the same is from the date on which this Ordinance comes into operation dissolved and the rights of the members of the said Company shall as from the date of such dissolution cease and be extinguished. The Registrar of Companies shall forthwith strike the name of the said Company of the Register of Companies.

Dissolution
of the
Company.

(2) All property and rights whatsoever vested in or held on trust for the said Company immediately before its dissolution shall vest in the Corporation as from the date of such dissolution free from any claim by the members of the said Company.

(3) As from the date of such dissolution the Corporation shall be responsible for the payment and discharge of all debts and liabilities of and for the fulfilment of all the obligations of the said Company and shall indemnify and keep indemnified the officers and members of the said Company from and against all claims and demands in respect thereof.

8. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs or Successors save as may expressly appear herein, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

Saving of
rights of the
Crown and
of certain
other rights.

Passed the Legislative Council of Hong Kong, this 16th day of January, 1947.

D. - Johnson

Deputy Clerk of Councils.

SCHEDULE.

CONSTITUTION
of the
HELENA MAY INSTITUTE FOR WOMEN

ARTICLE I—NAME AND GENERAL POLICY.

1. The name of the corporation shall be "The Helena May Institute for Women".

2. In this Constitution—

"Council" means the Council for the time being of the Helena May Institute for Women appointed in accordance with the provisions of the Helena May Institute for Women Ordinance, 1947, and this Constitution.

"Ordinance" means the Helena May Institute for Women Ordinance, 1947.

"Secretary" means the Secretary for the time being of the Institute conducted by the corporation.

3. The object of the corporation shall be to provide for the welfare of the women and girls of the Colony and for that purpose to furnish and maintain the premises from time to time belonging to the corporation and to provide therein board and lodging and the amenities of a club and to conduct or carry on therein or in connection therewith all such lawful, social, educational, religious or other activities as may be incidental or conducive to the attainment of the above object.

4. The corporation shall not engage in any political activities or permit its name or premises to be used in connection therewith.

5. The corporation may permit its premises to be used upon such terms as may be agreed upon for the delivery and holding of lectures, exhibitions, public meetings, conferences and gatherings of a like nature approved by the corporation.

6. Save as aforesaid the income and property of the corporation, whencesoever derived, shall be used and applied solely towards the promotion of the object of the corporation.

ARTICLE II—MEMBERSHIP.

1. There shall be two categories of members of the Institute conducted by the corporation (hereinafter called "The Helena May",) namely—

(a) Residential Members, that is to say members living in the Helena May, and

(b) Subscriber Members, that is to say members not living in the Helena May but to whom the club amenities are available.

2. (1) The first members of the Council shall be deemed to be Subscriber Members.

(2) Any applicant for admission as a Subscriber Member who shall satisfy the Council that she was a shareholder or subscribing member of the Helena May Institute for Women at any time before the 25th December, 1941, and had not ceased to be a member under the provisions of Articles 22, 25 or 26 of the Articles of Association thereof, shall be admitted to membership of the Helena May as a subscriber member without further formality. The decision of the Council in respect of any such application shall be final and conclusive for all purposes.

(3) An applicant for admission as a residential member may, in the absolute discretion of the Council, be admitted as such either on the affirmative votes of a majority of the members of the Council present at any meeting of the Council or on the affirmative votes of a majority of the members for the time being of the Council notified by such members in writing to the Secretary.

(4) Every applicant for subscriber membership of the Helena May (other than the members referred to in subparagraphs (1) and (2) of this paragraph) shall be proposed by one subscriber member and seconded by another subscriber member, both being able from personal knowledge to vouch for her fitness for membership. The application shall be sent to the Secretary who shall forthwith enter the name, address and occupation of the applicant and the names of the proposer and seconder in a book to be kept for that purpose, and shall post a notice of the application giving the like particulars in a prominent place at or near the entrance of the Helena May.

(5) For the period of one year after the Ordinance comes into operation the members of the Council shall constitute the balloting committee and during that period an applicant for admission as a subscriber member may, in the discretion of the Council, be admitted to membership either on the affirmative votes of a majority of the members of the Council present at a meeting of the Council at which not less than two thirds of the members for the time being of the Council are present, or on the affirmative votes of a majority of the members for the time being of the Council notified by such members in writing to the Secretary.

(6) After the expiration of one year after the Ordinance comes into operation, subscriber members shall be admissible only by ballot.

(7) The balloting committee shall be formed of the members for the time being of the Council and twenty subscriber members of the Helena May.

Any two subscriber members may nominate a subscriber member to serve on the balloting committee and all such nominations shall be posted on the notice board in the Helena May at least forty-eight hours before the Annual General Meeting.

If the number of members nominated does not exceed twenty they may be elected by resolution, but if the number exceeds twenty then lists of the members nominated shall be circulated to the subscriber members present at the Annual Meeting and each such member shall hand in her list with twenty names unerased and the twenty nominees securing the most votes shall be declared to be elected.

The balloting committee shall be deemed to be lawfully constituted notwithstanding any vacancies therein arising through default in the nomination of the full complement of subscriber members or any other cause.

The balloting committee shall choose its own chairman from among the members of that committee.

No member of the balloting committee shall on any occasion vote by proxy.

(8) After the expiration of not less than seven days after the posting of the notice referred to in sub-paragraph (4) the ballot shall be open between the hours of 10 a.m. and 7 p.m. for five days, exclusive of Sundays.

The ballot box shall then be opened in the presence of two members of the balloting committee.

In the event of less than twelve members having balloted affirmatively within the said period of five days, the chairman or any three members of the balloting committee may direct that the ballot shall remain open for a further period of five days immediately succeeding the original period of the ballot.

Should twelve members not have recorded their votes affirmatively before the conclusion of the ballot the applicant shall be deemed not to have been elected.

Not less than twelve affirmative votes shall constitute a ballot and one negative vote in five shall exclude.

The number of votes shall not be disclosed.

(9) On the election of a subscriber member she shall be notified in writing and shall forthwith sign the Roll of Subscriber Members and shall thereupon be deemed to have agreed to be bound by the terms of the Constitution and by the rules for the time being in force. She shall not be entitled to any of the rights or privileges of a member until she shall have signed such Roll.

(10) If at any time after the election of an applicant the Council shall ascertain that she has been elected under any misrepresentation or if any material information as to her antecedents has been withheld, then the Council shall, after enquiry and notice to the person so elected, have power to erase her name from the Roll of Subscriber Members and she shall forthwith cease to be a subscriber member.

