

or branch is established in the Colony or not, shall be liable on summary conviction to a fine not exceeding two thousand dollars and to imprisonment for a term not exceeding two years.

Governor in Council may order dissolution of any registered or exempted society.

16. (1) The Governor in Council may, in his discretion, order that any exempted society or registered society be dissolved where he is satisfied that any such society is being used for purposes prejudicial to or incompatible with peace, welfare or good order in the Colony.

(2) Notification of every such order shall be published in the *Gazette*, and shall be affixed in a conspicuous manner on any building occupied by such society and at the nearest police station of the police district in which such building exists.

(3) Every society against which an order of dissolution is made shall thenceforward be deemed to be an unlawful society and the registration thereof, if it is a registered society, shall be cancelled.

Power of Registrar etc., to enter place kept as place of meeting.

17. The Registrar or an Assistant Registrar may at any time enter into any place which he has reason to believe is kept or used by any registered society or any of its members as a place of meeting or place of business.

Power of entry by Registrar, etc., in special cases.

18. The Registrar or an Assistant Registrar who has reason to believe that any registered society or any exempted society is being used for purposes prejudicial to public peace or welfare or to good order in the Colony, may enter with or without assistance and using force for that purpose, if necessary, into any place which he has reason to believe is used as the place of meeting or place of business of such society, and may search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purpose as aforesaid.

Powers of entry and search.

19. (1) Any police officer of or above the rank of inspector may, with or without assistance, using force, if necessary, enter into any dwelling-house or other building, or into any place in which he has reason to believe that a meeting of any unlawful society, or of persons who are members of an unlawful society, is being held, or that any books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles belonging to any unlawful society are concealed, kept or deposited, and to arrest or cause to be arrested all persons found in such house and to search such house, building or place, and seize or cause to be seized all books, accounts, writings, banners, lists of members, seals, insignia, arms and other articles which he has reasonable cause to believe to belong to any unlawful society or to be in any way connected therewith.

(2) All persons so arrested and all articles so seized may be detained in custody and brought before a Magistrate to be dealt with according to law.

20. (1) The Registrar or an Assistant Registrar may summon before him any person who he has reason to believe to be able to give any information as to the existence or operations of any unlawful society, or suspected unlawful society, or as to the operations of any registered society or exempted society. Powers of Registrar to summon witnesses.

(2) The person so summoned shall attend at the hour and place in the summons specified, and produce all documents in his custody, possession or power relating to such society or suspected society, and answer truthfully all questions which the Registrar or an Assistant Registrar puts to him.

(3) The Registrar and every Assistant Registrar may administer oaths to and examine on oath any person summoned before him under this section.

(4) If any person summoned by the Registrar or an Assistant Registrar under this section shall without lawful excuse fail to comply with any obligation imposed upon him by sub-section (2) or shall give information which the Registrar or Assistant Registrar believes to be false, the Registrar or Assistant Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of fingerprints of such person be taken at such time and in such place and manner as the Registrar or Assistant Registrar may think fit.

(5) Any person who refuses to comply with such order or who obstructs compliance with such order may be arrested and detained in custody and shall be liable on summary conviction to a fine not exceeding two hundred dollars.

(6) No statement made by a person summoned before the Registrar or an Assistant Registrar under the provisions of this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceeding, except a prosecution for failing to answer truthfully under this section.

21. Except in the case of persons charged under the provisions of section 15 and of persons arrested under the provisions of section 19 and sub-section (5) of section 20, no person shall be charged with an offence under this Ordinance or any rule made thereunder unless the prior consent in writing of the Attorney General has been obtained. Consent to prosecution.

22. Any books, accounts, writings, banners, insignia or other property belonging to any unlawful society shall upon order of a Magistrate be forfeited and given to the Registrar or to an Assistant Registrar for disposal in such manner as he may see fit. Forfeiture.

