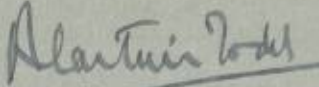


Section	New Penalty	Old Penalty
58	a fine not exceeding one thousand dollars and imprisonment for a term not exceeding one year.	imprisonment for any term not exceeding one year and a fine not exceeding two hundred and fifty dollars.
59	a fine not exceeding one thousand dollars and imprisonment for a term not exceeding six months.	imprisonment for any term not exceeding six months and a fine not exceeding two hundred and fifty dollars.
60	a fine not exceeding two hundred and fifty dollars.	a fine not exceeding fifty dollars.
68	a fine not exceeding two hundred and fifty dollars or imprisonment for a term not exceeding three months.	a fine not exceeding fifty dollars or imprisonment for any term not exceeding three months.

Passed the Legislative Council of Hong Kong, this 22nd day of September, 1948.

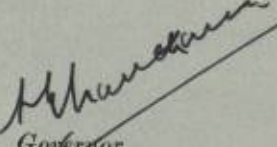

Deputy Clerk of Councils.

HONG KONG

No. 49 OF 1948.



I assent.


Governor.

7th October, 1948.

An Ordinance to amend the Banking Ordinance, 1948.

[8th October, 1948.]

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 Banking (Amendment) Ordinance, 1948, and shall be read as one with the Banking Ordinance, 1948, hereinafter referred to as the principal Ordinance. Short title.
Ordinance
No. 2 of
1948.

2. Section 4 of the principal Ordinance is hereby amended as follows:— Amendment
of section 4
of the
principal
Ordinance.

(a) by the deletion of the figure (1) appearing in the first line of the section; and

(b) by the repeal of sub-section (2) thereof.

3. Section 9 of the principal Ordinance is hereby amended as follows:— Addition of a
further
sub-section
to section 9
of the
principal
Ordinance.

(a) by the deletion of the figures 2 and 3 in the fourth and seventh lines of the section respectively, and the substitution therefor of the figures 3 and 4 respectively; and

(b) by the addition between sub-section (1) and (3) of the following sub-section:—

“(2) Every licensed bank after preparing a balance sheet shall forthwith send a copy to the Financial Secretary.”

SALES 04/11



4. The principal Ordinance is hereby amended by the addition of the following section as section 13A after section 13 thereof:—

"Decision of Governor in Council in matters of doubt.

13A. In the event of doubt as to whether a person upon the commencement of this Ordinance or from time to time thereafter is carrying on banking business the matter shall be submitted to the Governor in Council for his determination and the decision of the Governor in Council shall be final and conclusive for all purposes of this Ordinance."

Addition of section 13A to the principal Ordinance.

Passed the Legislative Council of Hong Kong, this 6th day of October, 1948.

A handwritten signature in ink, appearing to read "Alister B. de la", is written over a horizontal line.

Deputy Clerk of Councils.

HONG KONG

No. 50 of 1948.



I assent.

Robert H. S. S. S.

Governor.

7th October, 1948.

An Ordinance to authorise the British Cigarette Company Limited to convert the currency of its capital.

[8th October, 1948.]

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

1. This Ordinance may be cited as the British Cigarette Company Limited (Capital Conversion) Ordinance, 1948.

2. In this Ordinance—

Interpretation.

“the Company” means the British Cigarette Company Limited.

“Registrar” means a registrar, deputy and assistant registrar appointed by the Governor under sub-section (2) of Section 289 of the Companies Ordinance, 1932.

Ordinance
No. 39 of
1932.

3. It shall be competent for the company to convert the currency of its capital (both authorised and issued) and to alter the denomination of the shares into which its capital is divided and such conversion and alteration may be effected in the following manner:—

Conversion of
currency of
capital.
Procedure.

(a) By a resolution of the board of directors of the company authorising such conversion and alteration and specifying in detail the manner and at what date such conversion and alteration is to take place; and



(b) By filing with the Registrar within one month of the passing of such resolution a certificate under the seal of the company countersigned by the auditors of the company certifying that such resolution has been duly passed and that in the opinion of the directors of the company and of such auditors the net assets of the company had at a date stated in the resolution which shall for all purposes be regarded as the date of conversion a value equivalent at the least to the amount of such converted capital as has been paid up:

Provided that the date stated in the resolution shall be a date not earlier than the date of the resolution by more than twelve months.

4. Upon the filing of any such certificate as is referred to in paragraph (b) of section 3 of this Ordinance, the Registrar shall issue a fresh certificate of incorporation of the company showing the capital of the company as affected by such conversion and alteration. Such fresh certificate shall take the place of the original certificate of incorporation of the company and shall be the certificate of incorporation of the company. Issue of fresh certificate of incorporation

5. 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 and under them. Saving of rights of the Crown and of certain other rights.

Passed the Legislative Council of Hong Kong, this 6th day of October, 1948.

Robert W. Hall

Deputy Clerk of Councils.

HONG KONG

No. 51 of 1948.



I assent,

[Signature]
Governor.

21st October, 1948.

An Ordinance to give effect to an agreement negotiated by His Majesty's Government in the United Kingdom and the Chinese National Government on behalf of the Hong Kong Government and the Chinese Maritime Customs, respectively.

[22nd October, 1948.]

WHEREAS by an agreement negotiated by His Majesty's Government in the United Kingdom and the Chinese National Government on behalf of the Hong Kong Government and the Chinese Maritime Customs, respectively, being an agreement annexed to notes exchanged on the 12th of January, 1948, between His Majesty's Ambassador to China and the Chinese Minister for Foreign Affairs, it was agreed that the Government of Hong Kong should introduce legislation to give effect to such agreement.

Now, therefore, 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 Smuggling into China Short title, (Control) Ordinance, 1948.

2. In this Ordinance the expressions "junk", "magistrate", "master", "tons", "tonnage", and "vessel" shall, save where the context otherwise requires, bear the meanings respectively assigned to them by the Merchant Shipping Ordinance, 1899, and "Harbour" has the meaning assigned to it by the Interpretation Ordinance, 1911.

Ordinance
No. 10 of
1899.

Ordinance
No. 31 of
1911.

Unlawful
loading
of goods
destined for
China.

First
Schedule.

3. It shall be unlawful—

(a) in any place except the Harbour to load or cause or permit to be loaded on any vessel having a net registered tonnage of 200 or more tons any cargo destined for China;

(b) in any place, except such places as are specified in the First Schedule hereto, to load or cause or permit to be loaded on any vessel of less than 200 net registered tons any cargo destined for China:

Provided that nothing in this section shall make it unlawful with the previous consent in writing of the Director of Marine to load or cause or permit to be loaded on any vessel elsewhere than in such place as is in this section provided any cargo destined for China.

Unlawful
landing or
attempted
landing of
goods
destined
for China.

4. (1) It shall be unlawful to land or attempt to land any cargo destined for China from any vessel loaded in Hong Kong in any place except the port for which such cargo was cleared.

(2) It shall be lawful for the Director of Marine to refuse clearance in respect of any cargo destined for China or to grant clearance in respect only of a particular port. In the exercise of the above discretion the Director of Marine shall act in accordance with any directions he may receive from the Governor in Council.

(3) If any vessel to which this section applies is found proceeding on a course and in circumstances which render it unlikely, in the opinion of the magistrate before whom the master thereof is charged, that such master had any intention of landing the cargo at the port for which it was cleared then, unless such master shall satisfy the magistrate that he intended to land such cargo at such port, the magistrate may find him guilty of an attempt to commit an offence contrary to the provisions of sub-section (1) of this section.

Unlawful
entry into
prohibited
areas by
vessels
carrying
goods
destined for
China.
Second
Schedule.

5. It shall be unlawful for any vessel carrying cargo destined for a port in China to enter such of the territorial waters of the Colony as are specified in the Second Schedule to this Ordinance (hereinafter referred to as "the prohibited area") without having previously been cleared in Hong Kong for such port of destination in respect of all the cargo so carried.

Chinese
Maritime
Customs
to have
powers to
patrol in
prohibited
area and
to board
and examine
the papers of
vessels
found in
such area.

6. (1) It shall be lawful for any vessel of the Chinese Maritime Customs to patrol the prohibited area and to require any vessel found therein to stop in order that its papers may be examined.

(2) It shall be lawful for the Chinese Maritime Customs—

(a) to board any vessel stopped pursuant to sub-section (1) of this section and examine the papers of such vessel for the purpose of ascertaining whether the provisions of this Ordinance have been observed; and

(b) in the event of any breach of this section to require such vessel to proceed to such point within the territorial waters of the Colony as the Chinese Maritime Customs shall specify; and

(c) to take all reasonable steps to ensure compliance with any such requirement provided that no more force than is necessary shall be employed.

(3) It shall be an offence against the Ordinance for any vessel to refuse to stop when required so to do under this section or for any master to refuse to produce, or to obstruct the examination of, papers lawfully required hereunder, or to fail to proceed to any point to which the vessel has lawfully been directed to proceed under sub-section (2) of this section.

7. (1) Whenever any police or harbour authority receives a complaint from the Chinese Maritime Customs that the master of a vessel has committed an offence against this Ordinance such authority shall take all necessary steps to inquire into the offence and prosecute the offender.

Prosecution
of offenders.
Powers of
police and
harbour
authority.

(2) Such authority shall for such purposes and also for the purpose of enforcing this Ordinance have all the powers conferred by section 30 of the Merchant Shipping Ordinance, 1899, as if the same had been herein set forth save that the expression "offence against this Ordinance" shall be substituted for the expression "felony or misdemeanor" wherever the same occurs in the said Ordinance and save that a refusal to comply with the lawful requirement of such authority shall be deemed to be an offence against this Ordinance and be punishable accordingly.

Ordinance
No. 10 of
1899, s.30.

8. (1) No person shall export or attempt to export goods into China at any place across the land frontier between Hong Kong and China except the following:—

Export of
goods
into China
prohibited
save at
excepted
places.

(a) such points at Sha Tau Kok as the District Officer, New Territories, shall, in such manner as he deems best calculated to inform the public, specify or mark;

(b) such points opposite Lin Tong as the District Officer, New Territories, shall, in such manner as he deems best calculated to inform the public, specify or mark;

(c) the points where the Kowloon-Canton road crosses the frontier;

(d) Lo Wu Railway Bridge;

(e) such places as the Governor in Council may by regulation prescribe.

(2) An attempt to export goods into China under sub-section (1) of this section shall be deemed to have been made by any person found in possession of goods at any point within 50 yards of the land frontier aforesaid not being a point within 50 yards of the places specified in or prescribed under sub-section (1): Provided that if on being charged before a magistrate such person is able to satisfy the magistrate that he was intending to

export at one of the places excepted under sub-section (1) or that he had no intention of exporting such goods he shall not be found guilty of any offence against this section.

(3) Any officer of police, any revenue officer and any person authorised by regulation made by the Governor in Council under this Ordinance may in lieu of charging such person before a magistrate require any person found in possession of or carrying goods at any point within 50 yards of the land frontier aforesaid to specify at which of the places excepted from the prohibition in sub-section (1) of this section he proposes to export the goods and on such place being specified may require him to proceed to such place forthwith. It shall be an offence to fail to comply with any requirement made hereunder.