(11) No applicant proposed and not elected shall be proposed again until after the expiration of three months.

The Secretary shall give notice in writing to the proposer and seconder of any applicant who fails to gain membership.

3. (1) A residential member shall pay to the Corporation all such charges as the Council shall prescribe for board, lodging and incidentals. Every residential member shall become and remain throughout her period of residence a subscriber member of the Helena May and shall have and enjoy all the obligations and privileges of a subscriber member.

(2) A subscriber member shall pay to the Corporation as from the beginning of the month during which she is admitted to membership such monthly or other subscription and other charges as the Council may prescribe.

(3) All members shall comply with the by-laws for the time being in force.

4. (1) If any member shall fail to pay any monies due from her to the Corporation as and when payment thereof shall be required, the Council may strike her name off the Roll of Residential or Subscriber Members as the case may be.

(2) If any member shall in the opinion of three-fourths of those members of the Council present at a meeting duly convened for the consideration of the matter have behaved, either in the Helena May or elsewhere, in a manner calculated unduly to inconvenience the other members or likely to be injurious to the reputation or interests of the Helena May, the Council may call upon her to resign forthwith and if she shall fail to resign may strike her name off the Roll of Members or, if the Council so thinks fit, may suspend her membership for a period not exceeding six months. The decision of the Council shall for all purposes be final and conclusive.

(3) A member whose name is struck off the Roll of Members and a member whose membership is suspended shall forthwith forfeit, or, as the case may be, shall forthwith forfeit for the duration of the suspension, all right to the use of the Helena May and any claim upon any property of the Corporation, but the Council may, for cause shown, reinstate any such member.

5. A subscriber member who may be leaving the Colony for three or more months at a time shall give notice to the Secretary that she desires her name to be placed on the list of absent members and thereupon shall not be liable to pay the subscriber member's subscription for those complete months during which she shall be absent from the Colony, but shall pay the full monthly subscription for any parts of months during which she is resident in the Colony.

A subscriber member whose name has not been placed on the Absent Members List and who shall be absent from the Colony for more than three months at a time and an absent member who shall be absent from the Colony for more than two years at a time shall be deemed to have resigned.

6. No member whose subscription is in arrear or who shall have failed to pay any monies due from her to the Corporation shall be competent to propose or second any applicant for membership or visitor to the Helena May, to ballot for any applicant, or to vote on any occasion whatsoever.

7. A subscribing member may relinquish her membership by giving notice to the Secretary but will be held liable for the subscription for the month in which notice is given.

ARTICLE III—MANAGEMENT.

1. The management of the affairs of the Corporation and of the Institute herein called "The Helena May" shall be vested in the Council of the Helena May Institute for Women.

2. Subject to the provisions of this Ordinance, the Council shall consist of fifteen members of whom—

(a) eight shall be subscriber members who are British subjects of European race not domiciled in the Colony but resident therein at the time of their appointment;

- (b) two shall be subscriber members of European race, other than British subjects, not domiciled in the Colony but resident therein at the time of their appointment;
- (c) two shall be subscriber members of Chinese race domiciled in the Colony and resident therein at the time of their appointment; and
- (d) three shall be residential members of the Helena May at the time of their appointment.

3. For the purpose of making up to fifteen the number of the First Members of the Council (named in the Ordinance) the Secretary shall not later than three months after the Ordinance comes into operation convene a meeting of the residential members who shall elect from among their number three persons to be, and the same when elected shall be, members of the Council and the persons so elected shall (with the First Members or any substituted members) hold office until the first Annual General Meeting convened in accordance with the provisions of this Constitution.

4. Members of the Council shall hold office from the date of the Annual Meeting at which they are elected until the newly elected members come into office at the next Annual General Meeting. Members of the Council shall be eligible for re-election.

5. A subscriber member whose name is placed on the Absent Members List or who is absent from the Colony for more than three months at a time or who resigns, shall forthwith cease to be a member of the Council.

6. (1) Any two subscriber members shall be at liberty to nominate a subscriber member to serve upon the Council (having first obtained her consent) and such nomination shall be lodged with the Secretary and posted on the notice board in the Helena May not less than two clear days before the date of the Annual General Meeting.

(2) If the number of subscriber members so nominated does not in any one of the classes specified in sub-paragraphs (a), (b) and (c) of paragraph 2 of this Article exceed the number mentioned in that sub-paragraph, the persons nominated in respect of that class may be elected by resolution of the subscriber members at the Annual General Meeting.

(3) If the number does exceed the number specified in any one of the said sub-paragraphs, then balloting lists of the names of the persons so nominated of that class shall be circulated and each subscriber member present at the meeting shall hand in her list with the number of names unerased prescribed by sub-paragraph (a), (b) or (c) of paragraph 2 of this Article as the case may be. The persons gaining in the respective classes the greatest number of votes shall be deemed to be elected.

7. Not less than fourteen days before the date fixed for the Annual General Meeting of the Subscriber Members, the Secretary shall give notice convening a meeting of the Residential Members to be held not less than seven days before the Annual General Meeting for the purpose of electing three members of the Council from among their number.

Any two Residential Members shall be at liberty to nominate Residential Members to serve upon the Council (having first obtained their consent).

Nominations shall be lodged with the Secretary not less than two clear days before the date for which the meeting is convened and the names of those nominated shall be posted on the notice board.

If the number of persons nominated does not exceed three, the members nominated may be elected by resolution at the meeting of Residential Members.

If the number nominated does exceed three then balloting lists giving the names of those nominated shall be distributed to the Residential Members present at the meeting and they shall hand in their lists with three names unerased and the persons nominated and securing the greatest number of votes shall be deemed to be elected.

A residential member who ceases to reside in the Institute shall forthwith cease to be a member of the Council.

8. Whenever the seat of any member of the Council shall become vacant from any cause whatsoever, the remaining members of the Council may appoint some person to be a member of the Council in the place of the member whose seat has become vacant, due regard being had to the proportion of members of different categories prescribed by paragraph 2 of this Article.

Such person shall hold her place in the Council until the next Annual General Meeting.

9. The Council shall choose its own Chairman and Vice-Chairman from among the members.

Five members personally present shall be a quorum for a meeting of the Council.

