

(b) so far as consistent with the proper discharge of any other duty imposed upon him by this Ordinance to arrest or assist in effecting the arrest of

(i) any person who if he were in the protected place guarded by such authorised guard could lawfully be removed therefrom under paragraph 3 of Regulation 32 aforesaid and who is either found therein by such authorised guard or is reasonably suspected by him of attempting to enter such protected place or of having recently exited therefrom;

(ii) any person whom he reasonably suspects of having committed an offence against this Ordinance;

(c) to comply with any direction given to him under sub-section (2) of this section.

Provided that any person arrested by an authorised guard shall be handed over to a member of the Hong Kong Police Force as soon as conveniently may be.

(2) It shall be lawful for the Governor and for any person delegated in that behalf by the Governor to give directions as to the manner in which authorised guards are to discharge the duties and exercise the powers imposed and conferred upon them by this Ordinance.

Power for
authorised
guards to
discharge
firearms.

5. Subject as hereinafter provided and to any contrary direction under sub-section (2) of section 4 hereof, it shall be lawful for an authorised guard in carrying out his duties under this Ordinance to discharge firearms

(a) at any person whom he reasonably believes to be about to enter or leave a protected place and who fails to halt when challenged;

(b) at any person whom he reasonably believes to be in the act of breaking into a protected place;

(c) at any person whom he has reason to believe is or has been stealing or is or has been committing any offence punishable under the Malicious Damage Ordinance, 1865, in such protected place and who fails to halt when challenged;

(d) at any person forming part of a group of three or more persons engaged in throwing stones or other articles at such authorised guard which he has reason to believe may cause him grievous bodily harm.

Limitation
on power to
discharge
firearms.

6. Nothing in section 5 contained shall authorise an authorised guard:

(a) to discharge firearms at any person if such person can be apprehended or prevented from escaping by any other lawful means consistent with the duties of such authorised guard under this Ordinance;

(b) to discharge firearms with intent to cause greater harm to any person than is reasonably necessary for the discharge by such authorised guard of his duties under this Ordinance.

7. Where any authorised guard has in the course of duty discharged firearms he shall until the contrary is proved be deemed to have been acting within the scope of the authority conferred upon him by this Ordinance. Onus of
proof.

8. Any person who Penalty.

(a) fails to halt when challenged by an authorised guard;

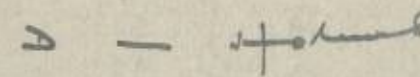
(b) resists or obstructs, or aids or incites any person to resist or obstruct, an authorised guard in the discharge of the duties imposed upon him by this Ordinance or in exercise of the powers hereby conferred;

(c) loiters in the immediate vicinity of a protected place and is unable when charged before a Magistrate to satisfy such Magistrate that he was there for a lawful purpose;

(d) being a person who is unauthorised to enter a protected place fails to leave the immediate vicinity thereof when requested to do so by an authorised guard or a member of the Hong Kong Police Force;

shall be guilty of an offence against this Ordinance and liable on summary conviction to a fine not exceeding two hundred and fifty dollars and to imprisonment for a term not exceeding six months.

Passed the Legislative Council of Hong Kong, this 19th day of September, 1946.

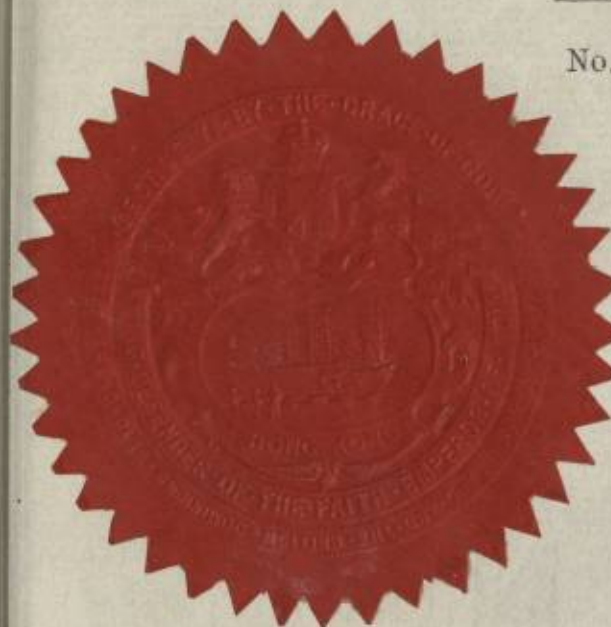


Deputy Clerk of Councils.

HONG KONG.

No. 17 OF 1946.

I assent.



Mark Young
Governor.

20th September, 1946.

An Ordinance to amend the Protection of Women and Girls Ordinance, 1938.

[20th September, 1946.]

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 Protection of Women and Girls (Amendment) Ordinance, 1946. Short title.

2. The following section is hereby substituted for section 32 of the Protection of Women and Girls Ordinance, 1938 :—

“ 32.—(1) The Secretary for Chinese Affairs shall keep a register of the girls of whom the legal guardianship is vested in him by virtue of this Ordinance.

Registration of girls of whom guardianship is vested in Secretary for Chinese Affairs.

(2) Every person who at the date of the passing of the Protection of Women and Girls (Amendment) Ordinance, 1946 has in his custody or control any girl the legal guardianship of whom is vested in the Secretary for Chinese Affairs pursuant to section 31 (1) of this Ordinance shall within one month from the commencement of the Protection of Women and Girls (Amendment) Ordinance, 1946 give notice thereof in manner prescribed by regulations under this Ordinance.

(3) Every person who acquires the custody or control of any such girl shall within one month from the date of acquiring such custody or control give notice thereof in the manner prescribed by regulations under this Ordinance.

(4) Every person who brings into the Colony any such girl shall within one week from the date of bringing such girl into the Colony give notice thereof in the manner prescribed by regulations under this Ordinance.

(5) For the purpose of removing doubts it is hereby declared that any notice given prior to the commencement of the Protection of Women and Girls (Amendment) Ordinance, 1946 shall not constitute a valid notice for the purpose of any of the provisions of this section.”

Passed the Legislative Council of Hong Kong, this 19th day of September, 1946.

D. - [Signature]

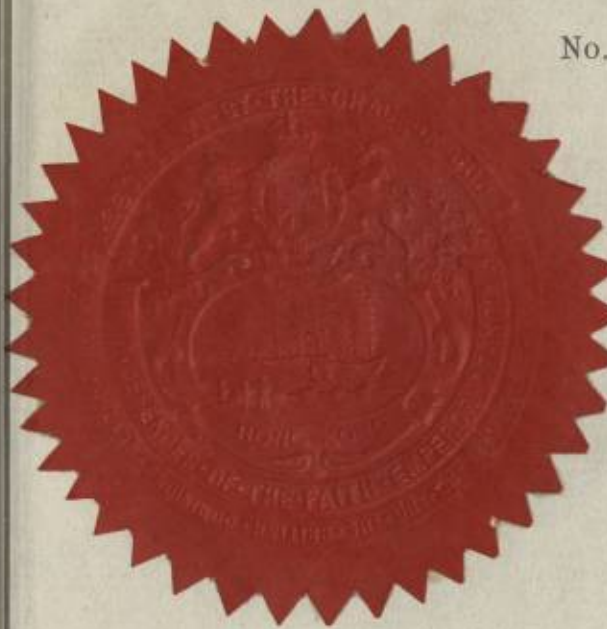
Deputy Clerk of Councils.



HONG KONG.

No. 18 of 1946.

