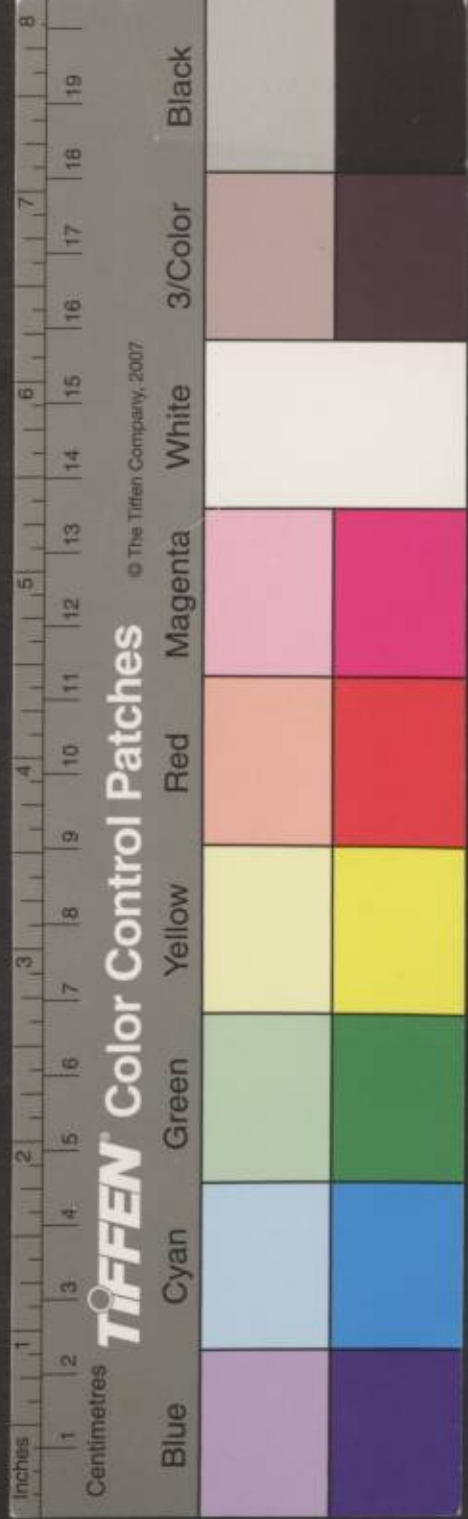


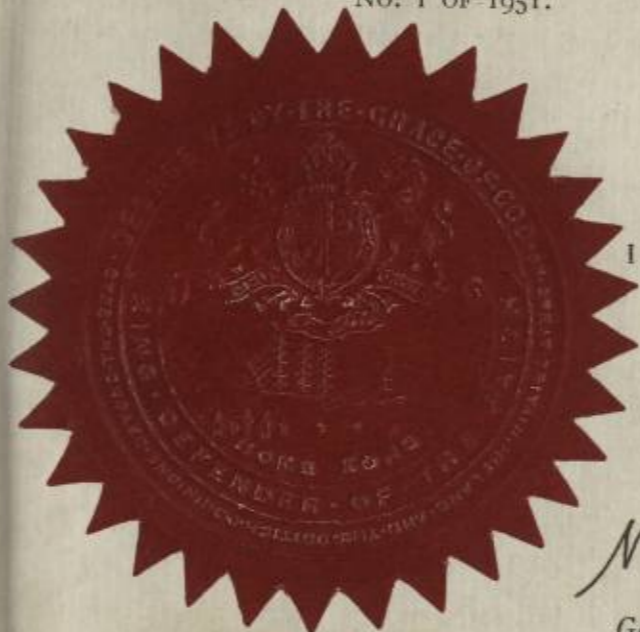
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ORDINANCES, 1951



HONG KONG

No. 1 OF 1951.



I assent.

W. Chamkham

Governor.

4th January, 1951.

An Ordinance to amend the law relating to the protection of women and juveniles.

[5th January, 1951.]

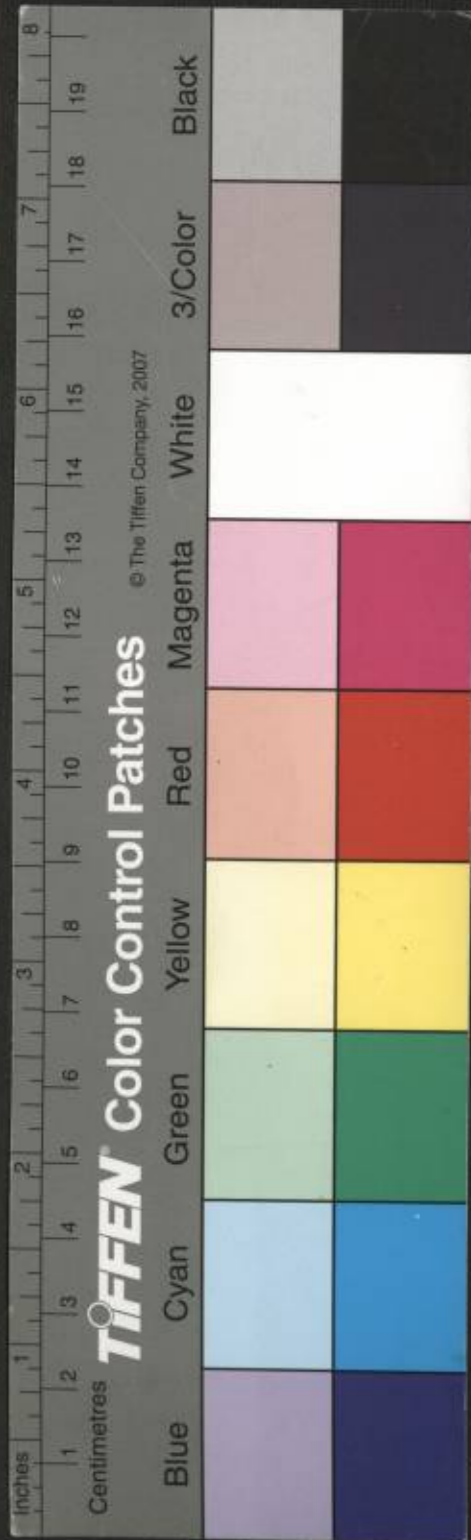
BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as the Protection of Women and Juveniles Ordinance, 1951. Short title.

2. In this Ordinance—
"brothel" includes any premises or part thereof which would constitute a bawdy-house at common law and any house, room, vessel or other place occupied frequented or used by any two or more females for prostitution;
"child", "young person", "probation officer", and "juvenile court" have the meanings assigned to them by the Juvenile Offenders Ordinance, 1932;
"infant" means a person under the age of twenty-one;

Inter-pretation.

(Ordinance No. 1 of 1932.)



“keeper” of premises includes any person having or appearing to have the management or control of the premises;

“marriage” includes non-christian customary marriages duly celebrated according to the personal law and religion of the parties;

“occupier” of premises means the person in actual occupation of the premises;

“owner” of premises means the person for the time being receiving the rent or a consideration for the use of the premises, whether on his own account or as agent or trustee for any other person, or who would receive the same if such place were let to a tenant;

“place of refuge” means any place which the Governor in Council may by notification in the *Gazette* declare to be a place in which females, young persons or children or any of them may be detained for the purposes of, or pursuant to powers contained in, this Ordinance.

Traffic in females.

3. (1) Any person who—

- (a) takes part in bringing into or taking away from the Colony by force, intimidation or fraud any female for the purpose of prostitution either within or without the Colony; or
- (b) takes part in bringing, taking, decoying or enticing any female into or away from the Colony with intent to sell, pledge, let out to hire, purchase, take in pledge, take on hire or otherwise dispose of such female for the purpose of prostitution either within or without the Colony; or
- (c) takes part in bringing, taking, decoying or enticing any female into or away from the Colony for the purpose of prostitution either within or without the Colony, knowing that such female has been sold, pledged, let out to hire, purchased, taken in pledge, taken on hire; or
- (d) takes part in selling, pledging, letting out to hire, purchasing, taking in pledge, taking on hire or otherwise disposing of, or in obtaining possession of any female for the purpose of prostitution either within or without the Colony; or
- (e) knowingly derives any profit from the sale, pledge, hire, purchase, taking in pledge, taking on hire or other

disposal of any female who has been sold, pledged, let out to hire, purchased, taken in pledge, taken on hire, or otherwise disposed of for the purpose of prostitution either within or without the Colony,

shall be guilty of a misdemeanor: Provided that in any prosecution under paragraph (c) where it is proved, to the satisfaction of the jury or the magistrate, as the case may be, that the female had in fact been sold, pledged, let out to hire, purchased, taken in pledge or taken on hire, knowledge thereof by the accused shall be presumed unless he satisfies the jury or magistrate that he had not such knowledge.

(2) It shall be no defence to any charge or indictment under this section that the female in question consented to the transaction or that she received the consideration or any part of the consideration therefor.

4. (1) Any person who—

- (a) procures or attempts to procure any female infant not being a common prostitute or of known immoral character, to have unlawful carnal connexion, either within or without the Colony, with any other person; or
- (b) procures or attempts to procure any female to become, either within or without the Colony, a common prostitute; or
- (c) procures or attempts to procure any female to leave the Colony, with intent that she may become an inmate of or frequent a brothel elsewhere; or
- (d) procures or attempts to procure any female to leave her usual place of abode in the Colony, with intent that she may become an inmate of or frequent a brothel within or without the Colony,

shall be guilty of a misdemeanor.

(2) No person shall be convicted of any offence under any of paragraphs (b), (c) and (d) of subsection (1) on the evidence of one witness only unless such witness is corroborated in some material particular by evidence implicating the accused.

Procurator of females. 48 & 49 Vict. c. 69, s. 2.

[cf. No. 3 of 1903, s. 3 and No. 41 of 1932, s. 89.]

Defilement of girl between 13 and 16. 48 & 49 Vict. c. 69, s. 5(1). [cf. No. 3 of 1916, s. 5(2), and No. 1 of 1932, s. 17(1) (e).]

5. Any person who carnally knows or attempts to have carnal knowledge of any girl, whether he is married to her or not, being of or above the age of thirteen years and under the age of sixteen years, shall be guilty of a misdemeanor: Provided—

- (a) that no prosecution shall be commenced for an offence under this section more than twelve months after the commission of the offence; and
- (b) that if such person is married to such girl no prosecution shall be commenced without the consent of the Secretary for Chinese Affairs.

Defilement of girl under 13. 48 & 49 Vict. c. 69, s. 4. [cf. No. 3 of 1916, ss. 2, 5 and No. 1 of 1932, s. 17(1) (e).]

6. (1) Any person who carnally knows any girl under the age of thirteen years, whether he is married to her or not, shall be guilty of felony: Penalty: imprisonment for life.

(2) Any person who attempts to have carnal knowledge of any girl under the age of thirteen years, whether he is married to her or not, shall be guilty of a misdemeanor.

Indecent assault upon female. 24 & 25 Vict. c. 100, s. 52. 12 & 13 Geo. 5, c. 56, s. 1. [cf. No. 3 of 1903, s. 3 and No. 41 of 1932, s. 89.]

7. (1) Any person who commits an indecent assault upon any female shall be guilty of a misdemeanor.

(2) It shall be no defence to a charge or indictment for an indecent assault upon a girl under the age of sixteen years to prove that she consented to the act of indecency.

Unlawful detention of females. 43 & 49 Vict. c. 69, s. 8.

8. (1) Any person who detains any female against her will—

- (a) in any place on land or water with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or
 - (b) in any place on land or water for an immoral purpose or for the purpose of emigration; or
 - (c) in any brothel,
- shall be guilty of a misdemeanor.

(2) For the purposes of this section, a person shall be deemed to detain such female in such place or in such brothel, not only where force, intimidation or fraud is used, but also if, with intent to compel or induce her to remain in or upon such place or in such brothel, such person withholds from such female any wearing apparel or other property belonging to her or, where wearing apparel has been lent or otherwise supplied to such female or by the direction of such person, if such person threatens such female with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against any such female for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such place or brothel.

9. (1) Any person who—

- (a) by threats, intimidation, false pretences, false representations or other fraudulent means procures or attempts to procure any female to have unlawful carnal connexion either within or without the Colony; or
 - (b) applies, administers to or causes to be taken by any female any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connexion with such female,
- shall be guilty of a misdemeanor.

Procuring defilement of females. 48 & 49 Vict. c. 69, s. 3.

(2) No person shall be convicted of an offence under this section on the evidence of one witness only unless such witness is corroborated in some material particular by evidence implicating the accused.

10. Any person who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile in circumstances which do not amount to rape but which prove that the offender knew, at the time of the commission of the offence, that the female was an idiot or imbecile, shall be guilty of a misdemeanor.

Carnal knowledge of female idiot. 48 & 49 Vict. c. 69, s. 5(2). [cf. No. 3 of 1916, s. 5.]

11. Any person who, being the owner or occupier of any vessel or premises or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl of such age as is mentioned in this section to resort to or be

Punishment of householder, etc., permitting defilement of girl.

in or upon such vessel or premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall—

- (a) if such girl is of or above the age of thirteen years and under the age of sixteen years be guilty of a misdemeanor; and
- (b) if such girl is under the age of thirteen years be guilty of felony and shall be liable to imprisonment for life.

Penalty on occupier or keeper of premises used as a lodging house for prostitutes or as a brothel.

12. Any occupier or keeper of a house or portion of a house and any master or other person in control of a vessel who uses it or knowingly permits it to be used as a lodging house for prostitutes or as a brothel shall be guilty of an offence:

Penalty—

- on first offence; a fine of one thousand dollars and imprisonment for three months;
- on second offence (whether in respect of same or other premises); a fine of two thousand dollars and imprisonment for six months;
- on third or subsequent offence (whether in respect of same or other premises); a fine of five thousand dollars and imprisonment for one year.

Service of notice of offence under section 12 on owner, etc.

13. Where it has been proved to the satisfaction of a magistrate that an offence under section 12 has been committed with respect to any house or portion of a house he may order that a notice of the fact shall be served, either personally or by registered post, upon the owner or tenant of the premises or, if such owner or tenant is absent or under any disability, upon his attorney, agent or rent collector, or, if such owner or tenant is a corporation, upon the secretary or manager thereof.

Power to determine tenancies of premises, used in contravention of section 12.

14. After service of such notice as is mentioned in section 13 any magistrate may, at the request of any such owner, tenant, attorney, agent, rent collector, secretary or manager, make an order (which shall be recognized and given effect to in any proceeding in any court) absolutely putting an end to any existing tenancy or sub-tenancy of such premises as from the date of such order, and thereupon such tenancy or sub-tenancy shall absolutely cease and determine for all purposes and the occupier, tenant or sub-tenant of such premises may thereafter be treated as a trespasser.

Any such order shall be sufficient authority to any constable to enter (by force, if needful) into the premises and give

possession of the same, or any part thereof specified in the order, to the landlord or his agent: Provided that such entry shall not be made at any time except between 9 a.m. and 5 p.m.: Provided also that the powers given by this section shall be in addition to and not in derogation of any powers conferred by or under any other enactment.

15. If, after service of such notice as is mentioned in section 13, an offence against section 12 is proved to have been committed by any person within three months after such service, the person upon whom service is made (and, if he be an attorney, agent or rent collector, also the landlord whom he represents) shall be guilty of an offence unless he proves to the satisfaction of the magistrate that he neither knew nor had reasonable means of knowing that the premises were being used as a lodging house for prostitutes or as a brothel: Penalty: a fine of two thousand dollars.

Penalty on owner, etc., where premises again used within three months in contravention of section 12.

16. Any police officer, not being below the rank of sergeant, who is authorized generally in writing for that purpose by the Commissioner of Police, and any person who is authorized generally in writing for that purpose by the Secretary for Chinese Affairs, may at all times, without notice, enter and demand to see and interrogate any or all the inmates of any place on land or water which he may have reason to believe is used as a lodging house for prostitutes or as a brothel or in connexion with which he may have reason to believe that an offence has been committed under this Ordinance.

Powers of authorized persons to visit suspected premises.

