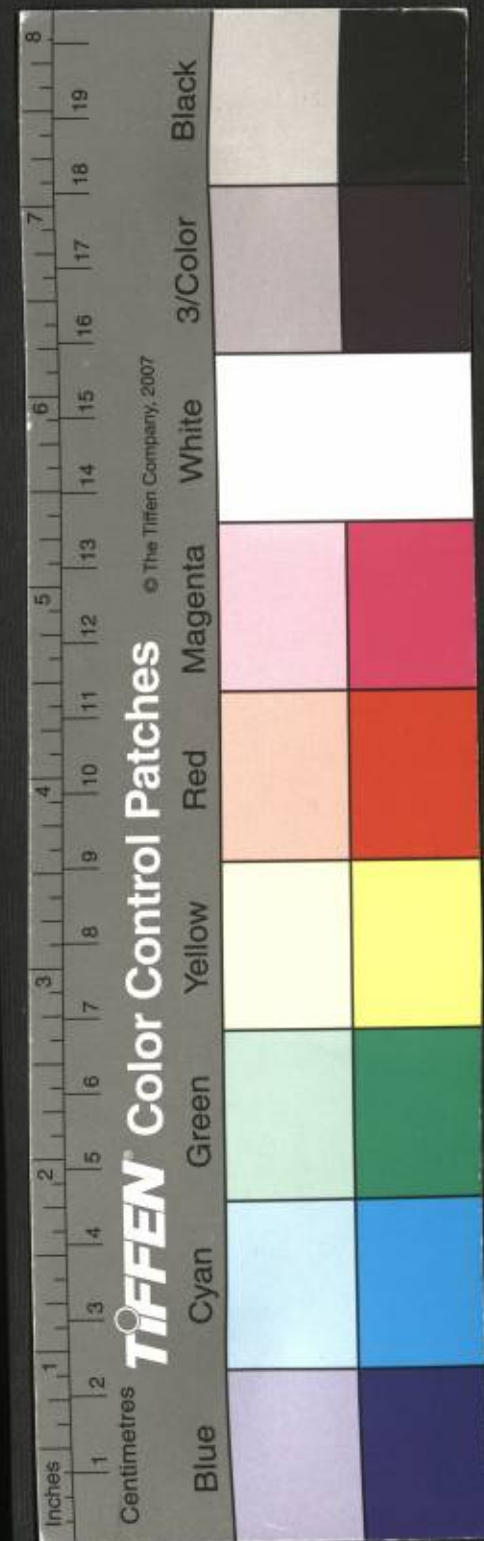


D.S. No 2/13

PROCLAMATIONS & ORDINANCES
1946





British Military Administration (Hong Kong)

A PROCLAMATION TO DETERMINE BRITISH MILITARY ADMINISTRATION.

WHEREAS after the surrender of the Japanese a Military Administration was established by Proclamation of the Commander-in-Chief of the Forces of His Britannic Majesty in the Colony,

AND WHEREAS by or under divers other Proclamations provision was made for the exercise of judicial executive and legislative powers by or by the authority of such Administration,

AND WHEREAS the necessity for the prevention and suppression of disorder and the maintenance of public safety otherwise than in accordance with the law applicable to the Colony no longer exists and conditions permit the Administration of the Government of the Colony by the lawfully constituted authority,

AND WHEREAS the Governor and Commander-in-Chief of the Colony has now returned,

NOW, I, CECIL HALLIDAY JEPSON HARCOURT, Knight Commander of the Most Honourable Order of the Bath, Commander of the Most Excellent Order of the British Empire, Vice-Admiral in His Britannic Majesty's Fleet and Commander-in-Chief of His Britannic Majesty's Forces in Hong Kong, DO HEREBY PROCLAIM:

ARTICLE 1.

CESSATION OF BRITISH MILITARY ADMINISTRATION.

The British Military Administration established by the aforementioned Proclamation shall cease and determine as from the promulgation of this Proclamation.

ARTICLE 2.

POWERS ASSUMED BY PROCLAMATION TO CEASE UNLESS LAWFULLY CONTINUED.

The powers assumed by or under any Proclamation of the said British Military Administration shall cease and determine save in so far as they may be continued with or without any modifications by the lawfully constituted authority for the Colony.

ARTICLE 3.

SHORT TITLE.

This Proclamation may be cited as the British Military Administration (Cessation) Proclamation.

GIVEN under my hand at HONG KONG this 1st day of May 1946.

Cecil Harcourt

Commander-in-Chief,
Hong Kong Forces.



PROCLAMATION.

No. 1.

MARK YOUNG

Governor.



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

WHEREAS by Section 7 of the Urban Council (Transitional Provisions) Ordinance, 1946 (Ordinance No.6 of 1946, it is provided that the said Ordinance shall come into operation on such date as the Governor shall notify by Proclamation as the commencement thereof.

NOW I, the said Sir MARK AITCHISON YOUNG, do hereby PROCLAIM and notify that the said Ordinance shall come into force and operation on the 25th day of May, 1946.

Given under my hand and the Public Seal of the Colony of Hong Kong this 23rd day of May, 1946.

By His Excellency's Command,

D.M. MACDOUGALL

Acting Colonial Secretary.

GOD SAVE THE KING.



PROCLAMATION.

No. 2.



MARK YOUNG

Governor.

WHEREAS by an Order of His Majesty in Council bearing date the 15th May, 1946, a copy of which is contained in the Appendix to this Proclamation, it is provided, inter alia, that the said Order shall come into operation in this Colony on a day to be fixed by the Governor; NOW THEREFORE I, Sir MARK AITCHISON YOUNG, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same, DO HEREBY PROCLAIM and APPOINT that the said Order shall come into operation on the Twentieth day of June, 1946.

GIVEN under my hand and the Public Seal of the Colony at Victoria, Hong Kong, this Twentieth day of June, 1946.

Published by His Excellency's Command,

D.M. MACDOUGALL

Colonial Secretary.

GOD SAVE THE KING



APPENDIX.

AT THE COURT AT BUCKINGHAM PALACE

The 15th day of May, 1946

Present

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Hong Kong and Shanghai Banking Corporation (Temporary Transfer) Order in Council, 1943, the Head Office of the Hong Kong and Shanghai Banking Corporation (in this Order called "the Bank") was transferred from Hong Kong to the United Kingdom, the powers, authorities and discretions vested in and exercisable by the Board of Directors in Hong Kong by the Hong Kong and Shanghai Bank Ordinance and the Regulations in the Schedule thereto were transferred to and made exercisable by the Committee in London constituted under the said Regulations, and the said Ordinance and Regulations were declared to have effect subject to certain amendments, modifications and exceptions:

AND WHEREAS it is now desirable that the Head Office of the Bank should be re-transferred to Hong Kong, and the powers, authorities and discretions previously vested in and exercisable by the Board of Directors should be re-vested in and henceforth be exercised by them:

NOW, THEREFORE, His Majesty, in exercise of all powers enabling Him in that behalf, is pleased by and with the advice of the Privy Council to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Hong Kong and Shanghai Banking Corporation (Re-Transfer) Order in Council, 1946.

Short title.

2. The Head Office of the Bank shall be transferred to Hong Kong, and the powers, authorities and discretions transferred to the Committee in London by the Hong Kong and Shanghai Banking Corporation (Temporary Transfer) Order in Council, 1943, shall be withdrawn from the Committee in London and re-vested in the Board of Directors in Hong Kong.

Re-transfer of Head Office to Hong Kong and re-vesting of functions in Directors.

3. Subject to the provisions of any Ordinance or to the provisions of any Regulations made under the Hong Kong and Shanghai Bank Ordinance, as the case may be, the Hong Kong and Shanghai Bank Ordinance and the Regulations in the Schedule thereto shall have the same effect as they had immediately before the coming into force of the Hong Kong and Shanghai Banking Corporation (Temporary Transfer) Order in Council, 1943.

Hong Kong and Shanghai Bank Ordinance and Regulations to have previous effect.

4. The Hong Kong and Shanghai Banking Corporation (Temporary Transfer) Order in Council, 1943, is hereby revoked without prejudice to anything lawfully done thereunder.

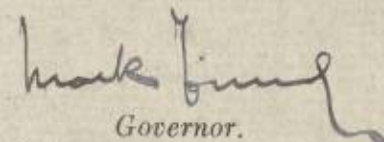
5. This Order shall be published in the Hong Kong Government Gazette and shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette.

Commencement.

E. C. E. LEADBITTER.

PROCLAMATION

No. 3.


Governor.



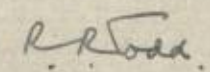
By His Excellency Sir MARK AITCHISON YOUNG, Knight
Grand Cross of the Most Distinguished Order of Saint Michael
and Saint George, Governor and Commander-in-Chief of the
Colony of Hong Kong and its Dependencies and Vice-Admiral
of the same.

WHEREAS by Section 1 of the Protected Places (Safety)
Ordinance, 1946, (Ordinance No. 16 of 1946), it is provided
that the said Ordinance shall come into operation on such date
as may be fixed by Proclamation of the Governor.

NOW I, the said Sir MARK AITCHISON YOUNG, do hereby
proclaim that the ninth day of December, 1946, is the day
fixed for the coming into operation of the said Ordinance.

GIVEN under my hand and the Public Seal of the Colony
of Hong Kong, this sixth day of December, 1946.

By His Excellency's Command,


Acting Colonial Secretary.

GOD SAVE THE KING.

HONG KONG.

No. 1 of 1946.

I assent.



Mark Young

Governor.

1st May, 1946.

An Ordinance to restrict the taking of legal proceedings in respect of certain acts done and payments made during the war period and to validate certain proclamations, rules, regulations, orders and other legislative acts issued, made and passed, and sentences, judgments and orders of certain courts and officers given and made during the war period.

[1st May, 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 Indemnity and Validating Ordinance, 1946. Short Title.

2. In this Ordinance unless the context otherwise requires—

Interpretation.