I assent.



Mark Young
Governor.

20th September, 1946.

An Ordinance to amend temporarily the Vehicles and Traffic Regulation Ordinance, 1912.

[20th September, 1946.]

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 Vehicles and Traffic Regulation (Amendment) Ordinance, 1946. Short title.

2. Paragraph (h) of Section 2 of the Vehicles and Traffic Regulation Ordinance, 1912, is amended by the deletion of the words "or tricycle not propelled by mechanical power". Amendment of the definition of Public Vehicle.

3. This Ordinance shall cease to have effect as from such day (not earlier than the 31st December, 1946) as the Governor by order published in the Gazette shall specify. Ordinance may be repealed by Governor after 31st December, 1946.

Passed the Legislative Council of Hong Kong, this 19th day of September, 1946.

D. - H. H. H.

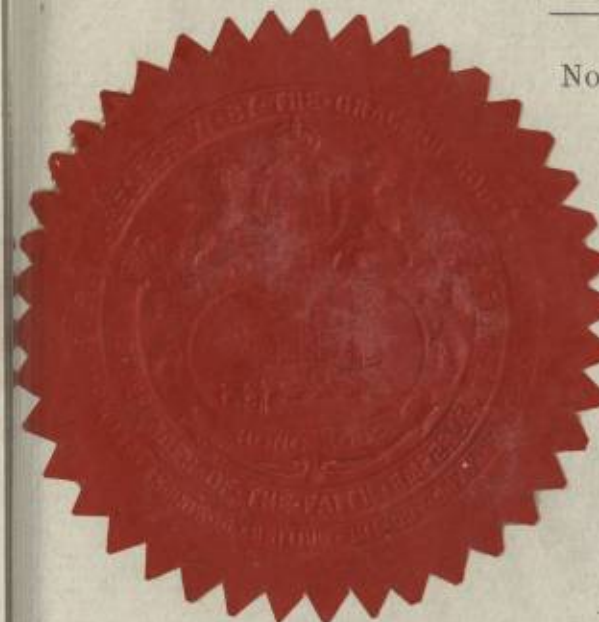
Deputy Clerk of Councils.



HONG KONG.

No. 19 OF 1946.

I assent.



Mark Young

Governor.

20th September, 1946.

An Ordinance to apply a sum not exceeding One hundred and sixty-one million eight hundred and seventy-one thousand nine hundred and seventy-six dollars to the Public Service of the financial year ending 31st March, 1947.

Whereas the expenditure required for the service of this Colony for the financial year ending on the 31st March 1947, has, apart from Charges on account of Public Debt, been estimated at the sum of One hundred and sixty-one million eight hundred and seventy-one thousand nine hundred and seventy-six dollars.

[20th September, 1946.]

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 Appropriation Short title,
for 1946-1947 Ordinance, 1946.

2. A sum not exceeding One hundred and sixty-one million eight hundred and seventy-one thousand nine hundred and seventy-six dollars, shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the said financial year and the said sum so charged may be expended as hereinafter specified, that is to say:

Appropriation
from general
revenues.

EXPENDITURE	
	\$
H.E. The Governor	161,809
Colonial Secretariat and Legislature	477,112
Audit Department	134,802
Charitable Services	155,745
Hong Kong Volunteer Defence Corps	73,682
Hong Kong Naval Volunteer Force	8,266
District Office, North	106,311



EXPENDITURE.—Continued.

	\$
District Office, South	59,756
Education Department	6,392,275
Fire Brigade	774,940
Harbour Department	8,864,993
Air Services	310,490
Imports and Exports Office	595,218
Supreme Court	245,439
Magistracy, Hong Kong	81,905
Magistracy, Kowloon	65,412
Kowloon Canton Railway	11,085,835
Legal Department	333,532
Medical Department	10,711,380
Miscellaneous Services	62,837,771
Pensions	4,115,000
Police Force	5,849,189
Post Office	908,585
Telecommunications	767,644
Broadcasting	174,848
Prisons Department	1,653,120
Public Works Department	2,888,996
Public Works Recurrent	6,189,398
Public Works Extraordinary	16,127,000
Royal Observatory	176,735
Sanitary Department	3,017,987
Secretariat for Chinese Affairs	135,808
Labour Office	96,989
Stores Department	8,730,017
Treasury	1,279,592
Development Secretariat	1,993,267
Press Relations Office	51,686
Quartering Commandant's Office	42,552
Relief Services	2,087,850
Reparations Claims Office	24,040
Supplies, Trade and Industry Department ...	1,283,300
Custodian of Property	801,700
TOTAL	\$161,871,976

Passed the Legislative Council of Hong Kong, this 19th day of September, 1946.

D. — [Signature]

Deputy Clerk of Councils.

HONG KONG.

No. 21 OF 1946.

I assent.



Mark Young
Governor.

18th October, 1946.

An Ordinance to amend the Arms and Ammunition Ordinance, 1933.

[18th October, 1946.]

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 Arms and Ammunition Amendment Ordinance, 1946. Short title.

2. The following sub-section shall be substituted for sub-section (d) of Section 2 of the Arms and Ammunition Ordinance, 1933, hereinafter referred to as the Principal Ordinance:— New Interpretation of "exempted person."

"(d) "Exempted person" means—

- (i) any person who is a member of His Majesty's Armed Forces or of the Volunteer Forces or of the Police Force or of the Police Reserve or who is a District Watchman, in respect only of arms issued to him for the execution of his duty; and
- (ii) to the extent specified in any such exemption any person or class of persons exempted by order of the Governor."

3. The following words shall be added immediately after the word "Schedule" in sub-section 4 of Section 3 of the Principal Ordinance: Amendment of sub-section 4 to section 3.

"provided that the Governor may in his absolute discretion remit the payment of any such fee."

Substitution
of new sub-
section for
sub-section 6
of section 4.

4. The following sub-section shall be substituted for sub-section (6) of section 4 of the Principal Ordinance:—

“(6) Sub-section (1) shall not apply to any arms or ammunition on board any junk licensed as a trading junk by the Harbour Master or river steamers and launches holding Class 4 licences under the Merchant Shipping Ordinance, 1889, and any Ordinance amending or substituted for the same, if such arms and ammunition are described and enumerated in the licence or clearance of such junk, river steamer or launch and are reasonably necessary for the protection of such junk, river steamer or launch.”

Amendment
to Section
29.

5. The words “three years” shall be substituted for the words “one year” in line six of section 29 of the Principal Ordinance.

Addition
of New
Section 29A.

6. The following Section shall be inserted after Section 29 of the Principal Ordinance:—

Penalty for
use and
possession
of imitation
firearms in
certain cases.

“29A.—(1) If any person makes or attempts to make any use whatsoever of an imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person he shall be guilty of an offence under this subsection, and on conviction thereof on indictment shall be liable to imprisonment for a term not exceeding fourteen years.

Where any person commits an offence under this subsection in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this subsection in addition to any penalty to which he may be sentenced for that other offence.

(2) If any person, at the time of his committing, or at the time of his apprehension for, any offence specified in the Schedule to this Ordinance has in his possession any imitation firearm, he shall, unless he shows that he had it in his possession for a lawful object, be guilty of an offence under this subsection, and on conviction thereof on indictment shall be liable to penal servitude for a term not exceeding seven years in addition to any penalty to which he may be sentenced for the first-mentioned offence.