23. Every summons, notice or other document issued under this Ordinance, or under any rule made hereunder, shall be deemed to have been validly and effectually served, if served in the manner prescribed by the Magistrates Ordinance, 1932, for the service of summonses under that Ordinance. Service of summons.

Ordinance No. 41 of 1932.

Evidence.

24. In any prosecution under this Ordinance the Magistrate may refer, for the purpose of evidence, to "The Triad Society or Heaven and Earth Association" by William Stanton and to any other published book or articles on the subject of unlawful societies in general or of particular unlawful societies which the Magistrate may consider to be of authority on the subject to which they relate.

Transitional provision.

25. (1) Any local society in existence at the date of the commencement of this Ordinance shall make application for registration in accordance with section 5 within thirty days of such date.

(2) Notwithstanding section 9 no such society (not being a Triad Society) shall be deemed to be an unlawful society until such period of thirty days has elapsed and such society has failed to obtain an order for registration or exemption from registration.

Rules.

26. (1) The Governor in Council may from time to time make rules for the purposes following or any of them:—

(a) to prescribe the manner of exemption and registration of societies under this Ordinance;

(b) to regulate or restrict changes of the name or objects of exempted or registered societies;

(c) to regulate or restrict changes of the place of business or place of meetings of registered societies or of exempted societies;

(d) to prescribe the forms which may be used for carrying out the provisions of this Ordinance;

(e) to prescribe information to be furnished to the Registrar;

(f) generally for carrying into effect the provisions of this Ordinance in relation to any matters, whether similar or not to those in this sub-section mentioned, as to which it may be expedient to make rules.

(2) A contravention of any rule made under this Ordinance shall be an offence and a person guilty thereof shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding six months unless a lesser penalty is prescribed by rule.

(3) The rules in the Schedule to this Ordinance shall be in force except so far as they may be rescinded or amended by rules made under this section.

Duration.

27. This Ordinance shall continue in force until and including the 31st December, 1950: Provided that it shall be lawful for the Legislative Council from time to time by resolution to extend the duration of this Ordinance for such term, not exceeding one year at a time, as may be specified in such resolution.

Repeal. Ordinance No. 8 of 1920.

28. The Societies Ordinance, 1920, is hereby repealed.

SCHEDULE

THE SOCIETIES ORDINANCE, 1949

(Section 26)

RULES

1. These rules may be cited as the Societies (Registration) Rules, 1949.

2. Every application for the registration of any local society shall be made in Form I of the Schedule to these rules, which form shall be supplied by the Registrar of Societies. Such application shall be signed by the three principal office-bearers of such society.

3. The decision of the Registrar upon every application made in manner specified in rule 2 shall be communicated in Form II of the Schedule to these rules.

4. No alteration in the declared objects of any registered society shall be operative without the prior permission in writing of the Registrar obtained upon application to him made in writing and signed by the principal office-bearer.

5. No registered or exempted society shall change its name without the prior permission in writing of the Registrar obtained on application to him made in writing and signed by the principal office-bearer.

SCHEDULE

Form I

THE SOCIETIES (REGISTRATION) RULES, 1949

(Rule 2)

Application is hereby made for the registration of a society of which the name and other description are as follows:—

Name .....

Address .....

Objects .....

Description of persons to whom membership is restricted. ....

Number of membership permitted by rule of society. ....

Titles of office-bearers. ....

Names, addresses and occupations of office-bearers at date of application. ....

Signed

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

Office-bearers.

Form II

THE SOCIETIES (REGISTRATION) RULES, 1949

(Rule 3)

In accordance with the provisions of section 5 of the Societies Ordinance, 1949, I hereby order that the society named .....

shall be \* { registered } under the said Ordinance.  
                  { exempted from registration }

This .....day of ....., 19 ..

Registrar of Societies.

\* Delete whichever inapplicable.

Passed the Legislative Council of Hong Kong, this 25th day of May, 1949.

*Alvinia Bodd*  
Deputy Clerk of Councils.

HONG KONG

No. 29 of 1949.



I assent.