17. (1) Any male person who—
(a) knowingly lives wholly or in part on the earnings of prostitution; or
(b) solicits for immoral purposes, shall be guilty of a misdemeanor.

Living on earnings of prostitution or soliciting, by males, etc. 61 & 62 Vict. c. 39, s. 1, and 2 & 3 Geo. 5., c. 20, s. 7.

(2) If it is made to appear to a magistrate, by information upon oath, that there is reason to suspect that any place on land or water is used by a female for the purposes of prostitution and that any male person in or frequenting such place is living wholly or in part on the earnings of prostitution therein, the magistrate may issue a warrant authorizing any police officer to enter and search such house and to arrest such male person.

[cf. No. 3 of 1903.]

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of

a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the court or the magistrate to the contrary, be deemed to be knowingly living on the earnings of prostitution.

(4) Any female who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, shall be guilty of an offence: Penalty: imprisonment for one year.

Receiving, detaining or harbouring females young persons or child brought into the Colony by force, etc.

18. (1) Any person shall be guilty of a misdemeanor who without lawful authority or excuse—

- (a) receives, harbours, detains or has under his control any female or any young person or child who has been brought into or is about to be taken away from the Colony by force, intimidation or fraud; or
- (b) receives, harbours, detains or has under his control any unmarried female infant or any young person or child without the consent of the person having the lawful care or charge of such infant or young person or child.

(2) Where any person charged under paragraph (b) of subsection (1) is proved to have received, harboured, detained or had under his control any female who appears to the magistrate to be under the age of twenty-one years, it shall, until the contrary is proved, be presumed—

- (a) that the female was an unmarried female infant at the date of the alleged offence; and
- (b) that the accused received, harboured or detained her, or had her under his control without the consent of the person having the lawful care or charge of her.

(3) No prosecution under this section shall be instituted without the consent of the Secretary for Chinese Affairs.

(4) No person charged under this section shall be entitled to be acquitted on the ground that such person brought the female or young person or child into the Colony, or on the ground that such person took the female or young person or child, or caused him or her to be taken, out of the possession of the person having the lawful care or charge of her.

19. Any person who—

- (a) receives, harbours, detains or has under his control any girl under the age of sixteen years, knowing that she has been procured for the purpose of having unlawful carnal connexion with any other person, and with intent to aid such purpose; or
- (b) receives, harbours, detains or has under his control any female, knowing that she has been sold, pledged, let out to hire, purchased or otherwise disposed of either within or without the Colony for the purpose of prostitution, and with intent to aid such purpose; or
- (c) receives, harbours, detains or has under his control any female with intent that she shall be sold, pledged, let out to hire, purchased, taken in pledge, taken on hire or otherwise disposed of for the purpose of prostitution either within or without the Colony,

shall be guilty of a misdemeanor.

Receiving or detaining or harbouring girls procured or females sold for prostitution.

20. Any person who by force, intimidation or any fraudulent means brings, takes, decoys or entices any female, young person or child into or away from the Colony for the purpose of emigration shall be guilty of a misdemeanor.

Decoying females young persons or children for emigration.

21. (1) Any person who commits the crime of rape shall be guilty of felony: Penalty: imprisonment for life.

Rape. 24 & 25 Vict. c. 100, s. 48.

(2) Any man who induces a married woman to permit him to have carnal connexion with her by personating her husband shall be deemed guilty of rape.

48 & 49 Vict. c. 69, s. 4.

(3) If upon the trial of any indictment, or the hearing of any information or charge, for rape or for any offence made felony in section 6 the jury or the magistrate, as the case may be, is satisfied that the defendant is guilty of an offence under section 5, 6, 9 or 10 or of an indecent assault, but is not satisfied that the defendant is guilty of the felony charged in such indictment, information or charge, or of an attempt to commit the same, then and in every such case the jury or the magistrate, as the case may be, may acquit the defendant of such felony and find him guilty of an offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment, information or charge for such offence as aforesaid, or for an indecent assault.

48 & 49 Vict. c. 69, s. 9.

Abduction of female against her will from motives of lucre. 24 & 25 Vict. c. 100, s. 53.

22. When any female has any interest, whether legal or equitable, present or future, absolute, conditional or contingent, in any real or personal estate, or is a presumptive heiress or co-heiress or presumptive next of kin, or one of the presumptive next of kin, to anyone having such interest, any person who from motives of lucre takes away or detains such female against her will with intent to marry or carnally know her or to cause her to be married or carnally known by any other person, shall be guilty of felony: Penalty: imprisonment for fourteen years.

Fraudulent abduction of female against the will of her father or mother, etc. 24 & 25 Vict. c. 100, s. 53.

23. Any person who fraudulently allures, takes away or detains any such female as is mentioned in section 22, being under the age of twenty-one years, out of the possession and against the will of her father or mother or of any other person having the lawful care or charge of her, with intent to marry or carnally know her or to cause her to be married or carnally known by any other person, shall be guilty of a felony: Penalty: imprisonment for fourteen years.

Offender incapable of taking property of abducted female. 24 & 25 Vict. c. 100, s. 53.

24. Any person who is convicted of any offence against section 22 or 23 shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such female, or in which she has any such interest, or which comes to her as such heiress, co-heiress or next of kin as aforesaid; and if any such marriage as aforesaid has taken place, such property shall on such conviction be settled in such manner as the Supreme Court may, on any information at the suit of the Attorney General, appoint.

Forcible abduction of woman with intent to marry her. 24 & 25 Vict. c. 100, s. 54.

25. Any person who by force takes away or detains against her will any female, with intent to marry or carnally know her or to cause her to be carnally known by any other person, shall be guilty of felony: Penalty: imprisonment for fourteen years.

Abduction of female infant or any young person or child. 24 & 25 Vict. c. 100, s. 55.

26. Any person who unlawfully takes or causes to be taken any unmarried female infant or any young person or child out of the possession and against the will of the father or mother or of any other person having the lawful care or charge of such unmarried female infant or any young person or child shall be guilty of a misdemeanor: Provided that no prosecution shall be brought under this section in respect of any girl of or above the age of sixteen years without the consent of the Secretary for Chinese Affairs.

27. When a person is charged with an offence under this Ordinance, or under any other enactment, in respect of a girl, young person or child who is alleged in the charge or indictment to be under any specified age, and such girl, young person or child appears to the presiding magistrate or judge to be under that age, such girl, young person or child shall for the purposes of the enactment under which the charge or indictment is brought be deemed to be under that age unless the contrary is proved.

Presumption as to age of girl.

28. No summary conviction under this Ordinance shall be quashed for want of form or be removed by *certiorari*, and no warrant of commitment shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted and there is a good and valid conviction to sustain the same.

No summary conviction or warrant to be quashed for want of form. 24 & 25 Vict. c. 100, s. 72.

29. Any person who is convicted of any misdemeanor under this Ordinance shall be liable to imprisonment for two years.

Punishment for misdemeanor under this Ordinance.

30. (1) Whenever any person is convicted before the Supreme Court of any offence against the provisions of section 4 or 7 it shall be lawful for the court to direct that, in addition to the punishment hereinbefore prescribed, the offender, if a male, be flogged.

Flogging. [cf. No. 3 of 1903.]

(2) Whenever a person is convicted of any offence against the provisions of section 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18, 19 or 20, if it is proved that the offender has been previously convicted either summarily or before the Supreme Court of an offence against the provisions of the same or any other of the said sections it shall be lawful for the court to direct that, in addition to the punishment hereinbefore prescribed, the offender, if a male, be flogged.

31. (1) Whenever any person adopts a female infant otherwise than by virtue of an order of a competent court the guardianship of such infant shall during her infancy and while she is in the Colony and subject as hereinafter provided vest in the Secretary for Chinese Affairs: Provided that if—

Secretary for Chinese Affairs to be guardian of adopted female infants, and

(a) such infant shall marry with the consent of the Secretary for Chinese Affairs; or

provisions for cessation of such guardianship.

(b) the Secretary for Chinese Affairs shall renounce such guardianship; or

(c) a competent court after hearing the Secretary for Chinese Affairs so orders, such guardianship shall cease, and the guardianship of the infant shall unless the court otherwise orders, vest or re-vest in the person in whom but for the provisions of this section it would otherwise in law be vested.

(2) The Secretary for Chinese Affairs may renounce the guardianship vested in him by subsection (1) if he at any time in his absolute discretion considers such guardianship is unnecessary for the protection of the infant: Provided that save where a competent court has ordered that such guardianship shall cease he may at any time during the infancy of such an infant by declaration in writing under his hand resume such guardianship if he considers that this is necessary for the protection of the infant.

(Ordinance No. 41 of 1932).

(3) For the purpose of making an order that the guardianship shall cease a magistrate shall be a competent court and shall have power to hear and determine in a summary manner as provided by the Magistrates Ordinance, 1932, any application that such guardianship shall cease save that any such application shall not be heard in open court. Such application may be made by the father or mother of the infant or by any relative of the infant or by any person claiming to have adopted the infant or by any person obtaining the leave of the Court to act as next friend of the infant. Such leave may be obtained by applying *ex parte* to the Court in chambers.

(4) A magistrate shall not make an order that the guardianship of the Secretary for Chinese Affairs shall cease unless he is satisfied that the person who as a result of such order or of any fresh appointment of a guardian which the magistrate may make is a fit person to be the guardian of the infant.

(5) In this section "relative" means any ascendant, adult brother or sister, and any paternal or maternal uncle or aunt, of the infant and the husband or wife of such brother, sister, uncle or aunt.

Power for Secretary for Chinese Affairs to become

32. (1) Subject to the provisions of subsection (4), whenever the Secretary for Chinese Affairs, upon such inquiry as he may think fit to make, is satisfied that either of the parents or any person acting in the place of a parent of any female infant has

parted or agreed to part with the custody of the girl to some other person either permanently or for any consideration except marriage, the Secretary for Chinese Affairs, in his absolute discretion, may in writing declare that such infant shall be his ward, and upon the making of such declaration the legal guardianship of such infant while in this Colony shall during her infancy vest in the Secretary for Chinese Affairs.

the guardian of a female infant in certain cases by a declaration that such infant shall be his ward.

(2) If in case it appears to the Secretary for Chinese Affairs that any female infant has been treated as a drudge or treated with cruelty or unkindness or has otherwise not been properly treated by the person in whose custody she is or appears to be or that the female infant is unwilling to remain in such custody it shall be lawful for the Secretary for Chinese Affairs to call upon such person to produce proof to his satisfaction that such person is her legal guardian and has treated and is treating her properly. Failing the production of such proof and subject to the provisions of subsection (4) the Secretary for Chinese Affairs may in his absolute discretion declare that such infant shall be his ward, and upon the making of such declaration, the legal guardianship of such infant while in the Colony shall during her infancy vest in the Secretary for Chinese Affairs.

(3) The Secretary for Chinese Affairs may revoke any such declaration as is mentioned in subsections (1) and (2) by a subsequent declaration, and upon the making of any such subsequent declaration the legal guardianship of the female infant to whom the declaration relates shall vest or re-vest in the person in whom, but for the provisions of this section, it would otherwise by law be vested: Provided that, notwithstanding anything in this subsection, the powers conferred by subsections (1) and (2) may be exercised from time to time as occasion requires.

(4) As soon as practicable after making any declaration under this section in respect of any female infant the Secretary for Chinese Affairs shall inform the person in whose custody such infant appears to be of the making of the declaration and any person aggrieved by the making of any declaration by the Secretary for Chinese Affairs under this section may apply to a magistrate for an order that the guardianship of the Secretary for Chinese Affairs shall cease and subsections (3) and (5) of section 31 shall apply to any such application, save that it shall be lawful also for any person in whose custody the infant was at the time of the making of any declaration under this section to apply to a magistrate under this subsection.

Powers of the Secretary for Chinese Affairs in connection with the custody and control of his female wards.

33. (1) Where the legal guardianship of any female infant is vested in the Secretary for Chinese Affairs he may make any order (including if he thinks fit an order for her removal to and detention in a place of refuge) regarding the custody and control of such infant which he may think desirable in her interest and if he thinks fit may require any person in whose charge he shall place such infant to enter into a bond, with one or more sureties to treat such infant well.

(2) Where the legal guardianship of any female infant is vested in the Secretary for Chinese Affairs he may at any time require any person in whose custody she is or appears to be to do all or any of the following things—

- (a) to produce such infant;
- (b) to furnish photographs of such infant and of such person;
- (c) to give security to the satisfaction of the Secretary for Chinese Affairs that such infant will not leave the Colony without the consent in writing of the Secretary for Chinese Affairs;
- (d) to give like security that such infant will not be trained for or employed in any occupation other than such occupation as may be approved of in writing by the Secretary for Chinese Affairs.

(3) Any person who fails to produce any female infant when so required by the Secretary for Chinese Affairs or fails to perform any obligation imposed under any bond executed under subsection (1) or (2) shall be guilty of an offence: Penalty: a fine of one thousand dollars and imprisonment for six months.

(4) The Secretary for Chinese Affairs, any Assistant Secretary for Chinese Affairs and any public officer authorized thereto in writing by the Secretary for Chinese Affairs, either generally or specially, may at any reasonable time enter and visit the residence of and interview any female infant of whom the legal guardianship is vested in the Secretary for Chinese Affairs.

Upon application for cessation of guardianship magistrate

34. Upon any application that the guardianship of the Secretary for Chinese Affairs shall cease the magistrate shall have power whether or not he orders that the guardianship shall cease to make any order as to the custody or control of or access to the infant as he shall consider to be for the benefit of the infant and

may discharge or vary any order or requirement made under subsection (1) or (2) of section 33 by the Secretary for Chinese Affairs.

may provide for custody and control of wards and access to them.

35. (1) A juvenile court, upon the application of the Secretary for Chinese Affairs or of any probation officer or of any person authorized by the Secretary for Chinese Affairs in writing in that behalf either generally or specially or of any police officer upon being satisfied that any person brought before the court is a child or young person in need of care and protection, may—

Powers of juvenile courts in relation to guardianship and custody and control of children and young persons in need of care and protection.

- (a) appoint the Secretary for Chinese Affairs to be the legal guardian of such child or young person; or
- (b) commit him to the care of any person whether a relative or not, who is willing to undertake the care of him, or of any institution which is so willing; or
- (c) order his parent or guardian to enter into recognizance to exercise proper care and guardianship; or
- (d) without making such order or in addition to making an order under paragraph (b) or (c), make an order placing him for a specified period, not exceeding three years under the supervision of a probation officer, or of some other person appointed for the purpose by the court and may from time to time upon its own motion or upon similar application or upon application of a parent or guardian or of any person or institution to whose care such child or young person has been committed, amend any order so made:

Provided that no order shall be made under paragraph (a) of this section without the consent of the Secretary for Chinese Affairs.

(2) For the purposes of this section and of section 36, a child or young person in need of care or protection means—

- (a) a child or young person who having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral or physical danger or beyond control; or
- (b) a child or young person who—
 - (i) being a person in respect of whom any of the offences specified in items 3, 4, and 5 in the First Schedule to this Ordinance has been committed; or

First Schedule.

(ii) being a member of the same household as a child or young person in respect of whom any of the offences specified in the First Schedule has been committed; or

(iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) being a female member of a household whereof a member has committed an offence under section 2 of the Punishment of Incest Ordinance, 1916, in respect of another female member of that household;

requires care or protection.

(3) For the purposes of this section the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale) or is found loitering for the purpose of so begging or receiving alms, shall without prejudice to the provisions of paragraph (a) of subsection (2) be evidence that he is exposed to moral danger.

(4) (a) Any person or institution to whose care a child or young person is committed under this section shall, whilst the order is in force, have the like control over the child or young person as the parent and shall be responsible for his maintenance, and the child or young person shall continue in the care of such person or institution, notwithstanding that he is claimed by his parent or any other person, and if any person—

(i) knowingly assists or induces, directly or indirectly, a child or young person to escape from the person or institution to whose care he is so committed; or

(ii) knowingly harbours, conceals, or prevents from returning to such person or institution, a child or young person who has so escaped or knowingly assists in so doing, he shall be guilty of an offence: Penalty: a fine of one thousand dollars and imprisonment for six months.