(4) This section shall not apply to—

(a) any commodity the product of or utilised in animal or vegetable husbandry; or

(b) any class of goods which the Governor may by notification in the *Gazette* exempt from the operation of this section; or

(c) goods the aggregate value of which does not exceed two hundred Hong Kong dollars.

Penalties
and
enforcement.
Ordinance
No. 41 of
1932.

9. (1) Any offence against the provisions of this Ordinance may be prosecuted summarily before a magistrate in accordance with the procedure prescribed by the Magistrates Ordinance, 1932, and shall be punishable by fine not exceeding two thousand dollars or by imprisonment for any term not exceeding one year.

(2) Upon it being shown to the satisfaction of a magistrate that an offence against this Ordinance has been committed in respect of any particular goods or cargo he may whether any person has been convicted of such offence or not order that the same be forfeited to the Crown: Provided that the Governor in Council may in his absolute discretion entertain and give effect to any moral claim to or in respect of such goods or cargo.

(3) Every vessel, the master of which is charged with having violated the provisions of this section, may be forthwith arrested and detained, unless bail to the satisfaction of a magistrate is given, until such master shall either have been acquitted, or, if found guilty, shall have paid the fine inflicted upon him, and in case he shall fail to pay, within ten days, any fine inflicted upon him, the same may be recovered by the sale of such vessel and the balance, if any, of the net proceeds thereof, after deducting therefrom the expenses of such sale and the amount of such fine, shall be paid to the owner of the vessel if claimed within twelve months from the date of the sale, and if not claimed within that period, shall be forfeited: Provided that in case it shall be brought to the knowledge of the magistrate that there is in the Colony any consignee or agent of such vessel, no sale thereof shall be made until three days' notice in writing shall have been given to him.

(4) Every vessel forfeited or sold under this section shall be transferred to the purchaser thereof, at his expense, by a bill of sale from the Director of Marine, which shall confer upon such purchaser, his executors, administrators and assigns an absolute title to such vessel.

10. (1) This Ordinance shall not apply to His Majesty's sailing ships of war or to the ships of war of any foreign Government.

(2) Nothing herein contained shall be construed as giving the Chinese Maritime Customs any right other than such rights for which express provision has been made nor shall anything herein contained be construed as a waiver of any right which the Government of Hong Kong is entitled to exercise according to the Law and Customs of Nations.

11. Nothing in this Ordinance shall prevent any person from being subject to any fine or punishment under the Merchant Shipping Ordinance, 1899, or to any other fine or punishment to which he would have been subject if this Ordinance had not been passed.

Penalties
under
Ordinance
to be in
addition to
penalties
under any
other law.

12. This Ordinance shall cease to have effect as from such day as the Governor acting with the advice of Executive Council may by Proclamation specify and such cessation shall have the same effect as if the Ordinance had been repealed.

Duration.

FIRST SCHEDULE.

Such portion of the Yaumati Typhoon Shelter as the Director of Marine of Hong Kong may direct, or the Port of Taipo.

SECOND SCHEDULE.

1. *Deep Bay Area:* That part of the waters of Deep Bay bounded on the North by the shores of that Bay, and on the South by a line drawn 067° from a point "A" on the Western Boundary of the Waters of the Colony in Latitude 22° 27' 10" North, Longitude 113° 52' 00" East to a position "B" in Latitude 22° 30' 21" North, Longitude 114° 00' 18" East and thence 090° to a point "C" where this line meets the coast in Latitude 22° 30' 21" North, Longitude 114° 02' 40" East as the same are delineated and marked on a chart, the geographical coordinates of which are based on British Admiralty Chart No. 3681 and twelve counterparts of which, for the purpose of record and identification, have been signed by Mr. Fu-yun Chang, Director General of the Chinese Maritime Customs representing the Chinese Maritime Customs and Mr. D. M. MacDougall, C.M.G. on behalf of the Government of Hong Kong, and two counterparts of which have been deposited with the Clerk of Councils and Land Officer respectively.

2. *Mirs Bay Area*: The waters of Starling Inlet and that part of the waters of Mirs Bay lying between the shores of Mirs Bay on the north and east and a line commencing at the northernmost point of Robinson Island and thence 000° to a point in Latitude 22° 33' 44" North, Longitude 114° 16' 07" East, thence 086° to a point in Latitude 22° 34' 17" North, Longitude 114° 25' 16" East, thence 126° to a point in Latitude 22° 32' 53" North, Longitude 114° 27' 18" East, thence 180° to a point in Latitude 22° 27' 06" North, Longitude 114° 27' 18" East, and thence 135° to a point where this line meets the eastern boundary of the Colony in Latitude 22° 24' 34" North, Longitude 114° 30' 00" East.

Passed the Legislative Council of Hong Kong, this 20th day of October, 1948.

Alvin W. ...

Deputy Clerk of Councils.

HONG KONG

No. 52 OF 1948.



I assent.

McHannan
Governor.

21st October, 1948.

An Ordinance to amend the Post Office Ordinance, 1926.

[22nd October, 1948]

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 Post Office (Amendment) Ordinance, 1948, and shall be read as one with the Post Office Ordinance, 1926, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 7 of
1926.

2. The following section is hereby substituted for section 4 of the principal Ordinance:—

Repeal and
replacement
of section 4
of the
principal
Ordinance.

"Rates of
postage.

4. (1) The Postmaster General may subject to any direction of the Governor in Council determine the rates of postage to be charged on postal articles and the rates for the time being in force shall be exhibited and kept exhibited at the Post Office.

(2) The Governor in Council may at any time by order revise any rates of postage determined by the Postmaster General and such revised rates shall come into operation as from the notification of such order in the *Gazette*."

Passed the Legislative Council of Hong Kong, this 20th day of October, 1948.

Alvin W. ...

Deputy Clerk of Councils.



HONG KONG

No. 53 of 1948.



I assent.

Governor.

21st October, 1948.

An Ordinance to authorise the appropriation of a supplementary sum of four million three hundred and thirteen thousand eight hundred and seventy-four dollars and nineteen cents to defray the charges of the financial year ending 31st March, 1947.

[22nd October, 1948]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ending 31st March, 1947, in addition to the charge upon the revenue of the Colony for the service of the said financial year already provided for, apart from charges on account of public debt.

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 1946-47 Ordinance, 1948.

2. A sum of four million three hundred and thirteen thousand eight hundred and seventy-four dollars and nineteen cents is hereby charged upon the revenue and other funds of the Colony

Appropriation.



for the service of the financial year ending 31st March, 1947, the sum so charged being expended as hereinafter specified; that is to say:—

	\$
H.E. The Governor	24,171.48
Colonial Secretariat and Legislature	10,504.53
Pensions	2,710,816.06
Police Force	207,622.47
Stores Department	1,351,336.47
Inland Revenue Department	9,423.18
Total	<u>\$4,313,874.19</u>

Passed the Legislative Council of Hong Kong, this 20th day of October, 1948.

Arthur W. H. H.
Deputy Clerk of Councils.

HONG KONG

No. 54 of 1948.



I assent.

Robert H. S. Ho
Governor.

21st October, 1948.

An Ordinance to authorise the Accountant-General to issue duplicate bonds in lieu of bonds issued under the Public Works Loan Redemption Ordinance, 1933, and the Hong Kong Dollar Loan Ordinance, 1934, which have since been lost or destroyed.

[22nd October, 1948]

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 Issue of Duplicate Bonds Ordinance, 1948.

2. In this Ordinance—

“relevant Ordinances” means the Public Works Loan Redemption Ordinance, 1933, and the Hong Kong Dollar Loan Ordinance, 1934.

Interpretation.

Ordinance No. 15 of 1933.

Ordinance No. 11 of 1934.

3. The Accountant-General may in his absolute discretion, on being satisfied by such evidence as he shall deem sufficient that a bond issued under either of the relevant Ordinances has been lost or destroyed, issue a fresh bond to the person who in his opinion would at the time of such issue be entitled to be the holder of the bond so lost or destroyed.

Power for Accountant-General to issue fresh bonds in lieu of lost or destroyed bonds.



4. Except in cases where upon the destruction of a bond issued under either of the relevant Ordinances an acknowledgment in writing of Government's continued indebtedness is held by the applicant for a fresh bond the Accountant-General may make the issue of any fresh bond conditional upon such indemnity and guarantee being entered into as he may in his absolute discretion require.

Accountant-General may require indemnity and guarantee save where Government's indebtedness has been acknowledged.

5. (1) Any fresh bond issued under the provisions of this Ordinance shall so far as possible and subject as hereinafter provided be a duplicate of the lost or destroyed bond in place of which it is issued: Provided that—

Form and effect of issue of fresh bond.

(a) there shall be removed from such bond by the Accountant-General such number of coupons as shall represent the interest that has been paid at the date of issue; and

(b) such fresh bond may have a number allotted to it which differs from the number of the bond so lost or destroyed and shall contain such particulars of the bond in place of which it is issued as are reasonably ascertainable and an endorsement bearing the signature of the Accountant-General that it is issued pursuant to the provisions of this Ordinance.

(2) Without prejudice to the provisions of sub-section (3) a fresh bond issued under this Ordinance shall be deemed for all purposes to be the bond in place of which it is issued.

(3) Upon the production to the Accountant-General of the original bond in place of which a fresh bond has been issued under this Ordinance the latter shall cease to have any validity and shall be delivered up by the owner to the Accountant-General for cancellation.

6. Sub-section (3) of section 5 shall cease to have any application upon the expiration of six months after notification in the *Gazette* by the Accountant-General of his intention to issue a fresh bond under this Ordinance in lieu of a bond issued under either of the relevant Ordinances: Provided that this section shall not apply unless such notification gives such particulars of such lastly mentioned bond as would reasonably enable the holder thereof to identify it.

Fresh bond to continue to have validity if original bond not produced within six months of notice of intention to issue fresh bond.

7. In any case in which sub-section (3) of section 5 has ceased to apply in respect of any bond issued under either of the relevant Ordinances such bond shall be deemed to have been cancelled and shall not confer any right upon the holder thereof or impose any liability on Government.

Circumstances in which original bond shall be deemed to have been cancelled.

Passed the Legislative Council of Hong Kong, this 20th day of October, 1948.

Alastair Wood
Deputy Clerk of Councils.

No. 55 OF 1948.

H. H. Harkness.
Governor.

An Ordinance for the incorporation of The Hong Kong Anti-Tuberculosis Association.

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

2. In this Ordinance—

Definitions.

“The Association” means The Hong Kong Anti-Tuberculosis Association;

"The Corporation" means the Board of Directors of the Association as incorporated by this Ordinance.

3. (1) The Board of Directors of the Association and their successors in office as hereinafter defined shall be a body corporate and shall have the name of "The Hong Kong Anti-Tuberculosis Association" and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal.



(2) The members of the Board of Directors shall be appointed in accordance with the Constitution and shall for the time being be deemed to be members of the Corporation upon notice of their appointment, and where such appointment is made to replace a retiring member of the Board of Directors, upon notice in addition of such retirement, being filed with the Registrar of Companies.