*W. G. Stewart*  
Governor.

23rd June, 1949.

An Ordinance to amend the Buildings Ordinance, 1935.

[24th June, 1949.]

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

1. This Ordinance may be cited as the Buildings (Amendment) Ordinance, 1949, and shall be read as one with the Buildings Ordinance, 1935, hereinafter referred to as the principal Ordinance. Short title. Ordinance No. 18 of 1935.

2. Sub-section (3) of section 5 of the principal Ordinance is hereby repealed and the following sub-sections as sub-sections (3), (4) and (5) are substituted therefor:— Amendment of section 5 of the principal Ordinance.

“(3) If an authorized architect has ceased to practise in the Colony the Governor in Council may by order remove the name of the architect from such list.

(4) If any authorized architect is convicted of a criminal offence or if the Governor in Council in his sole discretion considers such an architect has been guilty of conduct disgraceful to him in his capacity as an architect, the Governor in Council, may by order—

(a) censure such an architect; or

(b) remove the name of such an architect from such list and where the name of an architect is removed from such list, he shall, during such period

21 & 22  
Geo. 5,  
c. 33,  
s. 7.



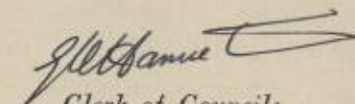
as the Governor in Council may determine on the occasion of the removal, be disqualified for insertion in such list: Provided that—

(i) the Governor in Council may on his own motion or on the application of the person concerned cause his name to be reinserted in such list; and

(ii) that no order shall be made under this sub-section without, if practicable, written notice being given to such architect and an opportunity being given to such architect to be heard by the Governor in Council in person or by an authorized representative.

(5) Any order of censure or removal made under paragraphs (a) or (b) of the preceding sub-section shall be published by notification in the *Gazette*."

Passed the Legislative Council of Hong Kong, this 22nd day of June, 1949.

  
Clerk of Councils.

HONG KONG

No. 30 of 1949.



I assent.

*McArthur*  
Governor.

7th July, 1949.

An Ordinance to repeal the Supreme Court (Emergency) Ordinance, 1946.

[8th July, 1949.]

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

1. This Ordinance may be cited as the Supreme Court Short title. (Emergency) (Repeal) Ordinance, 1949.
2. The Supreme Court (Emergency) Ordinance, 1946, is hereby repealed.

Repeal of  
Ordinance  
No. 4 of  
1946.

Passed the Legislative Council of Hong Kong, this 6th day of July, 1949.

*McArthur*  
Clerk of Councils.



Schedule of fees.

4. The fees appointed in the Schedule shall be taken in the various matters respectively specified, and shall be paid to the officer and in manner therein shown.

Schedule may be amended by Governor in Council.

5. It shall be lawful for the Governor in Council by order to amend or add to the Schedule in any manner whatsoever.

Administration of oaths. Ordinance No. 4 of 1949.

6. The Immigration Officer and any Deputy Immigration Officer appointed under section 3 of the Immigrants Control Ordinance, 1949, shall be a commissioner to administer oaths and take declarations and affirmations for the purposes of this Ordinance.

Repeal of Ordinance No. 33 of 1915.

7. The British Nationality and Status of Aliens (Fees) Ordinance, 1915, is hereby repealed.

SCHEDULE. (s.4).

TABLE OF FEES.

Matter in which fee may be taken.	Amount of fee.	To whom fee is to be paid.
	\$	
Registration as a citizen under s.6 or (in the case of a person of full age) s.12(6) of the British Nationality Act, 1948.	8.00	Immigration Officer.
Registration of a minor as a citizen under s.7 of the British Nationality Act, 1948—		
If the minor is a British subject or citizen of Eire or if application for his registration was made at the same time as an application by one of his parents for a certificate of naturalisation.	8.00	}
In other cases—		
If the minor is a British protected person;	80.00	
If the minor is an alien.	160.00	

Matter in which fee may be taken.	Amount of fee.	To whom fee is to be paid.
	\$	
Grant of a certificate of naturalisation—		} Immigration Officer.
To a British protected person;	80.00	
To an alien.	160.00	
Grant of a certificate of citizenship in case of doubt.	160.00	„
Registration of a declaration of intention to resume British nationality or of renunciation of citizenship.	8.00	„
Supplying a certified true copy of any notice, certificate, order, declaration or entry given, granted or made by or under the British Nationality Act, 1948.	8.00	„

Passed the Legislative Council of Hong Kong, this 6th day of July, 1949.