(3) If on the trial of any person for an offence under subsection (1) of this section the jury are not satisfied that that person is guilty of that offence but are satisfied that he is guilty of an offence under subsection (2) of this section, the jury may find him guilty of the offence under the said subsection (2), and thereupon he shall be liable to be punished accordingly.

(4) An imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purpose of section 45 of the Larceny Ordinance, 1935.

(5) In this Section, the expression “imitation firearm” means anything which has the appearance of being a lethal barrelled weapon of any description, whether it is capable of discharging any shot, bullet, or other missile or not.”

Passed the Legislative Council of Hong Kong, this 17th day of October, 1946.

Deputy Clerk of Councils.

SCHEDULE. (Sec. 29A, ss.2)

Malicious Damage Ordinance, 1865.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 27, 27A
(1), 27A (2), 28, 29, 45.

Offences Against the Person Ordinance, 1865.

Sections 19, 20, 21, 29, 30A, 34, 42, 43, 45.

Summary Offences Ordinance, 1932.

Sections 3, 8(b), & 21.

Larceny Ordinance, 1935.

Sections 4, 5, 6, 25, 26, 27, 40, 41, 42, 43, 44, 45, 46, & 47.

Protection of Women & Girls Ordinance, 1938.

Sections 21 (1), 22, 24, 25, & 26.

HONG KONG.

No. 22 of 1946.

I assent.



Mark Young
Governor.

18th October, 1946.

An Ordinance to amend the Stamp Ordinance, 1921.

[18th October, 1946.]

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 Stamp Short title.
(Amendment) Ordinance, 1946.

2. The following additional section shall be inserted Addition of new section 5A.
immediately after section 5 of the Stamp Ordinance, 1921:—

Excess
Purchase
Duty.

5A.—(1) In addition to any stamp duty payable by reason of the last preceding section there shall be payable also by way of excess stamp duty on any new conveyance a sum equivalent to ten per cent of the excess consideration.

(2) In this section—

conveyance on sale shall not include a conveyance on sale registered in the Japanese House Registration Office as defined by the Stamp (Occupation Transactions) Proclamation 1946 nor shall it include an assignment or reassignment exempt from *ad valorem* duty by virtue of Article 3 of the aforesaid Proclamation.

“new conveyance” means a conveyance on sale executed on or after the 30th September, 1946;

“excess consideration” means the amount by which the value of the consideration for the property comprised in any new conveyance exceeds the value of the consideration previously attributable to such property in accordance with this section;

"property" means any estate or interest in land.

- (3) The value of the consideration previously attributable to any property shall with the exceptions hereinafter mentioned be the value of the consideration attributable to such property on the last conveyance on sale thereof after the 1st of January, 1938 recorded in the Registers of the Land Office at Victoria, or in the appropriate Land Office in the New Territories.
- (4) Where none of the aforesaid registers have any record of any conveyance on sale after the 1st of January, 1938 of the property transferred to or vested in a purchaser by any new conveyance, the value of the consideration previously attributable to such property shall be deemed to be the value thereof on the 1st of January, 1938 or, on the date when the property was first acquired from the Crown, whichever shall be the later date.
- (5) In any case in which any conveyance on sale recorded in any of the aforesaid registers comprises property not transferred or vested under the new conveyance in addition to the property so transferred or vested the value of the consideration properly attributable to the property so transferred or vested shall be ascertained by a fair apportionment of the total consideration on such first mentioned conveyance between such property and the other property comprised in such conveyance.
- (6) Excess stamp duty shall be payable on an exchange of property as if the value of the greater property was the value of the consideration comprised in a new conveyance and the value of the same property on the 1st of January, 1938 was the value previously attributable to it.
- (7) (a) It shall be lawful for the Collector by notice in writing to require any person executing a conveyance subjected to excess duty by this section to produce to him at his office any documents of title, books of account, records or other documents (including certified copies of any record) which in the opinion of the Collector are relevant to the assessment of the excess duty hereinbefore imposed upon such new conveyance or to ascertaining whether any such duty is chargeable, to furnish any information which the Collector considers relevant for such purpose and to verify by statutory declaration any such information.

- (b) Any such notice shall impose an obligation to comply with all the requirements thereof and failure to comply with any such requirement other than a failure which a person accused satisfies the magistrate is not unreasonable shall be an offence against this Ordinance. Such obligation shall be deemed to be imposed upon any person to whom such notice is lawfully addressed and, if such person is a corporation or firm, the provisions of sub-sections one and two respectively of section 39 shall apply.
- (c) Without prejudice to any other lawful method of service any such notice shall as against any person be deemed to have been sufficiently served if addressed by registered post to the address stated by the new conveyance to be the address of such person or if service is accepted by the solicitors acting for such person upon the new conveyance, and, as against a purchaser of the property comprised in the new conveyance, if left with any adult occupier of such property or posted up in a conspicuous position on such property.
- (8) Any of the values relevant to the determination of excess stamp duty may be determined by the Collector of his own motion or in pursuance of a requirement under paragraph (b) of subsection 1 of Section 14 and the Collector may for such purpose avail himself of the opinion of such persons as he deems advisable.
- (9) Subsections (2) to (7) both inclusive of section 5 of this Ordinance shall apply in like manner as they would have applied had the stamp duty hereinbefore provided for been specified in the third column of the Schedule to this Ordinance opposite heading No. 15 thereof. Provided always that where any new conveyance is executed pursuant to a contract or agreement for sale which on or before the 30th of September, 1946 was or might be deemed to have been duly stamped in accordance with section 31A of this Ordinance, any provision in such contract or agreement or any rule of law or equity whereby as between the parties the liability for the duty by this section imposed is to be borne by the purchaser shall not apply and as between such parties the duty shall be borne and be recoverable in like manner as if provision had been made by such contract or agreement that the duty should be borne as to a moiety thereof by the purchaser and as to the other moiety by the person liable

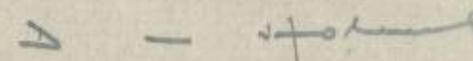
under such contract or agreement to transfer to or vest in the purchaser, or to or in another person by the direction or on behalf of the purchaser, the property comprised in the new conveyance.

- (10) The expression "ad valorem duty" in section 31A of this Ordinance shall be deemed to include the excess duty hereinbefore imposed.
- (11) Notwithstanding anything contained in section 14 of this Ordinance, the Collector may be required to express his opinion under that section on any conveyance on sale or exchange to which this section applies and no such conveyance shall be deemed to be duly stamped unless the Collector has expressed his opinion thereon in accordance with that section.
- (12) Save as herein expressly provided the provisions of this Ordinance and of any regulation made hereunder shall apply to the excess stamp duty hereinbefore imposed but such duty shall not be deemed to be payable on any instrument solely by reason of any provision in the said Ordinance other than this section or in the Schedule thereto that it shall be chargeable with the like duty as a conveyance on sale.
- (13)—(a) In any case in which between the date, on which under this section the value previously attributable to the property comprised in any conveyance subject to excess duty requires to be ascertained for the purpose of assessing excess duty, and the date of execution of such conveyance, such property has been improved by any improvement which shall be declared by regulation made by the Governor in Council to be an improvement to which this subsection applies, the value of the property previously attributable to the property comprised in any such conveyance shall for the purpose of assessing the excess duty by this section imposed be deemed to be augmented by such a sum as the Collector is satisfied by such evidence as he may in his discretion require was expended in effecting such improvement.
- (b) For the purpose of removing doubts it is hereby declared that it shall be lawful for the Governor in Council by regulation to provide that no improvement shall be taken into account unless it is subsisting at the date of the conveyance subjected to excess duty and to make different provision for improvements effected at different dates.