“act” includes payment or collection of money and “act” used with reference to an offence, a civil wrong, or a breach of contract, includes a series of acts, and words which refer to acts done extend also to omissions;

“appellate authority” includes a confirming or reviewing authority and any person or body having authority to hear appeals from or to review the judgment of any court or tribunal;

“British Military Administration” means the Administration established by a Proclamation signed on H.M.S. Indomitable by Rear Admiral Sir Cecil Halliday Jepson Harcourt and dated the 1st of September, 1945;

“Hong Kong money or fund” includes any money or fund—

- (a) derived, wholly or in part, from the revenues or moneys of the Colony or of the Government thereof or held for any of the purposes of such Government including moneys in general cash account or surplus funds account; or in any reserve, investment, revenue replacement, currency or currency surplus fund; or in any sinking fund; or in any pensions or public officers' guarantee fund; or Government scholarship, studentship, or educational fund;
- (b) belonging to or standing to the credit of any Official Trustee, Official Administrator, Official Receiver or Custodian of Enemy Property account, or to the account of any public officer or deposited as security for the proper discharge of duty by any such officer, or derived from local loans or from the sale of War Savings Certificates in the Colony;
- (c) belonging to or held on behalf of the Police or of any Court or of the Railway or of any public undertaking in the Colony.

“judgment” includes finding;

“legal proceeding” includes action, suit, prosecution, petition of right, application, cause and matter, and every proceeding of whatever nature in any court, whether civil or criminal;

"military" includes any member of the Naval, Land and Air Forces of the Crown and any person employed by, or in the service of, or who is a follower of, or who accompanies any part of the Naval, Land and Air Forces aforesaid;

"Order" includes direction, decision, grant of Probate and Letters of Administration;

"war period" means the period commencing from the eighth day of December, 1941, and continuing until such date as the Governor may by notification in the Gazette declare to be the end of the war period for the purposes of this Ordinance.

Bar to legal proceedings against persons acting in good faith and to legal proceedings in respect of certain payments.

3 (1) No legal proceedings whatsoever shall lie or be instituted or maintained in any court for or on account of or in respect of—

(a) any act or thing done during the war period, whether within or without the Colony, if done in good faith and done in the execution of his duty or for the purpose of prosecuting the war or maintaining or restoring order or enforcing discipline or ensuring public safety or maintaining supplies and services essential to the community or for the defence of the Colony or otherwise in the public interest by a person holding office, or employed or acting in any capacity in any part of the Colony, in the service of the British Military Administration or otherwise in the service of the Crown or in the public service, or employed by, or acting on behalf of any statutory or public body incorporated in the Colony or by any other person acting under the authority of a person so holding office, so employed or so acting; or

(b) any act or thing done, during the war period, whether within or without the Colony if done in good faith, for the good order and welfare of, or for the purpose of enforcing discipline among, civilian internees in any civilian internment camp, by any British or allied member of a camp committee or camp disciplinary tribunal or camp police force or by any other civilian internee authorised to exercise disciplinary or executive functions in any such camp;

(c) any payment made, whether within or without the Colony, during the war period out of any Hong Kong money or fund, by, or by direction of, or under the authority of the Secretary of State or by, or by direction of, or under the authority of the Crown Agents for the Colonies, for the purpose of discharging the debts or public obligations of the Crown or of the Government of Hong Kong or of any statutory or public body or institution or of any public official incorporated or formerly exercising public functions in any part of the Colony; or made for the purpose of maintaining the financial credit of, or otherwise in the interests and for the purposes of the said government or of any such body, or official; or made in the interests or for the purposes of the British Military Administration or otherwise in the interests or for the purposes of the relief and rehabilitation of the Colony; including in particular, but without prejudice to the generality of the preceding words, payments made in respect of or on account of—

- (i) Government loans, War Savings Certificates, Money Orders;
- (ii) Contributions to sinking funds;
- (iii) Currency redemption;
- (iv) salaries, pensions, gratuities, allowances or advances to Government servants, employees or pensioners, their families and dependants;
- (v) Gratuities or allowances to persons resident or formerly resident in the Colony, their families and dependants, and grants to any fund or association for any like purpose;
- (vi) contracts entered into prior to or during the war period for goods supplied or to be supplied or services rendered or to be rendered;
- (vii) compensation for cancellation of contracts;
- (viii) loans or advances made, or contracted during the war period to be made, for purposes of the rehabilitation of the Colony or any part thereof;

and if any such legal proceeding has been instituted; whether before or after the passing of this Ordinance it shall be discharged and made void.

(2) No legal proceeding complaining of an act or thing alleged to have been done otherwise than in good faith, (whether done within or without the Colony) during the war period by any person acting or purporting to act for any of the purposes and in any of the capacities in the preceding sub-section mentioned shall be received by, or maintained in, any court unless a certificate of the Attorney General shall first have been obtained sanctioning the institution of such legal proceeding.

(3) For the purposes of paragraph (a) of sub-section (1) of this section a certificate issued by or under the authority of the Secretary of State for the Colonies or the Governor or the senior military officer in the Colony that any act or thing was

Certificates required for institution of legal proceedings alleging bad faith.

Certificate to be evidence.

Not out of any exchange or coin security fund.

done under the authority of a person so holding office or so employed as aforesaid or was done in the execution of a duty shall be sufficient evidence of such authority or duty and of such act or thing having been done thereunder or in execution thereof, and any such act or thing done by or under the authority of a person so holding office or so employed as aforesaid shall be deemed to have been done in good faith unless the contrary is proved.

4. (1) Any sentence passed, judgment given or order made during the war period by any court, tribunal or appellate authority established by or by virtue of any proclamation promulgated by or under the authority of the Commander-in-Chief (other than a Court Martial constituted in pursuance of any Statute) shall be deemed to be and always to have been within the jurisdiction of the court, tribunal or appellate authority. Validation of judgments, sentences and orders.

(2) Where at the date of the coming into operation of this Ordinance any sentence or judgment or order of any Standing Military Court is still subject to confirmation or review, the powers exercisable under any such proclamation by the appellate authority shall be exercised by such person as may be designated by the Governor in that behalf and such person shall be deemed to be the appellate authority within the meaning of sub-section (1).

(3) Subject to any order made on confirmation or review as aforesaid and to any remission according to the Prison Rules from time to time in force every person imprisoned or otherwise punished howsoever under and by virtue of any sentence passed or order made by any such court, tribunal or appellate authority shall continue liable to imprisonment or punishment until the expiration or execution of the said sentence or until he is released by the Governor or otherwise by the exercise of His Majesty's prerogative.

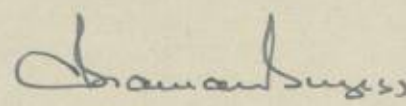
5. All laws, proclamations, orders, rules, regulations, and other acts whatsoever of a legislative character made or issued during the war period by or with the assent of any British Military authority shall be deemed to have been validly made from the date of promulgation notwithstanding that any such law, proclamation, order, rule, regulation or legislative act may have repealed or amended or been inconsistent with any law previously in force. Validation of legislative acts.

6. Unless a contrary intention appears all contracts entered into by or on behalf of the British Military Administration which are not expressed to terminate upon the termination of the said Administration shall as from the commencement of this Ordinance be deemed to have been entered into by or on behalf of the Government and shall continue in full force and effect as if the Government instead of the British Military Administration had been the contracting party. Continuation of contracts.

7. Nothing in this Ordinance shall be deemed to affect— Savings.

- (a) the institution or prosecution of proceedings by or on behalf of the Crown or the Government of Hong Kong; or
- (b) the institution or prosecution of proceedings against an enemy or the subject of a State at war with His Majesty or against any person acting under the authority of an enemy or subject of such State; or
- (c) the institution or prosecution of proceedings in respect of rights under, or alleged breaches of, contracts if such proceedings are instituted within one year from the termination of the war period or the date when the cause of action arose, whichever may be the later; or
- (d) the institution of any proceedings under the Compensation (Defence) Regulations, 1940, or otherwise for the purpose of recovering compensation for property or services requisitioned or acquired, or the institution of any proceedings that may lie for the recovery of compensation for war damage; or
- (e) the institution of such proceedings by and against the Custodian of Property as may hereafter be authorised by Ordinance.

Passed the Legislative Council of Hong Kong, this 1st day of May, 1946.


Deputy Clerk of Councils.

HONG KONG.

No. 2 of 1946.

I assent.



Mark Young

Governor.

1st May, 1946.

An Ordinance to provide for the incorporation into the law of the Colony of provisions of certain Proclamations and matters done thereunder promulgated during the British Military Administration together with modifications of such provisions and to amend such Ordinances as are affected by such incorporation.

[1st May, 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 Law Amendment (Transitional Provisions) Ordinance, 1946. Short Title.

2. (1) All Laws, Proclamations, Orders, Rules, Regulations and other Acts whatsoever of a legislative character made or issued during the British Military Administration by or with the assent of any British Military Authority are hereby repealed and cancelled except in so far as is hereinafter expressly provided to the contrary. Repeal except as hereinafter provided of acts of the British Military Administration of a legislative character.

(2) All notices, appointments, forms and permits given made or issued under any of the laws, Proclamations, Orders, Rules, Regulations and other Acts hereinbefore repealed and cancelled are likewise cancelled except in so far as is hereinafter expressly provided to the contrary.

(3) All requisitions valid or validated under the Requisitioning Proclamation shall continue to have effect until determined in such manner as the Governor may by notification in the Gazette specify.

3. The Proclamations of the British Military Administration set out in the first column of Schedule I hereto shall have effect as if the same had been contained in Ordinances enacted by the Legislature of the Colony coming into operation as from the respective dates, if any, from which such Proclamations are expressed to take effect or as from the respective dates of promulgation of the said Proclamations and shall as from the enactment of this Ordinance have effect subject to the adaptations and modifications contained in the second column of the said schedule. Proclamations incorporated in law of Colony.

4. (1) Any rule, regulation or order made during the British Military Administration under any Proclamation contained in Schedule I hereof shall as from the date, if any, from which it is expressed to take effect, or if there is no such date, then as from the date of its promulgation have effect as if it had been lawfully made under the provisions of an Ordinance enacted by the legislature of the Colony and as from the enactment of this Ordinance shall have effect subject to the adaptations and modifications contained in the second column of Schedule II hereof. Incorporation in law of Colony of Rules, Regulations, Orders made under Proclamations in Schedule I.

(2) Any matter or thing done under any Proclamation contained in Schedule I or under any rule, regulation or order comprised in the preceding sub-section shall have effect accordingly.

Incorporation
in law of
Colonies
Orders and
other acts under
Proclamations
4 and 16.

5. (1) Any order, regulation or other act made under Proclamation No. 4—Delegation of Powers (Amendment)—and Proclamation No. 16—Military Administration (Delegation)—and contained in Schedule III hereto shall as from the date, if any, from which it is expressed to take effect or, if there is no such date, then as from the date of its promulgation have effect as if it had lawfully been made under the provisions of an Ordinance enacted by the legislature of the Colony and, as from the enactment of this Ordinance shall have effect subject to the adaptations and modifications contained in the Schedule hereto.