(b) Any court having power so to commit a child or young person shall have power to make orders on the parent or other person liable to maintain the child or young person to contribute to his maintenance during such period as aforesaid such sums as the court shall think fit, and may from time to time vary such orders.

(c) Any such order may be made on the complaint or application of the person or institution to whose care the child

(Ordinance
No. 3 of
1916.)

is for the time being committed or on the complaint or the application of the Secretary for Chinese Affairs and either at the time when any order under subsection (1) is made, or subsequently, and the sums contributed by the parent or such other person shall be paid to such person or institution as the court may name, and be applied for the maintenance of the child or young person or towards the cost of conducting the institution as the case may be.

(d) Where any parent or other person has been ordered under this section to contribute to the maintenance of a child or young person, he shall give notice of any change of address to the court or to such person as the court may from time to time direct and if he fails to do so without reasonable excuse, he shall be guilty of an offence: Penalty: a fine of one hundred dollars.

(5) So long as the legal guardianship of any child or young person is vested in the Secretary for Chinese Affairs by virtue of an order made under this section he shall, subject to any order to the contrary made by a juvenile court, have power to make any order or any requirement which he would have power to make had such child or young person been a female the legal guardianship of whom had been vested in the Secretary for Chinese Affairs under section 31.

(6) Any order of a juvenile court made under subsection (1) shall unless amended by another order under that subsection remain in force in the case of males until they reach the age of sixteen and in the case of females until they attain the age of twenty-one or marry with the consent of the lawful guardian of such female or with the consent of a person to whose care such female may have been committed by a juvenile court.

(7) The parent or guardian of a child or young person who by his neglect to exercise due control shall conduce to the child or young person being found in any of the circumstances specified in subsection (3) shall be guilty of an offence: Penalty: a fine of five hundred dollars or imprisonment for three months.

36. (1) Whenever the Secretary for Chinese Affairs has reason to believe that any female or any young person or child (in this section referred to as the person endangered) has been brought into or is about to be taken out of the Colony by force, threats, intimidation, false pretences, false representations or other fraudulent means or is in the custody or control or under the direction of another person and being a female over fifteen is or is

Power of
Secretary
for
Chinese
Affairs to
protect
females
young
persons
and

children
from moral
or
physical
danger.

likely to be exposed to any danger of seduction or prostitution or being a child or young person is likely to be exposed to any moral or physical danger he may inquire into the case and—

- (a) may make any order (including if he thinks fit an order for removal to and detention in a place of refuge) regarding the control and custody of the person endangered which he thinks desirable in her or his interest and, if he thinks fit, may require any person into whose charge he shall place the person endangered to enter into a bond with one or more sureties to treat her or him well; or
- (b) may require the person in whose custody the person endangered is or appears to be to do all or any of the following things—
 - (i) to produce the person endangered;
 - (ii) to furnish photographs of the person endangered and of himself;
 - (iii) to give security to the satisfaction of the Secretary for Chinese Affairs that the person endangered will not leave the Colony without the consent in writing of the Secretary for Chinese Affairs;
 - (iv) to give like security that the person endangered will not be trained for or employed in any occupation other than such occupation as may be approved of in writing by the Secretary for Chinese Affairs;

Provided that nothing in paragraph (a) of this subsection shall authorize the detention of any female of or above the age of eighteen years.

(2) Any person who fails to produce any female, young person or child when so required as aforesaid by the Secretary for Chinese Affairs or fails to perform any obligation imposed by any bond executed under subsection (1) shall be guilty of an offence: Penalty: a fine of one thousand dollars and imprisonment for six months.

(3) During the subsistence of any order or requirement under subsection (1) the Secretary for Chinese Affairs, any Assistant Secretary for Chinese Affairs and any public officer authorized thereto in writing by the Secretary for Chinese Affairs, either generally or specially, may at any reasonable time enter and visit the place where the person endangered is and interview the person endangered.

(4) It shall be lawful for the Secretary for Chinese Affairs of his own motion or upon application of any person aggrieved by any order or requirement made under subsection (1)

or for a magistrate upon the application of any such person or of the Secretary for Chinese Affairs to discharge any order or requirement made if the Secretary for Chinese Affairs or the magistrate as the case may be considers that such order or requirement either was not or is no longer necessary for the protection of the person endangered.

(5) The Secretary for Chinese Affairs may, if he considers that such a course is desirable in order to afford temporary protection to a child or young person in need of care and protection, make any such order or requirement as is authorized by subsection (1) of this section prior to making any application under subsection (1) of section 35.

(6) It shall be lawful for the Secretary for Chinese Affairs notwithstanding that he may have made an order or requirement under this section in the case of a child or young person to apply to a juvenile court for an order under section 35. Upon any such application the juvenile court may exercise the powers conferred by subsection (4) of this section as well as the powers conferred by subsection (1) of section 35 and for the purpose of considering whether or not any order under subsection (1) of section 35 ought to be made the court may disregard the protection afforded by any order or requirement made under this section and consider the matter as it would have appeared if no such order or requirement had been made.

37. Nothing contained in section 31, 32, 33, 34, 35 or 36 shall oust any jurisdiction vested in the Supreme Court to make any order in relation to the appointment of a guardian of or otherwise in relation to the custody or control of or access to any infant. Jurisdiction of Supreme Court to remain unaffected.

38. (1) The Secretary for Chinese Affairs shall keep a register of female infants the legal guardianship of whom is vested in him by virtue of this Ordinance. Registration of female infant of whom guardianship is vested in Secretary for Chinese Affairs.

(2) Any person who acquires the custody or control of any female infant the legal guardianship of whom becomes vested in the Secretary for Chinese Affairs shall within one month of acquiring such custody or control or if such female infant is not then in the Colony within one month of the arrival within the Colony of such infant give notice thereof to the Secretary for Chinese Affairs in manner prescribed by regulations under this Ordinance, and any person who fails to comply with the provisions of this section shall be guilty of an offence: Penalty: a fine of five hundred dollars or imprisonment for one

month: Provided that no prosecution hereunder shall be instituted without the consent of the Secretary for Chinese Affairs.

Admissibility of register, etc.

(Ordinance No. 5 of 1938.)

39. (1) In any prosecution for an offence against section 38 the following shall be admissible in evidence upon production—

- (a) any register or any part of a register which purports to be kept under section 38 or was kept under section 32 of the Protection of Women and Girls Ordinance, 1938;
- (b) any extract from any such register purporting to be certified as correct by the Secretary for Chinese Affairs or any Assistant Secretary for Chinese Affairs;
- (c) any photograph purporting to be certified by the Secretary for Chinese Affairs or any Assistant Secretary for Chinese Affairs as a photograph furnished to him in pursuance of any of the provisions of this Ordinance or of any enactment repealed by this Ordinance or of any regulations made under this Ordinance or such enactment.

(2) If any such photograph appears to have a serial number, and if the said serial number appears from some part of any such register to have been assigned to some particular person, it shall until the contrary is proved be assumed that the photograph in question is the photograph of the person indicated by the said serial number.

Regulations.

40. (1) The Governor in Council may make regulations to provide for—

- (a) the welfare education and control of infants the legal guardianship of whom is vested in the Secretary for Chinese Affairs;
- (b) the registration of all such particulars affecting such infants and any person having the possession custody or control thereof as will in the opinion of the Governor in Council enable the Secretary for Chinese Affairs adequately to discharge his duties as guardian;
- (c) the management control supervision and inspection of places of refuge wholly maintained by public funds and, so far as may be practicable, of places of refuge not so maintained;
- (d) the welfare education and control of such of the inmates of places of refuge as may be detained therein pursuant to the provisions of this Ordinance, including regulations providing for the approval by the Secretary for

Chinese Affairs of rules made by the management of any place of refuge not wholly maintained by public funds for such welfare education and control;

- (e) the welfare and education of children or young persons who have become wards of the Secretary for Chinese Affairs or have been committed to the care of any person or institution and as to the duties of such persons or institutions with respect to such children;
- (f) visits to female infants children and young persons;
- (g) fees and forms for any application or any matter or thing done or to be done under the Ordinance and regulations;
- (h) the inspection of any registers kept under any regulation and generally for carrying the Ordinance into effect.

(2) It is hereby declared that in this section the word "control" includes control by means of punishment (other than corporal punishment) restraint and correction, being punishment restraint and correction which a parent would be lawfully entitled to administer to his child and in the case of a woman who has attained her majority but is lawfully detained in a place of refuge it shall be lawful to impose whether by regulations or by rules to be approved by the Secretary for Chinese Affairs as above mentioned the same control (other than corporal punishment) as a parent could lawfully impose on his child.

(3) Such regulations may declare that contravention of particular regulations shall constitute an offence and may provide penalties for any such offence of a fine of five hundred dollars or imprisonment for three months.

41. Notwithstanding anything contained in section 20 of the Magistrates Ordinance, 1932, a complaint or information in respect of offences against this Ordinance or against any regulations made hereunder may be made at any time.

Provision enabling complaint or information to be laid at any time.

(Ordinance No. 41 of 1932.)

42. Any female child or young person who escapes from any custody or control lawfully imposed on her under this Ordinance may be recaptured by any police officer or by any district watchman or by any person specially or generally authorized in that behalf by the Secretary for Chinese Affairs and returned to the custody or control from which she or he escaped.

Power to recapture wards or persons escaping from detention in place of refuge.

Penalty for inducing or assisting escape from custody or control imposed by or under Ordinance.

43. Any person who induces or assists any female child or young person to escape from any custody or control lawfully imposed by or under this Ordinance or by any regulations made hereunder or who harbours any female child or young person so escaping shall be guilty of an offence: Penalty: a fine of one thousand dollars or imprisonment for six months.

Penalty for communicating with persons detained in a place of refuge.

44. Any person who without the authority of the Secretary for Chinese Affairs communicates with any female child or young person while detained in a place of refuge shall be guilty of an offence: Penalty: a fine of five hundred dollars or imprisonment for three months.

Powers of search, etc., by Secretary for Chinese Affairs.

45. (1) The Secretary for Chinese Affairs, or any officer generally or specially authorized for that purpose in writing by the Secretary for Chinese Affairs, may enter, and for that purpose may use force if necessary, and may search, any vessel, house, building or other place for the purpose of ascertaining whether there is therein any female, young person or child who is or may be liable to be dealt with under the provisions of this Ordinance, or whether any offence under this Ordinance is being, or has been, committed, and may remove any such female or young person or child to a place of refuge to be there detained until his or her case be inquired into or until the Secretary for Chinese Affairs, as he is hereby empowered, removes any such female young person or child to such other place of refuge as he may consider more appropriate.

(2) The Secretary for Chinese Affairs or such officer as aforesaid may, during or after any such search as is referred to in subsection (1), arrest or cause to be arrested any person reasonably suspected of being liable to prosecution for an offence against this Ordinance, and may seize and detain any articles, books, documents or accounts which he may have reason to believe to relate to any offence against this Ordinance.

(3) No person shall refuse the Secretary for Chinese Affairs or such officer as aforesaid access to any such vessel, house, building or other place, or otherwise obstruct or hinder him in effecting an entrance, or in removing such female, young person or child or in seizing and detaining such articles, books, documents or accounts.

(4) (a) In carrying out any search under the provisions of this section the Secretary for Chinese Affairs or such officer as aforesaid shall have power to put questions and

to give any such order or direction as may be necessary to the inmates of any vessel, house, building or other place for the purpose of carrying out such search.

- (b) The inmates of any vessel, house, building or other place shall answer truthfully all questions put to them by the Secretary for Chinese Affairs, or such officer as aforesaid, and shall obey any order or direction given by him touching any matter or any person connected with such search.
- (c) No person shall by force, restraint, threats, inducement or other means cause any female, young person or child who is or may be liable to be dealt with under the provisions of this Ordinance to conceal herself or himself in or to leave any vessel, house, building or other place being searched or about to be searched by the Secretary for Chinese Affairs or such officer as aforesaid under the provisions of this section, with the intent that the search of the Secretary for Chinese Affairs or such officer may thereby be evaded or obstructed.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence: Penalty: a fine of two thousand dollars and imprisonment for six months.

46. (1) The Secretary for Chinese Affairs may from time to time hold any such inquiry as he may consider necessary to enable him to exercise the powers vested in him by this Ordinance or by any regulations and by notice in writing under his hand may require any person to attend such inquiry and to give evidence.

Powers of Secretary for Chinese Affairs to require persons to attend inquiry.

- (2) Any person who—
 - (a) on service of such notice, does not appear at the time and place therein mentioned; or
 - (b) fails without lawful excuse to produce all documents in his custody, possession or power, or to answer truthfully all questions which the Secretary for Chinese Affairs may put to him, relating to the matter under inquiry; or
 - (c) having any female, young person or child in his custody or control and being required by the Secretary for Chinese Affairs to produce her or him, without lawful excuse refuses or neglects to comply with such requirement,
 shall be guilty of an offence: Penalty: a fine of five hundred dollars and imprisonment for three months.

47. All summonses, notices and other documents required to be served or given under this Ordinance shall be deemed validly and sufficiently served or given to or left with the person intended to be served or to whom the notice is intended to be given or, if

Service of summons, notice, etc.

he cannot be readily found, if posted by registered post to, or left with some adult at, his last known place of abode or business.

Reception in evidence of warrant or order, direction or authorization under hand of the Secretary for Chinese Affairs.

48. Any warrant, order, direction or authorization, purporting to be issued in pursuance of this Ordinance under the hand of the Secretary for Chinese Affairs, shall be received in evidence in every court without further proof, and shall be evidence of the facts therein stated, and all acts done in pursuance thereof shall be deemed to have been authorized by law.

Repeal. (Ordinance No. 5 of 1938.) (Ordinance No. 1 of 1932.)

49. The Protection of Women and Girls Ordinance, 1938, and section 17 of the Juvenile Offenders Ordinance, 1932, are hereby repealed.

Regulations.

50. The regulations in the Second Schedule shall be deemed to have been made under this Ordinance, and shall be in force until altered, rescinded or amended by the Governor in Council.

FIRST SCHEDULE. [s. 35 (2) (b) (i)]

1. Murder or manslaughter of a child or young person.
2. Infanticide.
3. Section 26, 26A, 44, 45 or 45A of the Offences against the Person Ordinance, 1861.
4. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 23, 26 of this Ordinance.
5. Any offence involving bodily injury to a child or young person.

SECOND SCHEDULE. [ss. 40 & 50]

Citation.

1. These regulations may be cited as the Protection of Women and Juveniles (Ward Registration) Regulations, 1951.

Interpretation.

2. In these regulations—
“authorized officer” includes the Secretary for Chinese Affairs, the Social Welfare Officer, any District Officer, police officer not below the rank of sub-inspector, and any other person so authorized by the Secretary for Chinese Affairs;

“custodian” means any person having the possession, custody or control of any female infant the legal guardianship of whom is vested in the Secretary for Chinese Affairs;

“ward” means any female infant the legal guardianship of whom is vested in the Secretary for Chinese Affairs.

3. Notice required by section 38 (2) shall be given by reporting verbally or in writing to any authorized officer the particulars in so far as they can be reasonably ascertained which are prescribed in Appendix A to these regulations. Penalty: a fine of two hundred dollars.

Registration of prescribed particulars.

4. Any such report shall be recorded by the person giving the notice or by the authorized officer receiving it on the form prescribed in Appendix A, shall be signed by the ward’s custodian and, if made in any place other than the Secretariat for Chinese Affairs, shall be transmitted forthwith to the Secretary for Chinese Affairs.

Recording and signature of report.

5. (1) The custodian shall report to the Secretary for Chinese Affairs either directly or through any authorized officer—

Further reports by ward’s custodian.

- (a) the death of his ward;
- (b) the disappearance of his ward;
- (c) any temporary or permanent change of address at which the ward or the custodian resides;
- (d) any intended change in the education or occupation of the ward;
- (e) the intended marriage of the ward;
- (f) the intended removal of the ward from the Colony, whether temporarily or permanently.