- (14) In any case in which between the date, on which under this section the value previously attributable to the property comprised in any conveyance subject to excess duty requires to be ascertained for the purpose of assessing excess duty, and the date of execution of such conveyance, buildings on the property sold have been demolished or damaged the value previously attributable to the property comprised in such conveyance shall for the purpose of assessing excess duty be deemed to be diminished by a sum equivalent to such proportion of the cost of restoring the property to the state in which it was at the date determining the previously attributable value thereof as the Governor in Council may by regulation from time to time specify.

3. This Ordinance shall be deemed to have had effect ^{Commence-} as from the 30th September, 1946. _{ment.}

Passed the Legislative Council of Hong Kong, this 17th day of October, 1946.



Deputy Clerk of Councils.

HONG KONG.

No. 23 of 1946.

I assent.



Mark Young
Governor.

25th October, 1946.

An Ordinance to amend temporarily the Pawnbrokers Ordinance, 1930.

[25th October, 1946.]

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 Pawnbrokers Amendment Ordinance, 1946. Short Title.

2. Section 16 of the Pawnbrokers Ordinance, 1930, is hereby amended by repealing the word "eight" in the third line thereof and by substituting therefor the word "four", and by repealing the word "twelve" in the fifth line thereof and by substituting therefor the word "six". Amendment of Ordinance No. 16 of 1930, s. 16.

3. Section 20 of the Pawnbrokers Ordinance, 1930, is hereby amended by repealing the word "eight" and the word "twelve" in the proviso thereto, and by substituting therefor the word "four" and the word "six" respectively. Amendment of Ordinance No. 16 of 1930, s. 20.

4. Nothing in this Ordinance contained shall affect the provisions of the Pawnbrokers Ordinance, 1930, so far as they apply to the pawning of any goods pawned prior to the coming into operation of this Ordinance. Saving.

5. As from the 31st day of October, 1947, or from such later date as the Governor in Council may by order specify, this Ordinance shall cease to have effect save as regards any transactions entered into on or before such date or later date as the case may be. Ordinance to remain in force for limited period.

Passed the Legislative Council of Hong Kong, this 24th day of October, 1946.

A. J. Johnson

Deputy Clerk of Councils.



HONG KONG.

No. 24 OF 1946.

I assent.



Mark Young
Governor.

25th October, 1946.

An Ordinance to amend the Factories and Workshops Ordinance, 1937.

[25th October, 1946.]

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 Factories and Workshops Amendment Ordinance, 1946. Short title.

2. The Factories and Workshops Ordinance, 1937, as amended by the Factories and Workshops Amendment Ordinance, 1940, is amended by the repeal of the words "by-law" and "by-laws" wherever the same occur in the said Ordinance and in the Schedule and appendices thereto and by the substitution therefor of the words "regulation" and "regulations" respectively. Substitution of "regulations" for "by-laws" throughout Ordinance No. 18 of 1937.

3. Subsection 8 of Section 2 of the Factories and Workshops Ordinance, 1937, is amended by the repeal of the words "Chairman of the Urban Council" and the substitution therefor of the words "Labour Officer". Amendment of Ordinance No. 18 of 1937, s. 2, ss. 8.

4. Section 4 of the Factories and Workshops Ordinance, 1937, is amended by the repeal of the words and comma between the word "Any" where it first appears in the first line thereof, and the word "health" in the second line thereof. Amendment of Ordinance No. 18 of 1937, s. 4.



5. Section 5 of the Factories and Workshops Ordinance, 1937, is further amended:

Amendment
of Ordinance
No. 18 of
1937, s.5.

- (i) By the repeal of the words "Urban Council" in subsection (1) thereof and by the substitution therefor of the words "Labour Officer".
- (ii) By the repeal of the words "Urban Council" in subsection (2) thereof and by the substitution therefor of the words "Labour Officer".

6. The Schedule to the Factories and Workshops Ordinance, 1937 shall be further amended:—

Amendment
of Ordinance
No. 18 of
1937,
Schedule.

- (i) By the repeal of the reference "[s.5(1)(f)]" opposite the sub-heading "Notification of accidents" following regulation 13 and by the substitution therefor of the following reference: "[s.5(1)(j)]".
- (ii) By the repeal of the words "Office of the Urban Council" in the note at the foot of the form set out in Appendix II and the substitution therefor of the words "Labour Office".

Passed the Legislative Council of Hong Kong, this 24th day of October, 1946.

[Handwritten signature]

Deputy Clerk of Councils.

HONG KONG.

No. 25 of 1946.

I assent.



Mark Young

Governor.

1st November, 1946.

An Ordinance to amend the Hawkers Ordinance, 1935.

[1st November, 1946.]

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 Hawkers Amendment Ordinance, 1946. Short title.

2. Section 2 of the Hawkers Ordinance, 1935, is amended by the addition of the following: Amendment of Section 2 of Ordinance No. 22 of 1935.

“Without prejudice to the generality of the foregoing, such by-laws may provide for

(a) the seizure, confiscation and disposal of any article of food, offered or exposed for sale by any unlicensed hawker, and for the seizure, confiscation and disposal of any article upon, in or by means of which any such article of food has been offered or exposed for sale by an unlicensed hawker; and

(b) such seizure, confiscation and disposal as aforesaid being effected by such persons as may be specified in such by-laws without recourse to a magistrate and notwithstanding that no conviction may have been recorded.

Passed the Legislative Council of Hong Kong, this 31st day of October, 1946.

D. - [Signature]

Deputy Clerk of Councils.



HONG KONG.

No. 26 of 1946.

I assent.



Mark Young

Governor.

1st November, 1946.

An Ordinance to give permanent effect to amendments made to various Ordinances by certain Defence Regulations and to make provision for the continuance in force of certain Defence Regulations for a limited period.

[1st November, 1946.]

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 Emergency Powers (Extension and Amendment Incorporation) Ordinance, 1946. Short Title.

2. The amendments specified in the First Schedule to this Ordinance being amendments of the Ordinances mentioned in that Schedule made by Defence Regulations therein mentioned, shall have permanent effect. Permanent Enactment of amendments made by certain Defence Regulations.

3. (a) The Defence Regulations mentioned in the Second Schedule to this Ordinance shall continue in force subject to such modifications as are specified in that Schedule until the 31st day of December, 1947, or until such earlier date as the Governor may by order declare. Continuance in force of certain Defence Regulations.

(b) Section 12 of the Interpretation Ordinance, 1911, shall apply upon the expiry of any Defence Regulation continued in force by this Ordinance as if such expiry constituted the repeal of an enactment.

4. This Ordinance shall come into force on the 1st day of November, 1946. Commencement of Ordinance.

Passed the Legislative Council of Hong Kong, this 31st day of October, 1946.

— H. K. —

Deputy Clerk of Councils.

FIRST SCHEDULE

(S. 2)

Permanent Amendment of Ordinances

Amendment of the Trading with the Enemy Ordinance, 1914, made by the Trading with the Enemy Ordinance, 1914, Amendment Regulations, 1939.

1. Sub-section (2) of section 3 of the Trading with the Enemy Ordinance, 1914, is amended by the insertion of the words—

“ With the prior approval of the Secretary of State,” after the words “the Governor” in the first line.

2. Sub-section (6) of section 9 of the Trading with the Enemy Ordinance, 1914, is repealed.

3. Section 10 of the Trading with the Enemy Ordinance, 1914, is amended by the substitution of the words “under section 8 or section 9” for the words “under this section or section 8” in the second line.