(3) Any such notice shall be signed by two of the continuing and/or retiring members and shall be sealed with the common seal of the Corporation.

(4) The Corporation shall (subject to compliance with sub-sections 2 and 3 of Section 3 of this Ordinance) consist of the persons holding office at the date of this Ordinance coming into force, as members of such Board of Directors and hereafter of the persons for the time being duly elected and appointed in place of the above or any of them as their successors in accordance with the Constitution.

4. (1) The Corporation shall have power to acquire accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate 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 all goods and chattels of what nature or kind soever. Powers of the Corporation.

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

5. All deeds documents and other instruments requiring the seal of the Corporation shall be sealed with its common seal in the presence of three members of the Board of Directors and shall also be signed by them, and such signing shall be taken as sufficient evidence of the due sealing of such deeds documents and other instruments. Seal.

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

Passed the Legislative Council of Hong Kong, this 20th day of October, 1948.

Alma T. To
Deputy Clerk of Councils.

HONG KONG

No. 56 of 1948.



I assent.

[Signature]
Governor

28th October, 1948.

An Ordinance to make provision as to the immunities, privileges and capacities of international organisations of which His Majesty's Government in the United Kingdom and foreign governments are members; to confer immunities and privileges on the staffs of such organisations and representatives of member governments and in respect of premises and documents of such organisations; to assimilate the law of the Colony relating to the immunities and privileges as to person property or servants of sovereign diplomatic agents or the representatives of sovereign powers to the law of England; and for purposes connected with the matters aforesaid.

[29th October, 1948.]

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 Short title. Ordinance, 1948.

2. (1) When any organisation has been declared by His Majesty by Order in Council made under the Diplomatic Privileges (Extension) Acts, 1944 and 1946, to be an organisation 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 organisation and

(a) provide that any such organisation to which this Ordinance applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the notification, have the

Privileges,
immunities
and
capacities of
certain
international
organisations
and their
staffs.
7 & 8
Geo. 6
c.44-
9 & 10
Geo. 6
c.66.

Schedule.

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 such number of officers of the organisation as may be specified in the notification, being the holders of such high offices in the organisation as may be specified in the notification, and upon such persons employed on missions on behalf of the organisation as may be so specified, and upon any person who is the representative of a member government on the governing body or any committee of the organisation, to such extent as may be so specified, 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 organisation 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 representatives of member governments and to the families of officers of the organisation any immunities and privileges conferred on the representatives or officers under paragraph (b) of this sub-section, except in so far as the operation of the said Part IV is excluded by the notification conferring the immunities and privileges.

(2) Where immunities and privileges are conferred on any persons by the notification made under sub-section (1) of this section, the Governor—

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that sub-section, and may compile a list of persons entitled to immunities and privileges conferred under paragraph (c) of that sub-section;
- (b) shall cause any list compiled under this sub-section to be published in the *Gazette*; and
- (c) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notification of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(3) Every list or notification published under the sub-section (2) of this section shall state the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list, or, as the case may be, the last list taking effect before that time, together with the

Gazette (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

3. (1) Where a conference is held in the Colony and is attended by the representatives of His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers, and it appears to the Governor that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

Diplomatic immunities of representatives attending international conferences.

- (a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the *Gazette*; and
- (b) whenever it appears to the Governor that any person ceases or begins to be entitled to such immunities, amend the list and cause a notification of amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall, for the purposes of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to His Majesty, and of the retinue of such an envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notification published under sub-section (1) of this section in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the *Gazette* containing the list or, as the case may be, the last list taking effect before that time, together with the *Gazette* (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

4. This Ordinance shall, in its application to the United Nations, have effect subject to the following provisions—

Application to United Nations.

- (a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and
- (b) the powers conferred by sub-section (1) of section 3 of this Ordinance shall include power by notification in the *Gazette* to confer on the 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.

Reciprocal
treatment.

5. Nothing in the foregoing provisions of this Ordinance shall be construed as precluding the Governor from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

Law of
Colony
relating to
privileges of
sovereigns
and others
assimilated
to the law
of England.

6. Notwithstanding any provision to the contrary contained in the law applicable to the Colony, the law and custom relating to the immunities and privileges as to person, property or servants of sovereigns, diplomatic agents, or the representatives of foreign powers for the time being in force in England shall, in so far as the same is applicable *mutatis mutandis*, have effect and be enforced in the Colony.

SCHEDULE

PART I.

IMMUNITIES AND PRIVILEGES OF THE ORGANISATION.

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in England in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded in England to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in the Colony or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Superintendent of Imports and Exports may prescribe for the protection of the revenue.
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside the Colony) of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II.

IMMUNITIES AND PRIVILEGES OF HIGH OFFICERS, PERSONS ON MISSIONS AND GOVERNMENT REPRESENTATIVES.

1. The like immunity from suit and legal process as is accorded in England to an envoy of a foreign sovereign Power accredited to His Majesty.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes as is accorded to such an envoy.

PART III.

IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS.

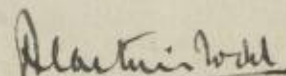
1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV.

IMMUNITIES AND PRIVILEGES OF REPRESENTATIVE'S STAFF AND OF HIGH OFFICER'S FAMILY.

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is entitled in England to the immunities and privileges accorded to the envoy.
2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to His Majesty are entitled in England to the immunities and privileges accorded to the envoy.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1948.


Deputy Clerk of Councils.

HONG KONG

No. 57 of 1948.



I assent.

McMahon
Governor.

28th October, 1948.

An Ordinance to amend the Pawnbrokers Ordinance, 1930.

[29th October, 1948.]

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 Pawnbrokers Amendment Ordinance, 1948, and shall be read as one with the Pawnbrokers Ordinance, 1930, hereinafter referred to as the principal Ordinance.

Short title,
Ordinance
No. 16 of
1930.

2. Section 3 of the principal Ordinance is hereby amended by the addition of the following paragraph after paragraph (a):—

Amendment
of section 3
of the
principal
Ordinance.

“(aa) for prescribing the periods referred to in section 16 hereof”.

3. Section 16 of the principal Ordinance as amended by the Pawnbrokers Amendment Ordinance, 1946, is hereby repealed and replaced by the following section:—

Repeal and
replacement
of section 16
of the
principal
Ordinance.

“Delivery of
goods on
production
of ticket and
repayment.

[cf. 35 & 36
Vict. c.93,
s.25.]

16. On the tender of any such ticket, together with the full amount then due for principal and simple interest, if made within such respective periods from the day of making the loan as the Governor in Council may prescribe for goods pawned in the New Territories other than New Kowloon and for goods pawned elsewhere in the Colony, the pawnbroker shall deliver up to the person tendering the goods described therein.”

Ordinance
No. 23 of
1946.



4. Section 20 of the principal Ordinance as amended by the Pawnbrokers Amendment Ordinance, 1946, is hereby amended—

(a) by the substitution of the word "prescribed" for the word "authorised" in the second line thereof; and

(b) by the substitution of the words "not exceeding the prescribed period applicable" for the words "not exceeding four months, or six months, as the case may be," in the seventh and eighth lines thereof.

Amendment
of section 20
of the
principal
Ordinance.
Ordinance
No. 23 of
1946.

5. (1) The Regulations made under the principal Ordinance contained in Volume III of Regulations of Hong Kong (1937 Edition) are hereby amended by the addition of the following immediately prior to the heading "Forms" at page 1096 of the said Volume:—

Regulation as
to prescribed
period to be
deemed to
have been
made under
section 3
of the
principal
Ordinance
as amended.

"Prescribed periods for redemption.

The prescribed periods for the purposes of section 16 shall be six months from the day of making the loan in the case of goods pawned in any part of the New Territories other than New Kowloon and four months from the day of making the loan in the case of goods pawned elsewhere in the Colony."

(2) The amendment aforesaid shall be deemed to have been lawfully made and to be revocable or subject to amendment in like manner as if it had been duly made by the Governor in Council under section 3 of the principal Ordinance as amended by this Ordinance.

6. The Pawnbrokers Amendment Ordinance, 1946, and the Pawnbrokers Amendment Ordinance, 1947, are hereby repealed.

Repeal of the
Pawnbrokers
Amendment
Ordinance,
1946.

Ordinance
No. 23 of
1946.

Ordinance
No. 23 of
1947.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1948.

Arthur B. M.

Deputy Clerk of Councils.

HONG KONG

No. 58 of 1948.



I assent.

[Handwritten signature]

Governor.

28th October, 1948.

An Ordinance to amend the Deportation of Aliens Ordinance, 1935.

[29th October, 1948.]

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 Deportation of Aliens (Amendment) Ordinance, 1948, and shall be read as one with the Deportation of Aliens Ordinance, 1935, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 39 of
1935.

2. The following section is hereby substituted for section 8 of the principal Ordinance:—

Repeal and
replacement
of section 8
of the
principal
Ordinance.

"Court or
magistrate
may make
deportation
order or
may re-
commend
deportation.

8. (1) Upon conviction of an alien of an offence then—

(a) if, at the time of the commission of the offence other than an offence against sub-section (1) of section 13, such alien had not been resident in the Colony for a consecutive period of one year immediately preceding the commission of the offence, the court or magistrate may, either in addition to or in lieu of sentence make a deportation order against such alien; and

(b) in any other case such court or magistrate may recommend that a deportation order should be made either in addition to or in lieu of sentence.

(2) The onus of proving that he has been resident in the Colony for a consecutive period of one year immediately prior to the commission of the offence with which he is charged, shall lie on the alien.

(3) Save as provided in sub-section (7) the exercise or failure to exercise the powers conferred on a court or a magistrate by this section shall not be deemed to affect the powers of the Governor in Council.

(4) Any alien, against whom a deportation order has been made under this section, may appeal to the Governor in Council. Upon any such appeal such alien shall be deemed to have abandoned any right which may, at the time of such appeal, still be exercisable, either to have the conviction, upon which such deportation order was based, quashed or set aside, or to have such deportation order revoked by any court or magistrate.

Schedule
Form No. 5.

(5) Without prejudice to the provisions of section 9 the court or magistrate, as the case may be, may admit to bail any person in custody against whom an order has been made under this section, upon such security as, in the opinion of the court or magistrate, will be sufficient to ensure the appearance and surrender of such person at the Central Police Station at any specified date and time. The recognizance of bail may be in Form No. 5 in the Schedule, with such modification, in the case of the order being made by a court, as the court shall deem necessary to denote that the order is so made.

Schedule
Form No. 7.

(6) A deportation order under this section shall be made in Form No. 7 in the Schedule, with such adaptations as may be necessary, and in particular with such adaptations as will denote the authority by whom it is made and the offence of which the alien, against whom the order is made, has been convicted.

Ordinance
No. 41 of
1932.

(7) Nothing herein contained shall affect any right of appeal against conviction or sentence or any review under the Magistrates Ordinance, 1932, or any enactment amending or replacing the same and, in the event of such appeal or review, no deportation order made under this section shall be carried into effect, save and in so far as it is confirmed on such appeal or review. The appellate or reviewing authority is hereby empowered to revoke or modify any such deportation order.