(2) Any matter or thing done under any such order, regulation or act comprised in the preceding sub-section shall have effect accordingly.

Amendments to
Ordinances.

6. The Ordinances referred to in the first column of Schedule IV hereto are hereby amended in the manner appearing in the second column of the said Schedule.

Saving.

7. (1) Notwithstanding the repeal of the Military Courts Proclamation effected by section 2 of this Ordinance the provisions of Articles 20, 22 and 23 and paragraph (1) of Article 24 shall subject to the adaptations and modifications contained in sub-section (2) of this section continue in force to the extent that the same are required to give effect to the provisions of the Indemnity and Validating Ordinance, 1946, containing the powers conferred on an appellate authority by sub-section (2) of section 4 of that Ordinance.

(2) (a) The appellate authority shall not exercise the power to order a new trial, and

(b) the words "appellate authority within the meaning of the Indemnity and Validating Ordinance, 1946" shall be substituted for the words "the Legal Adviser" wherever such words appear in the said Articles.

(3) Where any matter or thing has been done in exercise of the powers conferred on any of the officers specified in the right hand column of Order No. 1 made under Article 1 of Proclamation No. 4—Delegation of Powers (Amendment)—or under any amendment of such order with reference to any enactment (including any enactment of the British Military Administration) which is not repealed by this Ordinance such matter or thing shall continue to have effect in like manner as if it had been validly done by the corresponding authority specified opposite the name of any such officer in the left hand column of such order.

(4) Save as hereinafter provided notwithstanding the repeal by Section 2 hereof of Order No. 5 made under Article 1 of Proclamation No. 4—Delegation of Powers (Amendment)—any petition for a Grant of Probate or Letters of Administration which was pending before the Standing Military Court under Order No. 5 aforesaid shall be deemed to be pending before the Supreme Court in like manner and with the like effect as if such petition and any step in the proceedings taken thereafter had lawfully been lodged and taken under the Probates Ordinance, 1897. Provided that this sub-section shall not apply to any petition or any subsequent step which was not lodged or taken in accordance with such Ordinance as amended by Order No. 5 aforesaid.

Variation of
Schedules.

8. The Governor-in-Council may by Order from time to time add to, alter or amend the provisions of the Schedules hereto or any of them.

SCHEDULE I.

Proclamations Incorporated in Law of Colony.

Proclamations.	Modification. Article.	
No. 6—The Moratorium Proclamation as amended by the Moratorium Amendment Proclamation.	2	The words "or after the cessation of the British Military Administration, the Financial Secretary or such other person as may be appointed by the Governor" shall be added after "Military Administration".
	3	The word "Finance" shall be inserted between the words "restrictions as the" and "Controller" in paragraph (2).
	7	The comma after "Chief Civil Affairs Officer" shall be deleted and the words "or after the cessation of the British Military Administration, the Governor" inserted in the same place. The words "either of them respectively" shall be substituted for "him".

Proclamations.

Modification.

Article.

	8	The words "or after the cessation of the British Military Administration, the Governor" shall be added after "Chief Civil Affairs Officer".
	13	The words "or after the cessation of the British Military Administration, the Governor" shall be added after "Chief Civil Affairs Officer".
	14	The following Article is substituted therefor "Any person contravening the provisions of this Proclamation shall be liable on conviction upon indictment to imprisonment for any term not exceeding five years and to a fine not exceeding five thousand dollars or upon summary conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand dollars".
No. 9—Gazette	1	The words "established by or under the authority of the British Military Administration" shall be deleted.
No. 10—The Custodian Proclamation 1945 as amended by the Custodian Amendment Proclamation.	Throughout	Wherever the words "Chief Civil Affairs Officer" occur shall be substituted the words "Governor in Council".
	4	In paragraph (3) the words "Hong Kong (British Military Administration)" shall be deleted.
	9	The words "in the public interest" shall be substituted for the words "in the interests of the British Military Administration".
	13	There shall be substituted for the words "shall be guilty of an offence . . . such imprisonment and fine" the words "shall be liable (a) on conviction on indictment to imprisonment for any term not exceeding five years and to a fine not exceeding Ten thousand dollars; (b) on summary conviction to any term not exceeding one year or to a fine not exceeding two thousand dollars".
No. 11—Enemy Property, as amended by The Enemy Property (Amendment) Proclamation.	1 (c)	Shall be deleted.
	8	For the words "Chief Civil Affairs Officer" shall be substituted "Governor in Council".
	9	There shall be substituted for the words "shall be guilty of an offence . . . such imprisonment and fine" the words "shall be liable (a) on conviction on indictment to imprisonment for any term not exceeding five years and to a fine not exceeding Ten thousand dollars; (b) on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars".
No. 13—The Opium Proclamation, 1945.	4	The following Article shall be substituted:

Proclamations.

Modification.
Article.

Article 4.

Ordinances repealed: Ordinances No.

7 of 1932, No. 36 of 1932, No. 16 of 1933,
No. 7 of 1934.

The Opium Ordinance, 1932, and all
Ordinances amending the same and all
Regulations made thereunder are repealed.

No. 14—The Volunteer Forces
(Demobilisation) Proclamation.

2

The words "Commander-in-Chief" and the interpretation thereof shall be deleted.

5, 7 & 8

The word "Governor" shall be substituted for the words "Commander-in-Chief" and for the words "Chief Civil Affairs Officer" wherever same occur.

No. 15—Landlord & Tenant
as amended by the Landlord
& Tenant (Amendment) Proclamation.

5

The following paragraph shall be substituted for paragraph 5 of this Article—

"Without prejudice to any right of appeal any Order of a Tenancy Tribunal may be enforced as if it were an Order of the Supreme Court".

6

The following Article shall be substituted for Article 6:

Article 6

"(1) Notwithstanding that the annual rent or value of the tenement to which the appeal relates exceeds the sum of one thousand dollars any person aggrieved by an order or decision of a Tribunal constituted hereunder may within seven days of being informed of such order or decision appeal to the Supreme Court in its summary jurisdiction.

(2) The practice and procedure on appeal shall be by motion and in all matters except those expressly provided hereunder or under the Rules of Procedure provided for under Article 7 hereof shall be in accordance with the practice and procedure prescribed by the Supreme Court Summary Jurisdiction Ordinance, 1873 and any amendment thereof from time to time in force as though such appeal were an action commenced in the Summary Jurisdiction of the Supreme Court.

(3) Any decision on any question of fact or of law decided on any such appeal shall be subject to further appeal in the manner provided for by Sections 34-38 both inclusive of the said Ordinance".

7

There shall be substituted for the words "Chief Civil Affairs Officer" the words "Governor in Council".

7 (c)

The words "or on the President of the Standing Military Court" shall be deleted.

7 (d)

The words "or upon any appeal" shall be deleted.

7 (e)

The words "or upon or in connection with any appeal" shall be deleted.

8 (1) (d)

Sub-paragraph 8 (1) (d) shall be deleted.

Proclamations.

Modification.
Article.

8 (1) (f)

The words "any Bailiff attached to the General Military Court or" shall be deleted.

8 (1)

There shall be substituted for all the words following "Shall be guilty of an offence against this Proclamation and liable on" the words "shall be liable on summary conviction to imprisonment for a term not exceeding 6 months and to a fine not exceeding \$1,000.00 provided that if an appeal is lodged in due time it shall not be an offence to fail to comply with any order or decision against which a right of appeal lies".

No. 17—The Rating
Proclamation.

No. 18—The Prevention of
Malaria Proclamation.

3

The words "The Director of Medical Services" shall be substituted for the words "the Deputy Director of Medical Services".

No. 19—Motor Transport

1

For the words "Chief Civil Affairs Officer" shall be substituted the words "Governor in Council". Delete the definition of "competent court".

2

The words "bearing a registration number issued or approved by the competent authority" shall be substituted for the words "bearing with the consent express or implied of the Commander-in-Chief a Hong Kong Government, M.A.K. or R.N. Registration number or other registration number issued by the competent authority".

6

In paragraph 2 the words "Hong Kong Government M.A.K. or R.N. registration number or other" shall be deleted.

8

For all the words after "material particular" shall be substituted "shall on summary conviction be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five thousand dollars. Upon any conviction the Court may order that the hire be terminated".

9

A further Article shall be added as follows:—

Article 9.

"Governor to have power to repeal.

In the event of this Proclamation being continued in force after the cessation of the British Military Administration, it shall be competent for the Governor to repeal all or any of the provisions thereof".

No. 24—The Estate Duty
(Amendment) Proclamation,
1946.

3a

There shall be substituted for the words "Chief Civil Affairs Officer" the words "Governor in Council".

No. 26—Vehicular Traffic
(Provisional Regulation).

2

In paragraph (2) the word "summary" shall be inserted between "on" and "conviction"; for the words "by the Standing Military Court" shall be substituted "before a Magistrate".

3

A further Article shall be added as follows:—

Proclamations.	Modification. Article.	
Article 3		
" Governor to have power to repeal.		
In the event of this Proclamation being continued in force after the cessation of the British Military Administration, it shall be competent for the Governor to repeal all or any of the provisions thereof "		
No. 27—Emergency Registration of China Companies.	2 (1)	The first three lines and the first three words in line 4 shall be deleted and the following shall be substituted " upon the making of any such order "
No. 28—The Venereal Diseases (Compulsory Treatment) Proclamation.	—	—
No. 29—Stamp (Occupation Transactions) Proclamation, 1946.	—	—
No. 30—Emergency Powers (Extension) Proclamation.	—	—
No. 32—Postage Stamps Management Proclamation.	—	—
No. 33—Trading with the Enemy Ordinance (Amendment) Proclamation.	—	—
No. 34—Miscellaneous Commodities Control and Price Regulation.	—	—
No. 35—British Military Administration (Cessation) Proclamation.	—	—

SCHEDULE II.

Modifications to Regulations, Rules and Orders made under Proclamations incorporated in the Law of the Colony.