Amendment of the Trading with the Enemy Ordinance, 1914, made by the Trading with the Enemy Ordinance, 1914, Amendment Regulations, 1940.

Paragraph (e) of sub-section (1) of section 2 of the Trading with the Enemy Ordinance, 1914, is amended by the addition of the following words at the end thereof—

“ and also any areas which the Governor, with the prior approval of the Secretary of State, may by order direct to be treated for the purposes of this Ordinance as enemy territory;”

Amendment of the Trading with the Enemy Ordinance, 1914, made by the Trading with the Enemy Ordinance, 1914, Second Amendment Regulations, 1940.

Sub-section (2) of section 9 of the Trading with the Enemy Ordinance, 1914, is amended by the addition of the following words after the word “business” in the second line thereof—

“or for other good cause or with the prior approval of the Secretary of State”.

Amendment of the Trading with the Enemy Ordinance, 1914, made by the Trading with the Enemy Ordinance, 1914, Third Amendment Regulations, 1940.

1. Sub-section (1) of section 3 of the Trading with the Enemy Ordinance, 1914, is amended—

(a) by the deletion of the word “or” at the end of paragraph (c) thereof;

(b) by the insertion of the following paragraph immediately after paragraph (d)—

“ (e) as respects any business carried on in enemy territory, any individual or body of persons (whether corporate or unincorporate) carrying on that business;”

(c) by the deletion of the word “person” in the penultimate line thereof and the substitution therefor of the word “individual”.

2. Section 4 of the Trading with the Enemy Ordinance, 1914, is amended by the addition at the end thereof of the following sub-section—

“ (9) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy.”

3. Section 20 of the Trading with the Enemy Ordinance, 1914, is amended by the insertion immediately after sub-section (1) thereof of the following sub-section—

“ (1A) The rights, powers, duties and liabilities which may be conferred and imposed by the Governor on the Custodian under sub-section (1) shall, where it appears to the Governor that it is expedient that any business should be carried on or continue to be carried on in or from this Colony, include such rights, powers, duties and liabilities as respects the property and money mentioned in paragraph (d) of the said sub-section (1) as in the opinion of the Governor are necessary or expedient in order to enable that business so to be carried on.”

Amendment of the Trading with the Enemy Ordinance, 1914, made by the Trading with the Enemy Ordinance, 1914, Fourth Amendment Regulations, 1940.

1. Section 9 of the Trading with the Enemy Ordinance, 1914, as amended by Government Notifications 822 of 19th September, 1939, and 857 of 27th July, 1940, is further amended by the insertion of the words and figures “or a restriction order under section 10A” immediately after the figure “4” in the third line of sub-section (2) thereof.

2. The Trading with the Enemy Ordinance, 1914, is amended by the insertion of the following section immediately after section 10 thereof—

10A. (1) Where any business is being carried on in this Colony by or on behalf of or under the direction of persons all or any of whom are enemies or enemy subjects or appear to the Governor to be associated with enemies, the Governor may, if he thinks it expedient so to do, make—

Power to control and wind up certain business.

(a) an order (hereafter in this section referred to as a "restriction order") prohibiting the carrying on the business either absolutely or except for such purposes and subject to such conditions as may be specified in the order; or

(b) an order (hereafter in this section referred to as a "winding up order") requiring the business to be wound up, and the making of a restriction order as respects any business shall not prejudice the power of the Governor, if he thinks it expedient so to do, at any subsequent date to make a winding up order as respects that business.

(2) The provisions of the Alien Enemies (Winding Up) Ordinance, 1914, so far as they are applicable, shall apply to any winding up under this section.

Amendment of the Trading with the Enemy Ordinance, 1914, made by the Trading with the Enemy Ordinance, 1914, Amendment Regulations, 1941.

1. Section 4 of the Trading with the Enemy Ordinance, 1914, as amended by Government Notification No. 1104 of 2nd October, 1940, is further amended by the substitution, in the third, fourth and fifth lines of paragraph (ii) of the proviso to sub-section (3) thereof, of the words "had already been performed when the payment was received, and had been performed at a time when the person from whom the payment was received was not an enemy" for the words "had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy".

2. Section 6 of the Trading with the Enemy Ordinance, 1914, is amended by the substitution, in the seventh and eighth lines of the proviso to sub-section (3) thereof, of the words "a court having jurisdiction in enemy territory" for the words "a court of a state at war with His Majesty".

Amendment of the Alien Enemies (Winding Up) Ordinance, 1914, made by the Alien Enemies (Winding Up) Ordinance, 1914, Amendment Regulations, 1940.

1. Section 5 of the Alien Enemies (Winding Up) Ordinance, 1914, is amended by the insertion of the following sub-sections immediately after sub-section (13) thereof—

(13A) Where any business for which a liquidator has been appointed under this section has assets in enemy territory, the liquidator shall, if in his opinion it is practicable so to do, cause an estimate to be prepared—

(a) of the value of those assets;

(b) of the amount of any liabilities of the business to creditors, whether secured or unsecured, who are enemies;

(c) of the amount of the claims of persons who are enemies to participate, otherwise than as creditors of the business, in any distribution of assets of the business;

and, where such an estimate is made, the said liabilities and claims shall, for the purposes of this section, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to have been satisfied thereout so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business.

(13B) Where an estimate has been prepared under sub-section (13A), a certificate of the liquidator as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business:

Provided that nothing in this sub-section shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

2. The Alien Enemies (Winding Up) Ordinance, 1914, is amended by the insertion immediately after section 26 thereof of the following section—

26A. The Governor may, on an application made by a liquidator appointed under this Ordinance, after considering the application and any objections which may be made by any person who appears to him to be interested, by order grant the liquidator a release, and an order of the Governor under this section shall discharge the liquidator from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as liquidator; but any such order may be revoked by the Governor on proof that it was obtained by fraud or by suppression or concealment of any material fact.

Release of liquidator.

Amendment of the Volunteer Ordinance, 1933, made by Regulation published as Government Notification No. 659 of 1940.

Section 15(1)(i) of the Volunteer Ordinance, 1933, is amended by the addition of the following words at the end thereof—

The Commandant, without proceeding to discharge the volunteer as aforesaid, may if he thinks fit reprimand him or require him to undergo extra drills, fatigues or suitable training by way of punishment for neglect of duty or misconduct. Any refusal or failure of the volunteer to undergo such punishment shall be deemed an obstruction within the meaning of section 28.

Amendment of the Volunteer Ordinance, 1933, made by Regulation published as Government Notification No. 1108 of 1940.

Section 17(1) of the Volunteer Ordinance, 1933, is amended by the insertion of the words "or are undergoing drill, exercise, training or inspection in time of war" after the words "or any part thereof" in the fifth line.

Amendment of the Registration of Persons Ordinance, 1939, made by Regulation 1 and 3 of Regulations published as Government Notification No. 757 of 1940.

1. Section 7(1) of the Registration of Persons Ordinance, 1939, is amended by the deletion of paragraphs (c), (d) and (e).

2. Section 8(2) of the Registration of Persons Ordinance, 1939, is amended by the substitution of the words "two weeks" for the words "two months" in paragraphs (b), (c) and (d).

Amendment of the Registration of Persons Ordinance, 1939, made by Regulation published as Government Notification No. 1178 of 1940.