*M. H. H. H.*  
Clerk of Councils.

HONG KONG

No. 32 OF 1949.



I assent.

*H. Hantham*  
Governor.

7th July, 1949.

An Ordinance to amend the Merchant Shipping Ordinance, 1899.

[8th July, 1949.]

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

1. This Ordinance may be cited as the Merchant Shipping (Amendment) (No. 2) Ordinance, 1949, and shall be read as one with the Merchant Shipping Ordinance, 1899, hereinafter referred to as the principal Ordinance.

Short title.  
Ordinance  
No. 10 of  
1899.

2. The second proviso to sub-section (3) of section 4 is hereby deleted.

Amendment  
of section 4  
of the  
principal  
Ordinance.

3. Sub-section (3) of section 28 of the principal Ordinance is hereby amended by the deletion of the words "of like description" occurring in the first and second lines thereof.

Amendment  
of section 28  
of the  
principal  
Ordinance.

4. The principal Ordinance is hereby amended by the insertion of the following after the words and symbols "Part XI." appearing after section 39:—

Addition of  
a new Part XI  
of the  
Ordinance.

“  
*Trawlers.*

Interpre-  
tation.

40. For the purpose of this Part of this Ordinance—

“trawler” means any mechanically propelled vessel of non-primitive design and build of whatever tonnage, engaged in fishing operations for profit upon the high seas with nets, lines or trawls and operating from this Colony as a British ship, but excluding any sailing or mechanically propelled fishing boat junk or dinghy licensed under section 39 and Table S of the regulations thereunder;

“voyage” means a fishing trip commencing with a departure from a port for the purpose of fishing, and ending with the first return to a port thereafter upon the conclusion of the trip when one of such ports is within the Colony but a return due to distress only shall not be deemed to be a return if it is followed by a resumption of the trip.

Certificate of competency as a trawling master.

41. (1) A certificate of competency as a trawling master shall if endorsed with the word “limited” permit the holder to command a trawler not exceeding 120 feet registered length for the purpose only of fishing in an area bounded on the North by the parallel of 25° N and on the South by the parallel of 15° N and on the East by the meridian of 122° E.

(2) A certificate of competency as a trawling master without endorsement of the word “limited” shall permit the holder to command a trawler of any registered length for the purpose of fishing: Provided that such certificate shall not enable such holder to operate a trawler not exceeding 120 feet registered length outside the area specified in (1) hereof.

(3) A holder of a certificate of competency as a trawling master whether so endorsed or otherwise shall in so far as the holder does not contravene the provisions of this section be a duly certificated trawling master and a holder of a Ministry of Transport Certificate of Competency as Skipper (Full) or Skipper (Limited) shall be deemed to be a duly certificated trawling master subject to such conditions and limitations as the Director of Marine shall prescribe in any particular case.

Voyages without certificated officers.

42. (1) A trawler shall not commence any voyage unless such vessel is provided with a duly certificated trawling master and trawler engineer and the master for the time being of any trawler contravening the provisions of this sub-section shall be liable to a fine not exceeding one thousand dollars.

(2) Any person who having been engaged as a trawling master or trawler engineer in a trawler goes to sea without being entitled to and possessed of a certificate of competency or commands a trawler of registered length exceeding that which he is entitled to command under this Ordinance or who uses the trawler of which he is in command for fishing in waters

to which the certificate does not extend and any person who employs any person as a trawling master or trawler engineer without ascertaining that he is entitled to or possessed of such certificate as is required by this section, shall be liable to a fine not exceeding five hundred dollars.