Proclamation under which Rule, Regulation or Order is made.	Article under which made.	Rule, Regulation or Order.	H.K. (B.M.A.) No.	Gazette. Vol.	Date.	Modifications.
Custodian Proclamation	12	Regulation 1 Exercise of Custodian's Powers	3	1	15/11/45	Paragraph 6 shall be deleted.
	12	Regulation 2	3	1	15/11/45	In paragraph 2 (iii) there shall be substituted for the words " the British Military Administration " the words " any enactment ". In paragraph 4 there shall be substituted for the words " Chief Civil Affairs Officer " the words " Governor in Council ".

Proclamation under which Rule, Regulation or Order is made.	Article under which made.	Rule, Regulation or Order.	H.K. (B.M.A.) No.	Gazette. Vol.	Date.	Modifications.
Landlord and Tenant	7	Regulations constituting Tenancy Tribunals	4	1	24/11/45	The following Regulation shall be substituted for Regulation 1 :— " The persons appointed during the British Military Administration and such other persons as the Governor shall from time to time by Notice under his hand appoint shall form a Tenancy Tribunal Panel ". Regulations 2, 3 and 4 shall be deleted and the following Regulation substituted :— Regulation 2 — " Any three members of the Tenancy Tribunal Panel when authorised by the Chief Justice or his delegate to constitute a Tenancy Tribunal for any of the purposes from time to time within the jurisdiction of a Tenancy Tribunal shall be and constitute a Tenancy Tribunal for such purpose and shall exercise the functions of a Tenancy Tribunal at such place or places as the Chief Justice or his delegate may direct ". Regulation 6 (ii) shall be deleted. There shall be substituted for the words " president of the Standing Military Court " the words " The Court ". The applicant or his agent shall within two days after the service of an application inform the office of the Tribunal in writing of the date of such service. There shall be substituted for the words " delivery in accordance with Rule 20 " the words " a copy of the answer has been obtained in accordance with Rule 22 ".
Landlord and Tenant	7	Rules of procedure for Tenancy Tribunals No. 33 No. 16A No. 23	4			

Proclamation under which Rule, Regu- lation or Order is made.	Article under which made.	Rule, Regu- lation or Order.	H.K. (B.M.A.) No. Vol. Gazette. Date.	Modifications.
		No. 39		Shall be deleted and the following Rule shall be substituted:— “ 39. All appeals shall be brought by notice of motion in a summary way whether or not notice of Appeal has been lodged prior to the enactment of the Law Amendment (Transitional provisions) Ordinance, 1946 but any fees paid shall be refunded ”.
		No. 40		Shall be deleted and the following Rule shall be substituted:— “ 40. The notice of motion shall be served on all persons affected by the appeal and it shall not be necessary to serve parties not so affected ”.
		No. 41		Shall be deleted and the following Rule shall be substituted:— “ 41. Notice of motion shall be a fourteen (14) days notice ”.
		No. 42		The following words shall be added between the word “ from ” and the full stop:— “ or in the case of pending appeal duly lodged before the enactment of the Law Amendment (Transitional Provisions) Ordinance, 1946 within seven (7) days of the enactment of the said Ordinance ”.
		No. 43		Shall be deleted and the following Rule shall be substituted:— “ 43. A notice of motion shall operate as a stay of proceedings under the decision from which appeal is made ”.

Proclamation under which Rule, Regu- lation or Order is made.	Article under which made.	Rule, Regu- lation or Order.	H.K. (B.M.A.) No. Vol. Gazette. Date.	Modifications.
		No. 44		Shall be deleted and the following Rule shall be substituted:— “ 44. It shall be the duty of the appellant to apply to the Chairman of the Tribunal for a signed copy of the notes of the proceedings before such Tribunal and to furnish such copy for the use of the Court in the appeal. The appellant shall also furnish such copy of the notes to the Respondent ”.
		No. 45 Form No. 8		Shall be deleted. Shall be deleted and the following form shall be substituted:—

Form No. 8

**IN THE SUPREME COURT OF HONG KONG.
SUMMARY JURISDICTION.**

IN THE MATTER of Proclamation No. 15
Action No.*
* To be left blank.

BETWEEN

and

Appellant

Respondent

NOTICE OF MOTION ON APPEAL.

TAKE NOTICE that the Court will be moved at.....o'clock.....m. on.....
day the.....day of.....19....., or as soon thereafter as may be.

The motion is on Appeal for an Order that the decision and/or order made by the
Tenancy Tribunal in Application No.....be

reversed
set aside
varied

and that the said

pay to the said the costs of an incidental to this Appeal and for such
further or other order as the Court may seem just.

AND FURTHER TAKE NOTICE that the grounds of this Appeal are (here state
concisely the grounds of the appeal, stating each ground in a separate paragraph):

DATED the day of 194 .

.....
Solicitor for the Appellant.

.....
Counsel for the Appellant.

TO:—The above-named Respondent
and
The Registrar, Supreme Court.

SCHEDULE III.

Orders made under powers conferred under Article 1 of the British Military Administration Delegation of Powers (Amendment) Proclamation which are incorporated in the Law of the Colony and modifications thereto.

Order incorporated	H.K. No.	(B.M.A.) Vol.	Gazette Date.	Modification.
Order 2				
Registration of Imports & Exports (No. 12 of 1922) Regulations Amendment.	3	1	15/11/45	
Order 3				
Dangerous Buildings	3	1	15/11/45	
Order 4				
as amended by Order 7, Diesel Engined Junks and Landing Places for Passenger Junks	3	1	15/11/45	For the words "on conviction by the Standing Military Court" shall be substituted "on summary conviction".
Order 8				
Amending Jury Ordinance, 1887	4	1	24/11/45	In 5B for the words "on conviction by the Standing Military Court" shall be substituted "on summary conviction". In 7A the words "compiled from particulars furnished under section 5A" shall be substituted for the words "in manner prescribed by the said Ordinance," and the comma after the word "jurors" shall be deleted.
Order 9				
Amending Harbour Dues	6	1	8/12/45	

Regulations and Orders made under powers conferred under Article 1 of Proclamation No. 16 British Military Administration (Delegation) which are incorporated in the Law of the Colony and modifications thereto.

Regulations or Orders incorporated	H.K. No.	(B.M.A.) Vol.	Gazette Date.	Modification.
Regulation No. 1 being Regulations under Stamp Ordinance, 1921	1	2	5/ 1/46	
Regulation No. 2 being Regulations for landing fish under Merchant Shipping Ordinance, 1899	2	2	12/ 1/46	Regulation 18: The words "Colonel (C.A.) Supplies, Transport and Industry" shall be deleted and the words "Director of Fisheries" shall be substituted. Regulation 19: The word "Magistrate" shall be substituted for the words "Summary Military Court".
Regulation No. 3 being an amendment of rules made under the Boarding House Ordinance, 1917	14	2	16/ 3/46	
Order dated 2nd January, 1946 being an Order under Peak Tramway Ordinance, 1899.	1	2	5/ 1/46	
Orders made under the Quarantine & Prevention of Disease Ordinance, 1936 relating to:—				

Regulations or Orders incorporated	H.K. No.	(B.M.A.) Vol.	Gazette Date.	Modification.
(a) Bangkok made on 24/1/46 Gazette Notification given	5	2	26/ 1/46	
(b) Shanghai made on 20/2/46 Gazette Notification given	10	2	23/ 2/46	
(c) Bangkok made on 28/2/46 Gazette Notification given	11	2	2/ 3/46	
(d) Canton made on 15/4/46 Gazette Notification given	20	2	20/ 4/46	
(e) Amoy made on 25/4/46 Gazette Notification given	21	2	27/ 4/46	
Order No. 1 being an Order modifying Births and Deaths Registration Ordinance, 1934	9	2	16/ 2/46	
Order No. 3 being an Order under Estate Duty Ordinance, 1932	11	2	2/ 3/46	In paragraphs 1 (a) and 1 (b) the words "during the continuance of the British Military Administration" shall be deleted.
Order No. 4 being an Order under the Industrial and Reformatory Schools Ordinance, No. 6 of 1932	11	2	2/ 3/46	
Order No. 6 of 28th March, 1946 being an order under the Quarantine and Prevention of Disease Ordinance, 1936, providing a scale of charges for the fumigation and disinfection of shipping.	16	2	30/ 3/46	
Order No. 7 being an Order under the Waterworks Ordinance, 1936.	18	2	6/ 4/46	
Order made for the Prevention of Cholera	20	2	20/ 4/46	
Direction under Regulation 5 of the Defence (Finance) Regulations and dated the 27th of April, 1946.	21	2	27/ 4/46	
Order No. 9—Port Executive Committee Order, 1946.	22	2	30/ 4/46	

SCHEDULE IV.

ORDINANCES AMENDED.

Ordinances.

Evidence Ordinance, 1889.

Amendments.

The following sub-section shall be inserted as sub-section 1 of section 26 of the Evidence Ordinance, 1889, "(1) In this section the expressions "Hong Kong Government Gazette" and "such Gazette" include the Hong Kong (British Military Administration) Gazette within the meaning of Proclamation No. 9, Gazette, of the British Military Administration.

Ordinances.

Fraudulent Transfer of Businesses Ordinance, 1923.

Amendments.

Sub-section 3 of Section 3 of the Fraudulent Transfer of Businesses Ordinance, 1923, is hereby amended by the deletion of the words between "be deemed to be complete" and "The particulars" and the substitution therefor of

- " (a) upon the expiration of one month from the publication of the notice in the manner aforesaid; or
- (b) if such notice shall have been given during the Hong Kong British Military Administration upon the expiration of one month after the re-establishment of the Supreme Court in its Civil jurisdiction."

Note-issuing Banks Extension of Powers Ordinance, 1939.

Section 3 of the Note-issuing Banks Extension of Powers Ordinance, 1939 is hereby amended by

- (a) the deletion of the words "12th day of July, 1940" in the fifth line and the substitution therefor of the words "12th day of July, 1946";
- (b) the addition at the end of the section of the words:—

"Notwithstanding that the provisions of any Ordinance requiring a Note-issuing Bank to deposit securities or other value in respect of or the limiting of the amount of notes payable to bearer on demand which such bank shall issue shall not have been complied with in respect of such notes issued between 25th December, 1941 and 1st September, 1945 no bank shall be deemed to have infringed the provisions of such Ordinance and such notes shall be legal tender."

Passed the Legislative Council this first day of May, 1946
Chairman
Chair of Council

HONG KONG.

No. 3 of 1946.

I assent.

Governor.

1st May, 1946.

An Ordinance to provide for the trial of offences committed during the British Military Administration.

[1st May, 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 Administration of Justice (Transitional Provisions) Ordinance, 1946. Short title.