(8) The Governor in Council may, by notification in the *Gazette*—

(a) confine the operation of this section to conviction of certain offences only,

(b) exclude the operation of this section in the case of convictions of certain offences."

3. Section 9 of the principal Ordinance is hereby amended by the addition of the following additional sub-section:—

Amendment
of section 9
of the
principal
Ordinance.

"(3) Where any such person has appealed against a conviction the upholding of which is necessary for the validity of a deportation order made under section 8, or where such a conviction is being reviewed by a magistrate, the foregoing shall not be deemed to authorise the taking into custody of an alien so long as he is on bail by the authority of a court or magistrate."

4. Section 13 of the principal Ordinance is hereby amended by the insertion of the following additional sub-sections after sub-section (4):—

Amendment
of section 13
of the
principal
Ordinance.

"(5) Where a person is guilty of the misdemeanor mentioned in sub-section (1) of this section and whether or not he is prosecuted for such misdemeanor but without prejudice to any lawful sentence imposed as a result of any such prosecution the original order of banishment or deportation shall be enforceable against him until the expiration of the period of banishment or deportation, and the Governor may, as often as may be necessary, by order under the hand of the Colonial Secretary, fix the time within which any such person shall leave the Colony and make any such order as is mentioned in section 11.

(6) Upon the making of any order under the preceding sub-section the provisions of sub-section (2) of section 9 shall apply.

(7) Any order made by the Governor under this section shall refer to this section and may be endorsed either on the original order of banishment or deportation or upon any document which purports to be a copy of such order and to be certified by the Clerk of Councils or may be attached to any such order or document in any manner which the Colonial Secretary may deem convenient: Provided that nothing herein contained shall render invalid any order which is not so endorsed or attached.

(8) Any person who without lawful authority or excuse fails to comply with an order made under sub-section (5) shall on summary conviction before a magistrate be liable to imprisonment for a term not exceeding six months and to a fine not exceeding one thousand dollars.

(9) The Governor in Council may make regulations for carrying sub-sections (5), (6) and (7) of this section into effect and prescribing what forms and procedure shall be used."

Passed the Legislative Council of Hong Kong, this 27th day of October, 1948.

Arthur Hill
Deputy Clerk of Councils.

HONG KONG

No. 59 of 1948.



I assent.

Robert Hamilton
Governor.

28th October, 1948.

An Ordinance to facilitate the maintenance of Public Order and Safety.

[29th October, 1948.]

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

PART I.

1. This Ordinance may be cited as the Public Order Ordinance, Short title. 1948.

2. In this Ordinance—

“Meeting” means a meeting held for the purpose of matters of public interest or for the expression of views on such matters;

“Private premises” means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, occupier or lessee of the premises;

“Public meeting” includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise;

“Public place” means any highway, public park or garden, any sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise.

Interpreta-
tion.

1 Edw. 8 &
1 Geo. 6,
c.6, s.9.

Prohibition of uniforms in connection with political objects.

[cf. 1 Edw. 8 & 1 Geo. 6, c. 6, s. 1.]

3. Any person who in any public place or at any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object shall be guilty of an offence: Provided that if the Commissioner of Police is satisfied that the wearing of any such uniform as aforesaid on any ceremonial anniversary or other special occasion will not be likely to involve risk of public disorder, he may permit the wearing of such uniform on that occasion either absolutely or subject to such conditions as he may specify.

Prohibition of quasi-military organisations.

[cf. 1 Edw. 8 & 1 Geo. 6, c. 6, s. 2.]

4. (1) If the members or adherents of any association of persons, whether registered or incorporated or not, are—

(a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or the armed forces of the Crown;

(b) organised and trained or organised and equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose;

then any person who takes part in the control or management of the association or in organising or training as aforesaid any members or adherents thereof shall be guilty of an offence.

(2) In any criminal proceeding under this section proof of things done or of words spoken, written or published by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised, or trained, or equipped.

(3) If a magistrate is satisfied by an information on oath that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, upon an application made by an officer not below the rank of Sub-Inspector, grant a search warrant authorising any such officer as aforesaid named in the warrant and any other officers of police to enter the premises or place at any time within 14 days of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid: Provided that a woman shall be searched by a woman.

5. (1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together or incites others so to act shall be guilty of an offence.

Penalty on endeavour to break up public meeting.

8 Edw. 7, c. 66, s. 1.

(2) If any constable reasonably suspects any person of committing an offence under this section, he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and if that person refuses or fails so to declare his name and address or gives a false name and address he shall be guilty of an offence and if the constable suspects him of giving a false name and address, the constable may arrest him without a warrant.

6. (1) Whenever any person accused of—

(a) rioting, assault or other breach of the peace or abetting the same;

(b) assembling armed men or taking other unlawful measures with the intention of committing any such offence as is specified in paragraph (a);

(c) committing criminal intimidation by threatening injury to person or property;

is convicted of such offence, and the Court or magistrate before which such person is convicted is of opinion that it is necessary to require such person to execute a bond for keeping the peace, such Court or magistrate may, at the time of passing sentence or in lieu of any sentence, order him to execute a bond for a sum proportionate to his means with or without sureties for keeping the peace during such period, in each instance, as it thinks fit to fix, not exceeding two years.

(2) If the conviction is set aside on appeal or otherwise, the bond so executed shall be null and void.

7. Whenever it appears to a magistrate receiving information that—

(a) any person is taking precautions to conceal his presence in the Colony and there is reason to believe such person is taking such precautions with a view to committing an offence; or

(b) there is within the Colony a person who cannot give a satisfactory account of himself; or

(c) there is within the Colony any person who within or without the Colony either orally or in writing disseminates or attempts to disseminate or in any way abets the dissemination of any seditious matter, that is to say, any matter the publication of which is punishable under section 4 of the Sedition Ordinance, 1938; or

(d) any person has committed, or is about to commit or attempt to commit, any act calculated to interfere with the administration of the law or with the maintenance of law and order;

such magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond with sureties for his good behaviour for a period not exceeding two years.

Security for keeping the peace on conviction. Criminal Procedure Code, Straits Settlements, s. 73.

Security for good behaviour from suspected persons, etc., and from persons disseminating seditious matter or acting or about to act to the prejudice of law and order. [cf. Criminal Procedure Code, Straits Settlements, s. 76.] Ordinance No. 13 of 1938.

Order to be made.
Criminal Procedure Code, Straits Settlements, s.78.

8. (1) When a person is required to show cause under sections 6 and 7, the magistrate shall make an order in writing setting forth—

- (a) the substance of the information received;
- (b) the amount of the bond to be executed;
- (c) the term for which it is in force;
- (d) the number, character and class of sureties, if any,

required.

Criminal Procedure Code, Straits Settlements, ss.79, 80 and 81.

If the person is in Court, the order shall be read over to him and, if necessary, the substance explained. If he is not in Court, the magistrate shall bring him before it by summons or by warrant as he deems appropriate in the circumstances of the case. Every summons or warrant issued shall be accompanied by a copy of the order and such copy shall be delivered by the officer executing the process.

Criminal Procedure Code, Straits Settlements, s.83.

(2) When a person appears or is brought before a Court in pursuance of an order as aforesaid, the magistrate shall inquire into the truth of the information as far as is practicable in the manner prescribed in summary cases, except that no charge need be framed.

Criminal Procedure Code, Straits Settlements, s.84.

(3) If it is proved that it is necessary to keeping the peace or maintaining good behaviour, as the case may be, that the person named in the order should execute a bond with or without sureties, the magistrate shall make an order accordingly.

Criminal Procedure Code, Straits Settlements, s.85.

(4) If it is proved that it is not necessary to execute a bond, the person named in the order shall be discharged from the enquiry.

Criminal Procedure Code, Straits Settlements, s.87.

(5) The bond executed by a person to keep the peace or be of good behaviour, as the case may be, shall be deemed to be broken by the commission of an offence punishable with imprisonment wherever it is committed.

Criminal Procedure Code, Straits Settlements, s.88.

(6) A magistrate may in his discretion refuse to accept any particular person or persons offered as surety for good behaviour.

Criminal Procedure Code, Straits Settlements, s.89.

(7) If any person ordered to give security does not give such security on or before the date of the commencement of such security, he shall be committed to prison until the expiration of such term as the magistrate may direct or until he shall furnish such security to the magistrate who made the order: Provided that the period of imprisonment for failure to give security shall not exceed the period for which security is ordered to be given.

Criminal Procedure Code, Straits Settlements, s.90.

(8) Any person so imprisoned may be released by an order made by a magistrate if such magistrate considers he may be released without hazard to the community or any person.

Criminal Procedure Code, Straits Settlements, s.92.

(9) Any surety for peaceable conduct or good behaviour may apply to a magistrate to cancel any bond executed under this section. In such a case, the magistrate shall call for fresh security for the unexpired term and if not forthcoming shall order imprisonment accordingly.

PART II.

9. (1) The Governor may by order require any person within any area specified in the order to remain within doors between such hours as may be specified in the order, and in such a case, if any person is or remains out of doors within that area between such hours without a permit in writing issued by the Commissioner of Police or by some person duly authorised by the Commissioner of Police to issue such permits, he shall be guilty of an offence.

(2) Any officer of police or member of His Majesty's Forces on duty may take such steps and use such force (including the use of firearms) as may be necessary for securing compliance with any order made under this section.

10. (1) The Governor may by order declare any area or place to be a closed area and any person who, during any period during which any such order is in force in relation to any area or place, enters or leaves that area or place without a permit in writing issued by the Commissioner of Police or by some person duly authorised by the Commissioner of Police to issue such permits shall be guilty of an offence.

(2) Any officer of police or member of His Majesty's Forces on duty may take such steps and use such force (including the use of firearms) as may appear to such person to be necessary for securing compliance with any order made under this section.

11. (1) The Governor may by order require that all classes or certain classes of persons shall evacuate any place or area with or without their goods and chattels and within a limit of time and for a period specified in the order, and in such a case any person so ordered to evacuate who is found within the area after the time limit and within the period of prohibition shall be guilty of an offence.

(2) Any officer of police or member of His Majesty's Forces on duty may take such steps and use such force (including the use of firearms) as may be necessary to secure compliance with any order made under this section.

12. (1) The Governor may by order prohibit the movement or anchorage of any craft or the use of any waters in the Colony by all or any class of vessel during such hours and for such a period as may be specified in the order and if any person shall contravene the order without the permission in writing of the Commissioner of Police or an officer duly authorised by him he shall be guilty of an offence.

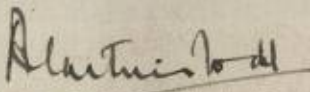
(2) Any officer of police and any member of His Majesty's Forces may take such steps (including the use of firearms) as may be necessary to secure compliance with this order.

PART III.

Penalty.

13. Any person who is guilty of an offence against this Ordinance, or who fails to observe any condition imposed by the Commissioner of Police under section 3, shall on summary conviction by a magistrate be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars.