10. The Council may appoint an Honorary Secretary or an Honorary Treasurer and a Secretary, Treasurer and such other officers and servants as it may deem necessary and at such remuneration as it shall think fit.

11. The Council may form such Sub-Committees as it may think fit for the management of the affairs of the Helena May and may delegate to such Sub-Committees such powers as the Council may deem expedient but the decisions of such Sub-Committees shall be referred to the Council for ratification.

12. The Council may make all necessary rules, not repugnant to the Ordinance or the Constitution, for the regulation and management of the affairs of the corporation and of the Helena May and in particular may make rules as to the conduct of the business at meetings, the forms to be used for application for membership, the number of persons to be admitted to membership, the amount and time for payment of subscriptions and other charges, the admission of and privileges to be extended to visitors and the regulation of the conduct of Residential and Subscriber Members, and may from time to time amend, vary, rescind, or suspend any rules made and make or issue new rules.

All rules made by the Council and any amendment, variation, rescission or suspension thereof shall be entered in a book to be kept by the Secretary for that purpose, and such book shall be open at all reasonable times to the inspection of all members and visitors.

ARTICLE IV—MEETINGS.

1. The Annual General Meeting of the Residential and Subscriber Members of the Helena May shall be held in the month of October in each year (commencing with the year 1947) or as soon thereafter as may be possible, at the Helena May on a date and at a time to be fixed by the Council.

2. The Council may whenever they consider it necessary or advisable so to do and shall on the requisition in writing signed by any twenty members forthwith proceed to convene an Extraordinary General Meeting of the whole of the members or of the Residential Members or the Subscriber Members according to the nature of the business to be transacted.

A requisition under this paragraph shall state the nature of the business for which the meeting is to be convened and a copy thereof shall be posted in a prominent place in the Helena May together with a copy of the notice convening the meeting.

3. A notice of the convening of the Annual General Meeting and of every Extraordinary General Meeting shall be sent to every member concerned, other than Absent Members, at her last known address in the Colony not less than twenty-one days before the date of such meeting, but the accidental omission to send such notice to any of the members shall not invalidate any resolution passed or any proceedings at such meeting.

4. Any member desiring to bring any proposal before an Annual or Extraordinary General Meeting shall give notice thereof in writing to the Secretary not less than seven days before such meeting.

5. All decisions of the Annual General Meeting or of an Extraordinary General Meeting shall be arrived at by a majority of the votes of the members present at such meeting but no Residential Member shall be competent to vote on the election of Members of the Council other than the Residential Members of the Council.

6. Twenty members personally present shall be a quorum for an Annual or Extraordinary General Meeting and no voting by proxy shall be allowed.

ARTICLE V—AMENDMENT OF THE CONSTITUTION.

1. No proposal for the alteration, amendment or rescission of the Constitution shall be entertained unless notice thereof in writing shall have been given to the Secretary not less than fourteen days before the date fixed for holding the Annual General Meeting.

The notice given to the Secretary shall state the substance of the proposed alteration, amendment or rescission, and a copy of the notice shall be posted in a prominent place in the Helena May not less than seven clear days before the Annual General Meeting.

On the consideration of a proposal for the alteration, amendment or rescission of the Constitution it shall be competent for the meeting to consider and decide upon any amendment which may be put to such proposal.

2. No alteration, amendment or rescission shall be made in this Constitution unless the same shall have been carried by a majority consisting of at least two-thirds of the members present at an Annual General Meeting of the members of the Helena May and voting thereon.

3. No alteration, amendment or rescission of the Constitution shall come into operation until the same shall have been approved of by the Governor.

ARTICLE VI—ACCOUNTS.

The Council shall cause true accounts to be kept of the monies received and expended and of the assets, credits and liabilities of the corporation.

The accounts shall be made up to the thirty-first day of December in each year and the Council shall cause a balance sheet containing a summary of the property and liabilities of the corporation to be prepared and audited.

Not less than seven days before each Annual General Meeting a printed copy of the Balance Sheet, Profit and Loss Account and Report by the Council shall be sent to every Member of the Helena May except members whose names are on the Absent Members list.

ARTICLE VII—INDEMNITY.

Every member of the Council and every officer or servant of the corporation shall be indemnified by the corporation against, and it shall be the duty of the corporation out of the funds of the corporation to pay, all costs, losses and expenses which any such member, officer or servant may incur or become liable to by reason of any contract entered into or act or deed done as such member, officer or servant or in any way in the discharge of his or her duties and in connection with which such member, officer or servant has not been guilty of any negligence, default, breach of trust or breach of duty whatsoever.

HONG KONG.

No. 4 OF 1947.



I assent.

Mark Young
Governor.

31st January, 1947.

An Ordinance to revive the Rope Company's Tramway Ordinance, 1901.

[31st January, 1947.]

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 Rope Company's Tramway (Revival and Amendment) Ordinance, 1947, and shall be read and construed as one with the Rope Company's Tramway Ordinance, 1901, (hereinafter referred to as "the said Ordinance").

Short title.

2. Notwithstanding anything contained in the said Ordinance to the contrary, the rights, powers and privileges granted by the said Ordinance shall be deemed not to have expired but to have been and to be in full force and effect and so to continue until the commencement of this Ordinance: Provided that nothing in this section shall be deemed to affect or curtail the power given to the Governor in Council, by the proviso to Section 12 of the said Ordinance, to extend the duration of such rights, powers and privileges.

Retrospective revival of rights conferred by Ordinance No. 21 of 1901.

3. As from the commencement of this Ordinance Section 12 of the said Ordinance is amended by the substitution of the words "one year" for the words "ten years" and by the substitution of the date "15th day of December, 1946" for the date "15th day of December, 1901" in the third line thereof.

Amendment of Section 12 of Ordinance No. 21 of 1901.

4. As from the commencement of this Ordinance Section 13 of the said Ordinance is repealed.

Repeal of Section 13 of Ordinance No. 21 of 1901.

Passed the Legislative Council of Hong Kong, this 30th day of January, 1947.


D. - John S.

Deputy Clerk of Councils.

HONG KONG.

No. 5 OF 1947.

I assent.


Mark Young
Governor.

7th February, 1947.

An Ordinance to provide for the remission of taxes, duties and fees to which consuls and consular officials may be subjected when payment of such moneys is in conflict with the privileges of their office.