2. In this Ordinance "Summary Military Court" and "General Military Court" shall have the meanings assigned to them respectively by the Military Courts Proclamation and "committal proceedings" shall have the meaning assigned to it by the said Proclamation and by the Rules of Procedure for the Standing Military Court made under Article 25 of the said Proclamation. Interpretation.

3. (1) Notwithstanding the repeal contained in Section 2 of the Law Amendment (Transitional Provisions) Ordinance, 1946, the Supreme Court and a Magistrate respectively shall have jurisdiction over any offence committed prior to the enactment of such Ordinance against any of the Proclamations, Orders, Rules and Regulations thereby repealed. Offences against Proclamations of The British Military Administration which have been repealed.

(2) Any such offence shall be punishable on conviction on indictment with the like punishment as could have been inflicted by the General Military Court and shall be punishable on summary conviction with twelve months imprisonment or a fine not exceeding \$1,000.00.

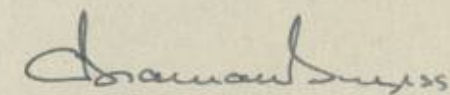
4. Where any person has been charged before a Summary Military Court with any offence and has not been committed for trial to a General Military Court, then, unless the Summary Military Court shall have convicted acquitted or discharged such person, he shall be brought before a Magistrate as soon as may be after the enactment of this Ordinance, and the Magistrate shall proceed in accordance with the Magistrates Ordinance, 1932, as though a complaint, information or charge had been laid against such person in respect of the matters appearing in the charge laid before the Summary Military Court. Cases not committed for trial and not completed.

5. Where any person has been committed for trial to a General Military Court without committal proceedings having been taken in the Summary Military Court, then, unless the General Military Court shall have convicted acquitted or discharged such person, he shall as soon as may be after the enactment of this Ordinance be brought before a Magistrate who shall proceed in like manner as if an information or charge for an indictable offence alleging the charges upon which accused was committed to the General Military Court had originally been laid before him. Procedure where accused committed to trial without committal proceedings.

6. (1) Where any person has been committed for trial to a General Military Court by a Summary Military Court after the taking of committal proceedings by such Summary Military Court, then, unless the General Military Court shall have convicted acquitted or discharged such person, the Supreme Court shall have jurisdiction to try such person upon any charges contained in an indictment preferred by the Attorney General. Cases committed for trial after taking committal proceedings.

- (2) In any case tried by the Supreme Court under this Section the depositions of the witnesses before the Summary Military Court, any documentary exhibits thereto, any material statement or observation made and any evidence given by the accused person in the course of the proceedings before the Summary Military Court may, if recorded by or produced before the Summary Military Court, be used and referred to at the trial in like manner and to the like extent as if they had been duly recorded by or produced before a Magistrate under Part III of the Magistrates Ordinance, 1932, as read with Section 50 of the Evidence Ordinance, 1889.
- (3) Unless the Chief Justice otherwise directs the trial shall take place at the first Criminal Sessions of the Supreme Court held after the enactment of this Ordinance.

Passed the Legislative Council of Hong Kong, this 1st day of May, 1946.



Deputy Clerk of Councils.





HONG KONG.

No. 4 of 1946.

I assent.

Mark Young
Governor.

17th May, 1946.

An Ordinance to make provision for the Chief Justice to authorise solicitors to appear in any jurisdiction of the Supreme Court.

[17th May, 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 Supreme Court (Emergency) Ordinance, 1946.

Short Title.

2. (1) It shall be lawful for the Chief Justice in the exercise of his discretion

Authorisation of solicitors to practise as advocates in the Supreme Court and to conduct proceedings on behalf of the Crown.

(a) to authorise any duly enrolled solicitor of the Supreme Court and any person duly appointed Crown Solicitor or Assistant Crown Solicitor to appear and act as an advocate in any cause trial motion matter or other proceeding in the Supreme Court;

(b) at the request of the Attorney General to authorise any duly enrolled solicitor of the Supreme Court to appear and act as an advocate on behalf of the Crown in any proceedings before a Magistrate or at the Criminal Sessions and also to appear before the Full Court on any appeal or question reserved arising out of any such proceedings.

(2) Nothing in this section shall affect

(a) the powers privileges and functions of or other provisions relating to the Crown Solicitor or any Assistant Crown Solicitor under the Crown Solicitors Ordinance, 1912; or

Ordinance No. 55 of 1912.

(b) the provisions of Sub-section (1) of Section 30 of the Legal Practitioners Ordinance, 1871.

3. Such provisions of the following Ordinances as may conflict with the provisions of this Ordinance are suspended during the operation of this Ordinance:

Provisions of conflicting Ordinances suspended.

(a) The Legal Practitioners Ordinance, 1871;

Ordinance No. 1 of 1871.

(b) The Supreme Court Ordinance, 1873;

Ordinance No. 3 of 1873.

(c) The Supreme Court (Summary Jurisdiction) Ordinance, 1873;

Ordinance No. 4 of 1873.

(d) The Code of Civil Procedure.

Ordinance No. 3 of 1901.

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

James Douglas

Clerk of Councils.



HONG KONG.

No. 5 of 1946.

I assent.

Mark Young

Governor.

17th May, 1946.

An Ordinance temporarily to vest increased powers in Police Magistrates.

[17th May, 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 Powers of Magistrates (Emergency) Ordinance, 1946.

Short Title.

2. The Magistrates Ordinance, 1932, is amended—

(1) in section 51 by the substitution of the words "three years" for the words "twelve months" in the last line;

Ordinance
No. 41 of 1932,
Amendment to
section 51

(2) in section 84 (1) by the substitution of the words "two years and to a fine not exceeding two thousand dollars" for the words "six months or to a fine not exceeding two hundred and fifty dollars" in the seventh and eighth lines;

" 84
" 86
Third Schedule.

(3) in section 86 by the substitution of the words "two years" for the words "one year" in the sixth line and by the substitution of the words "three years" for the words "two years" in the eleventh line;

(4) in the Third Schedule (as amended by the Bankruptcy and Magistrates Amendment Ordinance, 1933 and the Larceny Ordinance, 1935) by the repeal of paragraphs 7, 8, 11, 12, 13, 14, 15 and 16.

Ordinances
Nos. 29 of 1933
and 32 of 1935.

3. The increased powers exercisable by a magistrate in consequence of the amendments hereby effected to the Magistrates Ordinance, 1932, shall only be exercised—

Application.

(a) by a Magistrate who has been certified by the Chief Justice by notification in the Gazette to possess the necessary professional qualifications and experience for the exercise of such powers; and

(b) during the validity of any such notification which shall be valid for such period as the Chief Justice shall specify and which he is hereby empowered to revoke at any time.

4. This Ordinance shall cease to have effect as from such day as the Governor-in-Council may on the recommendation of the Chief Justice by Order published in the Gazette specify: Provided that the expiration of this Ordinance shall not affect any penalty or punishment previously imposed by a Magistrate or the previous exercise by such Magistrate of any jurisdiction exercisable by virtue of this Ordinance and provided also that if in any proceedings pending before a magistrate at such expiration a plea of guilty shall have been recorded or the magistrate shall have commenced to hear the evidence, then the magistrate may for the purpose of any such proceedings exercise the same jurisdiction and impose the same penalties and punishment as would have been applicable if this Ordinance had not expired.

Duration.

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

Samuel Ho

Clerk of Councils.



HONG KONG.

No. 6 of 1946.

I assent.

Mark Young

Governor.

17th May, 1946.

An Ordinance to provide for the Urban Council to function temporarily without elected members.

[17th May, 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 Urban Council (Transitional Provisions) Ordinance, 1946. | Short Title. |
| 2. This Ordinance shall be read and construed as one with the Urban Council Ordinance, 1935, (hereinafter referred to as "the Principal Ordinance"). | Interpretation.
Ordinance
No. 7 of 1935. |
| 3. In sub-section (1) of Section 3 of the Principal Ordinance the words "one year" shall be substituted for the words "three years". | Term of office. |
| 4. (1) Notwithstanding any vacancies occurring in the Council by reason of the failure from any cause whatsoever to hold elections of or to elect both or either of the additional members of the Council referred to in sub-section (2) of Section 3 of the Principal Ordinance the Council shall be deemed to be legally constituted without either of such members until any vacancy arising because of any such failure has been lawfully filled.

(2) The preceding sub-section shall cease to have effect after one year from the date of the coming into operation of this Ordinance. | Constitution of Council. |
| 5. Any additional member who, during the year immediately following the coming into operation of this Ordinance, is elected or is appointed by the Governor in default of nomination for election, shall cease to hold office at the expiration of one year from the coming into operation of this Ordinance. | Term of office of elected members and of members appointed in default of nomination. |
| 6. Sub-section (3) of Section 3 of the Principal Ordinance is hereby amended by the substitution of the words "and any enactment amending or substituted for the same" for the words "as amended by the Jury Amendment Ordinance, 1929". | Amendment of sub-section (3) of section 3 of the Principal Ordinance.
Ordinance
No. 8 of 1929. |
| 7. This Ordinance shall come into operation on such date as the Governor shall notify by Proclamation as the commencement of this Ordinance. | Commencement of Ordinance. |

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

James Buchanan

Clerk of Councils.



HONG KONG.

No. 7 of 1946.

I assent.

Mark Young
Governor.

17th May, 1946.

An Ordinance to provide for the surrender of subjects of China who, during the war period, have, in China, collaborated with the Japanese.

[17th May, 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 Chinese Collaborators (Surrender) Ordinance, 1946. Short Title.
2. In this Ordinance unless the context otherwise requires— Interpretation.

“China” includes any territory which, at the time of the commission of the act in respect of which an order for surrender is made, was, in the opinion of the Governor, recognised by His Majesty’s Government as forming part of the Republic of China.

“Chinese authority” means any person considered by the Governor to represent in the Colony, or in any place within the territory of the Republic of China, the Government recognised by His Majesty’s Government as the lawful Government of the Republic of China, or to represent in any such place aforesaid the Head of such Government.

“Chinese National” means a person having, in the opinion of the Governor, Chinese nationality at the time of the act in respect of which an order for surrender is made but shall not include any person who was at such time or is now a British subject.

“Collaborator” means a Chinese national for whose surrender an order has been made under this Ordinance.

“Enemy” means the Japanese State and any person or body of persons or authority acting or purporting to act or to be established under the authority of or in association with such State.