Power to make regulations.

43. (1) It shall be lawful for the Governor in Council to make regulations for the following purposes:—

(a) the registry and conditions of sale and mortgage of trawlers, the keeping of a trawler register and issuance of identification letters and numbers to such vessels in addition to the requirements of section 3 hereof;

(b) the prescribing and application of forms, periods and conditions of agreement of crew of reports of crew and statement of change of crew, of wage accounts and certificates of discharge of crews, of records and reports of death, injuries, ill-treatment or punishment of crew and of every casualty to a trawler in addition to matters set out in section 5 hereof;

(c) the maintenance of discipline on board trawlers and also for the prevention of disorder and confusion in addition to the matters set out in section 9 hereof;

(d) the examination, certification of competency and maintenance of a register of trawling masters, trawler engineers and other seamen;

(e) the prescribing and regulation of the duties and obligations of the owners, agents, masters, masters for the time being, engineers and crew of trawlers and the institution of enquiries into disputes between the above persons, and of enquiries into deaths, injuries, ill-treatment or punishment of crew in addition to the provisions of the Ordinance relating to such matters as are applicable to trawlers;

(f) the provision of adequate means for preventing, by force if necessary, any trawlers from leaving, or attempting to leave the waters of this Colony or any port thereof in contravention of this Ordinance or of any regulations made thereunder, in addition to such provisions of the Ordinance relating to such matters as are applicable to trawlers;

(g) the examination, approval of suitability and the annual or periodic surveys of trawlers, including hulls, machinery and equipment, for the purpose of certifying in such form as may be prescribed that such vessels are fit for their intended service;

(h) the provision of scales of manning suitable for the intended service of trawlers to ensure that trawlers are not over nor under-manned, and to ensure that trawlers are not carrying passengers, save that the Director of Marine may permit experts or observers to be signed on as members of the crew for specific purposes or duties;

(i) the control of entry of boys under 16 years of age into the sea-fishing service, and the prescribing of forms of indenture and agreements with such boys and their enforcement; and

(j) the determining of fees in respect of registration, permits, clearances, certificates, surveys and other documents or services relating to such vessels not otherwise provided for under this Ordinance: Provided that the fees for all services shall be according to the scale prescribed by Table C as from time to time amended in so far as no regulation to the contrary is made hereunder.

(2) The Director of Marine may exempt any trawler from the provisions of any regulation made hereunder if he is satisfied that compliance therewith is either impracticable or unreasonable.

44. (1) Every trawling master owner and agent shall comply with—

(a) section 3(1)(a) as if the trawler were a ship trading in or from the waters of the Colony;

(b) section 5 as to all matters relating to the engagement and discharge of crews;

(c) section 13 and the rules and regulations for vessels of the types to which this Part of this Ordinance applies, made by the Ministry of Transport under section 427 of the Merchant Shipping Act, 1894, and sections 4 and 5 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, provided that the Director of Marine may in individual cases by notice in writing permit relaxations of such rules and regulations as are deemed necessary by him;

(d) section 8 as to the provision of medicines and medical stores on the appropriate scale.

(2) (a) Every seaman lawfully engaged to serve in any trawler either on a voyage agreement or on a running agreement, and every apprentice or boy lawfully indentured in the sea-fishing service, shall be subject to the provisions of section 9 of the Ordinance. In addition, for the offence of smuggling, that is to say for any act of smuggling of which any member of a crew is convicted and which causes loss or damage to the master or owner or agent, he shall be liable to forfeit a sum sufficient to reimburse that loss or damage.

Application of other provisions of the Ordinance to trawlers, owners, agents masters or crew.

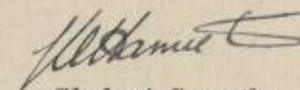
57 & 58  
Vict.  
c.60,  
s.376(1) (i).