[7th February, 1947.]

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 Consular Privileges Ordinance, 1947. Short title.
2. "Consul" means a person recognised by the Governor as being a consul general, consul or vice consul or consular agent;
"consular official" means a person not being a consul who is employed upon the staff of any consulate. Definition.
3. The Governor may direct that any tax, duty or fee payable by a consul or consular official under the law of the Colony as from time to time amended may be remitted when in the opinion of the Governor such tax, duty or fee is payable by a person to whom and in respect of a matter from which exemption should be granted by reason of the treatment in like matters accorded to His Majesty's consular staff by the State represented by or which employs such consul or consular official. Remission of taxes, duties and fees.

Passed the Legislative Council of Hong Kong, this 6th day of February, 1947.

D. - Holmes

Deputy Clerk of Councils.



HONG KONG.

No. 6 OF 1947.



I assent.

Mark Young
Governor.

7th February, 1947.

An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935.

[7th February, 1947.]

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 Public Health (Sanitation) Amendment Ordinance, 1947. Short title

2. The following paragraph is substituted for paragraph (xxiv) of section 4(1) of the Public Health (Sanitation) Ordinance, 1935:—

Substitution of new paragraph for paragraph (xxiv) of sec. 4(1) of Ord. No. 15 of 1935.

“(xxiv) the reception, housing, treatment, burying, disposal and exhumation of the bodies of the dead, the licensing, regulation, control and proper sanitary maintenance of any premises used for any of the foregoing purposes and the fees to be charged and the keeping of registers in connection therewith.”

Passed the Legislative Council of Hong Kong, this 6th day of February, 1947.

D. - [Signature]

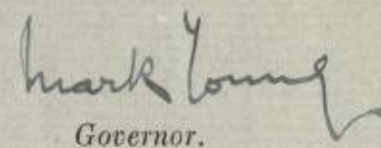
Deputy Clerk of Councils.



HONG KONG.

No. 7 OF 1947.

I assent.


Governor.

7th February, 1947.

An Ordinance to amend the Betting Duty Ordinance, 1931.

[7th February, 1947.]

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 Betting Duty (Amendment) Ordinance, 1947, and shall be read as one with the Betting Duty Ordinance, 1931, hereinafter referred to as the "Principal Ordinance".

Short title.
Ord. No. 40
of 1931.

2. Section 2 of the Principal Ordinance shall be amended by the deletion of the words "seventy-six per cent." appearing in the proviso to the said section and by the substitution therefor of the words "seventy-two per cent."

Amendment
of Sec. 2
of the
Principal
Ordinance.

3. Sub-section (2) of Section 6 of the Principal Ordinance shall be repealed and the following substituted therefor:

Amendment
of Sec. 6
of the
Principal
Ordinance.

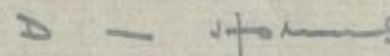
"(2) On every cash-sweep ticket sold and on every cash-sweep chance allocated by list as provided in Section 4 there shall be charged a duty on the amount paid, contributed or subscribed on a scale to be determined from time to time by resolution of the Legislative Council:

Provided that until such scale be determined by resolution of the Legislative Council there shall be charged a duty of twenty-five per cent. on any such amount paid, contributed or subscribed."

4. This Ordinance shall come into operation on the 7th day of February, 1947.

Commence-
ment.

Passed the Legislative Council of Hong Kong, this 6th day of February, 1947.




Deputy Clerk of Councils.

HONG KONG.

No. 8 OF 1947.

I assent.


Mark Young
Governor.

21st February, 1947.

An Ordinance to amend further the Pensions Ordinance,
1932.

[21st February, 1947.]

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 Pensions Short title.
Amendment Ordinance, 1947.

2. Section 3 of the Pensions Ordinance, 1932, as Amendment
of Ordinance
No. 21 of
1932, S.3.
enacted by Section 4 of the Pensions Amendment Ordinance,
1934, is hereby amended by the addition after sub-section 2
thereof, of the following sub-sections:—

- (3) Whenever the Governor in Council is satisfied that
it is equitable that any regulation made under this
section should have retrospective effect in order to
confer a benefit upon or remove a disability attaching
to any person that regulation may be given
retrospective effect for that purpose: Provided that
no such regulation shall have retrospective effect
unless it has received the prior approval of the
Legislative Council signified by resolution.
- (4) Any pension or gratuity granted to any officer under
this Ordinance shall be computed in accordance with
the provisions relating to such officer which are in
force at the actual date of his retirement.

Passed the Legislative Council of Hong Kong, this 20th
day of February, 1947.


D. - [Signature]

Deputy Clerk of Councils.

HONG KONG.

No. 9 OF 1947.

I assent.


Mark Young
Governor.

21st February, 1947.

An Ordinance to amend further the Police Force Ordinance,
1932.

[21st February, 1947.]

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 Police Force Amendment Ordinance, 1947. Short title.

2. Section 9 of the Police Force Ordinance, 1932, is hereby amended by the addition after sub-section 2 thereof, of the following sub-sections:— Amendment of Ordinance No. 37 of 1932, S.9.

- (3) Whenever the Governor in Council is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose: Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the Legislative Council signified by resolution.
- (4) Any pension granted to any officer under this Ordinance shall be computed in accordance with the provisions relating to such officer which are in force at the actual date of his retirement.

Passed the Legislative Council of Hong Kong, this 20th day of February, 1947.


D. J. ...

Deputy Clerk of Councils.

HONG KONG.

No. 10 OF 1947.

I assent.



Mark Young

Governor.

21st February, 1947.

An Ordinance for the establishment and administration of
a Hong Kong War Memorial Fund.

[21st February, 1947.]

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 Hong Kong War Memorial Fund Ordinance, 1947. Short title.

2. A Fund to be known as the "Hong Kong War Memorial Fund" (hereinafter called "the Fund") shall be established and administered in the manner hereinafter appearing. Establishment of the Fund.

3. The Fund shall consist of such voluntary contributions as may be made thereto and such appropriations thereto as may from time to time be made by the Legislative Council, together with such additions or accumulations as may be made or accrue thereto and together with any investment from time to time representing the same or any of them and together also with the interest and income derived from any such investment. Maintenance of the Fund.