- (2) (a) Any report under regulation 5 (1) (a), (b) or (c) shall be made within three days of the death or disappearance of the ward or of the change of address of the custodian or of the ward as the case may be;
- (b) any report required under regulation 5 (1) (d) or (f) shall be given at least four days before the intended change or removal as the case may be;
- (c) any report required under regulation 5 (1) (e) must be given at least one month before the intended marriage;

Penalty: for any breach of this regulation a fine of two hundred dollars.

APPENDIX A.
REGISTRATION

of wards of the Secretary for Chinese Affairs
(Protection of Women and Juveniles Ordinance, 1951)

Particulars of Ward.

- 1. Name and Sex of Ward
- 2. Serial Number
- 3. Date of Registration
- 4. Date of Ward's Birth
- 5. Place of Ward's Birth
- 6. Ward's Home District or Village (原籍)
- 7. Ward's Father's Name
- 8. Ward's Mother's Name

Particulars of Custodian.

- 9. Custodian's Name and Sex
- 10. Custodian's Home District or Village (原籍)
- 11. Custodian's Hong Kong Address
- 12. Custodian's Occupation and Hong Kong Business Address
- 13. Custodian's Husband's/Wife's Name
- 14. Custodian's Husband's/Wife's Occupation and Business Address

Interpreted by :

.....
Custodian's Signature.

Photograph
of Ward and
of Custodian.

Date :

NOTE:—(1) Items 1, 6, 7, 8, 9, 10 and 13 are to be completed in Chinese characters as well as in English if the person referred to is of Chinese race.

(2) Changes reported from time to time in any of the particulars given above may be endorsed either on the face or, if there is no available space, on the reverse of this Form.

1. These regulations may be cited as the Protection of Citation. Women and Juveniles (Places of Refuge) Regulations, 1951.

2. In these regulations "ward" means any infant the legal guardianship of whom is vested in the Secretary for Chinese Affairs. Inter-pretation.

3. No private institution shall be declared a place of refuge without the consent of the management thereof. Management's consent required before private places of refuge are so declared.

4. All places of refuge and any register kept therein pursuant to these regulations shall be open to inspection at any reasonable hour by the Secretary for Chinese Affairs or by any person so authorized by him in writing. Places of refuge and registers to be open to inspection.

5. No punishment restraint or correction shall be administered to any ward or inmate of a place of refuge detained therein in pursuance of the Ordinance unless such punishment restraint or correction shall have been authorized by rules approved by the Secretary for Chinese Affairs. Punishment of inmates of places of refuge detained under Ordinance to be in accordance with rules approved by the Secretary for Chinese Affairs.

6. All punishments, restraints or corrections administered to a ward or to any inmate of a place of refuge detained therein pursuant to the provisions of this Ordinance shall be recorded in an appropriate register to be kept in such place of refuge. Punishments to be recorded in appropriate register.

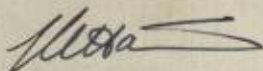
Power of Secretary for Chinese Affairs to approve rules.

7. It shall be lawful for the Secretary for Chinese Affairs to approve any rules made by the management of any place of refuge not wholly maintained by public funds for the welfare education and control of any ward or inmate of any place of refuge detained there pursuant to the provisions of the Ordinance. The power hereinbefore contained shall not be deemed to authorize the making or approval of any rules for the punishment restraint or correction of any person other than such punishment restraint or correction as a parent could lawfully administer to a child: Provided that for the purpose of considering whether any punishment restraint or correction of any female is lawful she shall be deemed to be a child.

Penalty.

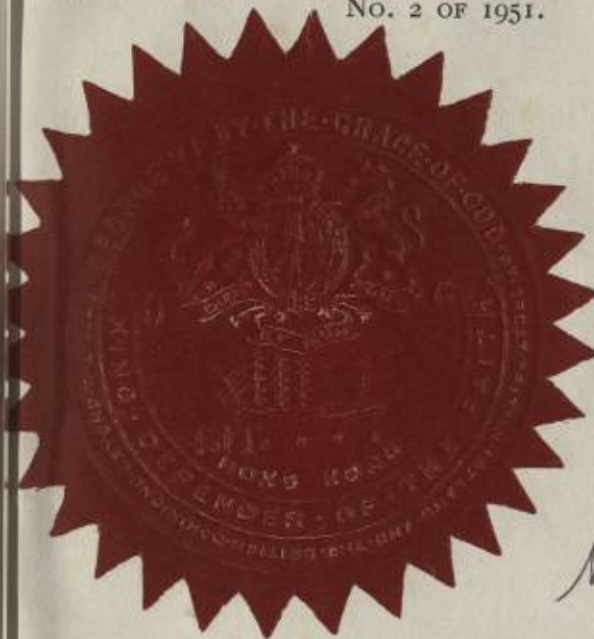
8. Any contravention of regulation 4, 5 or 6 shall constitute an offence punishable on summary conviction by a fine of one thousand dollars.

Passed the Legislative Council of Hong Kong, this 3rd day of January, 1951.

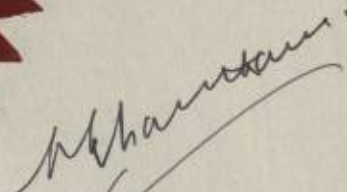

Clerk of Councils.

HONG KONG

No. 2 OF 1951.



I assent.


Governor.

18th January, 1951.

An Ordinance to amend the Public Order Ordinance, 1948.

[19th January, 1951.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as the Public Order (Amendment) Ordinance, 1951, and shall be read as one with the Public Order Ordinance, 1948, hereinafter referred to as the principal Ordinance. Short title.
Ordinance
No. 59 of
1948.

2. The following section is hereby added to Part II of the principal Ordinance immediately after section 12 thereof— Addition of
new section
12A to the
principal
Ordinance.

"Power to impose conditions in and to revoke permits.

12A. (1) Any permit or permission in writing issued or granted under the provisions of this Part may contain such conditions as the issuing authority may think necessary or expedient to impose and any such permit or permission, whether or not issued or granted before the enactment of this section, may be revoked by the issuing authority at any time.

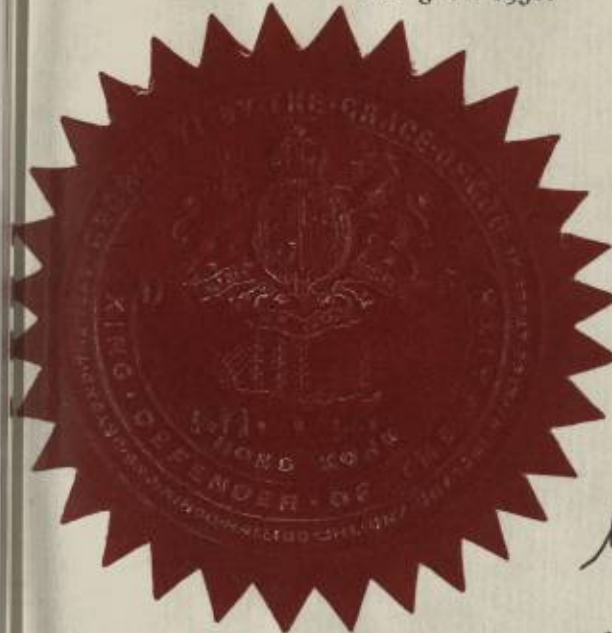
(2) In this section "issuing authority" means the Commissioner of Police or person or officer duly authorized by him to issue permits or grant permissions."

Passed the Legislative Council of Hong Kong, this 17th day of January, 1951.



HONG KONG

No. 3 OF 1951.



I assent.

McKenna
Governor.

1st February, 1951.

An Ordinance to amend the Diplomatic Privileges Ordinance, 1948.

[2nd February, 1951.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as the Diplomatic Privileges (Amendment) Ordinance, 1951, and shall be read as one with the Diplomatic Privileges Ordinance, 1948, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 56
of 1948.

2. Section 2 of the principal Ordinance is hereby amended by the repeal of subsection (1) thereof and by the substitution therefor of the following subsection—

Amendment
of section 2
of the
principal
Ordinance.

"(1) When any organization has been declared by His Majesty by Order in Council made under the Diplomatic Privileges (Extension) Acts, 1944 and 1946, or under the International Organizations (Immunities and Privileges) Act, 1950, to be an organization of which His Majesty's Government in the United Kingdom and the government or

governments of one or more foreign sovereign powers are members, the Governor may, by notification in the *Gazette*, declare that this Ordinance shall apply to such organization and—

- (a) provide that any organization to which this section applies (hereinafter referred to as "the organization") shall, to such extent as may be specified in the notification, have the immunities and privileges set out in Part I of the Schedule to this Ordinance, and shall also have the legal capacities of a body corporate;
- (b) confer upon—
 - (i) any persons who are representatives (whether of governments or not) on any organ of the organization or are members of any committee of the organization or of an organ thereof;
 - (ii) such number of officers of the organization as may be specified in the notification, being holders of such high offices in the organization as may be so specified; and
 - (iii) such persons employed on missions on behalf of the organization as may be so specified; to such extent as may be specified in the notification, the immunities and privileges set out in Part II of the Schedule to this Ordinance;
- (c) confer upon such other classes of officers and servants of the organization as may be specified in the notification, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Ordinance;

and Part IV of the Schedule to this Ordinance shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this subsection and to the families of officers of the organization any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the notification conferring the immunities and privileges:

Provided that the notification shall be so framed as to secure that there are not conferred on any person any immunities or privileges greater in extent than those which, at the time of publication of the notification, are required to be conferred on that person in order to give effect to any international agreement in that behalf."

3. Section 4 of the principal Ordinance is hereby repealed and replaced as follows—

Repeal and replacement of section 4 of the principal Ordinance.

"Immunities and privileges of judges of and suitors to, the International Court of Justice.

4. (1) The Governor may, by notification in the *Gazette*, confer on judges and registrars of the International Court, and on suitors to that Court, and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

(2) In this section the expression "the International Court" means the International Court of Justice set up under the Charter of the United Nations."

4. The Schedule to the principal Ordinance is hereby amended as follows—

Amendment of the Schedule to the principal Ordinance.

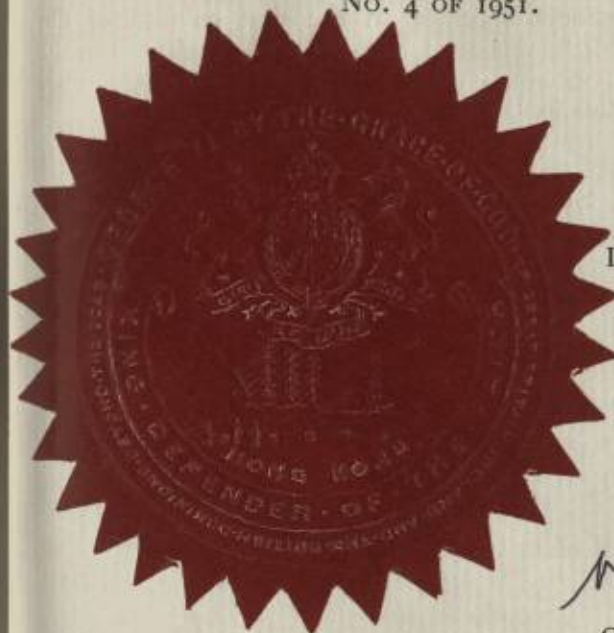
- (a) by the deletion of the heading to Part II and the substitution therefor of the following—
"IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES, MEMBERS OF COMMITTEES, HIGH OFFICERS AND PERSONS ON MISSIONS";
- (b) by the deletion of the heading to Part IV and the substitution therefor of the following—
"IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFFS AND OF HIGH OFFICERS' FAMILIES";
- (c) by the deletion of the words "the representative of a member government" appearing in the third line of paragraph 1 of Part IV and the substitution therefor of the following words—
"a representative on any organ of the organization or a member of any committee of the organization or of an organ thereof";
- (d) by the addition of the words "or member" after the word "representative" appearing in the fourth line of paragraph 1 of Part IV.

Passed the Legislative Council of Hong Kong, this 31st day of January, 1951.

Deputy Clerk of Councils.

HONG KONG

No. 4 OF 1951.



I assent.

Governor.

1st February, 1951.

An Ordinance to amend miscellaneous Ordinances for the purpose of facilitating the preparation of the revised edition of the laws.

[]

WHEREAS by the Law Revision (Miscellaneous Amendments) Ordinance, 1950, the Law Revision (Penalties Amendment) Ordinance, 1950, the Law Revision (Miscellaneous Amendments) (No. 2) Ordinance, 1950, and the Law Revision (Miscellaneous Amendments) (No. 3) Ordinance, 1950, omissions amendments and additions to the Ordinances of the Colony were submitted and were enacted by Legislative Council for the purpose of preparation of the revised edition :

AND WHEREAS a further number of such omissions, amendments and additions have been collected and are now submitted to Legislative Council in manner provided by section 6 of the Revised Edition of the Laws Ordinance, 1948 :

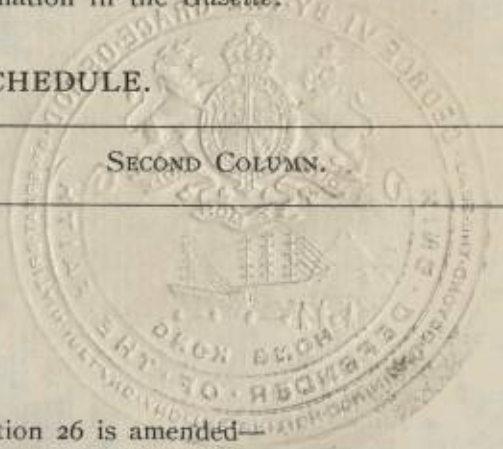
BE IT THEREFORE ENACTED by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof :

Short title. 1. This Ordinance may be cited as the Law Revision (Miscellaneous Amendments) Ordinance, 1951.

Amendments to miscellaneous Ordinances Schedule. 2. The Ordinances specified in the first column of the Schedule hereto shall be amended in the manner indicated in the second column thereof, with effect from such date as the Governor shall notify by proclamation in the *Gazette*.

SCHEDULE.

FIRST COLUMN.	SECOND COLUMN.
1. Supreme Court (Summary Jurisdiction) Ordinance, 1873. (No. 4 of 1873) Section 26.	Section 26 is amended— (a) by being re-numbered as subsection (1) of section 26; (b) by the addition as subsection (2) of the following— “(2) Rules of Court may be made under this Ordinance for purposes similar to the purposes specified in section 32 of the Supreme Court Ordinance, 1873, so far as such purposes are applicable to the Supreme Court sitting in its summary jurisdiction, and such rules may be made by any rules committee appointed under the provisions of section 32 of that Ordinance.”
2. Peak Tramways Ordinance, 1883. (No. 2 of 1883) Section 37.	Section 37 is repealed and replaced by the following— “37. Nothing in this Ordinance shall affect or be deemed to affect the rights of



FIRST COLUMN.	SECOND COLUMN.
2. Peak Tramways Ordinance, 1883. (No. 2 of 1883) —cont.	His Majesty the King, His Heirs and Successors, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.”
3. Probates Ordinance, 1897. (No. 2 of 1897) Section 58.	Section 58 is amended by the addition at the end of subsection (3) of the following— “nor the operation of section 29 of the Trustee Ordinance, 1934.”
4. Small Tenements Recovery Ordinance, 1897. (No. 10 of 1897)	
(1) Section 3	(1) Section 3 is amended by the deletion in the fifth line of the words “twenty dollars a month or two hundred and forty” and the substitution therefor of the following— “seventy-five dollars a month or nine hundred”.
(2) Section 6	(2) Section 6 is amended by the deletion in the third and fourth lines of the words “twenty dollars a month or two hundred and forty dollars a year” and the substitution therefor of the following— “seventy-five dollars a month or nine hundred dollars a year”.
(3) Form No. 1	(3) Form No. 1 is amended by the deletion of the figures and words “\$20 a month” and “\$240 a year” where such appear and the substitution therefor respectively of the following— “\$75 a month” and “\$900 a year”.