“Territory of the Republic of China” means the territory which, in the opinion of the Governor, is recognised from time to time by His Majesty’s Government as forming part of the Republic of China.

“War” includes the hostilities between the Republic of China and Japan preceding the formal declaration of war by China upon Japan.

“War period” means the period between the 7th of July, 1937, and the 16th of August, 1945.

3. It shall be lawful for the Governor in Council upon the application of a Chinese authority, made in such form and accompanied by such documents and certificates as the Governor may from time to time require, to make an order for the surrender to such authority or any delegate recognised by the Governor of any Chinese national who, during the war period, has, in the opinion of the Governor in Council, done in any part of China any act or thing designed or calculated to benefit the enemy or hostile or detrimental to or designed or calculated to defeat, hinder or prejudice the cause of the United Nations or the prosecution of any war in which any of such Nations were engaged. Power to make order for surrender.

4. (1) The Governor may, whenever it shall appear to him that there are reasonable grounds for inquiry as to whether any person should be surrendered and that the detention of such person is desirable, issue a warrant authorising the arrest of such person and his detention for a period not exceeding fourteen days. Warrant for apprehension and detention.

(2) Any person arrested under such warrant may be detained in the custody of any officer referred to in the said warrant, whether by a specific or by a general description, and may be transferred from the custody of such officer to that of any other such officer as often as may be desirable.

(3) The Governor may from time to time by warrant authorise the detention of a person already in custody for a further period of seven days from the date of the expiration of the previous warrant provided that the Governor is satisfied that the said person ought to be detained in order that further inquiry may be made or the arrangements for surrender completed.

(4) Whenever a warrant for detention has been made under this section without specifying in whose custody detention is to be carried out, the person arrested under such warrant may be detained in any place or building or portion of a building set aside for the purpose of a prison under section 2 of the Prisons Ordinance, 1932, and from time to time be moved therefrom and brought to and detained in any place as the Colonial Secretary may by any written or verbal direction direct.

Service of
order for
surrender.

5. (1) So soon as conveniently may be after the issue of an order for the surrender of a collaborator, the Commissioner of Police shall cause a copy of such order to be served on such collaborator.

(2) A collaborator shall be deemed to be under lawful arrest until the surrender is effected or until such time as he has been released in accordance with this Ordinance.

(3) The Colonial Secretary may, by the direction of the Governor, by order direct that a collaborator be surrendered to any person, whether specified by name or by the designation of his office, being a person recognised by the Governor as the delegate of a Chinese Authority. Any such order may be endorsed on the order for surrender and shall be sufficient authority to all police officers and to the master and crew of any ship in which the person may be carried to use within the Colony and the waters thereof such force and restraint as may be necessary in order to carry out such order.

Exclusion of
necessity for
steps not
expressly
provided for.

6. No steps or proceedings other than those expressly specified in this Ordinance shall be necessary to the validity of any warrant or order made or purporting to have been made under this Ordinance.

Order for
release.

7. (1) The Colonial Secretary, by the direction of the Governor, may order the release of any person detained under the provisions of this Ordinance, including any collaborator detained under section 12, and on the receipt of any such order the person named therein shall be discharged from custody.

(2) The release of any person under the provisions of sub-section (1) of this section shall not be any bar to any subsequent arrest, detention or proceedings under this Ordinance or to the making of an order for surrender under the provisions of the Chinese Extradition Ordinance, 1889, or to the making of a deportation order under the Deportation of Aliens Ordinance, 1935.

Protection of
officers.

8. If any action or suit is brought against any person for anything done under or in obedience to any warrant or order issued under the provisions of this Ordinance, the proof of such warrant or order shall be a sufficient answer to such action or suit, and the defendant, on such proof as aforesaid, shall be entitled to a verdict or judgment accordingly and shall also be entitled to all costs of suit.

Forms
Schedule.

9. The forms in the Schedule or forms to the like effect, with such variations and additions as the circumstances may, in the opinion of the Governor, require, may be used for the purposes therein indicated and instruments in those forms shall be valid and sufficient.

Evidence.

10. In any proceedings whatsoever—

(1) an order for surrender signed by the Clerk of Councils, or a copy of such order certified by the Clerk of Councils, shall be deemed conclusive evidence that the order was duly and validly made and issued against the person named in such order and that the order was made on the date therein specified;

(2) a certificate under the hand of the Colonial Secretary shall be conclusive evidence on any question relating to any opinion, discretion, recognition or direction which the Governor or the Colonial Secretary is by this Ordinance authorised to form, exercise or give or as to the due making and validity of any warrant which the Governor is authorised to issue hereunder;

(3) any document purporting to be any such order as aforesaid or a certified copy thereof or purporting to be such a certificate as aforesaid shall, until the contrary be proved, be deemed respectively to be such order, such certified copy or such certificate.

Decision of
Governor in
Council to
be final.

11. The decision of the Governor in Council as to whether under the provisions of this Ordinance an order for the surrender of any person can lawfully be, or should be, made or as to the surrender of any person shall be final and conclusive for all purposes whatsoever.

Arrest of
returning
collaborator.

12. (1) Any collaborator who, within six months from the day on which the order for the surrender of such collaborator was signed, enters into or is found in the Colony without a permit issued by or on behalf of the Governor authorising his presence in the Colony, may be arrested without warrant by any officer of police and detained in police custody until the Governor's pleasure be known.

(2) The Governor may, if he considers it desirable, make an order for the surrender to a Chinese Authority of any collaborator to which this section applies and may in any event order the detention of such collaborator for a period not exceeding twenty-one days (pending further investigation) in such custody as he may specify.

(3) The Governor may from time to time by warrant authorise the detention of a person already in custody for a further period of seven days from the date of the expiration of the previous warrant, provided that the Governor is satisfied that the said person ought to be detained in order that further inquiry may be made or the arrangements for surrender completed.

(4) Any arrest effected under sub-section (1) of this section shall be reported by the Commissioner of Police to the Colonial Secretary not later than 48 hours after such arrest was made.

13. Nothing in this Ordinance shall be construed as derogating from any authority to order the surrender of a fugitive criminal under the provisions of the Chinese Extradition Ordinance, 1889, or to order the deportation of any alien under the provisions of the Deportation of Aliens Ordinance, 1935.

14. This Ordinance shall continue in force until the 30th April, 1947: Provided that the expiration of this Ordinance shall not affect the validity of any warrant or order made hereunder and that any proceedings (including any warrant, order or step authorised to be made, issued or taken hereunder pursuant or subsequent to or consequent upon any such first-mentioned warrant or order) may be instituted continued or enforced in like manner and with the like effect and validity as if this Ordinance had not expired.

SCHEDULE

FORM NO. 1

[S. 3]

ORDER FOR SURRENDER

THE CHINESE COLLABORATORS (SURRENDER) ORDINANCE, 1946

Council Chamber, Victoria, in the Colony of Hong Kong the day of 194.....

Whereas the following Chinese Authority, namely has by application to the Governor in Council requested that should be surrendered under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1946:

And whereas it appears to the Governor in Council that the said should be so surrendered:

The Governor in Council doth hereby by virtue of the said Ordinance order that the above named person be surrendered to the above mentioned Chinese Authority or to any delegate of such Authority recognised by the Governor.

This order is made under section 3 of the Chinese Collaborators (Surrender) Ordinance, 1946.

Clerk of Councils

FORM NO. 2

[S. 4 (1)]

WARRANT FOR ARREST AND DETENTION

THE CHINESE COLLABORATORS (SURRENDER) ORDINANCE, 1946

Hong Kong.

To the Commissioner of Police and to each and all of the police officers of the Colony and to the Superintendent of Prisons.

Whereas it has been made to appear to me that there are reasonable grounds for inquiry as to whether should be surrendered under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1946, and that the detention of the above named person is desirable:

These are therefore to command you to arrest the said and to detain him for a period of fourteen days from the day on which he is arrested, including the day of arrest.

Dated the day of 194.....

.....
Governor

FORM NO. 3

[S. 4 (3)]
[S. 12 (3)]

WARRANT FOR FURTHER DETENTION

THE CHINESE COLLABORATORS (SURRENDER) ORDINANCE, 1946

Hong Kong.

To the Commissioner of Police and to each and all of the police officers of the Colony and to the Superintendent of Prisons.

Whereas is detained by you or one of you by virtue of a warrant issued by me under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1946;

And whereas I am satisfied that the above named person ought to be detained in order that further inquiry may be made or the arrangements for surrender completed:

Now therefore I do hereby order that the aforesaid warrant issued by me shall be of full force and effect for a period of seven days after the date on which it would save for this warrant expire.

Dated the day of 194.....

.....
Governor

FORM NO. 4

[S. 7 (1)]

ORDER FOR DISCHARGE

THE CHINESE COLLABORATORS (SURRENDER) ORDINANCE, 1946

Hong Kong.

To the Commissioner of Police and to each and all of the police officers of the Colony and to the Superintendent of Prisons.

Whereas is detained by you or one of you by virtue of a warrant issued under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1946:

And whereas His Excellency the Governor is satisfied that the above named person ought not to be further detained and has given me directions accordingly:

These are therefore to command you to release the said

Dated the day of 194.....

.....
Colonial Secretary

FORM NO. 5

[S. 12 (2)]

ORDER FOR SURRENDER OF RETURNED COLLABORATOR

THE CHINESE COLLABORATORS (SURRENDER) ORDINANCE, 1946

Hong Kong.

The day of 194.....

Whereas the surrender of under section 3 of the above mentioned Ordinance was ordered on the.....

And whereas the said entered the Colony on the day of 194 . was found in the }

And whereas I am satisfied that the said should again be surrendered to a Chinese Authority, namely

By virtue of the said Ordinance I hereby order that the above named person be surrendered to the above mentioned Chinese Authority or to any delegate of such Authority recognised by the Governor.

This order is made under section 12 of the Chinese Collaborators (Surrender) Ordinance, 1946.

.....
Governor

FORM NO. 6

[S. 12 (2)]

**WARRANT FOR DETENTION OF RETURNED COLLABORATOR
THE CHINESE COLLABORATORS (SURRENDER) ORDINANCE, 1946**

Hong Kong.

Whereas the surrender of.....
under section 3 of the above mentioned Ordinance was ordered on the.....

And whereas the said.....
entered the } Colony on the.....day of.....194
was found in the }

And whereas it is desirable that the said
be detained until it can be ascertained whether he should be surrendered again to a Chinese
Authority:

These are therefore to command you to arrest the said.....

and to detain him for a period of twenty-one days from the day on which he is arrested,
including the day of arrest.