4. (1) The objects of the Fund shall be as follows: Objects of the Fund.
(a) Without distinction of class or nationality, to provide for the maintenance, education, benefit or advancement of the widow, wife or children as the case may be, of any officer or member of any force, corps, unit or other organization specified in the First Schedule to this Ordinance, who served therein between the 7th day of December, 1941 and the 25th day of December, 1941, and who—

- (i) was killed in action; or
- (ii) died as the result of wounds received in action; or
- (iii) died as the result of injuries or hardships sustained during such service as aforesaid; or

- (iv) having been captured by the enemy, was killed or died while in captivity or died after release from captivity as the result of injuries or hardships sustained while in captivity; or
- (v) died as the result of illness the contraction of which was specifically attributable to such service or captivity as aforesaid; or
- (vi) by reason of wounds received in action, injuries or hardships sustained during such service or captivity as aforesaid, or illness the contraction of which was specifically attributable to such service or captivity as aforesaid is temporarily or permanently either wholly or partially incapacitated from earning a living.

(b) to provide assistance to any officer or member of the organizations specified in paragraph (a) of this section who served therein between the aforesaid dates and by reason of wounds received in action, injuries or hardships sustained during such service or captivity as aforesaid, or illness the contraction of which was specifically attributable to such service or captivity is temporarily or permanently either wholly or partially incapacitated from earning his living;

(c) to establish and maintain any such homes, orphanages or other institutions as may be conducive to the attainment of the foregoing objects;

(d) without distinction of class or nationality to provide and endow scholarships for any children whose maintenance, education, benefit or advancement provision may lawfully be made under the provisions of this Ordinance;

(e) to do all other such lawful things as may be incidental or conducive to the attainment of the foregoing objects.

(2) In this Ordinance the expression "child" includes a child not born in wedlock and the expression "wife" includes the mother of any such child and the expression "widow" shall be construed accordingly.

(3) All or any of the benefits which, under the provisions of this Ordinance, might be extended to any officer or member of any force, corps, unit or other organization specified in the First Schedule to this Ordinance, or to the widow, wife or children of any such officer or member, may be extended to a member of any class of persons specified in the Second Schedule to this Ordinance, or to the widow, wife or children of any such member as the case may be.

(4) After ample provision for all the foregoing objects has in the opinion of the Committee been made, an additional object of the Fund shall be to provide benefits for the Community as a whole, without distinction of class or nationality and such benefits shall take the form of the undertakings mentioned in the Third Schedule to this Ordinance which shall have no priority one over the other.

(5) The Governor may, by Order under the hand of the Colonial Secretary, add to any of the Schedules to this Ordinance.

5. (1) The Fund shall be administered by a Committee (hereinafter called "the Committee") the Chairman and other members of which shall be appointed by the Governor.

Administra-
tion of the
Fund.

(2) The Committee shall consist of such member or members, not less than five in all, as the Governor shall direct.

(3) All appointments to the Committee shall be held only during the Governor's pleasure.

(4) The quorum necessary for the transaction of the business of the Committee may be fixed by regulation made under this Ordinance and unless so fixed three members shall form a quorum.

6. None of the objects in subsection (1) of Section 4 as extended by subsections (2) and (3) thereof shall be deemed to have in law or equity any priority one over the other nor shall any rateable appropriation of the Fund to such objects or to the undertakings specified in the Third Schedule be required and the Committee shall, subject to the provisions of this Ordinance, have full power, authority and discretion to govern, direct and decide all matters whatsoever connected with the administration of the Fund and the accomplishment of the objects and purposes thereof.

General
powers
of the
Committee.

7. The Committee shall have power to make regulations for their procedure in the transaction of business and the maintenance of good order at their meetings and generally for all matters relating to the administration and management of the Fund and the discharge of the duties of the Committee: Provided always that a copy of such regulations shall be furnished to the Colonial Secretary and that they shall be subject to disallowance, alteration or amendment at any time by the Governor.

Regulations.

cf. sec. 8
Ord. No. 6
of 1893.

8. All questions which may arise at any meeting of the Committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the Chairman shall have a casting vote in addition to his original vote: Provided that, in any case in which the Committee is divided in opinion, any three members of the Committee may demand that the point be referred to the Governor for his decision, which shall in every such case be final.

Determina-
tion of
questions
at meetings
of the
Committee.

9. An accurate account shall be kept of all moneys received and disbursed by the Fund and the Committee shall, within one month after the termination of each calendar year, forward to the Colonial Secretary a report on the administration of the Fund during the previous year together with a duly audited statement of receipts and expenditure of the Fund during the preceding year and a statement of the assets and liabilities of the Fund up to the end of such year.

Accounts.

10. The Chairman of the Committee shall be a body corporate, and shall have the name of "The Chairman of the Committee of the Hong Kong War Memorial Fund," and by that name shall have perpetual succession, and shall and may sue and be sued in all courts, and shall and may have and use a common seal, and the said seal may break, change, alter, and make anew as to the said corporation may seem fit, and the said corporation shall have full power to acquire, accept leases of, purchase, take, hold and enjoy any

Incorporation
of
Chairman of
Committee
of the Fund.

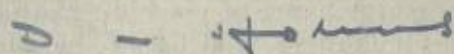
cf. Ord. No.
3 of 1892.

lands, buildings, messuages or tenements of what nature or kind so ever and wheresoever situate in this Colony, and also to invest moneys on deposit in any bank in the Colony or elsewhere or on mortgage of any lands, buildings, messuages or tenements in this Colony, or on the mortgages or debentures, stocks, funds, shares or securities of any corporation or company carrying on business or having an office in this Colony, and also to purchase and acquire all manner of goods and chattels whatsoever, and the said corporation is hereby further empowered, (by deed under its seal), to grant, sell, convey, assign, surrender and yield up, mortgage, demise re-assign, transfer or otherwise dispose of any lands, buildings, messuages and tenements, mortgages, debentures, stocks, funds and securities, goods and chattels, vested in the corporation on such terms as to the said corporation may seem fit.

Use of seal
of Corpora-
tion.

11. All deeds, documents and other instruments which by law require the seal of the said corporation shall be sealed therewith in the presence of the Chairman of the Committee or his attorney duly authorized, and shall also be signed by him or his attorney duly authorized, and such signing shall be and be taken as sufficient evidence of the due sealing of such deeds, documents or other instruments.

Passed the Legislative Council of Hong Kong, this 20th day of February, 1947.



Deputy Clerk of Councils.