FIRST COLUMN.

SECOND COLUMN.

5. Mercantile Bank
Note Issue
Ordinance, 1911.
(No. 65 of 1911)

- (1) Section 2. (1) Section 2 is amended—
(a) by the deletion of paragraph (b) thereof;
(b) by the deletion in the second line of paragraph (c) of the words "in current coin".
- (2) Section 3. (2) Section 3 is amended by the repeal of subsection (5) thereof.
- (3) Section 4. (3) Section 4 is repealed and replaced by the following—

"4. (1) The Company shall deposit and at all times keep deposited with the Crown Agents securities to be approved by the Secretary of State to an amount equal in value to the face value of the notes in circulation with the addition of five *per cent* of such value. Such securities shall be under the control of the Financial Secretary and shall be held by the Crown Agents as special funds exclusively available for the redemption of such issue of notes, and in the event of the company being wound up such securities shall be sold and the proceeds of sale shall be applied so far as necessary towards the redemption of the notes outstanding. Nothing in the foregoing shall prejudice the rights of the holders of notes in the event of such proceeds of sale proving to be less than the face value of the notes outstanding, but if such proceeds amount to more than such face value the difference shall be paid over to the company.

(2) Notwithstanding the provisions of subsection (1), further notes of the company may be issued and be in actual circulation other than those against the issue of which securities have been

FIRST COLUMN.

SECOND COLUMN.

5. Mercantile Bank
Note Issue
Ordinance, 1911.
(No. 65 of 1911)
—cont.

deposited under such subsection, if there has been paid in accordance with subsection (3) of section 5 of the Currency Ordinance, 1935, to the Financial Secretary of the Hong Kong Government for the account of the Exchange Fund referred to in such Ordinance and against the issue to the company of certificates of indebtedness as provided in such Ordinance, an amount equal to the face value of such further notes for the time being actually in circulation, such amount to be held by such Exchange Fund exclusively for the redemption of such notes."

- (4) Section 5. (4) Section 5 is amended—
(a) by the deletion in the fourth line of subsection (1) of the words "and coin";
(b) by the following deletions in subsection (2)—
in the first and second lines, the words "plus the value of the coin (if any) deposited with the Treasurer";
in the seventh line, the words "unlimited legal tender coin or";
in the eighth and ninth lines, the words "plus the value of the coin (if any)";
in the fourteenth and penultimate lines, the words "plus the value of the coin (if any) deposited";
(c) by the deletion in the fourth line of subsection (2) of the word "he" and the substitution therefor of the following—
"the Financial Secretary".
- (5) Section 6. (5) Section 6 is repealed.
- (6) Section 7. (6) Section 7 is repealed.
- (7) Section 7A. (7) Section 7A is repealed and replaced by the following—

"7A. Subject in all respects whatsoever to the provisions of this Ordinance, it shall be lawful for the company to make,

FIRST COLUMN.

SECOND COLUMN.

5. Mercantile Bank
Note Issue
Ordinance, 1911.
(No. 65 of 1911)
—cont.

issue, reissue and circulate notes until and including the 12th day of July, 1951, or such later date as may be fixed under the provisions of section 3 of the Note-issuing Banks Extension of Powers Ordinance, 1939, after which date the company shall cease to issue or reissue notes but shall redeem any notes which it has previously issued or reissued: Provided however that if the company fails to comply with the demand of the Financial Secretary referred to in subsection (2) of section 5, or fails to comply with any of the other provisions of this Ordinance, the power of the company to make, issue, reissue and circulate notes shall immediately cease."

6. Currency
Ordinance, 1935.
(No. 54 of 1935)

Section 5.

Section 5 is amended—

(a) by the repeal of subsections (1), (2) and (3) and by the substitution therefor of the following—

"5. (1) The Financial Secretary is authorized to issue to any note-issuing bank, to be held as cover for bank notes lawfully issued in the Colony, certificates of indebtedness in the form in the Schedule and to require such bank to pay to him for the account of the Fund the face value of such certificates to be held by the Fund exclusively for the redemption of such notes.

(2) The Financial Secretary may employ the funds paid to him in accordance with subsection (1), for the purchase of foreign exchange or gold or otherwise in accordance with the provisions of subsection (4) of section 6 hereof."

FIRST COLUMN.

SECOND COLUMN.

6. Currency
Ordinance, 1935.
(No. 54 of 1935)
—cont.

(b) by the repeal of subsection (5) (as enacted by Ordinance 9 of 1937) and the substitution therefor of the following—

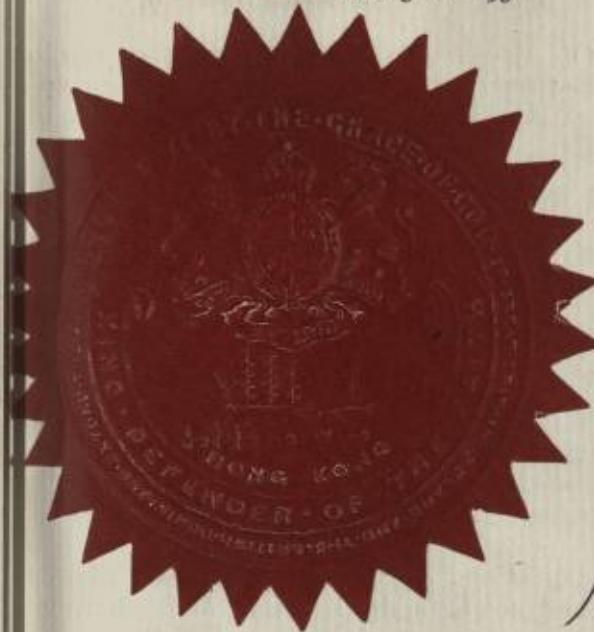
"(5) Nothing in this Ordinance shall empower any note-issuing bank to issue notes in excess of any maximum limit laid down in the Ordinances or Charters governing the issue of such notes, and in issuing certificates under this section the Financial Secretary shall take into account such maximum limits."

Passed the Legislative Council of Hong Kong, this 31st day of January, 1951.

Deputy Clerk of Councils.

HONG KONG

No. 5 OF 1951.



I assent.

W. H. Murray

Governor.

1st February, 1951.

An Ordinance further to amend the Rating Ordinance, 1901.

[2nd February, 1951.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof :

1. This Ordinance may be cited as the Rating (Amendment) Ordinance, 1951, and shall be read as one with the Rating Ordinance, 1901, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 6 of
1901.

2. Section 32 of the principal Ordinance is hereby repealed and replaced as follows—

Repeal and
replace-
ment of
section 32
of the
principal
Ordinance.

"Provision
regarding
payment
and
recovery
of rates.

32. (1) The above rates shall be paid quarterly in advance at the Treasury within the first month of each quarter, and the times appointed for such payment shall be notified quarterly by the Accountant General in the *Gazette*. Any rates not so paid shall be deemed to be in default.

(2) Where any rates are in default, the Accountant General may in his discretion order that any sum not exceeding five *per centum* of the amount in default shall be added to the rates and recovered therewith.

Ordinance No. 6 of 1875. (3) The Accountant General may recover by action brought under the Crown Remedies Ordinance, 1875, any rates in default and in addition any sum added by virtue of subsection (2) to the rates in default as though such sum were rates in default."

Repeal of section 34 of the principal Ordinance.

3. Section 34 of the principal Ordinance is hereby repealed.

Amendment of section 49 of the principal Ordinance.

4. Section 49 of the principal Ordinance is hereby amended—
(a) by the repeal of subsection (5) and by the substitution of the following subsection therefor—

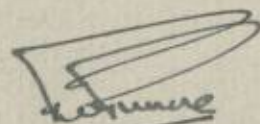
"(5) (a) The above rates shall be payable quarterly in advance at the office of the District Officer of the district within the first month of each quarter and the times appointed for payment shall not be notified in the *Gazette* but shall be published by him in each urban area in his district. Any rates not so paid shall be deemed to be in default.

(b) Where any rates are in default the District Officer may in his discretion order that a sum not exceeding five *per centum* of the amount in default shall be added to the rates and recovered therewith.";

(b) by the addition to subsection (6) of the following words at the end thereof—

"Any sum added by virtue of subsection (5) to the rates in default may be recovered as though such sum were rates in default."

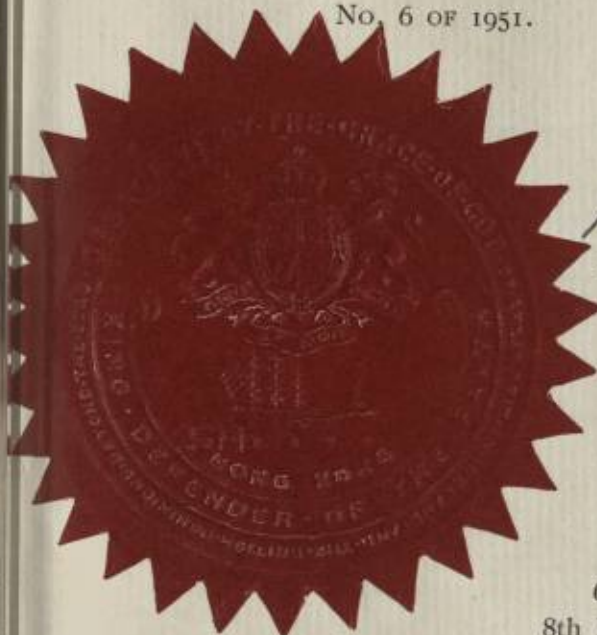
Passed the Legislative Council of Hong Kong, this 31st day of January, 1951.

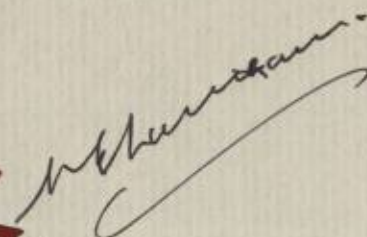


Deputy Clerk of Councils.

HONG KONG

No. 6 OF 1951.





I assent.

Governor.

8th March, 1951.

An Ordinance to amend the Law Revision (Penalties Amendment) Ordinance, 1950.

[9th March, 1951.]

Be it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as the Law Revision (Penalties Amendment) Ordinance, 1951, and shall be read as one with the Law Revision (Penalties Amendment) Ordinance, 1950, hereinafter referred to as the principal Ordinance.

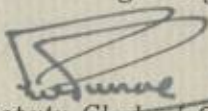
Short title.
Ordinance No. 22 of 1950.

2. The principal Ordinance is amended by the addition after section 5 of the following—

Amendment of principal Ordinance.

6. Notwithstanding the provisions of section 5, section 4 shall be deemed to be and always to have been in operation from the eleventh day of August, 1950."

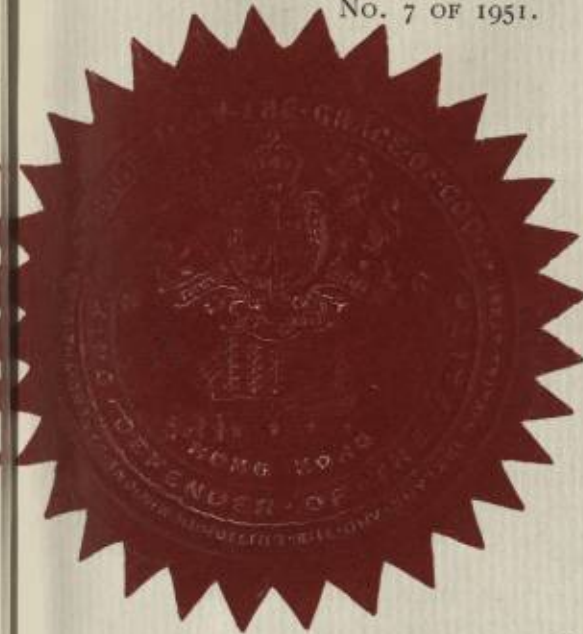
Passed the Legislative Council of Hong Kong, this 7th day of March, 1951.



Deputy Clerk of Councils.

HONG KONG

No. 7 OF 1951.



W. H. Hutchings
I assent.

Governor.
8th March, 1951.

An Ordinance to provide for the incorporation of The Hong Kong Council of Social Service.

[9th March, 1951.]

Be it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as The Hong Kong Council of Social Service Incorporation Ordinance, 1951. Short title.

2. In this Ordinance—
"Constitution" means the constitution of The Hong Kong Council of Social Service approved from time to time by its members for the time being. Interpretation.

3. The Hong Kong Council of Social Service shall be a body corporate (hereinafter called "the Corporation") and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and may have and use a common seal, and may from time to time break, change, alter and make anew the said seal as to the Corporation may deem fit. Incorporation.

Powers of Corporation.

4. The Corporation shall have full power:—

- (a) To acquire, by purchase, lease, exchange or otherwise, hold and enjoy land, buildings, messuages or tenements of what nature or kind soever and wheresoever situate, whether in the Colony or elsewhere;
- (b) To acquire, by purchase or otherwise, goods and chattels of what nature or kind soever;
- (c) To invest moneys on deposit in any bank in the Colony or in any government bonds, or on mortgage of any land, buildings, messuages or tenements in the Colony or elsewhere, or in or on debentures, debenture-stocks, stock, funds, shares or securities of any corporation or company carrying on business in the Colony or elsewhere; and
- (d) To grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer, or otherwise dispose of, any land, buildings, messuages, tenements, mortgages, debentures, debenture-stock, funds, securities, goods and chattels vested in the Corporation, upon such terms as the Corporation may deem fit.

Vesting of property.

5. The land, buildings, messuages and tenements in the Colony belonging or purporting to belong to the unincorporated Hong Kong Council of Social Service, and all moneys, securities for money, goods, chattels, and effects whatsoever the property of the unincorporated Hong Kong Council of Social Service or purporting so to be are hereby transferred to and vested in the Corporation, but subject as regards the said land, buildings, messuages and tenements, to the payment of the rents and observance and performance of all the covenants, conditions, and reservations contained in the Crown Lease under which the same are respectively held.

Members.

6. The Corporation shall consist of such members as provided by its constitution.

Existing members to become members.

7. All the existing members of the unincorporated Hong Kong Council of Social Service at the date of the passing of this Ordinance shall be the first members of the Corporation.

Existing constitution to become constitution of corporation.

8. The existing constitution of the unincorporated Hong Kong Council of Social Service shall be the constitution of the Corporation, but the same may be changed or amended by the Corporation at any time and from time to time in accordance with the provisions of the constitution for the time being in force.

9. A copy of the constitution of the Corporation and of any amendment thereto, and a list of the names and addresses of the members of the executive committee of the Corporation for the time being, certified in each case as correct by the chairman of the executive committee or by the secretary of the Corporation, shall be forwarded to the Registrar of Companies for registration.

Filing of constitution and names of executive members.

10. The Corporation shall pay such fee for registering any document with any public registry as may be payable under any enactment relating thereto.

Registration fee.

11. Any person may inspect any of the documents registered by the Corporation in pursuance of section 9 hereof, upon payment of such fee as may be payable under any enactment relating thereto.

Inspection and search fee.

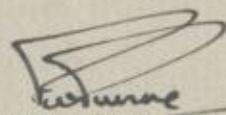
12. All deeds documents and other instruments requiring the seal of the Corporation shall be signed by the chairman of the executive committee and the secretary of the Corporation or by such other person or persons as the executive committee shall from time to time appoint and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

Sealing of deeds.

13. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, 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.

Passed the Legislative Council of Hong Kong, this 7th day of March, 1951.


Deputy Clerk of Councils.

HONG KONG

No. 8 OF 1951.



I assent.

Governor.

21st March, 1951.

An Ordinance to incorporate the Hong Kong Society for the Protection of Children.

[22nd March, 1951.]

Be it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof :

1. This Ordinance may be cited as the Society for the Short title. Protection of Children Incorporation Ordinance, 1951.

2. In this Ordinance—
“the constitution” means the constitution of the Hong Kong Society for the Protection of Children approved from time to time by the members and the general committee thereof;
“the Society” means the Hong Kong Society for the Protection of Children.

Inter-pretation.