Passed the Legislative Council of Hong Kong, this 27th day of October, 1948.

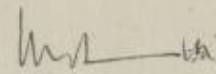

Deputy Clerk of Councils.

HONG KONG

No. 60 of 1948.



I assent.


Governor's Deputy.

11th November, 1948.

An Ordinance to amend the Education Ordinance, 1913.

[12th November, 1948.]

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

1. This Ordinance may be cited as the Education (Amendment) Ordinance, 1948, and shall be read as one with the Education Ordinance, 1913, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 26 of
1913.

2. Section 2 of the principal Ordinance is hereby amended as follows:—

Amendment
of section 2
of the
principal
Ordinance.

(1) sub-section (d) thereof is repealed and replaced by—

“(d) “Inspector” means an inspector appointed under the provisions of section 4 and shall include any medical officer for the time being performing the duties of a medical officer of schools;”

(2) sub-section (k) thereof is repealed and replaced by—

“(k) “Sub-inspector” means a sub-inspector appointed under the provisions of section 4 and shall include any inspector appointed under section 9 of the Urban Council Ordinance, 1935.”

Ordinance
No. 7 of
1935.

3. Sub-section (2) of section 9 of the principal Ordinance is hereby amended by the deletion of the figures, words and letters “10(a) and (b)” appearing in the seventh line thereof and by the substitution therefor of the figures, words and letters “10(a), (b), (c) and (f).”

Amendment
of section 9
of the
principal
Ordinance.



4. Section 11 of the principal Ordinance is hereby amended as follows:—

Amendment
of section 11
of the
principal
Ordinance.

(1) sub-section (1) thereof is repealed and replaced by—

"Inspection
of registered
schools.

(1) The Director may inspect personally or cause to be inspected by an inspector or sub-inspector as often as the Director may deem necessary every registered school for the purpose of ascertaining if the regulations made under the provisions of section 10 are being complied with and if such school is being properly and efficiently carried on and if such school is necessary for educational purposes."

(2) Sub-section (2) thereof is repealed and replaced by—

"Inspection
of exempted
schools.

(2) The Director or his representative duly appointed in writing may inspect as often as the Director may deem necessary every exempted school for the purpose of ascertaining whether the regulations made under the provisions of section 10(a), (b), (c) and (f) are being complied with and whether, having regard to the general nature and conduct of the school, it is such that it may properly continue to be exempt from supervision."

Passed the Legislative Council of Hong Kong, this 10th day of November, 1948.

Deputy Clerk of Councils.

HONG KONG

No. 61 of 1948.



I assent.

Governor's Deputy.

11th November, 1948.

An Ordinance to provide for the granting of pensions in respect of a period of service during the War, by a person in His Majesty's Forces, which intervened between an appointment of that person to the Colonial Service by the Secretary of State and the actual taking up by him of the duties of the appointment.

[12th November, 1948.]

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

1. This Ordinance shall be cited as the Pensions (Special Short title. War Appointments) Ordinance, 1948, and shall be read as one Ordinance with the Pensions Ordinance, 1932. No. 21 of 1932.
2. The officers named in the First Column of the Schedule hereto shall be deemed for all purposes to have held a pensionable office from the respective dates set out in the Second Column of the said Schedule. Application of Ordinance by Schedule.
3. It shall be lawful for the Governor in Council by Order to add to the Schedule to this Ordinance. Amendment of Schedule.

SCHEDULE.

<i>First Column</i>	<i>Second Column</i>
Raymond Harper Hughes	1st March, 1940.

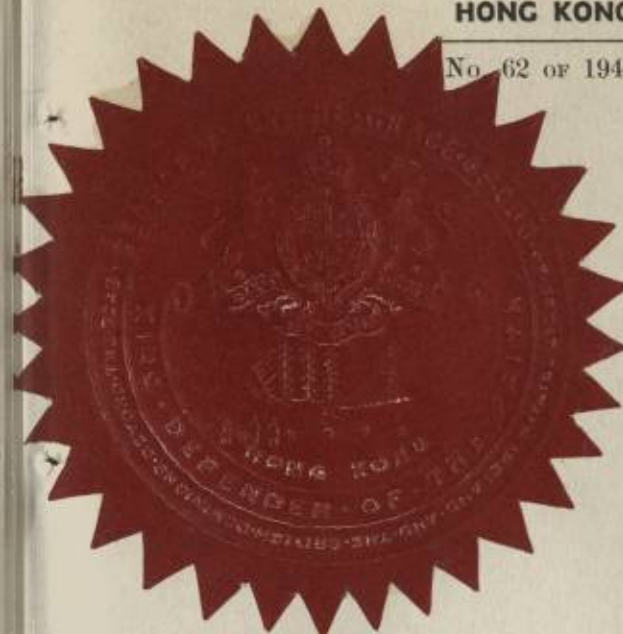
Passed the Legislative Council of Hong Kong, this 10th day of November, 1948.

Deputy Clerk of Councils.



HONG KONG

No. 62 OF 1948.



I assent.

W. S. Ho
Governor.

16th December, 1948.

An Ordinance to amend the New Territories Regulation Ordinance, 1910, to make better provision for the administration of the New Territories and for the style and functions of the officers charged with the administration thereof or with the administration therein of other provisions of law.

[17th December, 1948.]

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 New Territories Short title. (Administration) Ordinance, 1948.

2. The New Territories Regulation Ordinance, 1910, is hereby amended—

(a) by the substitution for the interpretation of "District Officer" of the following:—

" "District Commissioner" includes District Officer;"

(b) by the insertion of a new section 3A as follows:—

3A. (1) Without prejudice to any other provision of law the Governor may and shall be deemed always to have had power to appoint a District Commissioner and such number of District Officers and Assistant District Officers as he may from time to time consider or have considered necessary for the administration of the New Territories.

Addition
of new
section 3A.

"Power of
Governor to
appoint
officers
for the
administra-
tion of
the New
Territories.

Amendment
of Ordinance
No. 34 of
1910.
Amendment
to section 3.

(2) Any District Officer, appointed by the Governor to administer or entrusted by the District Commissioner with the administration of any particular district of the New Territories, may be styled and referred to as the District Officer for such district.”;

(c) by the insertion of a new section 3B as follows:—

Addition
of new
section 3B.
“Validation
of registration
effected else-
where than
at the
appropriate
office.”

3B. Notwithstanding the provisions of section 16 and section 17 of this Ordinance, prior to the repeal and replacement of these sections effected by the New Territories (Administration) Ordinance, 1948, the registration of any deed, will, or other instrument, or any judgment, order or *lis pendens*, in respect of or affecting land, shall be deemed to have been validly effected if effected at any place approved for such purpose by the District Commissioner or a District Officer.”;

(d) by the substitution in the third line of section 8 of the words “one thousand dollars” for the words “one hundred dollars”;

(e) by the substitution of the words “District Commissioner” for the words “District Officer” in the fifth line of sub-section (2) of section 15;

(f) by the substitution of the following section for section 16:—

“Interpreta-
tion of
“Land
Office”
and “District
Office” in
other Ordin-
ances and
interpreta-
tion in this
Ordinance of
“Appropriate
New Ter-
ritories Land
Office”.

16. (1) Where in any Ordinance the expression “Land Office” or “District Land Office” is used it shall include such places as the Governor in Council may by order from time to time approve as a New Territories Land Office. Save in so far as any such order shall otherwise provide each of the following shall, as from the commencement of this Ordinance, be deemed to have been approved as a New Territories Land Office by order of the Governor in Council duly made under this sub-section, namely, the respective offices now known and used as the District Land Office, Kowloon, the District Land Office, Tai Po and the District Land Office, Ping Shan.

(2) “Appropriate New Territories Land Office” means in relation to any particular land such place approved under the preceding sub-section in which the register of deeds containing the last entry in respect of such land shall for the time being be kept, or, if there is no register of deeds, the place where the last memorial affecting such land is for the time being kept.”;

(g) by the substitution of the following section for section 17:—

“Preparation,
receipt and
registration
of memorials.

17. A memorial of any deed, will or other instrument, or any judgment, order or *lis pendens*, in respect of or affecting land, may be prepared and shall

be received at such places in addition to a New Territories Land Office as the District Commissioner shall approve: Provided that the registration of any such memorial shall be deemed to have been effected on the date and at the time that an acknowledgment of the receipt thereof shall be endorsed thereon at the Appropriate New Territories Land Office.”;

(h) by the substitution in section 20 of—

Amendment
of section 20.

(i) the words “exceeds one thousand, or if the total claim exceeds three thousand dollars” for the words “exceeds five hundred dollars, or if the total claim exceeds one thousand five hundred dollars” in paragraph (b) of the proviso to sub-section (1);

(ii) the words “ten thousand dollars” for the words “five thousand dollars” in the third and fourth lines of paragraph (d) of the proviso to sub-section (1); and

(iii) the words “one thousand dollars” for the words “five hundred dollars” in the fourth line of paragraph (d) of the proviso to sub-section (1).;

(i) by the substitution in section 58 of—

Amendment
of section 58.

(i) the words “one thousand dollars” for the words “two hundred dollars” in the seventh line; and

(ii) the words “five thousand dollars” for the words “one thousand dollars” in the last line of the first proviso.;

(j) by the substitution in sections 59, 60, 61 and 65 of the words “one thousand dollars” for the words “two hundred dollars” wherever the same appear.

Amendment
of sections 59
60, 61 and
65.

3. Sub-section (4) of section 2 of the Lands (Ping Shan) Re-vesting Ordinance, 1948, is hereby amended by the substitution of the words “District Commissioner” for the words “District Officer, New Territories”.

Amendment
of Ordinance
No. 30 of
1948.

4. The Public Officers (Changes of Style) Ordinance, 1937, is hereby amended by the insertion of the following as section 2A thereof:—

Amendment
of Ordinance
No. 25 of
1937.

“Interpreta-
tion of
expressions
“District
Officer” and
“Assistant
District
Officer”.

2A. (1) Wherever in any Ordinance, order of the Governor in Council, appointment, rule, regulation, minute, by-law, deed, contract, official letter or other document, coming into operation or executed before the commencement of the New Territories (Administration) Ordinance, 1948, the expression “District Officer” or “District Officer, New Territories” or “District Officer, North” or “District Officer, South” appears, the same shall be read and construed as if reference had been made to “District Commissioner”: Provided that the expression “District

Officer" shall not be so read and construed if it appears that despite the use of such expression it was intended to refer to an officer who was prior to the 20th of March, 1948, styled and known as "Assistant District Officer".

(2) Whenever in any Ordinance, order of the Governor in Council, appointment, rule, regulation, minute, by-law, deed, contract, official letter or other document, coming into operation or executed before the commencement of the New Territories (Administration) Ordinance, 1948, the expression "Assistant District Officer" appears, the same shall be read and construed as if reference had been made to "District Officer".

Ordinance
No. 30 of
1948.

(3) This section shall not apply to the Lands (Ping Shan) Re-vesting Ordinance, 1948."

Passed the Legislative Council of Hong Kong, this 15th day of December, 1948.