FIRST SCHEDULE.

1. The Hong Kong Naval Volunteer Force.
2. The Hong Kong Royal Naval Volunteer Reserve.
3. The Hong Kong Volunteer Defence Corps and the Auxiliary and Affiliated Units thereof.
4. The Hong Kong Corps of Air Raid Wardens.
5. The Hong Kong Police Reserve.
6. The Hong Kong Civil Defence Corps, as specified hereunder:

Auxiliary Communications Service.
 Auxiliary Conservancy Corps.
 Auxiliary Fire Service.
 Auxiliary Labour Corps.
 Auxiliary Medical Corps.
 Auxiliary Ordnance Corps.
 Auxiliary Quarters Corps.
 Auxiliary Supply Corps.
 Auxiliary Transport Service.
 Civil Pay and Accounts Service.
 Public Works Corps.
 Auxiliary Rescue and Demolition Corps.

SECOND SCHEDULE.

1. Persons who were subjected to torture during the enemy occupation and by reason thereof:

- (a) died; or
- (b) were temporarily or permanently either wholly or partially incapacitated from earning a living.

2. Persons who were executed by the Enemy.

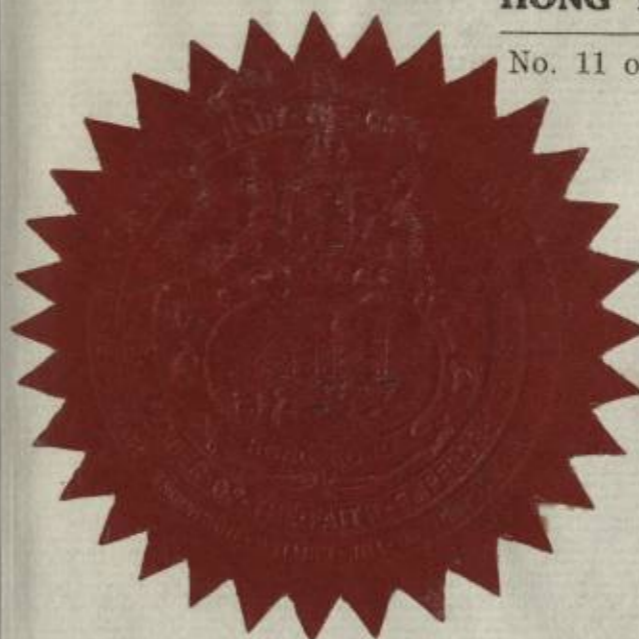
THIRD SCHEDULE.

Any undertaking for establishing, endowing, providing for, maintaining or contributing to—

- (a) hospitals, clinics and creches in the Colony;
- (b) educational, recreational, civic or social welfare centres, facilities or amenities in the Colony;
- (c) relief (including medical stores and supplies) to homeless, unemployed or indigent persons in the Colony;
- (d) scholarships involving work, study, tuition or instruction in the Colony or in the United Kingdom;
- (e) Institutions in the Colony for the aged and infirm, the young or the mentally deficient or unstable;
- (f) the cure or relief of suffering and disease in the Colony or the cure and relief outside the Colony of inhabitants of the Colony who cannot adequately be treated inside the Colony.

HONG KONG.

No. 11 of 1947.



I assent.

Mark Young
Governor.

14th March, 1947.

An Ordinance to amend the Juvenile Offenders Ordinance, 1932.

[14th March, 1947.]

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 Juvenile Offenders (Amendment) Ordinance, 1947. Short title.

2. Section 9 of the Juvenile Offenders Ordinance, 1932, is hereby amended:

Amendment
of Section 9
of Ordinance
No. 1 of
1932.

(a) by the insertion immediately after the word "person" in the first line of sub-section (2) of the words "or any person who in the opinion of the Court has attained the age of sixteen years but has not attained the age of twenty-one years"; and

(b) by the insertion at the end of sub-section (3) of the words "The Court by which a probation order is made shall furnish to the offender a notice in writing in a language understood by the offender stating in simple terms the conditions he is required to observe."; and

(c) by the insertion immediately after the words "with respect to" appearing in the fourth line of sub-section (4) of the word and symbol "residence," and by the substitution of the word "offender" for the words "child or young person" appearing in the fourth, fifth and seventh lines of the said sub-section.

Passed the Legislative Council of Hong Kong, this 13th day of March, 1947.


D. - Holmes

Deputy Clerk of Councils.

HONG KONG.

No. 12 OF 1947.

I assent.


Mark Young
Governor.

21st March, 1947.

An Ordinance to amend further the Telecommunication Ordinance, 1936.

[21st March, 1947.]

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 Telecommunication (Amendment) Ordinance, 1947.

Short title.

2. Section 30 of the Telecommunication Ordinance, 1936, is repealed and the following section is substituted therefor—

Substitution for Ord. No. 18 of 1936, S. 30.

30. (1) Every person who, in any place in the Colony or on board any British ship registered in the Colony—

Licences for radiocommunication stations and for dealers in wireless equipment.

(a) establishes, maintains, works or uses a radiocommunication station; or

(b) offers for sale, sells or has in his possession, whether with a view to sale or otherwise, any apparatus or material for radiocommunication,

otherwise than under and in accordance with a licence, sale permit or letter of exemption granted under this Ordinance, shall be guilty of an offence against this section.

(2) Every such licence, sale permit and letter of exemption shall be in such form and for such period as the Governor in Council determines and shall contain such terms, conditions and restrictions on and subject to which the licence is granted as the Governor in Council considers desirable in the public interest.

(3) Any person who is in possession of apparatus for radiocommunication shall be deemed until the contrary is proved to have worked the same.

(4) The occupier of any dwelling-house or premises in which is installed radiocommunication equipment in respect of which a licence is not in force shall be guilty of an offence against this section.



(5) It shall be a defence to a prosecution for an offence against sub-section (4) that the occupier was not aware, and could not with reasonable diligence have become aware, of the existence in the dwelling-house or premises of the radiocommunication equipment in question.

(6) Any person who is guilty of an offence against this section shall be liable on summary conviction to a fine of \$3,000 or to imprisonment for any term not exceeding twelve months, and shall upon conviction on indictment be liable to a fine of \$10,000 or to imprisonment for any term not exceeding three years.

3. Subsection 5 of Section 31 of the Telecommunication Ordinance, 1936 is amended by the insertion of the words "or the Court" between the words "magistrate" and "to" appearing therein.