3. The President, the Chairman of the Executive Council and the Honorary Treasurers for the time being of the Society, duly appointed in accordance with the constitution, shall be a body corporate, hereinafter called the corporation, and shall have the name of “*The Corporation of the Hong Kong Society for the Protection of Children*” and in that name shall have perpetual

Incorporation.

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.

Power 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 where-soever situated in this Colony, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements in this Colony or upon the mortgages, 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 goods and chattels of what nature or kind soever.

(2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, securities, goods or chattels vested in the corporation on such terms as to the corporation may seem fit.

Vesting of property and rights.

5. All property, goods and chattels, and all rights which immediately before this Ordinance belonged to or vested in the members of the Society as such, or in any person in trust for or on behalf of such members, are hereby transferred to and vested in the corporation.

Execution of documents.

6. All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with its common seal in the presence of three officers of the corporation and shall also be signed by them and all instruments and documents requiring the signature of the corporation shall be signed by three officers of the corporation.

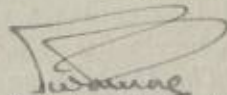
Internal management.

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

Saving of the rights of the Crown.

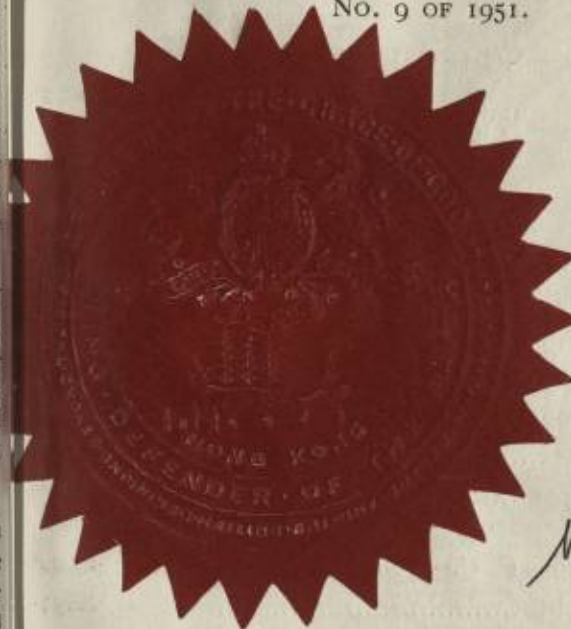
8. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

Passed the Legislative Council of Hong Kong, this 21st day of March, 1951.

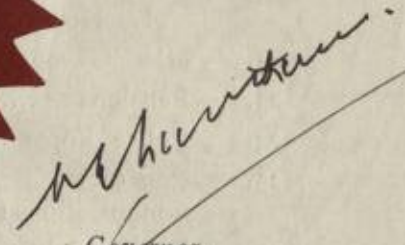

Deputy Clerk of Councils.

HONG KONG

No. 9 OF 1951.



I assent.


Governor.
29th March, 1951.

An Ordinance to authorize the appropriation of a supplementary sum of eleven million five hundred and sixty-five thousand six hundred and ninety-nine dollars to defray the charges of the financial year ending 31st March, 1950.

[30th March, 1951.]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ending 31st March, 1950, in addition to the charge upon the revenue of the Colony for the service of the said financial year already provided for.

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

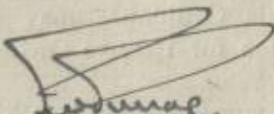
1. This Ordinance may be cited as the Supplementary Short title, Appropriation for 1949-50 Ordinance, 1951.

2. A sum of eleven million five hundred and sixty-five thousand six hundred and ninety-nine dollars is hereby charged upon the revenue and other funds of the Colony for the service Appropriation.

of the financial year ending 31st March, 1950, the sum so charged being expended as hereinafter specified; that is to say—

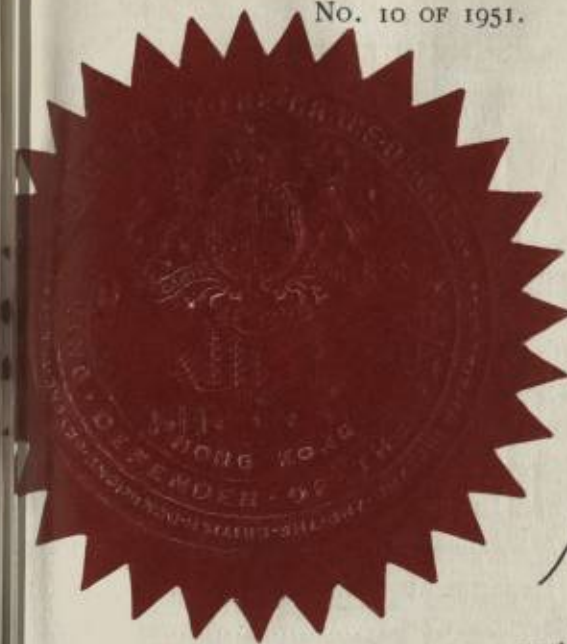
SCHEDULE.		
<i>Number of vote</i>	<i>Title of vote</i>	<i>Amount of vote</i>
		\$
1.	H. E. the Governor	13,686
5.	Colonial Secretariat and Legislature	103,294
8.	District Office, New Territories	1,949
14.	Hong Kong Defence Force :	
	A.—Hong Kong Regiment	1,455,983
22.	Miscellaneous Services	402,711
23.	Pensions	627,902
24.	Police Force	172,631
25.	Post Office, Broadcasting, and Telecommunications : C.—Telecommunications.	423,446
27.	Public Debt	3,502,545
30.	Public Works Recurrent	342,375
33.	Registrar General's Department	16,852
36.	Secretariat for Chinese Affairs :	
	A.—Secretariat for Chinese Affairs	30,871
37.	Statistical Department :	
	B.—Registration of Persons Branch ...	575,216
38.	Stores Department	3,234,688
39.	Subventions	615,285
40.	Department of Supplies and Distribution.	48,265
	TOTAL	\$11,565,699

Passed the Legislative Council of Hong Kong, this 28th day of March, 1951.

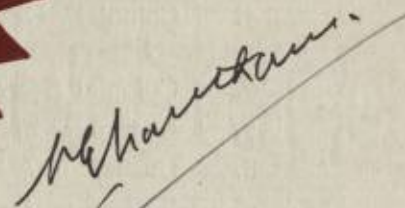

Deputy Clerk of Councils.

HONG KONG

No. 10 OF 1951.



I assent.


Governor.
29th March, 1951.

An Ordinance to apply a sum not exceeding two hundred and thirty-four million six hundred and sixty-nine thousand and fifty dollars to the Public Service of the financial year ending 31st March, 1952.

[30th March, 1951.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st March, 1952, has been estimated at the sum of two hundred and thirty-four million six hundred and sixty-nine thousand and fifty dollars.

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof :

1. This Ordinance may be cited as the Appropriation for Short title. 1951-1952 Ordinance, 1951.

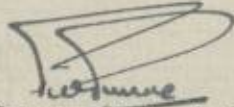
2. A sum not exceeding two hundred and thirty-four million six hundred and sixty-nine thousand and fifty dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st of April, 1951, and ending on the 31st of March, 1952, Appropriation from general revenues.

and the said sum so charged may be expended in the manner expressed in the Schedule to this Ordinance.

SCHEDULE.		
<i>Number of Vote</i>	<i>Title of Vote</i>	<i>Amount of Vote \$</i>
1.	His Excellency the Governor	226,925
2.	Agriculture, Fisheries, and Forestry Department	1,834,967
3.	Audit Department	283,487
4.	Civil Aviation Department	832,508
5.	Colonial Development and Welfare Schemes	586,350
6.	Colonial Secretariat and Legislature	1,181,580
7.	Commerce and Industry Department	1,909,785
8.	Custodian of Property	29,356
9.	Education Department	5,498,936
10.	Essential Services Corps	152,895
11.	Fire Brigade	2,419,586
12.	Hong Kong Defence Force	2,002,254
13.	Inland Revenue Department	891,172
14.	Kowloon Canton Railway	5,751,958
15.	Labour Department	328,962
16.	Legal Department	563,240
17.	Magistracies	265,017
18.	Marine Department	11,829,815
19.	Medical Department	14,007,254
20.	Miscellaneous Services	50,079,856
21.	New Territories, District Administration.	398,066
22.	Pensions	8,585,000
23.	Police Force	16,916,776
24.	Post Office	6,831,153
25.	Prisons Department	4,208,575
26.	Public Debt	3,863,556
27.	Public Relations Office	647,230
28.	Public Works Department	7,363,892

<i>Number of Vote</i>	<i>Title of Vote</i>	<i>Amount of Vote \$</i>
29.	Public Works Recurrent	15,205,000
30.	Public Works Non-Recurrent	34,226,437
31.	Quartering Authority	175,586
32.	Rating and Valuation Department	193,042
33.	Registrar General's Department	183,283
34.	Royal Observatory	518,753
35.	Sanitary Department and Urban Council.	6,853,816
36.	Secretariat for Chinese Affairs	3,486,052
37.	Statistical Department	300,068
38.	Stores Department	5,382,735
39.	Subventions	17,144,498
40.	Supreme Court	473,361
41.	Treasury	842,973
42.	Cooperatives and Marketing Department.	193,295
TOTAL		234,669,050

Passed the Legislative Council of Hong Kong, this 28th day of March, 1951.


Deputy Clerk of Councils.

HONG KONG

No. 11 OF 1951.



I assent.

Maharajah

Governor.

29th March, 1951.

An Ordinance to authorize The Hong Kong and Yaumati Ferry Company, Limited, to maintain and operate ferry services.

[30th March, 1951.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof :

1. This Ordinance may be cited as The Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951. Short title.

2. In this Ordinance—

“Company” means The Hong Kong and Yaumati Ferry Company, Limited;

Inter-pretation.

“concession” means the exclusive right to maintain and operate the ferry services;

“ferry services” means the ferry services authorized by section 4;

“frontages” means the frontages specified in Appendix I to the Schedule;

“piers” means the Government piers specified in Appendix I to the Schedule;

“undertaking” means all vessels, apparatus and property of whatever nature belonging to the Company and employed in operation of the ferry services.

Concession to Company to maintain and operate ferry services.

3. Subject to the provisions of this Ordinance the Government grants to the Company the exclusive right to maintain and operate the ferry services authorized by this Ordinance.

Particulars of ferry services. Schedule.

4. The ferry services authorized by this Ordinance are the services described in the Schedule. Such services shall be maintained and operated upon the terms and conditions specified in the Schedule.

Power of Legislative Council to vary Schedule by Resolution.

5. The Schedule may be varied at any time, with the consent of the Company, by Resolution of Legislative Council; Provided that this section shall not be construed to prejudice the right of the Governor in Council to exercise any power specified in the Schedule as exercisable by him.

Power to make regulations and by-laws.

6. (1) The Governor in Council may make regulations for the carrying out of the provisions of this Ordinance and, without prejudice to the generality of this power, in particular prescribe and provide for the safe and efficient operation of the services and the control and marshalling of passenger and vehicle traffic and the collection of fares in the approach areas to the piers.

(2) Any such regulations may declare any breach of any such regulation to be an offence and prescribe that a person guilty of such an offence shall on summary conviction be liable to a fine of five thousand dollars or to imprisonment for two years.

(3) The Company shall have power to make by-laws for regulating the conditions under which persons and things including vehicles may be carried in or upon any vessel belonging to the Company in operation of the ferry services, for the prevention of frauds on the Company, for the safe and efficient operation of the services, and for the control and marshalling of passenger and vehicular traffic and the collection of fares in or upon any such vessel or piers.

(4) Any such by-laws shall be submitted for approval to the Governor in Council and shall be published in the *Gazette* within two weeks after the approval thereof.

(5) Any by-law made under this section may declare any breach of any such by-law to be an offence and may prescribe

penalties therefor: Provided that no penalty so prescribed shall exceed a fine of two thousand dollars.

(6) A copy of every by-law clearly printed in English and with a translation in Chinese in large type shall be posted in a conspicuous place on the Company's business premises and on each of the piers and in each vessel of the Company employed in the carriage of passengers in operation of the ferry services.

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

Saving of rights of the Crown.

SCHEDULE.

[Sec. 4.]

1. The ferry services authorized shall be services conducted by the Company for the conveyance of persons, or of persons and things including vehicles across the harbour of Hong Kong on the “ferry-runs” between the frontages and piers for the period of fifteen years commencing on the 1st January, 1950, and for the further periods authorized upon exercise of the right of renewal granted by paragraph 19 of this Schedule.

Ferry services.

2. The Company shall have the exclusive use and shall use the piers for the purpose of the ferry services: Provided that if the Governor in Council decide at any time to substitute another pier within the frontages, the Company shall be bound to use such other pier on terms to be agreed or failing agreement on terms to be determined by arbitration.

Piers.

3. (1) The Company shall pay as pier rent to the Government for the use of the piers, and in respect of the period 1st January, 1950, until 31st March, 1950, the total sum of \$132,000 inclusive of rates. Thereafter the Company shall pay as rent, the total sum of \$50,000 a month inclusive of rates, the said rent being payable in advance on the first day of each calendar month and being apportioned respectively among the piers as follows—

Pier rent.

1. Jubilee Street Ferry Pier (except No. 4 berth)	\$28,500
2. Jordan Road Ferry Pier	15,000
3. Mongkok Ferry Pier	2,500
4. Shamshuipo Ferry Pier (except North berth)	1,500
5. Tonnochy Road Pier	2,500

\$50,000

(2) If any other pier be substituted for a pier specified in Appendix I, the amount of the rent therefor shall be such sum as may be agreed between Government and the Company regard being had to the capital cost of the said substituted pier (excluding the cost of frontage) and including interest on capital cost at the rate of 4%: Provided that if such agreed sum results in the monthly total of rent payable as aforesaid being exceeded, then the amount of such excess shall be deducted from the monthly royalty payable under paragraph 5 of this Schedule.

Fares and charges.

4. (1) The maximum fares and charges which may be taken by the Company shall be those specified in Appendix II, or such other fares and charges as may from time to time be fixed by the Governor in Council as fair and reasonable having regard as well to the Company as to the general public.

(2) If by reason of a material change of economic or financial conditions or of any other circumstances affecting the ferry services, the fares and charges for the time being authorized are, in the opinion of the Company, no longer reasonably remunerative, and the Governor in Council upon the request of the Company fails to authorize increased fares and charges to an amount as would, in the opinion of the Company, be reasonably remunerative, the question shall be submitted to arbitration, and the Company may charge such increased fares and charges as may be decided upon arbitration to be reasonable, having regard to any change of economic and financial conditions, or other circumstances affecting the service: Provided that the Governor in Council may at any time, if in his opinion a further change of economic or financial conditions or other circumstances shall have occurred affecting the ferry services and rendering such increased fares and charges unduly high, call upon the Company to make such reduction in the fares and charges as in the opinion of the Governor in Council is reasonable, and, if the Company fails to make such reduction voluntarily, the matter shall be referred to arbitration and the fares and charges which the Company shall thereafter be entitled to charge shall be such fares and charges as shall have been decided upon arbitration to be reasonable, having regard to such further change of economic or financial conditions or other circumstances affecting the service.

(3) Whenever under the last preceding sub-paragraph the Governor in Council is of opinion that an increase in fares and charges may be authorized by him or that he would be justified in calling upon the Company to reduce the fares and charges, the Governor in Council may instead vary the rate of royalty in

such manner as he may consider reasonable but so that any such variation shall not increase the amount of royalty prescribed in Appendix III.

(4) Notification shall be made in the *Gazette* of any alteration authorized in the fares and charges whether by way of increase or reduction.

5. The Company shall pay Government a royalty on the 14th day of each calendar month by way of percentage of the Company's gross monthly receipts upon collection of the fares and charges authorized in Appendix II. The percentage shall be computed in manner specified in Appendix III. Provided that in computation of the royalty payable in respect of the period 1st January, 1950, until 31st March, 1950, the receipts from the Tonnochy Road—Jordan Road service shall be excluded. A reduction of the royalty payable or exemption from payment of royalty shall be allowed if and for so long as it is shown to the satisfaction of the Governor in Council that the gross monthly receipts as aforesaid do not exceed the total cost of operating the ferry service including for this purpose the amount of royalty otherwise payable.