J. L. Howard.

Deputy Clerk of Councils.

HONG KONG

No. 63 OF 1948.



I assent.

[Signature]

Governor.

23rd December, 1948.

An Ordinance to provide for the establishment of the Hong Kong Defence Force.

[24th December, 1948.]

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 Defence Short Title. Force Ordinance, 1948.

2. In this Ordinance—

Interpretation,

"appointments" includes accoutrements and equipment of every kind other than clothing;

"Air Force" means the Hong Kong Air Force;

"Auxiliary Force" means the Hong Kong Auxiliary Force;

"Commandant" means the person for the time being entrusted with the general administration of the Force, and in the event of there being no such person, means the officer who is most senior in rank in the Force;

"Commanding Officer" means the person for the time being in command of one of the units of the Force, and in the event of there being no such person, means the officer who is most senior in rank in that particular unit;

"emergency" means any occasion which the Governor in Council may consider of sufficient gravity to warrant the calling out of the Force or any part thereof;

"Force" means the Force which the Governor is authorised to raise and maintain under section 3;

"Force Pay Code" means the British Pay Code and the British Pensions Code applicable to the Royal Navy, the Army and the Royal Air Force respectively as existing on the first day of January, 1949: Provided that in giving effect to this interpretation all officers and volunteers shall be deemed to be locally domiciled;

"instruction" means the performance of drills or parades at such time and place as ordered by the Commandant or Commanding Officer, other than parades or drills which are performed during a period of training;

"Naval Force" means the Hong Kong Naval Force;

"officer" means a person holding a commission as an officer in the Force;

"Regiment" means the Hong Kong Regiment;

"Service Discipline Acts" means the Naval Discipline Act, the Army Act and the Air Force Act;

"training" means a period of consecutive attendance at such time and place as ordered by the Commandant or Commanding Officer of not less than 24 hours' duration;

"unmarried dependant" in relation to an officer or volunteer means a person wholly or substantially maintained by such officer or volunteer on a permanent *bona fide* domestic basis throughout the period beginning six months prior to the commencement of his calling out, training or instruction and continuing up to the date of his death;

"volunteer" means a member of the Force not being an officer thereof; and

"Women's Volunteer Force" means the Hong Kong Women's Volunteer Force.

PART I.

ORGANIZATION.

3. It shall be lawful for the Governor to raise and maintain a force of volunteers for the defence of the Colony to be known as the Hong Kong Defence Force and in his discretion to accept the services of any person desiring to be enrolled as a volunteer.

Power to Governor to raise a defence force.

4. The Force shall be raised and maintained at the expense of the Colony out of moneys provided by the Legislative Council. Force to be maintained at the expense of the Colony.

5. (1) The Force shall consist of such units and sub-units as the Governor may determine from time to time by notification in the *Gazette*. Force to consist of units.

(2) Without prejudice to the generality of the foregoing and unless and until the Governor shall otherwise determine there shall be—

(a) a naval unit to be known as the Hong Kong Naval Force and the officer for the time being discharging the duties of the Commodore, Hong Kong, shall be the appropriate Service Commander thereof;

(b) a military unit to be known as the Hong Kong Regiment and the officer for the time being discharging the duties of the General or other Officer Commanding, Land Forces, Hong Kong, shall be the appropriate Service Commander thereof;

(c) an air force unit to be known as the Hong Kong Air Force and the officer for the time being discharging the duties of the Air Officer Commanding, Royal Air Force, Hong Kong, shall be the appropriate Service Commander thereof;

(d) an auxiliary force to be known as the Hong Kong Auxiliary Force and the officer for the time being discharging the duties of the General or other Officer Commanding, Land Forces, Hong Kong, or such other person as the Governor may by writing under his hand appoint shall be the appropriate Service Commander thereof;

(e) a women's volunteer force to be known as the Hong Kong Women's Volunteer Force and the appropriate Service Commander thereof shall be such person as the Governor may by writing under his hand appoint; and

(f) a force headquarters to be known as Force Headquarters which shall consist of the following sub-units:—

- (i) the Commandant and his Staff;
- (ii) the Depot;
- (iii) the Officer Cadet Cadre; and
- (iv) the Specialist Cadre.

Such sub-units shall be constituted in such manner and by such personnel as the Governor may by notification in the *Gazette* specify. The Commandant shall be the appropriate Service Commander of Force Headquarters.

6. The officers of the Force shall be selected on merit and persons of any nationality may hold a commission therein. Commissioned officers. Officers shall be commissioned by the Governor on the recommendation of the appropriate Service Commander and no such commission shall be deemed to be vacated by the death or retirement from office of the Governor by whom the commission was granted.

Liability for service outside the limits of the Colony.

7. It shall be lawful for the Governor with the advice and consent of the Executive Council if he is satisfied that such course is in the interests of the Colony or for its defence to order for service outside the Colony any officer or volunteer of—

- (a) the Naval Force;
- (b) the Regiment;
- (c) the Air Force;
- (d) the Hong Kong Women's Volunteer Force; and
- (e) the Specialist Cadre of Force Headquarters;

Provided that no such order shall be made unless such officer or volunteer shall on enlistment in the Force or prior to any such order have declared in writing that he is willing to serve outside the limits of the Colony if so ordered.

Volunteers to be under command of officer of regular forces.

8. Whenever any officers or volunteers are called out or under training together with His Majesty's regular forces, they shall, subject to any regulations made under this Ordinance be under the command of the officers of His Majesty's regular forces: Provided that officers and volunteers of the Force shall, when the circumstances of the service admit, be led by their own officers under such command and the seniority of officers of the Force in relation to officers of His Majesty's regular forces shall be governed by the appropriate King's Regulations.

Storage of dangerous goods.
[c.f. Ordinance No. 1 of 1873, s. 19.]

9. The provisions of any Ordinance relating to the storage of dangerous goods shall not apply to dangerous goods belonging to the Force but such dangerous goods shall only be stored in such places and subject to such regulations as may be approved by the Governor.

Right to quit Force.

10. (1) Subject as hereinafter mentioned any volunteer may, except during any emergency, quit the Force upon—

- (a) giving to the Commandant twenty eight days notice in writing of his intention to quit the Force;
- (b) delivering up in good order (fair wear and tear only excepted) all arms, appointments and clothing being public property or property of the Force issued to him; and
- (c) paying all moneys due or becoming due by him under this Ordinance or under any regulations made thereunder or under the rules of the Force either before or at the time or by reason of his quitting the Force;

and thereupon he shall be struck off the strength of the Force by the Commandant.

(2) (a) If the Commandant refuses to strike him off the strength of the Force, and the volunteer considers himself aggrieved thereby the volunteer may through the normal service channels appeal to his Service Commander.

(b) Upon any such appeal if it appears to the Service Commander that the provisions of sub-section (1) hereof have been complied with by the volunteer he may order the Commandant forthwith to strike such volunteer off the strength of the Force and such order shall be binding on all persons.

(3) Notwithstanding anything hereinbefore contained, every volunteer shall be deemed to have engaged himself to serve from the date of his enlistment into the Force for the period stated in the regulations applicable to his unit. If the volunteer quits or is discharged from the Force before the expiration of his period of service, he shall pay to the Commandant such sum as he may order not exceeding one hundred dollars: Provided that no such sum shall be payable by a volunteer who quits the Force for any cause which the Commandant may consider reasonable and *bona fide*: Provided also that nothing in this sub-section shall relieve any volunteer from the obligation to comply with the provisions of sub-section (1) hereof if he wishes to quit the Force.

(4) During an emergency any volunteer if not called out shall be entitled to quit the Force only with the previous sanction in writing of the Governor. Nothing in this sub-section shall prevent the granting by the Commandant in his discretion of leave of absence from the Colony not involving quitting the Force, but without such leave no volunteer may quit the Colony.

11. The Governor may whenever it may seem to him expedient to do so—

- (a) dispense with the services of any officer or volunteer;
- or
- (b) disband or discontinue the services of the Force or any part thereof.

Power to Governor to dispense with services of individuals and to disband the Force.

12. A Service Commander may at any time assemble a court of enquiry comprised of officers of the Force to enquire into any matter relative to the Force and to record the facts and circumstances ascertained on such enquiry. Courts of enquiry so assembled shall be conducted in accordance with the normal procedure applicable to the appropriate service.

13. A Service Commander may, with the approval of the Governor, make regulations respecting the constitution, general government, discipline and training of the unit of which he is the Service Commander, and in particular respecting—

Power to make regulations.

- (a) conditions of efficiency;
- (b) appointment, promotion and rank of officers; and

(e) generally for the better carrying out of the provisions of this Ordinance.

PART II.

CALLING OUT.

Calling out of Force in an emergency.

14. (1) In case of an emergency the Governor may by proclamation call out the Force or any part thereof.

(2) Every officer and every volunteer so called out shall be bound to assemble at such place as he may be directed by his Service Commander and to carry out any lawful command.

(3) Every such officer and every volunteer so called out shall be deemed to be so called out from the time at which he reports at the place directed by his Service Commander. Any officer or volunteer who fails to report at the place so directed shall be liable to be charged with desertion unless within 7 days he shows good cause to the satisfaction of the Commandant why he was unable to report as directed.

(4) An officer or volunteer who has been called out shall remain so called out for as long as the Governor considers necessary, and shall only be released from such service by order of the Governor.

(5) In any proceedings whatsoever the production of a copy of a number of the *Gazette* containing what purports to be a proclamation under sub-section (1) hereof, shall for all purposes whatsoever be conclusive proof that the said proclamation was lawfully issued and that the Force, or the part thereof, referred to in the said proclamation, was duly called out on the date which purports to be the date of such number of the *Gazette*.

Pay and emoluments.

15. (1) All officers and volunteers shall when called out or under training receive full pay and emoluments appropriate to their units at rates in accordance with the Force Pay Code and, in addition, when serving in the Colony receive a cost of living allowance at the current rate admissible to a servant of the Government of Hong Kong earning a similar amount as salary subject, nevertheless, to a minimum rate to be fixed from time to time by the Governor in Council.

(2) When called out an officer or volunteer, who is required by the exigencies of service to live in a country different to that of his family, his high cost of living allowance shall be assessed by the Governor in Council on the cost of living prevailing at his family's place of residence.

16. (1) Every officer and every volunteer, irrespective of nationality, who when called out, in training or under instruction sustains wounds or injuries or contracts an illness, which in the opinion of a board constituted for the purpose of this section, is attributable to or aggravated by such service, shall be entitled to apply for the appropriate disability pension at Force Pay Code rates.

Pensions for disabled members of the Force and for widows and families of those who lose their lives whilst called out, in training or under instruction.

(2) The widow of an officer or volunteer, as declared on the date of enlistment or as subsequently notified to the Commandant, who loses his life whilst called out, in training or under instruction or whose death is, in the opinion of a board constituted for the purpose of this section, attributable to illness caused or aggravated by such service shall, irrespective of the deceased's nationality, be entitled—

(a) to a widow's pension payable at Force Pay Code rates applicable to the deceased's rank and appropriate to his unit; and

(b) additional allowance for children payable at Force Pay Code rates applicable to the deceased's rank and appropriate to his unit.