Amendment
of Ord.
No. 18 of
1936.
s. 30(5).

Passed the Legislative Council of Hong Kong, this 20th day of March, 1947.

[Handwritten signature]

Deputy Clerk of Councils.

HONG KONG.

No. 13 of 1947.



I assent.

Mark Young

Governor.

21st March, 1947.

An Ordinance to enable capital punishment to be imposed in certain circumstances on persons taking part in armed robbery or assault with intent to rob where the death of a human being takes place in connection with the commission of such offences.

[21st March, 1947.]

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 Suppression of Robbery Ordinance, 1947. Short title.

2. (1) If at the time of or immediately before or after or in escaping or attempting to escape after a robbery or assault with intent to rob, violence resulting in the death of a human being is used by means of an offensive weapon by any person committing or taking part in the commission of any such robbery or assault then whether or not there is any evidence of any common intention to use violence every person committing or taking part in such robbery or assault with intent to rob shall be guilty of felony and on conviction thereof shall suffer death as a felon: Provided that if any such person shall prove that he was not aware and had no reasonable grounds for believing that any such offensive weapon was carried either by the person who used the violence resulting in death or by any other person taking part in the robbery or assault he shall not be guilty of an offence against this section. Capital punishment for Armed Robbery in certain circumstances.

(2) If on the trial of any indictment for an offence against subsection (1) of this section the Jury are of opinion that the defendant was not guilty of an offence under that subsection but was guilty of an offence under section 40 of the Larceny Ordinance, 1935, the Jury may find him guilty of such offence under section 40 of the Larceny Ordinance, 1935 and thereupon he shall be liable to be punished accordingly. Ordinance No. 32 of 1935.

HONG KONG



3.—(1) This Ordinance shall come into force by Proclamation of the Governor. Commence
ment and
Duration.

(2) Subject to the provisions of this section this Ordinance shall continue in force for the period of one year beginning with the date this Ordinance comes into force and shall then expire.

Provided that at any time while this Ordinance is in force it is resolved by the Legislative Council that this Ordinance shall continue in force for a further period of one year from the time it would otherwise expire this Ordinance shall continue in force for that further period.

Passed the Legislative Council of Hong Kong, this 20th day of March, 1947.

[Handwritten signature]

Deputy Clerk of Councils.

HONG KONG.

No. 14 of 1947.



Mark Young
I assent.

Governor.

21st March, 1947.

An Ordinance to impose a tax in respect of payment for the services of dancing partners and a tax on food sold and consumed in public dance-halls.

[21st March, 1947.]

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 Public Dance-Halls Tax Ordinance, 1947. Short title.

2. In this Ordinance—

(a) "Dancing Partner" means a dancing partner whose name, age, sex, nationality, birthplace and place of residence in the Colony are required to be entered in a register kept in accordance with Regulation 5 (in part VII—Public Dance-Halls) of the Regulations contained in the Second Schedule to the Miscellaneous Licences Ordinance, 1933.

Interpretation.

(b) "Food" includes every article or substance used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes flavouring matters and condiments.

(c) "Proprietor" includes any person responsible for the management of a public dance-hall and any person on whose behalf payments for tickets in payment of the services of dancing partners or payment for food sold and consumed are received.

(d) "Public dance-hall" means any place opened, kept or used for the purpose of dancing to which the general public are admitted with or without payment for admission and which is required to be licensed under the Miscellaneous Licences Ordinance, 1933.

Ord. No. 25 of 1933.

3. There shall be charged, levied and paid a tax of ten per cent. on all payments for the services of a dancing partner in a public dance-hall.

Tax on payment for services of dancing partners.

Tax on accounts for food sold and consumed.

4. There shall be charged, levied and paid a tax of ten per cent. on all accounts rendered by a proprietor of a public dance-hall for food sold and consumed in a public dance-hall.

Computation of tax to nearest ten cents.

5. For the purposes of Sections 3 and 4 of this Ordinance the amount of tax payable shall be computed to the nearest ten cents and any amount of less than ten cents shall be deemed to be ten cents.

Legislative Council may vary amount of tax.

6. (1) It shall be lawful for the Legislative Council by resolution to increase, decrease, recast, suspend or vary to any extent and in any manner whatsoever a tax imposed by or under this Ordinance.

(2) Every resolution shall come into operation at the time of the passing thereof unless some other time is specified in such resolution.

Method of payment for services of dancing partners.

7. Payment for the services of a dancing partner shall be made by way of ticket purchased from the proprietor and such ticket shall be stamped with a stamp (not before used) denoting that the tax has been paid: Provided that it shall not be necessary for any such ticket to be stamped as aforesaid in any case where the proprietor has made arrangements approved by the Accountant General for furnishing returns of sales of tickets and has given security to an amount and in a manner approved by the Accountant General for payment of the tax.

Regulations.

8. The Governor in Council may make regulations for securing the payment of any such tax and generally for carrying the provisions of this Ordinance into effect. Without prejudice to the generality of the foregoing such regulations may provide—

- (a) for calculating, collecting and accounting for any such tax;
- (b) for the type of forms to be used in the presentation of accounts to a person frequenting a public dance-hall or to the Accountant General or other officer entrusted with the collection of any such tax.

Inspection.

9. It shall be lawful for the Accountant General or for any person authorised by him in writing for the purpose to enter any public dance-hall at any reasonable time to ensure that the provisions of this Ordinance or any regulations made thereunder are being observed.

Penalties.

10. (1) Any person who fails to comply with or attempts to evade any of the provisions of this Ordinance shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars, and shall be liable also to pay any tax which should have been paid.

(2) If the proprietor of a public dance-hall is convicted of any offence against this Ordinance committed in such public dance-hall, a Magistrate may in his discretion suspend or revoke any licence held by such proprietor.

(3) If any person acts in contravention of, or fails to comply with, any regulations made under this Ordinance, he shall be liable on summary conviction to a fine of five hundred dollars.

(4) Any person who prevents or obstructs the entry of the Accountant General or of any person authorised by him in writing under this Ordinance shall be liable on summary conviction to a fine of five hundred dollars.

11. Where a person convicted of an offence against this Ordinance is a company, the chairman and every director and every officer of the company shall be guilty of the like offence, unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Offences by Corporations.