Royalty.

6. The Company shall maintain the ferry services in an efficient and adequate manner to the satisfaction of the Governor in Council and shall publish a Schedule subject to the approval of the Director of Marine stating the intended times of departure from the piers specified in Appendix I.

Company to maintain adequate service.

7. (1) If it be represented in writing to the Governor in Council by the Director of Marine or by fifty inhabitant rate-payers that the Company is not maintaining the ferry services in whole or part in an efficient and adequate manner, the Governor in Council may (if satisfied that the representation merits inquiry) appoint a person or committee of persons to inquire into the matter and report thereon. If upon consideration of such report the Governor in Council is satisfied that the representation is well founded the Governor in Council may issue an order to the Company requiring the Company to remedy such inefficiency or inadequacy in manner specified in such order. Every such order shall be served on the Company and published in the *Gazette*.

Inefficient or inadequate ferry services.

(2) If for the period of three months after the service of such order and its publication in the *Gazette* the Company fails or neglects to comply therewith, the ferry services or part there-

of shall be deemed to have been discontinued and the provisions of paragraph 8 of this Schedule shall apply.

Dis-
continuance
of ferry
services.

8. (1) If in the opinion of the Governor in Council the Company has discontinued the working of the ferry services or any part thereof for a period of fourteen days the Governor in Council may by order declare the concession to be terminated, and thereupon all the powers and privileges of the Company in respect of the concession shall cease and determine.

(2) If in the opinion of the Governor in Council the Company has discontinued the working of the ferry services or any part thereof for any period whatsoever it shall be lawful for the Governor in Council notwithstanding the subsistence of the concession to make such arrangements as he may think fit in the public interest for the temporary maintenance of such ferry services or part thereof.

(3) Any net loss incurred by or on behalf of the Government in consequence of the making of any such arrangement as is contemplated in sub-paragraph (2) shall be recoverable by the Government from the Company.

(4) The fact that any such arrangement as is contemplated in sub-paragraph (2) has been made shall not prevent the running of the period of fourteen days referred to in sub-paragraph (1).

(5) This paragraph shall not apply to any discontinuance which in the opinion of the Governor in Council is due to circumstances beyond the control of the Company, but the want of sufficient funds shall not for the purpose of this paragraph be deemed to be a circumstance beyond the control of the Company.

Insolvency
of
Company.

9. If it appears to the Governor in Council that the Company is insolvent so that it is unable to maintain the ferry services or any part thereof or to operate the same with advantage to the public, the Governor in Council may inquire into the financial affairs of the Company, and if satisfied that the Company is so insolvent as aforesaid, may by order declare that the concession shall at the expiration of three months from the making of the order be at an end, and the concession shall cease and determine at the expiration of the said period.

Non-
payment
of pier rent
or
royalty.

10. If the Governor in Council be satisfied that the Company has without just cause or excuse failed to pay pier rent or royalty when due, it shall be lawful for the Governor in Council by order to be served on the Company and published in the *Gazette* to direct that the concession at the expiration of three months from

the making of the order be at an end and the concession shall cease and determine at the expiration of the said period.

11. The Company shall at its own expense maintain and keep in repair the piers and carry out any alterations which may be required by the Company and approved by the Director of Public Works from time to time: Provided that the Company shall not be responsible for the cost of repairs made necessary by Act of God, civil commotion, war or latent defects or subsidence, but the onus of proving the cause and the extent of the damage shall rest upon the Company: Provided further that if, at the end of each period of three years within the subsistence of the concession, the cost of approved repairs has exceeded an annual average of \$400,000 the sum by which the aggregated costs of repairs for the three years exceeds \$1,200,000 shall be refunded to the Company or allowed in reduction of sums payable in royalty under paragraph 5 of this Schedule.

Repair
of piers.

12. Except as may be permitted by the Governor in Council, the Company shall not use the piers for any purpose other than the requirements of the ferry service.

Use of
piers.

13. Subject to the provisions of the Advertisements Regulation Ordinance, 1912, the Company may use the piers for advertising purposes: Provided that eighty per cent of the revenue derived by the Company from such purposes shall be paid to Government.

Advertising
on piers.
Ordinance
No.
19 of 1912.

14. The Company shall not assign or transfer the concession or any powers, rights or privileges granted thereunder without the permission of the Governor in Council.

Not to
assign.

15. To enable the Accountant General to satisfy himself as to correctness of the amount of each royalty payment the Company shall with each payment furnish to the Accountant General complete monthly traffic accounts duly certified and audited and give the Accountant General all reasonable facilities for inspection of the Company's records and complete statements showing the computation of the royalty due to the Government, as may be required by the Accountant General.

Facilities
for
Accountant
General.

16. (1) The Company has represented that the majority of the directorate are and will continue to be British subjects; that the management and the administrative staff or an effective majority thereof to the satisfaction of the Governor in Council, are and will be British subjects; that the control is and will be within the Colony and essentially British; that at all times and

British
interest.

in all circumstances (including any and every emergency) the Government may be assured that the ferry services will be duly and loyally maintained; and that the situation as above will continue and be observed with the utmost good faith during the subsistence of the concession. Such representation shall be the basis upon which the Company may maintain the ferry services and if at any time the Governor in Council be satisfied that any such representation as aforesaid has failed then the Governor in Council may terminate the concession.

(2) For the purposes of this paragraph, "British subject" means a citizen of the United Kingdom and Colonies or a Commonwealth citizen.

Compulsory purchase.

17. The Governor in Council may, at the expiration of the concession or at any time during the subsistence thereof on giving six months' notice, such notification to be published in the *Gazette*, require the Company to sell, and thereupon the Company shall sell, to the Government its undertaking for and in consideration of the then value of the same without any addition in respect of goodwill, compulsory purchase, expectation or possibility of renewal, or of any profits which might have been made from the undertaking: Provided that if such notice is given during the subsistence of the concession, the amount payable for the undertaking shall be not less than the original value of the same when acquired by the Company less an allowance in respect of reasonable wear and tear. In case of difference the value shall be determined by arbitration: Provided further that in respect of such of the vessels as were employed by the Company in the operation of the ferry services on 1st January, 1950, "the original value" shall take account of the cost of rehabilitation of such vessels prior to the said date.

Arbitration.

18. (1) Every arbitration in respect of the concession shall be heard and determined by a board of arbitrators which shall in each case consist of three members and be constituted in manner following—

- (a) the chairman of the board shall be such judge of the Supreme Court as the Chief Justice may designate;
- (b) the two other members of the board shall consist of one member to be nominated by the Governor and the other by the Company: Provided always that the member nominated by the Governor may be a public officer;
- (c) notice in writing of the nomination by the Governor of a member of the board shall be given forthwith to

the Company and shall be published in the *Gazette*, and if the Company does not nominate a member of the board within seven days from the date of such publication, it shall be lawful for the chairman to nominate and appoint any person other than a public officer, on behalf of the Company.

- (2) (a) The constitution of any board shall be notified in the *Gazette* and within fourteen days from such notification the board shall commence its sittings at such time and place as the chairman may appoint.
- (b) The Governor may appoint a secretary to the board and, if the person appointed be not a public officer, may determine his remuneration.
- (c) The remuneration of any member of the board shall be assessed according to the amount of work, the time occupied and the complexity of the subject matter of the arbitration and shall be determined in each case by the chairman at the conclusion of the arbitration: Provided that nothing herein shall authorize the payment of remuneration to a public officer.

(3) Subject as herein provided every arbitration shall be conducted in accordance with the provisions of the Code of Civil Procedure and as though the parties concerned in the arbitration had entered into a written agreement to submit to arbitration.

Ordinance
No.
3 of 1901.

19. (1) The Government will on the written request of the Company made on 1st January, 1964, and if there be not at that date any existing breach or non-observance by the Company of any of the terms and conditions specified in this Schedule, permit the continuance of the concession for a further term of five years from the 1st January, 1964, and subject to the said terms and conditions.

Right of
renewal.

(2) The Government will on the written request of the Company made on 1st January, 1969, and if there be not at that date any existing breach or non-observance by the Company of any of the terms and conditions specified in this Schedule, permit the continuance of the concession for a second term of five years from the expiration of the last preceding term of five years and subject to the said terms and conditions.

(3) The Government will on the written request of the Company made on 1st January, 1974, and if there be not at that date any existing breach or non-observance by the Company of any

of the terms and conditions specified in this Schedule, permit the continuance of the concession for a third and final term of five years from the expiration of the last preceding term of five years and subject to the said terms and conditions, with the exception of any further right of renewal and so that the total term of the concession shall not extend beyond 31st December, 1979.

Special emergency.

20. Notwithstanding anything herein contained, in the event at any time of any special emergency, the Governor in Council being the sole judge of the occasion and duration of such emergency, the Governor in Council may direct that the Government shall take over the ferry services and continue the same, with or without modification, or suspend the same, as the Governor in Council shall see fit until the emergency no longer exists. The amount (if any) due to the Company consequent upon any such order as aforesaid shall in the absence of agreement be determined by arbitration.

APPENDIX I.

FERRY RUNS.

<i>Victoria</i>	<i>Kowloon</i>
(a) <i>Frontage</i> — Praya from Gilman Street to Pottinger Street. <i>Pier</i> —Jubilee Street Pier.	<i>Frontage</i> — North side of Waterloo Road to North face of Public Pier at Kowloon Point. <i>Pier</i> —Jordan Road Pier.
(b) <i>Frontage</i> — Praya from Gilman Street to Pottinger Street. <i>Pier</i> —Jubilee Street Pier.	<i>Frontage</i> — North side of Waterloo Road to Prince Edward Road. <i>Pier</i> —Mongkok Tsui Pier.
(c) <i>Frontage</i> — Praya from Gilman Street to Pottinger Street. <i>Pier</i> —Jubilee Street Pier.	<i>Frontage</i> — North side of Prince Edward Road to North west boundary of Military Camp, Shamshuipo. <i>Pier</i> —Shamshuipo Pier.
(d) <i>Frontage</i> — Western entrance Causeway Bay Typhoon Shelter to Eastern boundary of Royal Naval Dockyard. <i>Pier</i> —Tonnochy Road Pier.	<i>Frontage</i> —North side Waterloo Road to North face of Public Pier at Kowloon Point. <i>Pier</i> —Jordan Road Pier.

APPENDIX II.

FARES AND CHARGES.

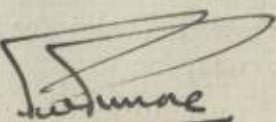
First Class Passenger	<i>Per Trip</i>
Adult	20 cents
Children under 16 years	10 cents
Members of His Majesty's Forces in Uniform.	10 cents
Members in uniform of the Hong Kong Police Force, Special Reserve and Special Constabulary	10 cents
Children (accompanied) under 3 years	Free
 Third Class Passenger	
Adult	10 cents
Children (accompanied) under 3 years	Free
 Freight	
General cargo	50 cents per picul or 4 cubic feet
Poultry	50 cents per 20 heads
Pigs in crates	\$1.00 each
Fish in tub	\$1.50 per pair tubs
Passenger car—12 H.P. or under	\$2.00
Passenger car—over 12 H.P.	\$3.00
Motor Cycle	50 cents
Motor Cycle and side car	\$1.00
For each adult person travelling in vehicle	20 cents
Children under 16 years	10 cents
Load carrying vehicle—unladen	\$5.00
Load carrying vehicle—laden	\$10.00
Overhanging loads—for every 4 ft. overhanging.	\$10.00
 <i>Monthly Tickets.</i> (Valid for Current Calendar Month Only)	
Adult	\$8.00
Children under 16 years	\$4.00

APPENDIX III.

ROYALTY.

<i>Amount of Gross Monthly Receipts Expressed in Thousands of Dollars.</i>	<i>Percentage Rate of Royalty.</i>
If not exceeding 500	no royalty payable.
Exceeding 500 but not exceeding 525	5.00
" 525 " " " 550	5.33
" 550 " " " 575	5.67
" 575 " " " 600	6.00
" 600 " " " 625	6.33
" 625 " " " 650	6.67
" 650 " " " 675	7.00
" 675 " " " 700	7.33
" 700 " " " 725	7.67
" 725 " " " 750	8.00
" 750 " " " 775	8.33
" 775 " " " 800	8.67
" 800 " " " 825	9.00
" 825 " " " 850	9.33
" 850 " " " 875	9.67
" 875 " " " 900	10.00
" 900 " " " 925	10.33
" 925 " " " 950	10.67
" 950 " " " 975	11.00
" 975 " " " 1000	11.33
" 1000 " " " 1025	11.67
" 1025 " " " 1050	12.00
" 1050 " " " 1075	12.33
" 1075 " " " 1100	12.67
" 1100 " " " 1125	13.00
" 1125 " " " 1150	13.33
" 1150 " " " 1175	13.67
" 1175 " " " 1200	14.00
" 1200 " " " 1225	14.33
" 1225 " " " 1250	14.67
" 1250 " " " 1275	15.00

Passed the Legislative Council of Hong Kong, this 28th day of March, 1951.

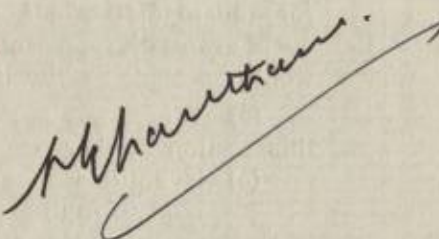

Deputy Clerk of Councils.

HONG KONG

No. 12 OF 1951.



I assent.



Governor.

19th April, 1951.

An Ordinance to confer upon the consular officers of foreign States with which consular conventions are concluded by His Majesty certain powers relating to the administration of the estates and property of deceased persons, to restrict the powers of police officers and other persons to enter the consular offices of such States; to make consequential amendments to the Probates Ordinance, 1897, and the Births and Deaths Registration Ordinance, 1934, and to make amendments in the Merchant Shipping Ordinance, 1899, so as to enable such consular officers to exercise certain powers in relation to the property of deceased seamen and to wrecked foreign ships and to property thereon.

[20th April, 1951.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as the Consular Conventions Ordinance, 1951. Short title.

Inter-pretation.

2. In this Ordinance—
“consular office” means any building or part of a building which is exclusively occupied for the purposes of the official business of a consular officer.

Powers of consular officers in relation to property in Hong Kong of deceased persons.

3. (1) Where any person who is a national of a State to which this section applies is named as executor in the will of a deceased person disposing of property in Hong Kong, or is otherwise a person to whom a grant of representation to the estate in Hong Kong of a deceased person may be made, then if the court is satisfied, on the application of a consular officer of the said State, that the said national is not resident in Hong Kong, and if no application for a grant of such representation is made by a person duly authorized by power of attorney to act for him in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorized as aforesaid.

(2) Where any person who is a national of a State to which this section applies—

- (a) is entitled to any money or other property in Hong Kong forming part of the estate of a deceased person, or to receive payment in Hong Kong of any money becoming due on the death of a deceased person; or
- (b) is among the persons to whom any money or other property of a deceased person may under any Ordinance, whether passed before or after the commencement of this Ordinance, be paid or delivered without grant of probate or other proof of title, then if the said national is not resident in Hong Kong a consular officer of that State shall have the like right and power to receive and give a valid discharge for any such money or property as if he were duly authorized by power of attorney to act for him in that behalf:

Provided that no person shall be authorized or required by this subsection to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in Hong Kong has been expressly authorized to receive that money or property on behalf of the said national.

(3) Notwithstanding the provisions of section 40 of the Probates Ordinance, 1897, sureties shall not be required to an administration bond given by a consular officer under this section.

(4) Subsection (2) of section 14 of the Probates Ordinance, 1897, is hereby repealed and replaced by the following subsection—

Ordinance No. 2 of 1897.

Ordinance No. 2 of 1897.