(b) A master of a trawler shall be liable to punishment for the offences of desertion, absence without leave, wrongfully quitting the vessel, wilful damage, and smuggling, as if he were a seaman.

Part XII.

5. Sections 41, 42, 43, 44, 45 and 46 are hereby renumbered 45, 46, 47, 48, 49 and 50 respectively. Renumbering of sections 41 to 46.

Passed the Legislative Council of Hong Kong, this 6th day of July, 1949.

  
Clerk of Councils.





**HONG KONG**

No. 34 of 1949.

I assent.



Governor.

4th August, 1949.

An Ordinance to provide for the payment of compensation to a person injured or the dependants of a person killed in fulfilling a duty to uphold the law.

[5th August, 1949.]

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

1. This Ordinance may be cited as the Compensation (Special Cases) Ordinance, 1949. Short title.

2. (1) It shall be lawful for the Legislative Council, by resolution, to award compensation, either by way of a lump sum or periodical payment, from the general revenue of the Colony, to a person injured in the execution of a moral or legal duty to uphold the law in resistance to crime, or to the dependants of a person so injured who dies as a result of such injury.

Power to award compensation in certain cases.

(2) Any such award may be made subject to such conditions as shall be specified in such resolution and thereafter such award may be varied or revoked by the Legislative Council by resolution.

Award not to be assignable.

3. No award made under this Ordinance shall be assignable or transferable or liable to be attached sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt to the Government of the Colony.

Passed the Legislative Council of Hong Kong, this 3rd day of August, 1949.



**HONG KONG**

No. 35 of 1949.

I assent.



*[Handwritten signature]*  
Governor.

4th August, 1949.

An Ordinance to amend the Registration of Dentists Ordinance, 1940.

[5th August, 1949.]

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

1. This Ordinance may be cited as the Registration of Dentists (Amendment) Ordinance, 1949, and shall be read as one with the Registration of Dentists Ordinance, 1940, hereinafter referred to as the principal Ordinance.

Short title.  
Ordinance  
No. 1 of  
1940.

2. Paragraph (d) of sub-section (1) of section 4 of the principal Ordinance is hereby amended by the deletion of the word "two" appearing in the first line thereof and by the substitution therefor of the word "four".

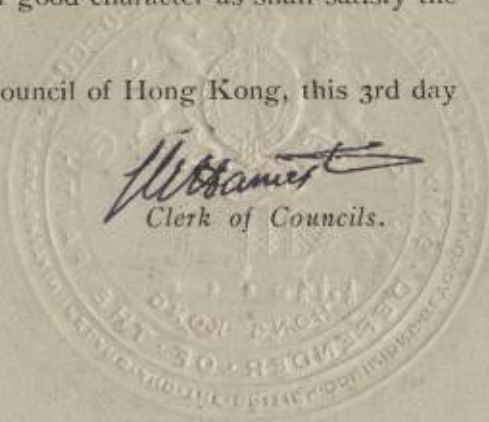
Amendment  
of section 4  
of the  
principal  
Ordinance.

Amendment  
of section 7  
of the  
principal  
Ordinance.

3. Section 7 of the principal Ordinance is hereby amended by the insertion immediately after paragraph (d) thereof of the following paragraph as paragraph (e) :—

“(e) any person who shall, by reason of his professional qualifications, experience and skill, satisfy the Board that he is a fit person to be registered under this Ordinance: Provided that every person applying for registration under this paragraph shall furnish such evidence of good character as shall satisfy the Board.”

Passed the Legislative Council of Hong Kong, this 3rd day of August, 1949.



*W. S. James*  
Clerk of Councils.

**HONG KONG**

No. 36 of 1949.

I assent.



*W. S. James*  
Governor.

18th August, 1949.

An Ordinance to authorize the appropriation of a supplementary sum of thirty-four million six hundred and fifty-four thousand two hundred and fifty-one dollars to defray the charges of the financial year ending 31st March, 1948.