(3) The parents and other legal dependants of an officer or volunteer, as declared on the date of enlistment or as subsequently notified to the Commandant and accepted by him as such, who loses his life whilst called out, in training or under instruction or whose death is, in the opinion of a board constituted for the purpose of this section, attributable to illness caused or aggravated by such service shall, irrespective of the deceased's nationality, be entitled to claim a parents' or dependants' pension in respect of the deceased. Such a pension shall be paid at Force Pay Code rates applicable to the deceased's rank and appropriate to his unit.

(4) An unmarried dependant declared on the date of enlistment or as subsequently notified to the Commandant as living as a wife of an officer or volunteer who loses his life whilst called out, in training or under instruction or whose death is, in the opinion of a board constituted for the purpose of this section, attributable to illness caused or aggravated by such service shall, irrespective of the deceased's nationality, be entitled to claim a pension in respect of the deceased. Such a pension shall be paid at Force Pay Code rates applicable to the deceased's rank and appropriate to his unit.

(5) All pensions paid under the provisions of this section shall be augmented whilst the pensioner is resident in the Colony by a cost of living allowance to be fixed from time to time by the Governor in Council.

(6) The Governor may, if he reasonably suspects that a claim to pension under this Ordinance is made fraudulently or by a person not entitled thereto, refuse payments of, or may authorise payments in part only of any pension payable or any additional pension which may hereafter become payable under this section.

(7) (a) For the purposes of this section there shall be a board which shall consist of a chairman and such other members as the Governor may from time to time appoint.

(b) It shall be the duty of the board—

- (i) to assess the degree of disability;
- (ii) to ascertain the causes of death, injury or illness;
- (iii) to recommend the award of pension and the amount thereof; and
- (iv) to make general recommendations for the better carrying out of the provisions of this section.

(8) Pensions shall be paid out of the general revenue and are hereby made charges upon such revenue.

[c.f.
Ordinance
No. 15 of
1908, s.4.]

Hospital
treatment.

17. Every officer and every volunteer, irrespective of nationality, who when called out, in training or under instruction sustains wounds or injuries or contracts an illness, which in the opinion of the board constituted under section 16 hereof, is attributable to or aggravated by such service, may be granted free hospital and medical treatment or obtain a refund of medical expenses and during the period of his disability shall receive full pay and emoluments.

PART III.

WELFARE FUND.

18. (1) There shall be established a fund to be known as the "Commandant's Welfare Fund".

(2) The fund shall consist of—

(a) all sums forfeited by or fines inflicted on volunteers other than sums ordered to be forfeited by or fines inflicted by a magistrate or competent court under the powers conferred by this Ordinance;

(b) any donations and voluntary contributions; and

(c) such sums as may be voted annually by the Legislative Council.

(3) The fund shall be controlled by the Commandant and applied to the general welfare of the Force.

Welfare
Fund.
[c.f.
Ordinance
No. 41 of
1948, s.37.]

PART IV.

DISCIPLINE.

19. (1) Every officer of the Force and every volunteer when called out, in training or under instruction shall be subject in all respects to the provisions of the appropriate Service Discipline Act applicable to him in so far as they are applicable and consistent with the provisions of this Ordinance.

Occasions on which officers of the Force and volunteers are subject to Service Discipline laws.

(2) Nothing in this section shall be deemed to limit or derogate from the power given by the appropriate section (if any) of the Service Discipline Acts applicable to the case to the officer commanding His Majesty's force with which the Force is serving of making general orders specifying such exceptions or modifications as are referred to in the same section: Provided nevertheless that such modifications shall not apply to the officers and volunteers who being on active service as defined by the appropriate section (if any) of the Service Discipline Acts applicable to the case are outside the limits of the Colony.

20. (1) Disciplinary measures may be imposed, court martial proceedings may be commenced and carried on, and punishments may be imposed, in respect of offences against the Service Discipline Acts when an officer or volunteer concerned is subject to any one of such Acts applicable to him.

Disciplinary measures and courts martial.

(2) It shall be lawful for the Commandant to order any officer or volunteer to attend at any time and place in the Colony for the purpose of any court martial lawfully convened or court of enquiry or for any other special purpose which may seem proper to the Commandant.

(3) It shall be lawful for the Commandant by warrant under his hand to call upon any police officer not below the rank of sub-inspector to arrest and hand over to the Commandant or to such person authorised by him to act on his behalf any officer or volunteer who refuses or neglects to comply with the order given under sub-section (2) hereof.

(4) No sentence of a court martial for the trial of an officer or volunteer, whilst serving in the Colony shall be carried into execution unless confirmed by the Governor.

21. Any officer or volunteer who fails without good and sufficient reason (the proof whereof shall be upon him) to report for duty at any time or place when lawfully ordered so to do shall be guilty of an offence.

Failure to report for duty.

22. (1) The Commandant, who shall be the sole judge of the sufficiency of the cause, may, on the advice of the appropriate

Discipline when not called out.

Commanding Officer, discharge from the Force any volunteer, who has not been called out, for any offence or misconduct.

(2) Any volunteer who feels aggrieved by such discharge may through the normal service channels appeal to the Governor and the Governor may cancel or confirm such discharge or give such other directions with reference thereto and such determination shall be binding on all persons.

(3) Commanding Officers may inflict such summary punishments as are laid down in the regulations to the Ordinance for minor offences committed by volunteers under their command.

(4) (a) If any officer or volunteer, when on duty with the Force or any part thereof, or when wearing the uniform of the Force, commits an offence against this Ordinance or any regulations made thereunder he may if he is an officer be placed under arrest by a superior officer and if he is a volunteer be placed under arrest by an officer, warrant officer or non-commissioned officer of the Force, who is his superior in rank.

(b) An officer or volunteer may not be kept under arrest longer than during the period which he would have been on duty with the Force or would be in uniform.

(c) Every such arrest shall be forthwith reported to the appropriate Commanding Officer who will inform the Commandant.

(d) Release from such arrest shall be without prejudice to any subsequent proceedings for discharge or summary punishment under the provisions of this section.

23. (1) Without prejudice to the provisions of section 22 but subject to the provisions of sub-sections (2) and (3) hereof every volunteer who, in the opinion of the Commandant fails without reasonable excuse, to complete the requirements of efficiency in any year shall forfeit the sum of one hundred dollars which shall be paid into the Commandant's Welfare Fund.

(2) No volunteer shall be liable to forfeit the said sum of one hundred dollars in respect of the year during which he attains such age of compulsory retirement as may be prescribed by regulations.

(3) If any volunteer other than a person referred to in sub-section (2) quits the Force without completing the requirements of efficiency in any year, he shall remain liable to forfeit the said sum of one hundred dollars: Provided that the Commandant may exempt from the liability any volunteer who, in his opinion quitted the Force for a reasonable and *bona fide* cause and used reasonable diligence in his training until he quitted the Force.

(4) If any volunteer fails to fulfil any of his obligations under this Ordinance, such failure shall be deemed to be a sufficient cause for discharge within the meaning of section 22(1): Provided

Failure by
volunteers to
fulfil obliga-
tions as to
efficiency etc.

that no volunteer shall be discharged for this cause if the Commandant or the Governor in the case of appeal is of opinion that such volunteer had a reasonable excuse for such failure.

(5) For the purpose of this section the year shall be deemed to start on the 1st day of April.

24. Any officer or volunteer who feels that he has a just cause for complaint in any matter relative to the Force may present his complaint to the Service Commander of his unit through the Commanding Officer and the Commandant with a right of appeal to the Governor whose decision shall be final.

25. Any person who wilfully obstructs any part of the Force or any officer or volunteer in performance of any service or duty under this Ordinance or regulations made thereunder shall be guilty of an offence.

26. Any person who is guilty of an offence under this Ordinance for which no special penalty is provided shall be liable on conviction to a fine not exceeding one thousand dollars and in default of payment to imprisonment not exceeding six months.

PART V.

PROPERTY OF THE FORCE.

27. All moneys subscribed by or to, or for the use of the Force as a whole, or lawfully used by it, not being the property of an individual member of the Force, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions and the moneys due to the Force as a whole, shall vest in the Commandant with power for him to sue, to make contracts and conveyances, and to do all other lawful things relating thereto and the Commandant shall be deemed to be a public officer and the service of the Force as a whole shall be deemed to be a public service.

28. If any officer or volunteer gives, sells, pledges, lends or otherwise disposes without proper authority or permission any arms, ammunition, appointments, clothing, supplies or any other article or thing being public property or property of the Force or any part thereof entrusted to or held by him shall upon summary conviction by a magistrate be liable to a fine not exceeding one thousand dollars and to make good the value thereof as assessed by the Commandant.

29. If any officer or volunteer fails duly to deliver up in good condition (fair wear and tear only excepted), any arms, clothing, or appointments which he is liable under this Ordinance to deliver up, or any arms, clothing and appointments being public property or property of the Force or any part thereof, which he has been ordered to deliver up either temporarily or permanently, he shall upon summary conviction by a magistrate be liable to a fine not exceeding one thousand dollars and to make good the value thereof as assessed by the Commandant.

Complaints.

Obstructing
the Force.

Penalties.

Vesting of
property of
Force in
Commandant.

Wrongful
disposal of
property.

Return of
arms etc.

Recovery of
subscriptions
and fines.

30. If any person belonging to or having belonged to the Force or any part thereof refuses or neglects to pay anything subscribed or undertaken to be paid by him towards any of the funds or expenses of the Force or any part thereof, or due under the rules of the Force as approved by the Governor or any of the units in the Force and actually payable by him, or to pay any fine incurred by him under the rules of the Force or any unit in the Force, such money or fine shall (without prejudice to any other remedy) be recoverable from him, with costs. Such moneys excluding such costs as aforesaid when recovered shall be paid into the Commandant's Welfare Fund.

PART VI.

MISCELLANEOUS.

Summary
remedies.

31. Any money, pecuniary penalty, or fine recoverable under this Ordinance may be recovered in a summary way before a magistrate.

Appearance
before
magistrate of
Commandant.

32. The Commandant may appear before a magistrate by any member of the Force authorised by him in writing under his hand.

Payments of
public money
for Force.

33. It shall be lawful for the Accountant-General to pay to the Commandant for the purpose of the Force such sum in each year as may be authorised by the Governor out of moneys voted by the Legislative Council. Moneys so voted will be applied to each unit of the Force in accordance with decisions made by the Governor with the advice and consent of the Legislative Council.

Oath to be
taken.

34. (1) Every officer and volunteer shall, on his enlistment into the Force or as soon afterwards as may be, whether or not he has previously been a member of the Hong Kong Royal Naval Volunteer Reserve, the Hong Kong Naval Volunteer Force or the Hong Kong Volunteer Defence Corps, make an oath or declaration in the form appropriate to his case as set forth in subsection (2).

(2) The form of oath or declaration shall be as follows:—
For British subjects:—

"I ^{swear}_{declare} that I will be faithful and bear true allegiance to His Majesty KING GEORGE VI, His Heirs and Successors, according to law, and that I will faithfully serve as an officer or as a volunteer in accordance with the provisions of the Hong Kong Defence Force Ordinance, 1948."