12. Any person who would have been liable under this Ordinance to any pecuniary penalty for anything done or omitted if such a thing had been done or omitted by him personally shall be liable to the same penalty if such has been done or omitted by his partner, agent or servant.

Responsibility for acts of partners, agents and servants.

Passed the Legislative Council of Hong Kong, this 20th day of March, 1947.

[Handwritten signature]

Deputy Clerk of Councils.

HONG KONG.

No. 15 OF 1947.



I assent.

Governor.

28th March, 1947.

An Ordinance to amend the Marriage Ordinance, 1875.

[28th March, 1947.]

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 Marriage (Amendment) Ordinance, 1947, and shall be read as one with the Marriage Ordinance, 1875, (hereinafter referred to as the principal Ordinance).

2. The proviso to section 35 of the principal Ordinance shall be amended by the insertion of commas and the words “, including alterations increasing or decreasing fees,” between the words “therein” and “as” in the penultimate line thereof.

3. The Table of Fees in the Second Schedule to the principal Ordinance shall be repealed and replaced by the following:—

TABLE OF FEES		[S.35]
1. Notice of Marriage	Nil	
2. Certificate of notice	1 dollar	
3. Search	1 „	
4. Certified copy	1 „	
5. Certificate of absence of any record for a period not exceeding 10 years	5 dollars	
6. The same for period exceeding 10 years ..	10 „	
7. Licence to Registrar of Marriages to issue his certificate	30 „	
8. Special Licence	150 „	
9. Marriage at the office of the Registrar of Marriages	10 „	

Passed the Legislative Council of Hong Kong, this 27th day of March, 1947.


Deputy Clerk of Councils.

Short title.
Ordinance No. 7 of 1875.
Amendment of the proviso to S. 35 of the principal Ordinance.
Repeal and replacement of the Table of Fees in the Second Schedule to the principal Ordinance.

HONG KONG.

No. 16 OF 1947.

I assent.



Mark Young

Governor.

28th March, 1947.

An Ordinance to amend the Foreign Marriage Ordinance,
1903.

[28th March, 1947.]

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 Foreign Marriage (Amendment) Ordinance, 1947, and shall be read as one with the Foreign Marriage Ordinance, 1903, (hereinafter referred to as the principal Ordinance).

Short title.

Ordinance
No. 6 of
1903.

2. Section 6 of the principal Ordinance shall be amended by the substitution of the word "thirty" for the word "ten" in the last line thereof.

Amendment
of Sec. 6
of the
principal
Ordinance.

Passed the Legislative Council of Hong Kong, this 27th
day of March, 1947.


[Signature]

Deputy Clerk of Councils.

HONG KONG.

No. 17 OF 1947.

I assent.



Mark Young

Governor.

28th March, 1947.

An Ordinance to regulate the use of vehicles and to provide for the control of road traffic.

[28th March, 1947.]

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 Vehicle and Road Traffic Ordinance, 1947. Short title.

2. In this Ordinance—

Interpreta-
tion.

- (a) "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 excludes any vehicle the plying for hire of which is prohibited by Regulation made under this Ordinance;
- (b) "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;
- (c) "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 does not include any perambulator or any conveyance for use solely on railways or tramways.

3. It shall be lawful for the Governor in Council to make regulations for any of the following purposes— Regulations.

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

- (5) for the apprehension of persons who commit offences against this Ordinance;
- (6) 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;
- (7) for prescribing the fees to be paid in respect of any licence granted under the provisions of this Ordinance;
- (8) for prescribing the fares which may be charged for the hire of any public vehicle;
- (9) for granting exclusive rights of maintaining services of public motor vehicles, for enforcing the obligations of any persons to whom such rights may be granted, for requiring security from such persons and for realising such security, for the amendment or cancellation of such rights when granted, for prescribing the fees to be paid in respect of such rights and for the effective control and protection of such services; and
- (10) generally for the purpose of carrying into effect the provisions of this Ordinance.

Reckless or Dangerous Driving. 20 & 21 Geo. 5 C. 43 S. 11

4. (1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, conditions, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

- (a) on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months, and in the case of a second or subsequent conviction either to a fine not exceeding \$2,000 or to such imprisonment as aforesaid or to both such fine and imprisonment;
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both such imprisonment and fine.

(2) The Judge or Magistrate shall order particulars of any such conviction to be endorsed on any licence to drive a motor vehicle held by the person convicted.

(3) On a second or subsequent conviction under this section the convicting Judge or Magistrate shall exercise the power conferred by this Ordinance of ordering that the offender shall be disqualified for holding or obtaining a licence to drive a motor vehicle unless the Judge or Magistrate, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the Judge or Magistrate to exercise the power aforesaid on a first conviction.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Ordinance relating to disqualification

for holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

5. (1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months, and in the case of a second or subsequent conviction either to a fine not exceeding \$2,000 or to such imprisonment as aforesaid or to both such fine and imprisonment.

Driving motor vehicles when under the influence of drink or drugs. 20 & 21 Geo. 5 C. 43 S. 15

(2) A person convicted of an offence under this section shall, unless the Magistrate for special reasons thinks fit to order otherwise and without prejudice to the power of the Magistrate to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence to drive a motor vehicle.

6. (1) If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be guilty of an offence.

Careless driving. 20 & 21 Geo. 5 C. 43 S. 12 S. 24

(2) A Judge or Magistrate before whom a person is convicted of an offence under this section shall, unless for any special reason he thinks fit to order otherwise, order particulars of the conviction to be endorsed on any licence to drive a motor vehicle granted under this Ordinance or any Regulations made under this Ordinance.

(3) If on the trial of any indictment for an offence against Section 4 of this Ordinance, the Jury are of opinion that the defendant was not guilty of an offence under the said section but was guilty of an offence under this section, the Jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

7. Where a person is prosecuted for an offence under any of the provisions of this Ordinance or of the Regulations made under this Ordinance relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving he shall not be convicted unless either—

Restrictions on certain prosecutions. 20 & 21 Geo. 5 C. 43 S. 21

- (a) he was warned at the time the offence was committed that the question of prosecuting him for manslaughter or for an offence under some one or other of the provisions aforesaid would be taken into consideration; or
- (b) within fourteen days of the commission of the offence a summons for the offence was served on him; or
- (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and the place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

- (i) Failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the Judge or Magistrate is satisfied that—