Section 8 of the Registration of Persons Ordinance, 1939, is amended by the repeal of sub-section (1) thereof and by the substitution therefor of the following sub-section—

(1) Subject to the provisions of section 7 (as amended by the Defence Regulations published in Government Notification 757 of 5th July, 1940) every British subject shall make and sign a return, to the best of his or her knowledge and belief correct, in the case of a male in Form No. 2 and in the case of a female in Form No. 1 in the Schedule to this Ordinance, of the information and particulars specified in the said form and shall deliver the return to the Commissioner of Police: Provided that in the case of persons under the age of eighteen years the return shall be made and signed by the person's parent or guardian.

Amendment of the Registration of Persons Ordinance, 1939, made by Regulation 2 of the Public Officers (Registration of Persons and Immigration Control) Powers of Search and Arrest Regulations, 1941.

The Registration of Persons Ordinance, 1939, is amended by the insertion therein of the following section immediately after section 11—

11A. The Commissioner of Police and any public officer authorized thereto in writing by him, either generally or for a particular occasion, may enter and search any place or vessel (not being or having the status of a ship of war) and may arrest without warrant any person whom he may reasonably suspect of having committed, or of attempting to commit, or of aiding, abetting, counselling or procuring the commission of, an offence against any provision of this Ordinance, and shall take any person so arrested to a police station, to be brought before a magistrate and dealt with according to law.

Power of entry, search and arrest.

Amendment of the Defences (Firing Areas) Ordinance, 1936, made by the Defences (Firing Areas) Amendment Regulations, 1941.

1. Section 10 of the Defences (Firing Areas) Ordinance, 1936, as amended by the Defences (Firing Areas) Amendment Ordinance, 1936, is further amended—

(1) by the repeal of the word "vessel" in the first line of paragraph (a) thereof and the substitution of the word "ship" therefor;

(2) by the addition at the end of the said section of the following—

"In this section the word 'ship' has the same meaning as in the Merchant Shipping Ordinance, 1899."

[cf. Ordinance No. 10 of 1899, s. 2 (n)]

2. The Defences (Firing Areas) Ordinance, 1936, is amended by the repeal of the words "fifty dollars" in the third line of paragraph (2) of section 8 thereof and the substitution therefor of the words "two hundred and fifty dollars".

[cf. Ordinance No. 10 of 1899, s. 2 (n)]

THE SECOND SCHEDULE (S. 3(a))

Defence Regulations	Modification
Defence Salvage Regulations, 1939, published as Government Notification No. 1018 of 1939.	The reference to the Defence Regulations, 1940, in Regulation 3 shall be deemed to be a reference to those of the Defence Regulations, 1940, which are enumerated in Part I of the Second Schedule to the Emergency Powers (Extension) Proclamation, as the same are therein modified and are continued in force by Article 5 of the said Proclamation and the exercise of the Governor's powers thereunder.

The Prison Rules Amendment Regulations, 1940.

The Examinations of Masters and Mates Amendment Regulations, 1941.

The Hong Kong Defence Regulations etc., (Collection and Proof) Regulations, 1941.

HONG KONG.

No. 27 of 1946.

I assent.



Mark Young
Governor.

29th November, 1946.

An Ordinance to amend the Hong Kong Police Reserve Ordinance, 1927.

[29th November, 1946.]

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

1. This Ordinance may be cited as the Hong Kong Police Reserve Amendment Ordinance, 1946. Short Title.
2. In this Ordinance "the Principal Ordinance" means the Hong Kong Police Reserve Ordinance, 1927. Interpretation.
3. Notwithstanding the provisions of the Principal Ordinance, save as hereinafter provided, any person who became a member of the Reserve prior to the 1st January, 1942, shall be deemed to have ceased to be a member of the Reserve after the 1st January, 1942. Cessation of membership of the Reserve.
4. Any person who has been or shall be enrolled as a member of the Reserve subsequent to the 29th May, 1946 and who was previously a member of the Reserve (hereinafter referred to as a re-enrolled member) shall become or shall be deemed to have become a member thereof as from the date of his re-enrolment. Re-enrolment.
5. No person who is deemed to have ceased to be a member of the Reserve under Section 3 of this Ordinance shall be liable to any proceedings for the contravention of any provisions of the Principal Ordinance or of the Regulations made thereunder committed prior to the commencement of this Ordinance: Provided always that this section does not apply to any re-enrolled member in respect of acts done or committed subsequent to the date of his re-enrolment. Relief from penalties.



6. Notwithstanding the provisions of Section 11 of the Principal Ordinance, the active service of the Reserve shall be deemed to have ended on the 1st January, 1942.

Termination
of active
service.

7. The marginal note to Section 7 is deleted and the following marginal note substituted :—

Amendment
of s. 7 of
Ord. No. 24
of 1927.

“ Appointment, promotion, dismissal and compulsory retirement of officers and other members.”

The following subsections are added to Section 7 of the Principal Ordinance :—

(4) The Governor may require a Deputy Commissioner, Superintendent or Assistant Superintendent to retire from the Reserve if it appears to him that such a person is unable to discharge efficiently the duties which he is or may be called upon to perform as a member of the Reserve.

(5) If it appears to the Commissioner that a subordinate officer or constable is unable to discharge efficiently the duties which he is or may be called upon to perform as a member of the Reserve, the Commissioner may require such person to retire from the Reserve.

Passed the Legislative Council of Hong Kong, this 28th day of November, 1946.

D - 10/11/46

Deputy Clerk of Councils.

HONG KONG.

No. 28 of 1946.

I assent.



Mark Young

Governor.

29th November, 1946.

An Ordinance to amend the Merchant Shipping Ordinance, 1899.

[29th November, 1946.]

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 Merchant Shipping Amendment Ordinance, 1946. Short Title.

2. The Merchant Shipping Ordinance, 1899, is amended as follows :— Amendment of Penalties.

In Sec. 5, Sub-sec. 7(b), lines 3 & 4 the words "twenty five" and "one" are deleted and the words "one hundred" and "three" substituted therefor respectively. Section 5.

In Sec. 10, Sub-sec. 25, lines 7 & 8 the words "two hundred" and "five" are deleted and the words "five hundred" and "twenty five" substituted therefor respectively. Section 10.

and in line 9 the full stop is deleted and after the word "allowed" the words "and to imprisonment for any term not exceeding six months" are added.

In Sec. 26, Sub-sec. 1, line 35 the word "fifty" is deleted and the words "two hundred" substituted therefor. Section 26.

In Sec. 38, Sub-sec. 3, lines 4 & 5 the words "two hundred and fifty" and "five" are deleted and the words "five hundred" and "twenty five" substituted therefor respectively. Section 38.



and in line 7

the full stop is deleted and after the word "certificate" the words "and to imprisonment for any term not exceeding six months" are added.

In Sec. 39, Sub-sec. 3, line 3

the words "one hundred" are deleted and the words "two hundred" substituted therefor.

Section 39.

In Sec. 39, Sub-sec. 5, line 12

the words "two hundred" are deleted and the words "five hundred" substituted therefor.

In Sec. 39, Sub-sec. 6, line 14

the words "one hundred" are deleted and the words "two hundred" substituted therefor.

In Sec. 39, Sub-sec. 7, lines 12 & 13

the words "one hundred" are deleted and the words "five hundred" substituted therefor.

In Sec. 39, Sub-sec. 19, line 3

the words "one hundred" are deleted and the words "five hundred" substituted therefor.

In Sec. 39, Sub-sec. 25, line 5

the words "two hundred" are deleted and the words "five hundred" substituted therefor.