Dated the day of.....194.....

.....
Governor

FORM NO. 7

[S. 5 (3)]

**ORDER FOR SURRENDER TO RECOGNISED DELEGATE
THE CHINESE COLLABORATORS (SURRENDER) ORDINANCE, 1946**

Hong Kong.

The day of.....194.....

Whereas by the Order for Surrender upon which this Order is endorsed it was ordered
that
should be surrendered to the Chinese Authority therein named or to any delegate of such
authority recognised by the Governor.

I hereby by direction of His Excellency the Governor order that the said
.....
be surrendered to*
at or about

And I Hereby certify that the said*
..... is recognised by the
Governor as the delegate of the Chinese Authority hereinbefore referred to.

* Insert name of recognised delegate.

.....
Colonial Secretary

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

.....
Clerk of Councils.

HONG KONG.

No. 8 of 1946.



I assent.

.....
Governor.

20th June, 1946.

An Ordinance to amend the Hong Kong & Shanghai Bank Ordinance,
1929, and the Regulations thereof.

[20th June, 1946.]

Be it enacted by the Governor of Hong Kong with the advice and con-
sent of the Legislative Council thereof as follows:

1. This Ordinance may be cited as the Hong Kong & Shanghai Bank (Amend-
ment) Ordinance, 1946. It shall come into operation on the day on which the
Hong Kong & Shanghai Banking Corporation (Re-Transfer) Order in Council 1946
is brought into operation by Proclamation under Section 5 thereof.

Short Title and
commencement.

2. The Hong Kong & Shanghai Bank Ordinance and the Regulations thereof
shall take effect subject to the amendments, modifications and exceptions set out
as to the Ordinance in Part I and as to the Regulations in Part II of the Schedule
hereto.

Amendments to
the Hong Kong
& Shanghai
Bank Ordinance
and
Regulations.
Ordinance
No. 6 of 1929.

THE SCHEDULE.

PART I.

In Section (2) (g) there shall be added the following expression and the
definition assigned to it:—

“Acting Chief Manager” means the person for the time being performing
the duties of Acting Chief Manager of the Bank.

In sub-section (1) and sub-section (3) of Section 11 the figures 46,000,000 shall
be substituted for the figures 30,000,000.

PART II.

1. Regulation 11 shall be replaced as follows:—

“The certificates of title to shares on the principal register shall be
under the common seal and shall be signed by one director and counter-
signed by the Chief Manager or by such other officer of the Bank
as may be authorised to do so by the Board. Such certificates shall,
unless otherwise prescribed by the Board, be in the form in Appendix I
to these Regulations or to the like effect.”

2. Regulation 32 shall be amended as follows:—
 - (1) From paragraph (1) there shall be omitted the words 'and may keep (c) a local register, which shall be called "The Shanghai Register".'
 - (2) There shall be substituted for paragraph (5) the following paragraph:—
"The local Shanghai Register previously kept by the Bank shall be deemed to be closed and any shares registered in such local register shall on any future change of ownership thereof be transferred to the Hong Kong Register, and upon such transfer taking place the scrip for such shares shall be delivered up and shall be cancelled and appropriate scrip shall be issued in lieu thereof."
 - (3) There shall be substituted for paragraph (6) the following paragraph:—
"No share upon the principal register shall be transferred to the London Register nor shall shares upon the London Register be transferred to the principal register except with the consent of the Board."
 - (4) Paragraph 7 shall not have effect.
3. At the end of Regulation 57 there shall be added the following paragraph:—
"If for any reason it is impracticable to call such meeting at such time and place and in the manner in which such meeting may be called or to conduct such meeting in the manner prescribed in these Regulations the Governor may of his own motion or on the application of the Chief Manager or of any shareholder who would be entitled to vote at the meeting order a meeting of the shareholders to be called, held and conducted at such time and place and in such manner as he may think fit and where any such order is made may give such ancillary or consequential directions as he may think expedient and any meeting called held and conducted in accordance with any such order shall for all purposes be deemed to be an annual general meeting of the shareholders duly called held and conducted."
4. Paragraph (c) of Regulation 59 shall have no effect.
5. Regulation 60 shall be amended to read as follows:—
"A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three-fourths of such shareholders as, being entitled so to do, vote in person or, where proxies are allowed, by proxy, at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given."
6. Regulation 61 shall be amended to read as follows:—
"A resolution shall be a special resolution when it has been passed by such a majority as is required for the passing of an extraordinary resolution and at a general meeting of which not less than twenty-one days' notice specifying the intention to propose the resolution as a special resolution has been duly given. Provided that, if all the members entitled to attend and vote at any meeting so agree, a resolution may be proposed and passed as a special resolution at a meeting of which less than twenty-one days' notice has been given."
7. Regulation 63 shall have no effect.
8. In Regulation 85 there shall be substituted for the word "seven" the word "five".
9. Regulation 86 shall have no effect.
10. There shall be substituted for Regulation 87 the following Regulation:—
"The Board may fill any vacancy among the Directors occurring for any reason other than that of retirement by rotation, and may add to the number of Directors up to the maximum prescribed by Regulation 85."
11. At the beginning of Regulation 88 (1) there shall be added the words "Save as provided in Regulation 89 herein and".

12. At the end of Regulation 89, there shall be added the following paragraph:—
"In the event of there being no Directors present in the Colony or of the number of Directors having fallen below the minimum and it being impracticable to fill the vacancies in the manner prescribed in these regulations, the Governor either of his own motion or on the application of the Chief Manager or of any twenty shareholders who would be entitled to vote at any general meeting may in the place of any persons who are deemed to have vacated the office of Director appoint such persons as he may think fit to hold office as Directors until the conclusion of the next following ordinary yearly general meeting of the shareholders. Such persons so appointed as Directors may act until the conclusion of such ordinary yearly general meeting without acquiring the qualification prescribed in regulation 88 of the Ordinance and shall be eligible for re-election at such meeting."
13. For Regulation 90 shall be substituted the following regulation:—
"The Board shall be paid out of the funds of the Bank in each year by way of remuneration for their services such sum as a general meeting may from time to time determine, and such remuneration (subject to any special directions of a general meeting) shall be divided among the Directors in such proportions and in such manner as they may from time to time determine."
14. In Regulation 91 (h) there shall be inserted immediately after the word "if" the words "not being the Chief Manager or the Acting Chief Manager for the time being of the Bank."
15. In Regulation 93 immediately after the word "year" and before the word "three", there shall be inserted the words "following the year in which the next ordinary yearly general meeting after the date hereof is held."
16. In Regulation 104 there shall be inserted immediately before the word "another" the words "may, if they think fit, from time to time elect".
17. Regulation 105 shall have no effect.
18. There shall be substituted for Regulation 118 the following Regulation:—
 - (1) The Board may from time to time appoint any person to be the Chief Manager of the Bank either for a fixed term or without any limitation as to the period for which he is to hold such office, and may from time to time remove, or dismiss him from office and appoint another in his place.
 - (2) Notwithstanding any appointment under paragraph (1) of this Regulation, the Board may at any time appoint any person to be an Acting Chief Manager and any reference to the Chief Manager in this and any other Regulation shall be deemed to include a reference to an Acting Chief Manager.
 - (3) The Chief Manager so long as he holds such office shall be eligible for election as a Director within the meaning of these Regulations except that if elected he shall not be subject to retirement by rotation and shall not be reckoned as a Director for the purpose of determining the rotation or retirement of Directors or in fixing the number of Directors to retire but subject to the provisions of any contract between him and the Board he shall be subject to the same provisions as to resignation and removal as the other Directors except the provision under Regulation 88 (1) and he shall ipso facto and immediately cease to be a Director if from any cause he ceases to hold the office of Chief Manager but on ceasing to hold such office he shall not on that account be ineligible for election or to fill a vacancy on the Board of Directors subject to the same provisions as those applying to the Directors other than the Chief Manager."
19. Regulation 123 paragraph (2) shall be amended to read as follows:—
 - (2) All deeds or instruments requiring the common seal of the Bank shall be signed by one Director and countersigned by the Chief Manager or by such other officer of the Bank as may be authorised to do so by the Board."

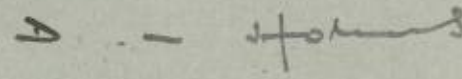
20. For Regulation 124 paragraphs (2) and (3) there shall be substituted the following paragraphs:—

- "(2) The Manager or Acting Manager of the Bank for the time being duly appointed by the Bank in London and in Shanghai respectively and in any other place where such establishment as aforesaid is situate shall have power to affix the Seal authorised to be used at such establishment to any deed or other document to which the Bank is party."
- "(3) The authority of such Manager or Acting Manager shall as between the Bank and any person dealing with such Manager or Acting Manager continue until notice of the revocation or determination of the authority of the Manager or Acting Manager has been given to the person dealing with him."

21. Regulation 147 shall be amended as follows:—

- "(1) In paragraph (1) there shall be substituted for the words 'at least two auditors' the words 'an auditor or auditors'."
- (2) In paragraph (2) there shall be substituted for the word 'auditors' where it appears secondly the words 'an auditor or auditors'."

Passed the Legislative Council of Hong Kong, this 20th day of June, 1946.

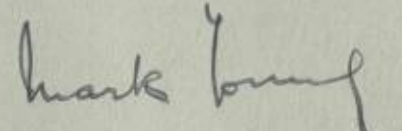

Deputy Clerk of Councils.

HONG KONG.

No. 9 of 1946.

I assent.





Governor.

26th July, 1946.

An Ordinance to provide legal aid in criminal proceedings for members of the Armed Forces.

[26th July, 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 Armed Forces (Legal Aid) Ordinance, 1946. Short title.

2. During the continuance in force of the Supreme Court (Emergency) Ordinance, 1946, any member of the Armed Forces of His Majesty who is entitled to practise as a barrister, solicitor or advocate in England, Scotland, Northern Ireland or in some other part of His Majesty's Dominions may appear and act as an advocate for the defence of a member of the Armed Forces of His Majesty in any criminal proceedings before a Magistrate or before the Supreme Court. Qualified Service Personnel authorised to act as advocates in defence of other Service Personnel. Ordinance No. 4 of 1946.