“(2) In the case of the death of any person who is the national of a state to which section 3 of the Consular Conventions Ordinance, 1951, applies, the Official Administrator shall as soon as conveniently may be after the fact of such death has come to his knowledge inform the nearest consular officer of such state of the same.”

(5) Subsection (2) of section 15 of the Births and Deaths Registration Ordinance, 1934, is repealed and replaced by the following subsection—

Ordinance No. 21 of 1934.

“(2) in every case in which a registrar receives information of the death in the Colony of any person who is a national of a state to which section 3 of the Consular Conventions Ordinance, 1951, applies, he shall cause information of the fact to be communicated to the Official Administrator.”

4. Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on him by or under section 3 or in respect of any document for the time being in his possession relating thereto.

Supplementary provisions as to section 3.

5. (1) Subject to the provisions of this section a consular office of a State to which this section applies shall not be entered by a police officer or other person acting in the execution of any warrant or other legal process or in the exercise of powers conferred by or under any enactment (whether passed before or after the commencement of this Ordinance) or otherwise, except with the consent of the consular officer in charge of that office or, if that consent is withheld or cannot be obtained, with the consent of the Governor:

Restriction of powers of entry in relation to consular offices.

Provided that the foregoing provisions of this subsection shall not apply in relation to any entry effected—

- (a) in pursuance of subsection (1) of section 5 of the Fire Brigade Ordinance, 1923, (which confers powers to enter premises for the purpose of extinguishing fire) or any other enactment making provision corresponding with the provisions of that subsection;
- (b) by a police officer having reasonable cause to believe that a crime involving violence has been or is being or is about to be committed in the consular office;
- (c) by any person entitled to enter by virtue of any easement, contract or other private right.

Ordinance No. 20 of 1923.

(2) This section shall not apply to any consular office which for the time being is in the charge of a consular officer who is a citizen of the United Kingdom and Colonies or is not a national of the State by which that office is maintained.

Adaptation of section 175 and 176 of the Merchant Shipping Act, 1894, to the Colony and insertion thereof as sections 8A and 8B in the Merchant Shipping Ordinance, 1899.

6. (1) In pursuance of the power conferred upon the legislature of Hong Kong by section 264 of the Merchant Shipping Act, 1894, sections 175 and 176 of the said Act are hereby adapted to Hong Kong as follows—

(a) Section 175 shall be read and construed as follows—

175. If a seaman or apprentice to the sea service dies in Hong Kong and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the Director of Marine.

(b) Section 176 shall be read and construed as follows—

176. (1) Where any property of a deceased seaman or apprentice comes into the hands of the Director of Marine, the Director of Marine, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as he thinks proper to allow, shall, subject to the provisions of this Ordinance, deal with the residue as follows—

(a) if the property exceeds in value two thousand dollars, he shall pay and deliver the residue to the legal personal representative of the deceased;

(b) if the property does not exceed in value two thousand dollars, the Director of Marine may as he thinks fit either pay or deliver the residue to any claimant who is proved to his satisfaction to be the widow or a child of the deceased or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

“Property of deceased seamen to be delivered to Director of Marine.”

“Payment over of property of deceased seamen by Director of Marine.”

(c) he may, if he thinks fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.”

(2) The said sections adapted as aforesaid shall be inserted in the Merchant Shipping Ordinance, 1899, as section 8A and 8B thereof.

7. Where it appears to the Director of Marine that any person to whom any money or other property of a deceased seaman may be paid or delivered under paragraph (b) of subsection (1) of section 8B of the Merchant Shipping Ordinance, 1899, as inserted by virtue of the preceding section is resident in a foreign State, he may pay or deliver the money or property to a consular officer of that State on behalf of that person; and the provisions of that section shall have effect accordingly.

8. The Merchant Shipping Ordinance, 1899, is hereby amended by the insertion therein after section 27A thereof of the heading—

“Foreign wrecks and articles in or forming part thereof.” and after such heading, of the following section—

27B. Where a foreign ship has been wrecked on or near the coasts of the Colony and such ship or any part thereof or any article belonging thereto or belonging and forming part of the cargo are found on or near those coasts, or are brought into the Colony, the consul general of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorized in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such ship and of any such articles as aforesaid.”

“Claims of owners to wrecks.”

Ordinance No. 10 of 1899.

Money or property of deceased seamen resident in foreign State.

Ordinance No. 10 of 1899.

Addition of new section 27B to the Merchant Shipping Ordinance, 1899.

Sections 3 and 5 to apply to any foreign State by order of the Governor.

9. The Governor may by order signified in the *Gazette* direct that section 3 or 5 shall apply to any foreign State specified in the Order, being a State with which a consular convention providing for matters for which provision is made by those sections has been concluded by His Majesty.

Passed the Legislative Council of Hong Kong, this 18th day of April, 1951.

Deputy Clerk of Councils.

HONG KONG

NO. 13 OF 1951.



I assent.

Governor.

3rd May, 1951.

An Ordinance to authorize the construction of a breakwater over and upon the sea bed in Causeway Bay.

[4th May, 1951.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof :

1. This Ordinance may be cited as the Public Works (Causeway Bay) Ordinance, 1951. Short title.

2. The Director of Public Works is authorized to construct the undertaking set out in the First Schedule to this Ordinance.

Director of Public Works given authority to construct certain public works.

3. The provisions of Part II of the Public Reclamations Validation and Clauses Ordinance, 1936, in its application to the undertaking authorized by this Ordinance, shall be varied and excepted as set out in the Second Schedule to this Ordinance.

Modification of application of Ordinance No. 40 of 1936.

FIRST SCHEDULE.

A breakwater in Causeway Bay approximately 1,650 feet in length, approximately 810 feet north of and parallel to the existing breakwater, approximately 1,440 feet long, which forms the northern boundary of the typhoon shelter in Causeway Bay, and shown and delineated in red and marked "NORTH ARM" upon a plan signed by the Director of Public Works and dated the 22nd day of February, 1951, and deposited in the Land Office.

SECOND SCHEDULE.

FIRST COLUMN.

SECOND COLUMN.

Section of Public Reclamations Validation and Clauses Ordinance, 1936, affected and item thereof.

Detail of variation or exception.

1. Section 5.
 - (1) Subsections (1), (4), (5) and (6) are excepted.
 - (2) Subsection (2) is deleted and replaced by the following subsection—
 “ (2) All persons having any claims of private right in respect of the undertaking authorized by this Ordinance shall send in their claims of right in writing, specifying the nature of such claims, to the Director of Public Works within two months after the coming into force of this Ordinance.”.
 - (3) Subsection (3) is varied by the deletion therefrom—
 - (a) of the words “objections and” appearing in the first line; and
 - (b) of the words “objection or” appearing in the third line.

2. Section 6. Is varied by the deletion of the words “upon the publication of such definitive approval” appearing in the second line.

FIRST COLUMN.

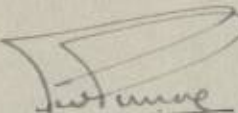
SECOND COLUMN.

Section of Public Reclamations Validation and Clauses Ordinance, 1936, affected and item thereof.

Detail of variation or exception.

3. Section 7. Subsection (1) is varied by the deletion of the words “within two months after the publication of the definitive approval under section 5(5)” in the ninth and tenth lines and by the substitution therefor of the following words “within six months after the coming into force of this Ordinance”.

Passed the Legislative Council of Hong Kong, this 2nd day of May, 1951.



Deputy Clerk of Councils.

HONG KONG

No. 14 OF 1951.



I assent.

W. Hamilton
Governor.

3rd May, 1951.

An Ordinance to authorize an undertaking for the reclamation of an area of sea bed and foreshore and for the construction of a typhoon shelter at Causeway Bay.

[4th May, 1951.]

BE it enacted by the Governor of Hong Kong with the advice and consent of the Legislative Council thereof :

1. This Ordinance may be cited as the Public Reclamation and Typhoon Shelter (Causeway Bay) Ordinance, 1951. Short title.

2. The Director of Public Works is authorized, provisionally and subject to the definitive approval of the Governor in Council, to construct the undertakings set out in the Schedule. Director of Public Works given provisional authority to construct certain public works.

SCHEDULE.

1. A reclamation approximately 57 acres in area abutting Causeway Road and bounded to the east by Hing Fat Street and by Crown Land partly held on permit and partly occupied by the Port Works Office of the Public Works Department as a depot, to

the west by Inland Lot 1090, Sugar Street, Inland Lots 782 and 748, Great George Street, Marine Lot 231 and by a sea wall approximately 310 feet long, and to the north by a breakwater approximately 1,440 feet long and by a pitched slope approximately 300 feet long, and shown and delineated in red upon a plan signed by the Director of Public Works and dated the 22nd day of February, 1951, and deposited in the Land Office.

2. A breakwater in Causeway Bay to abut Marine Lot 285 and to extend seawards to a distance of approximately 750 feet and shown and delineated in red and marked "EAST ARM" on the said plan.

3. A causeway approximately 855 feet in length in Causeway Bay extending from Percival Street to Marine Lot 601 (Kellet Island) and shown and delineated in red and marked "CAUSEWAY" on the said plan.

4. A breakwater in Causeway Bay to abut Marine Lot 601 (Kellet Island) and to extend seawards to a distance of approximately 350 feet in length and shown and delineated in red and marked "WEST ARM" on the said plan.

Passed the Legislative Council of Hong Kong, this 2nd day of May, 1951.

Deputy Clerk of Councils.

HONG KONG

No. 15 OF 1951.



I assent.

Governor.

17th May, 1951.

An Ordinance to amend and consolidate the law relating to the printing, publication, sale, distribution, importation, control, registration and licensing of newspapers and other printed matter and to the control of printing presses and news agencies.

[]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as the Control of Short title. Publications Consolidation Ordinance, 1951.

2. In this Ordinance—
"address" in the case of an individual means his residence or usual place of business, and in the case of a corporation means the head office of such corporation within the Colony;

Inter-pretation.

- “contravene” includes a failure to comply;
- “editor” means the chief editor if there are more editors than one, and includes any person acting as chief editor or performing any of the usual functions of a chief editor;
- “import” means to bring in or cause to be brought into the Colony by land, air or water;
- “local newspaper” means a newspaper printed in the Colony;
- “newspaper” means any publication containing news, intelligence, reports of occurrences, or any remarks observations or comments, in relation to such news, intelligence or occurrences, or to any other matter of public interest, printed for sale or free distribution at regular or irregular intervals and includes a supplement thereto;
- “pamphlet” means an unbound printed document of one or more pages or parts and containing an exposition on some matter of current or topical or political interest;
- “periodical publication” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;
- “person”, except so far as relates to the imposition of the penalty of imprisonment, includes a body corporate and a firm;
- “printed document” includes every piece of paper, cloth or other similar material, bearing any words, pictures or signs which were or appear to have been wholly or partly produced by any mechanical copying process, and also includes every collection of printed documents bound together;
- “printing press” includes every machine and apparatus used or intended to be used for the printing of any newspaper book or pamphlet or for the printing production or reproduction for gain or reward of any printed matter;
- “proprietor” includes lessee;
- “publication” includes all written or printed matter and everything whether of a nature similar to printed matter or not, containing any visible representation, or, by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;
- “Registrar” means such officer as may be appointed by the Governor to act as registrar of newspapers, and includes any person appointed by the Governor to act as deputy registrar of newspapers.

3. It shall be an offence against this Ordinance to print or publish any publication which contains any writing or pictorial representation calculated or tending to persuade or induce any person or persons whether individually or as members of the general public or of classes or sections thereof—

Offence to print or publish publications of a certain character.

- (a) to commit an offence; or
- (b) to become a member of, contribute to the support of, recruit for or proselytize on behalf of, or otherwise adhere to—

- (i) any unlawful society within the meaning of the Societies Ordinance, 1949; or

- (ii) any political party, group or association established outside the Colony adherence to which within the Colony has by virtue of any enactment been declared by the Governor in Council to be prejudicial to the security of the Colony or to the prevention of crime or to the maintenance within the Colony of public order or safety.

Ordinance 28 of 1949.

4. (1) It shall be lawful for the Court or a magistrate upon the application of the Attorney General to order the suppression for a period not exceeding six months of any local newspaper the printer publisher or editor of which has been found guilty of committing in respect of anything published in such newspaper any of the offences provided for by sections 3 and 6 of this Ordinance or any of the offences mentioned in the First Schedule to this Ordinance or any other offence of a nature prejudicial to the security of the Colony or to the maintenance within the Colony of public order, safety, health or morals.

Suppression of newspapers and suspension of publication.

(2) It shall be lawful for a magistrate upon the application of the Attorney General to order that pending the determination of any proceedings for the prosecution of a printer publisher or editor for any such offence as aforesaid—

- (a) the publication of such newspaper shall be suspended; or
- (b) it shall be unlawful to publish in such newspaper any publication relating to such topics as may be specified in such order, being topics in respect of or in connexion with which the offence for which proceedings are pending is alleged to have been committed or being similar or related topics.

(3) Upon the making of any order by a magistrate under subsection (2) it shall be an offence against this Ordinance—

- (a) to contravene any such order;
- (b) to print sell offer for sale or distribute any newspaper the publication of which or any publication in which constitutes an offence by virtue of this subsection; and
- (c) during the validity of any such order to remove from the premises whereon the same may be anything which the Commissioner of Police is directed by subsection (4) hereof to seize upon an order of suppression.

(4) Upon the making of any order for the suppression of any newspaper, the Commissioner of Police or any police officer authorized by him in writing under his hand shall seize and detain all the machinery, type, appliances, paper, printing materials, writing materials, books, documents, writings, effects, and things used to produce the suppressed newspaper and is hereby empowered for such purpose—

- (a) to break open any outer or inner door of any premises upon which the same may be;
- (b) forcibly to enter upon such premises;
- (c) forcibly to remove any personal or material obstruction.

(5) It shall be lawful for the Commissioner of Police or any police officer authorized by him in writing under his hand to remove anything which he is by subsection (4) directed to seize to such place or places within the Colony as he may in his discretion see fit, and there to keep the same so long as such order shall subsist. All expenses incurred by the Commissioner of Police shall be repaid to him before the return by him of the property, effects and things seized, and in default of payment of such expenses, or any part thereof, within one month from the expiration of the order for suppression, the Commissioner of Police may sell so much of the property, effects and things seized as appear to him to be necessary to satisfy such expenses, and he shall apply the net proceeds of sale in the first place in or towards satisfaction of such expenses, and in the next place he shall refund the balance (if any) to the person entitled thereto.

(6) Notwithstanding the provisions of subsection (5) the Court or a magistrate may in addition to making an order of

suppression make any order of forfeiture which a magistrate is empowered to make under subsection (3) of section 12, and in such event the provisions of subsection (4) of section 12 shall apply in lieu of the provisions of subsection (5) of this section.

5. (1) If it appears to the Governor in Council that the importation of any particular publication or of any publication of a particular kind or character is calculated or is likely to be prejudicial to the security of the Colony or the prevention of crime or to the maintenance within the Colony of public order, safety, health or morals, he may by order prohibit the importation thereof.

Power to prohibit importation of publications.

(2) Whenever the publication, the importation of which is prohibited, is a periodical publication any such order shall until it is revoked operate as a prohibition of the importation of any future issue thereof but shall not operate as a prohibition of the importation of any past issue thereof unless the order or any subsequent order expressly so provides.

(3) Whenever the importation of a publication has been prohibited it shall be an offence against this Ordinance to sell, offer for sale, distribute or be in possession of the same or any extract thereof in the Colony: Provided that a person shall not commit an offence if—

- (a) in the case of a periodical publication he sells distributes or is in possession of past issues, the importation whereof has not been prohibited;
- (b) in the case of a publication of a particular kind or character he satisfied a Court or a magistrate that he was unaware and had no reason to believe that the publication was of such kind or character;
- (c) in the case of any publication he was in possession for so long only as was reasonably necessary to deliver the same to the nearest police station.

6. (1) It shall be an offence against this Ordinance maliciously to publish in any local newspaper false news which is likely to alarm public opinion or disturb public order. No prosecution for any such offence shall be initiated without the consent in writing of the Attorney General.

Malicious publication of false news to constitute an offence.