In Sec. 39, Sub-sec. 26, line 3

the words "two hundred" are deleted and the words "five hundred" substituted therefor.

In Sec. 41, Sub-sec. 4, line 4

the words "two hundred" are deleted and the words "five hundred" substituted therefor.

Section 41.

In Sec. 42, Sub-sec. 2, line 4

the words "two hundred" are deleted and the words "five hundred" substituted therefor.

Section 42.

Passed the Legislative Council of Hong Kong, this 28th day of November, 1946.

[Signature]

Deputy Clerk of Councils.

HONG KONG.

No. 29 OF 1946.

I assent.



Mark Young

Governor.

29th November, 1946.

An Ordinance to provide for the Licensing of Tally-clerks.

[29th November, 1946.]

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 Tallyclerks (Licensing) Ordinance, 1946. Short title.

2. In this Ordinance—

Interpreta-
tion.

“ship” means a ship of more than 60 registered tons,

“lighters” includes barges, junks, sampans or other like craft for carrying goods,

“godown” in respect of cargo discharged or discharging from any ship means the godown, warehouse, store or other like building in which such cargo is first lodged after discharge and in respect of cargo being or intended to be loaded into any ship, the godown, warehouse, store or other like building in which such cargo is last lodged prior to loading,

“Sworn Measurer” means any person who the Superintendent of Imports and Exports is satisfied is for the time being employed or a member of a firm employed by the Far Eastern Freight Conference as a sworn measurer and weigher.

3. (i) No cargo shall be tallied in or out of any ship in the Colony except by a tallyclerk licensed under the provisions of this Ordinance.

Cargo to
be tallied
by licensed
tallyclerks.

(ii) The expression “tallied in or out of any ship” in Sub-section (i) of this section shall include in respect of any cargo discharged or discharging from or being or intended to be loaded into any ship all tallying from ship to godown or from godown to ship as the case may be including in each case all intermediate tallying in and out of lighters or otherwise howsoever.

Issuing
Licences.

4. (i) The Superintendent of Imports and Exports (hereinafter called "the Superintendent") shall issue licences under this Ordinance: Provided always that except in the case of the renewal of a licence already issued under this Ordinance the Superintendent shall not issue a licence to any applicant unless such applicant produces a certificate signed by a Sworn Measurer to the effect that such applicant is in the opinion of the Sworn Measurer a fit and proper person to be licensed as a tallyclerk.

(ii) The Superintendent shall keep a register of licences issued under the provisions of this Ordinance in which he shall cause to be entered full particulars of every licensee and of the issue and any renewal cancellation or suspension of every licence.

(iii) The Superintendent shall at the request in writing of a Sworn Measurer cancel or refuse to renew any licence and shall at the like request suspend the same for any period.

(iv) Licences issued under this Ordinance shall be annual licences commencing from and renewable upon the 1st day of January in each year; they shall be in the form in the Schedule hereto and each applicant for a licence shall supply the Superintendent with two passport size photographs of himself one of which shall be affixed to the licence. The annual licence fee shall be \$5.00.

(v) Any request statement or certificate made or given by any Sworn Measurer in pursuance of any of the provisions of this section shall be deemed to be made or given in pursuance of a duty imposed by this Ordinance.

Appeal to
Governor
in Council.

5. (i) Whenever the issue or renewal of a licence under this Ordinance has been refused or a licence thereunder has been cancelled or suspended any person aggrieved thereby may appeal to the Governor in Council, who, if in his opinion the act or refusal complained of requires modification, revocation or setting aside, may make such Order in respect thereof as may be just.

The grounds of such appeal shall be concisely stated in writing and the appellant may, if he so desires, be present at the hearing of such appeal and be heard in its support either by himself or by his representative, and the Governor in Council shall thereafter determine the matter in the absence of, and without further reference to, the Superintendent.

The Clerk of Councils shall give the appellant seven days notice of the hearing of the appeal, and shall at the same time furnish the appellant with a copy of the evidence and documents submitted by the respondent for the consideration of the Governor in Council.

(ii) Every order of the Governor in Council under this section shall be final and shall be given effect to by the Superintendent.

Inspection
of licences.

6. Every tallyclerk licensed under this Ordinance shall upon request, at any time when he is engaged in tallying cargo for the tallying of which a licence is required under this Ordinance, produce his licence for inspection by any police officer, any officer of the Harbour Department or the Imports and Exports Department, any Sworn Measurer or person authorized in writing by a Sworn Measurer in that behalf, and the officers of any ship or officials of any pier or godown on, in or about which he shall for the time being be so engaged.

7. (i) It shall be an offence against this Ordinance, punishable on summary conviction by a fine not exceeding \$750, to tally without a licence issued under this Ordinance cargo for the tallying of which a licence is required by the provisions of this Ordinance. Penalties.

(ii) It shall be an offence against this Ordinance punishable on summary conviction by a fine not exceeding \$1,500 to employ any person not having a licence issued under this Ordinance for the purpose of tallying cargo for the tallying of which such a licence is required by this Ordinance and in proceedings under this sub-section it shall be no defence that the defendant was unaware that the person employed had no such licence.

(iii) Every person who contravenes the provisions of Section 6 of this Ordinance shall be liable on summary conviction to a fine not exceeding \$50.

8. The Governor in Council may by Order—

Suspension
and
Exemption.

(a) suspend the operation of this Ordinance during such period as may be specified in such Order, or

(b) exempt from the operation of Section 3 or any of the provisions of Section 7 of this Ordinance any person or class of persons for any period specified in such Order.

9. This Ordinance shall come into force on the 1st day of January, 1947. Commence-
ment.

Passed the Legislative Council of Hong Kong, this 28th day of November, 1946.

Deputy Clerk of Councils.

THE SCHEDULE

Section 4

Tallyclerk's Licence

Licence No.

(Ordinance No. 29 of 1946).

..... of
is hereby licensed as a tallyclerk for the purpose of tallying cargo in and out of ships exceeding 60 registered tons subject to the provisions of the above Ordinance until the 31st day of December, 19.....

Dated this day of 19.....

PHOTOGRAPH OF
LICENSEE

Superintendent of Imports and Exports.

Fee \$5.00.

HONG KONG.

No. 30 OF 1946.

I assent.



Mark Yung
Governor.

29th November, 1946.

An Ordinance to amend the Summary Offences Ordinance, 1932.

[29th November, 1946.]

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 Summary Offences Amendment Ordinance, 1946. Short title.

2. The following additional section shall be added immediately after section 18 of the Summary Offences Ordinance, 1932 :— Addition of new section to Ord. No. 40 of 1932.

Possession and Importation of Imitation Firearms.

18A.—(1) Every person who shall import or have in his possession or custody an imitation firearm shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars.

(2) Provided always that possession by a juvenile shall not constitute an offence and provided also that no prosecution for an offence against this section shall be commenced without the consent of the Attorney General.

(3) It shall be lawful for a Magistrate upon the request in writing of the Commissioner of Police to order that any imitation firearm be destroyed by the Police whether any person has been or could be convicted of any offence against this section or not.



(4) In this section—

“imitation firearm” means anything which if observed in daylight has the appearance of being a lethal barrelled weapon of any description whether it is capable of discharging any shot, bullet or other missile or not;

“import” means to bring or cause to be brought into the Colony by land, air or water, but shall not include any act committed before the commencement of the Summary Offences Amendment Ordinance, 1946;

“juvenile” means an individual who has not completed his fourteenth year.