3. In any proceedings before a Magistrate in which a member of the Armed Forces of His Majesty is accused of having committed an offence such member may with the consent of the Magistrate be defended by an officer of the Armed Forces of His Majesty in which case such officer shall for the purpose of the proceedings before the Magistrate have the same right of audience as would be accorded to counsel as interpreted by the Magistrates Ordinance, 1932. Nothing herein contained shall confer on such officer any right of audience under sub-section (1) of Section 118D of the Magistrates Ordinance, 1932. Defending Officer. Ord. No. 41 of 1932.

4. A certificate under the hand of the Attorney General that in his opinion a member of the Armed Forces possesses the qualification required by Section 2 hereof shall until the contrary be proved be accepted by a Magistrate or by the Supreme Court as sufficient evidence that such member possesses the qualification aforesaid. ss. 1 of Sec. 118D of Ord. No. 41 of 1932. Attorney General's Certificate as to qualification to be prima facie evidence thereof.



5. Such provisions of the following Ordinances as may conflict with the provisions of this Ordinance are suspended during the operation of this Ordinance :

- (a) The Legal Practitioners Ordinance, 1871;
- (b) The Supreme Court Ordinance, 1873;
- (c) The Magistrates Ordinance, 1932.

Suspension
of
Ordinances :
No. 1 of 1871.
No. 3 of 1873.
No. 41 of 1932.
No. 1 of 1871.
No. 3 of 1873.
No. 41 of 1932.

6. This Ordinance shall cease to have effect at the expiration of a period of one year from the date of its publication in the Gazette.

Duration.

Passed the Legislative Council of Hong Kong, this 25th day of July, 1946.

D. — John

Deputy Clerk of Councils.

HONG KONG.

No. 10 of 1946.

I assent.



Mark Young

Governor.

26th July, 1946.

An Ordinance to repeal the Peak District (Residence)
Ordinance, 1918.

[26th July, 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 Peak District Short Title.
(Residence) Repeal Ordinance, 1946.

2. The Peak District (Residence) Ordinance 1918 is hereby repealed.

Repeal of
Ordinance
No. 8 of
1918.

Passed the Legislative Council of Hong Kong, this 25th
day of July, 1946.

D. - Jones

Deputy Clerk of Councils.



HONG KONG.

No. 11 of 1946.

I assent.



Mark Young

Governor.

26th July, 1946.

An Ordinance to repeal the Cheung Chau (Residence)
Ordinance, 1919.

[26th July, 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 Cheung Chau Short Title.
(Residence) Repeal Ordinance, 1946.

2. The Cheung Chau (Residence) Ordinance 1919 is hereby repealed.

Repeal of
Ordinance
No. 14 of
1919.

Passed the Legislative Council of Hong Kong, this 25th
day of July, 1946.

A. J. Jones

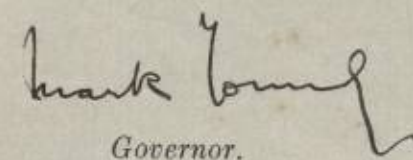
Deputy Clerk of Councils.



HONG KONG.

No. 12 OF 1946.

I assent.


Governor.

16th August, 1946.

An Ordinance to amend the Currency Ordinance No. 54 of 1935.

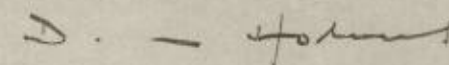
[16th August, 1946.]

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 Currency Short Title Amendment Ordinance, 1946.

2. The Currency Ordinance, 1935, shall be amended by
- (a) the substitution of "Financial Secretary" for "Treasurer" whenever the latter appears in the said Ordinance; Amendment of style of title of "Treasurer".
 - (b) the substitution of "Financial Secretary" for "Colonial Treasurer" in the Schedule to the said Ordinance.

Passed the Legislative Council of Hong Kong, this 15th day of August, 1946.



Deputy Clerk of Councils.



HONG KONG.

No. 13 of 1946.

I assent.



Mark Young

Governor.

16th August, 1946.

An Ordinance to remove doubts concerning the legal status of certain Bank Notes issued during the Japanese occupation of the Colony and to give power to the Financial Secretary to issue certificates of indebtedness other than in accordance with section 5 of the Currency Ordinance, 1935.

[16th August, 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 Bank Notes and Certificates of Indebtedness Ordinance, 1946. Short Title.

2. All Notes of a note-issuing Bank within the meaning of Section 2 of the Currency Ordinance, 1935, put into circulation between 25th December, 1941, and 16th August, 1945, shall, notwithstanding any irregularity in the manner of the issue, be and be deemed to have been at all times bank notes lawfully issued within the meaning of Section 3 of the Currency Ordinance, 1935, and subject to the provisions of Section 3 hereof, the provisions of that Ordinance and any amendments thereto shall apply to the notes aforesaid. Validation of Doubtful Notes.

3. Notwithstanding anything contained in Section 5 of the Currency Ordinance, 1935, the Financial Secretary is authorised to issue certificates of indebtedness to the Hong Kong and Shanghai Banking Corporation in respect of the notes of that Bank validated under Section 2 as follows:— Authority to issue certificates of indebtedness in respect of notes of the Hong Kong and Shanghai Banking Corporation validated.

(1) In the sum of \$103,800,000 on the passing of this Ordinance.



(2) As soon as possible after the end of the financial year commencing on the first day of April, 1946, and of each succeeding financial year thereafter until the total amount of the certificates of indebtedness issued under this subsection amount to the sum of \$16,000,000, in a sum equal to the proportion of the net income of the Exchange Fund referred to in Section 6 of the Currency Ordinance, 1935, for the preceding year which corresponds to the proportion which the sum of \$16,000,000 bears to the sum of \$119,800,000 less the dollar equivalent of the sum of £1,000,000 sterling and the dollar equivalent of the sum to be paid when ascertained as provided in this section, and in consideration of the issue of the said certificates of indebtedness to require from the Hong Kong and Shanghai Banking Corporation—

- (a) the payment of the sum of £1,000,000 sterling to the said Exchange Fund, on the issue of the certificate of indebtedness for \$103,800,000, and—
- (b) when the amount has been ascertained the payment by the Hong Kong and Shanghai Banking Corporation to the said Fund of a sum equal to the sterling equivalent at 1s. 3d. to the Hong Kong dollar of the face value of that portion of the notes referred to in Section 2 which were used when first issued in discharge of any legal liability of the Hong Kong and Shanghai Banking Corporation.

Passed the Legislative Council of Hong Kong, this 15th day of August, 1946.

D. — J. —

Deputy Clerk of Councils.

HONG KONG.

No. 14 OF 1946.

I assent.



Mark Young
Governor.

6th September, 1946.

An Ordinance to enable the Governor-in-Council to provide for the observance of Summer Time.

[6th 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 Summer Time Ordinance, 1946. Short Title.

2. (1) It shall be lawful for the Governor in Council in any year :

- (a) to order that Summer Time shall be observed as from 3.30 a.m. on a day specified in such Order being a day not earlier than the 1st of April;
- (b) by any Order in which Summer Time has been ordered to be observed or by subsequent Order to order that Summer Time shall cease to be observed as from 3.30 a.m. Standard Time on a day specified in such Order, being a day not later than the 1st of December.

The Governor in Council may in any year order when Summer Time is to be observed or cease to be observed.

(2) If in any year in which an Order has been made under paragraph (a) of sub-section (1) hereof no day has, before the 30th of November in such year, been specified as the time from which Summer Time shall cease to be observed, then Standard Time shall be observed as from 3.30 a.m. Standard Time on the 1st of December in such year.

(3) During the year 1946 this Ordinance shall be construed and take effect as if the Governor in Council had by Order under paragraph (a) of sub-section (1) hereof specified 3.30 a.m. on the 21st of April as the time from which Summer Time should be observed.



Summer
Time to be
one hour in
advance of
Standard
Time and
construction
of references
to a point of
time during
observance
of Summer
Time.

3. In any year as from 3.30 a.m. Standard Time on the day specified in any Order made under section 2 (a) hereof and until the time as from which Summer Time should under this Ordinance cease to be observed in such year

- (1) the time for general purposes in Hong Kong shall be exactly nine hours in advance of Greenwich Mean Time, that is to say, one hour in advance of the mean time of the 120th Meridian east of Greenwich and one hour in advance of Standard Time;
- (2) reference to a point of time in any enactment or in any bye-law deed notice or other document whatsoever shall unless the contrary is expressly stated be deemed to refer to such point of time computed in accordance with Summer Time.

Saving.

4. Nothing in this Ordinance contained shall affect the use of Greenwich Mean Time or Standard Time for purposes of astronomy, meteorology, or navigation or affect the construction of any document mentioning or referring to a point of time in connection with any of those purposes.

Passed the Legislative Council of Hong Kong, this 5th day of September, 1946.

D — J. J. S.

Deputy Clerk of Councils.

HONG KONG.

No. 15 OF 1946.

I assent.



Mark Young
Governor.

6th September, 1946.

An Ordinance to amend the Code of Civil Procedure.

[6th 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 Code of Civil Short title.
Procedure Amendment Ordinance, 1946.

2. Section 439 of the Code of Civil Procedure is hereby Amendment
of s. 439 of
the Principal
Ordinance.
amended by the deletion of the word "two" in line four and
the substitution therefor of the word "five".
Ordinance
No. 3 of
1901.

Passed the Legislative Council of Hong Kong, this 5th
day of September, 1946.

D. - Johnson

Deputy Clerk of Councils.



HONG KONG.

No. 16 OF 1946.

I assent.



Mark Young

Governor.

20th September, 1946.

An Ordinance to make better provision for the safety of places declared to be protected places.

[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 Protected Places (Safety) Ordinance, 1946, and shall come into force on such day as the Governor may by Proclamation in the Gazette specify.

Short title.

Commencement.

2. In this Ordinance—

Interpretation.

“ Authorised Guard ” means any person authorised by the Governor to discharge duty as a guard or sentry in at or over a protected place;

“ Protected Place ” means any premises declared by any order of the Governor for the time being in force to be a protected place under Regulation 32 of the Defence Regulations 1940 as modified by the Emergency Powers (Extension) Proclamation.

3. (1) It shall be lawful for the Governor to authorise any person to act as an authorised guard;

Power for the Governor to authorise any person to act as an authorised guard.

(2) such authority may be given in general terms to any member of His Majesty's Armed Forces or to any class of persons.

4. (1) It shall be the duty of an authorised guard :

Duties of authorised guards.

(a) to protect and prevent the theft of or damage to any property in or upon a protected place;