For officers and volunteers other than British subjects:—

"I ^{swear}_{declare} that I will faithfully serve as an officer or volunteer in accordance with the provisions of the Hong Kong Defence Force Ordinance, 1948."

(3) Every such oath or declaration shall be administered by an officer on the permanent staff of the Force or any part thereof, or by an officer of the Force who has himself made such oath or declaration.

35. Where reference is made in any Ordinance to the Hong Kong Volunteer Defence Corps and to the Hong Kong Naval Volunteer Force it shall be deemed to refer to the Force which is raised and maintained under section 3 hereof.

Reference in
other Or-
dinances to
H.K.V.D.C.
and
H.K.N.V.F.
deemed to
refer to Force.

36. The Volunteer Ordinance, 1933, and the Naval Volunteer and Defence Ordinances, 1933 and 1939 are repealed.

Repeal of
Ordinances.
Ordinance
No. 10 of
1933.
Ordinance
No. 30 of
1933.
Ordinance
No. 25 of
1939.

37. This Ordinance shall come into force on such day as the Governor shall notify by proclamation in the *Gazette*.

Commence-
ment.

Passed the Legislative Council of Hong Kong, this 22nd day of December, 1948.

J. L. Hayward.
Deputy Clerk of Councils.

No 64 of 1948.

Governor.

An Ordinance to amend the Vicar Apostolic Incorporation Ordinance, 1885.

[24th December, 1948.]

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 Vicar Apostolic Incorporation (Change of Name) Amendment Ordinance, 1948, and shall be read as one with the Vicar Apostolic Incorporation Ordinance, 1885, hereinafter referred to as the principal Ordinance.

2. The principal Ordinance shall have effect as if for the words "Vicar Apostolic", "Vicar Apostolic of the Roman Catholic Church in this Colony" and the words "Vicar Apostolic of the Roman Catholic Church in Hong Kong" wherever those words occur there were substituted the words "Bishop of the Roman Catholic Church in Hong Kong".

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

"Savings of rights of the Crown and of certain other rights.

4. 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 persons except such as are mentioned in this Ordinance and those claiming by, from and under them".

Passed the Legislative Council of Hong Kong, this 22nd day of December, 1948.

J. L. Hayward.
Deputy Clerk of Councils.



HONG KONG

No. 65 of 1948.



I assent.

[Signature]
Governor.

30th December, 1948.

An Ordinance further to amend the Education Ordinance, 1913.

[30th December, 1948.]

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 Education (Amendment) (No. 2) Ordinance, 1948, and shall be read as one with the Education Ordinance, 1913, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 26 of
1913.

2. Section 2 of the principal Ordinance is hereby amended—

Amendment
of section 2
of the
principal
Ordinance.

(a) by the substitution of the following for paragraph (d) thereof:—

“(d) “Inspector” includes any officer appointed to be an inspector of schools under section 4 and any officer authorised by the Director of Education to discharge the duty of inspector of schools;”;

(b) by the addition of the following paragraph as paragraph (hh):—

“(hh) “Register of Teachers” means the Register of Teachers maintained by the Director of Education in

accordance with regulations made under section 10 of this Ordinance;";

(e) by the deletion of paragraph (k) thereof.

Repeal and replacement of section 4 of the principal Ordinance.

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

"Appointments and administration.

4. (1) The Governor may appoint a Director of Education who shall be charged with the administration of this Ordinance and who shall be assisted by such inspectors and sub-inspectors and by such other officers of the Education Department as may be provided for by Legislative Council by annual vote or otherwise, and by such other officers of the public service as the Governor may from time to time depute for the purpose.

(2) The Governor may appoint any officer of the Education Department to be an inspector or sub-inspector of schools and may also appoint—

(a) any medical officer to be a medical officer of schools; and

(b) any health inspector to be a health inspector of schools."

Repeal and replacement of section 7 of the principal Ordinance.

4. Section 7 of the principal Ordinance is hereby repealed and replaced as follows:—

"Offences in connection with opening and teaching in schools.

7. It shall be an offence against this Ordinance—

(a) for any person to open, start, manage, teach in or maintain any school in the Colony unless and until such person has applied for and obtained a certificate of registration of such school in manner hereinafter provided; and

(b) for any person not on the Register of Teachers to teach in any school in the Colony without the prior permission of the Director of Education to teach in such school; and

(c) for any manager of a school to employ as a teacher in a school a person who does not hold such permission as aforesaid."

Addition of new section 8A to the principal Ordinance and addition of new forms.

5. (1) The following section is hereby added immediately after section 8 of the principal Ordinance as section 8A:—

"Register of Teachers. Permission to teach.

8A. (1) Any person not on the Register of Teachers desiring to teach in a school in the Colony shall as often as may be necessary make application to the Director for permission so to do in Form No. 3 in the Schedule.

(2) If the Director is of opinion that such teacher should be permitted to teach in such school he shall give permission accordingly in Form No. 4 in the Schedule and may impose conditions as to the subjects which such teacher may lawfully teach.

(3) It shall be lawful for the Director to refuse permission or to withdraw at any time any permission previously granted or to remove a teacher from the Register of Teachers.

(4) In any case in which the Director has exercised his discretion under the preceding sub-section he shall inform the applicant or such teacher by notice in writing of the grounds upon which it has been exercised and of the right of such applicant or teacher to appeal to the Governor in Council."

(2) The forms in the Schedule to this Ordinance shall be added to the Schedule to the principal Ordinance as Form Nos. 3 and 4 thereof respectively.

6. Sub-section (2) of section 9 of the principal Ordinance is hereby amended by deleting the words "issue to the manager a certificate of exemption from supervision in Form No. 2 in the Schedule" in the fifth and sixth lines thereof and substituting therefor the words "so endorse the certificate of registration".

Amendment of section 9 of the principal Ordinance.

7. Section 10 of the principal Ordinance is hereby amended—

Amendment of section 10 of the principal Ordinance.

(a) by inserting after the word "book" in paragraph (c) thereof the words and symbol "pamphlet or other printed or written matter";

(b) by inserting immediately after the word "schools" in paragraph (f) thereof the words "and teachers".

8. Section 11 of the principal Ordinance is hereby amended by deleting the words "or sub-inspector" in the second line thereof and substituting therefor the words "sub-inspector, medical officer of schools or health inspector of schools".

Amendment of section 11 of the principal Ordinance.

9. Section 12 of the principal Ordinance is hereby amended by deleting the words "or any inspector or sub-inspector of schools" in the second and third lines thereof and by substituting therefor the words "or any person by whom the Director may lawfully cause schools to be inspected".

Amendment of section 12 of the principal Ordinance.

10. The following section is hereby added immediately after section 19 of the principal Ordinance:—

Addition of new section 19A to the principal Ordinance.

"Special powers of the Governor in Council in relation to registration and management of schools and in relation to teaching in schools.

19A. (1) Notwithstanding any of the provisions of this Ordinance, if it appears to the Governor in Council that it is prejudicial to the interests of the Colony or of the Commonwealth or of the public or of the pupils in any school—

(a) that any school should be registered or continue to be registered; or

(b) that any school should be managed by the person who has been named in the certificate of registration as the manager thereof; or

(c) that any person should be entered or continue on the Register of Teachers or be given permission to teach or continue to teach in any school;

then the following provisions shall apply:—

(i) In any case to which paragraph (a) or (b) applies it shall be lawful for the Governor in Council by notice in writing referring to this section to call upon the manager of such school to show cause, in the former case, why such school should not be struck off the register and, in the latter case, why the name of such manager should not be deleted from the certificate of registration.

(ii) In any case to which paragraph (c) applies it shall be lawful for the Governor in Council to call upon such person to show cause why he should not be refused entry upon the Register of Teachers or his name removed therefrom or why he should not be refused permission to teach or continue to teach in the Colony.

(2) In any case in which the Governor in Council has called upon a manager or person to show cause as aforesaid, such manager or person shall be entitled to appear in person before the Governor in Council and to hear the grounds upon which it is proposed to take the course specified by the Governor in Council as aforesaid and to make such representation as he may wish against such course being taken.

(3) If after the provisions of sub-section (2) of this section have been complied with the Governor in Council is satisfied that any school should not be registered or continue to be registered, he shall order the Director of Education to refuse registration or to strike such school off the register as the case may be and any such order shall be final and as from the making thereof such school shall be deemed to be an unlawful school.

(4) If after the provisions of sub-section (2) have been complied with the Governor in Council is satisfied that any school should not be managed by the person who has been named in the certificate of registration as the manager thereof, he shall order that the name of such manager shall be cancelled from the certificate of registration and, upon the making of any such order, such school shall be deemed to be an unlawful school unless and until the Director of Education has approved a new manager thereof and has entered the name of such manager in the certificate of registration.

(5) If after the provisions of sub-section (2) have been complied with the Governor in Council is satisfied that any person—

(a) should not be entered on or continue on the Register of Teachers;

(b) should not be given permission to teach or continue to teach in any school;

the Governor in Council shall make prohibition accordingly. Until such prohibition is revoked by the Governor in Council it shall not be lawful for the Director of Education to enter or continue the name of such person on the Register of Teachers or to give permission to such person to teach in any school and any entry of such person on the Register of Teachers previously made and any permission previously given shall be deemed to have been revoked."

SCHEDULE.

FORM No. 3.

Ed. Ord. Sec. 8A(1).

Address:
.....
.....

To the Director of Education,
Education Department.

Sir,

In accordance with section 8A(1) of the Education Ordinance, 1913, I hereby make application for permission to teach the subjects listed below to the grades stated in School and I certify that the particulars stated on the reverse of this form are in all ways correct and that the attached photograph is a true likeness of myself.

Subjects to be taught.

Grade.

.....	
.....	
.....	
.....	
.....	
.....	

I am, Sir,

Your obedient servant,

Photo

Signature

Date

1. Name in English
2. Name in Chinese
3. Sex 4. Married or Single
5. Date of Birth
6. Schools, Colleges & Universities at which educated with dates
7. Highest Examination passed in English
8. Certificates, Diplomas & Degrees with dates

9. Teachers Training Course, if any, with dates
10. Teaching Experience with dates, subjects and classes taught
11. Salary approved by School Manager

This form is to be submitted to the Director with a covering letter from the Manager of the School verifying that a post suitable for the applicant is vacant at the salary as stated in 11 above, and must also be accompanied by a medical certificate.

FORM No. 4.

Ed. Ord. Sec. 8A(2).

Education Department,
Hong Kong.

19.....

Sir,

With reference to your application dated
I beg to inform you that permission is granted for you to teach in School
on condition that you teach the following subjects only:—

I have the honour to be,
Sir,
Your obedient servant,

Director of Education.

Passed the Legislative Council of Hong Kong, this 29th day of
December, 1948.

J. L. Hayward.
Deputy Clerk of Councils.

D. 45 N^o 8/15

PUBLIC RECORDS OFFICE
OF HONG KONG
H.K.R.S. No. **30**

28, 29