Passed the Legislative Council of Hong Kong, this 28th day of November, 1946.

D — *Stolman*

Deputy Clerk of Councils.

HONG KONG.

No. 31 of 1946.



I assent.

Mark Young

Governor.

2nd December, 1946.

An Ordinance to impose a tax in respect of meals and intoxicating liquors sold in certain establishments.

[2nd December, 1946.]

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 Meals and Intoxicating Liquors Tax Ordinance, 1946. Short Title.

2. In this Ordinance—

- | | |
|---|---|
| (a) "Chinese restaurant licence" means a Chinese restaurant licence as prescribed by Regulation 19 (1) of the Regulations made under the Dutiable Commodities Ordinance, 1931. | Inter-pretation.
Ordinance No. 36 of 1931. |
| (b) "Eating House" means a building or portion thereof used as an eating house, coffee house or other similar establishment (where no intoxicating liquors are sold on the premises). | Ordinance No. 13 of 1935. |
| (c) "Food" includes every article or substance used for food or drink other than intoxicating liquors. | [cf. Ord. No. 13 of 1935, s.2] |
| (d) "Hotel-keeper's adjunct licence" means an hotel-keeper's adjunct licence as prescribed by Regulation 19 (1) of the Regulations made under the Dutiable Commodities Ordinance, 1931. | Ordinance No. 36 of 1931. |
| (e) "Intoxicating liquors" includes spirits, liqueurs, wines, beer, Chinese type liquor, native wines and spirits, and all other liquors containing more than two per cent. of proof spirit fit or intended to be used as a beverage. | [cf. Ord. No. 36 of 1931, s.46 (f)] |
| (f) "Meal" means the human consumption of food in such a manner as to constitute a continuous repast. | |

Ordinance
No. 36
of 1931.

(g) "Publican's licence" means a publican's licence as prescribed by Regulation 19 (1) of the Regulations made under the Dutiable Commodities Ordinance, 1931.

Ordinance
No. 13
of 1935.

(h) "Restaurant" means a building or portion thereof used as an hotel, eating-house, coffee house or other similar establishment and having a licence for the sale of intoxicating liquors.

Ordinance
No. 36
of 1931.

(i) "Restaurant adjunct licence" means a restaurant adjunct licence as prescribed by Regulation 19 (1) of the Regulations made under the Dutiable Commodities Ordinance, 1931.

Tax on
meals.

3. There shall be charged, levied and paid a tax of ten per cent. on the retail cost of every meal sold and consumed in any restaurant or eating house. Provided that where the total cost of each meal does not exceed the sum of five dollars per head or where such meal is served in the room of a bona fide hotel resident no tax shall be charged, levied and paid.

Tax on
intoxicating
liquors.

4. There shall be charged, levied and paid a tax of ten per cent. on the retail cost (including corkage) of all intoxicating liquors consumed on the premises of holders of publican's licences, restaurant adjunct licences or hotel-keeper's adjunct licences and Chinese restaurant licences. No tax shall be payable in respect of intoxicating liquors consumed in the rooms of bona fide hotel residents. In the case of intoxicating liquor upon which corkage is paid, the liquor shall be deemed to have been consumed at the time it becomes liable to corkage.

Computa-
tion of tax
to nearest
ten cents.

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

Legislative
Council may
vary amount
of tax.

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

[cf. Ord.
No. 28 of
1930, s.3(2)
& 3(3)]

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

Regulations.

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

- (a) for calculating, collecting and accounting for the taxes hereby imposed;
- (b) for the type of forms to be used in the presentation of accounts to the consumer or to the Accountant General or other officer entrusted with the collection of any tax hereby imposed.

8. It shall be lawful for the Accountant General or for any person authorised by him in writing for the purpose to enter any restaurant or eating house and the premises of holders of publican's licences, restaurant adjunct licences or hotel-keeper's adjunct licences and Chinese restaurant licences at any reasonable time, with a view to seeing whether the provisions of this Ordinance or any regulations made thereunder are being complied with.

Inspection
[cf. Ord.
No. 28 of
1930, s.3]

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

Penalties.

(2) If the holder of any restaurant or eating-house licence, publican's licence, restaurant adjunct licence or hotel-keeper's adjunct licence or Chinese restaurant licence is convicted of any offence against this Ordinance committed upon the premises to which such licence relates, a Magistrate may in his discretion suspend or revoke such licence.

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

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

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

Offences by
Corpora-
tions.

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

Responsi-
bility for
acts of
partners,
agents, and
servants.

Passed the Legislative Council of Hong Kong, this 28th day of November, 1946.

Deputy Clerk of Councils.

HONG KONG.

No. 32 of 1946.



I assent.

Mark Young
Governor.

13th December, 1946.

An Ordinance to amend the Tramway Ordinance, 1902.

[13th December, 1946.]

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 Tramway Short title. Amendment Ordinance, 1946.

2. Section 37 of the Tramway Ordinance, 1902, is amended by the substitution of the words "one hundred" for the word "ten" in the second line and of the word "fifty" for the word "five" in the fourth line.

Amendment of Ordinance No. 10 of 1902, Section 37.

3. Section 48 of the Tramway Ordinance, 1902, and the heading thereto are repealed and the following heading and Section are substituted therefor:—

Substitution for Ordinance No. 10 of 1902, Section 48.

FARES.

48. The Company may demand and take for every passenger travelling upon the tramway or any portion thereof fare not exceeding the following rates—

Fares for passengers.

From any point on the Tramway to the terminus indicated on the Tramcar. $\left\{ \begin{array}{l} \text{First class—twenty cents,} \\ \text{Third class—ten cents.} \end{array} \right.$

A list printed in the English and Chinese languages of all the fares for the time being authorised to be taken shall be exhibited in a conspicuous place at the offices of the Company, and inside every car used upon the tramway: Provided that if there be any variation between the English and Chinese prints of the said list, the English print thereof shall prevail.



Substitution
for Ordinance No. 10
of 1902, Section 49.

Alteration of
the rates
of fares.

Repeal of
Ordinance
No. 10 of
1902, Section
54 and
Schedule.

Substitution
for Ordinance No. 10
of 1902, Section 55.

Payment of
fares.

Amendment
of Ordinance
No. 10 of
1902, Section 59.

Saving of
rights of
the Crown.

4. Section 49 of the Tramway Ordinance, 1902, is repealed and the following Section is substituted therefor:—

49.—(1) Subject to the consent of the Governor in Council it shall be lawful for the Company to alter the rates of fares for the time being authorised in respect of the whole or any portion of the Tramway.

(2) Any such alteration shall come into force one month after its publication in the Gazette or within such shorter period after such publication as the Governor in Council may order.

5. Section 54 of the Tramway Ordinance, 1902, and the Schedule to the said Ordinance are repealed.

6. Section 55 of the Tramway Ordinance, 1902, is repealed and the following Section is substituted therefor:—

55. The said fares shall be paid to such persons and at such place and in such manner as the Company may, by notice annexed to the list of fares, appoint.

7. Section 59 of the Tramway Ordinance, 1902, is amended by the substitution of the words "one hundred dollars" for the words "ten dollars" at the end thereof.

8. The powers and privileges given by this Ordinance are so given saving and reserving always the rights of His Majesty and of those claiming by from and under Him.

Passed the Legislative Council of Hong Kong, this 12th day of December, 1946.

D - [Signature]

Deputy Clerk of Councils.

D. & S. No 8/13

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