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ending 31st March, 1948, in addition to the charge upon the revenue of the Colony for the service of the said financial year already provided for.

[19th August, 1949.]

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

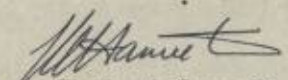
1. This Ordinance may be cited as the Supplementary Short  
Appropriation for 1947-48 Ordinance, 1949. title.

Appropriation.

2. A sum of thirty-four million six hundred and fifty-four thousand two hundred and fifty-one dollars is hereby charged upon the revenue and other funds of the Colony for the service of the financial year ending 31st March, 1948, the sum so charged being expended as hereinafter specified; that is to say:—

	\$
H.E. The Governor ... ..	55,076
Colonial Secretariat and Legislature ... ..	156,379
Audit Department ... ..	27,644
Charitable Services ... ..	5,536
Directorate of Air Services ... ..	90,016
District Office, North ... ..	28,168
District Office, South ... ..	22,794
Judiciary :	
B—Magistracy, Hong Kong ... ..	12,361
C—Magistracy, Kowloon ... ..	149
Miscellaneous Services ... ..	30,416,004
Pensions ... ..	1,459,336
Police Force ... ..	660,760
Post Office, Telecommunications and Broadcasting :	
C—Broadcasting ... ..	43,002
Public Relations Office ... ..	2,303
Prisons Department ... ..	312,753
Public Works Extraordinary ... ..	879,055
Secretariat for Chinese Affairs and District Watch Force :	
A—Secretariat for Chinese Affairs ... ..	11,084
Stores Department ... ..	267,742
Treasury ... ..	141,378
Supplies, Trade and Industry Department ... ..	36,981
Custodian of Property ... ..	25,640
 Total ... ..	 <u>\$ 34,654,251</u>

Passed the Legislative Council of Hong Kong, this 17th day of August, 1949.

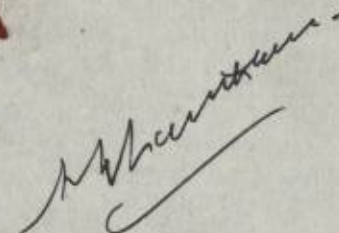
  
Clerk of Councils.

## HONG KONG

No. 37 of 1949.

I assent.





Governor.

18th August, 1949.

An Ordinance to provide for the registration of persons the issue of identity cards and for purposes incidental thereto.

[19th August, 1949.]

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

1. This Ordinance may be cited as the Registration of Short title. Persons Ordinance, 1949.

2. (1) In this Ordinance—

“applicant” means a person required to make application for registration under the provisions of section 4;

“employer” means the Head of any department of Government in the Commonwealth, or of any department of the Government of Hong Kong or the departmental or divisional

Inter-  
pretation.

Head of any Ecclesiastical, Charitable, Educational, Professional, Social, Commercial, Industrial, Agricultural or Fisheries Organization in the Colony;

Ordinance No. 11 of 1922.

"forgery" has the same meaning as in the Forgery Ordinance, 1922;

"prescribed" means prescribed by rule made under this Ordinance;

"Register" means the register of persons kept by the Registration Commissioner;

"Registration Commissioner" means the officer appointed as Commissioner of Registration for the Colony;

"Assistant Commissioner" means an officer appointed as Assistant Commissioner of Registration for the Colony;

"Registrar" means an officer appointed as Registrar of Persons for the Colony;

"Assistant Registrar" means an officer appointed as Assistant Registrar of Persons for the Colony;

"Registration Officer" means the Registration Commissioner or any Assistant Commissioner, Registrar or Assistant Registrar;

"Identity Card" means a card of identity issued by or on behalf of the Registration Commissioner under the provisions of this Ordinance.

(2) Save where the contrary expressly appears or other provision is made by rule any order or direction required by this Ordinance may be given verbally or in writing.

Appointments.

3. (1) The Governor may appoint, by name or office, an officer to be Commissioner of Registration, and officers to be styled Assistant Commissioners of Registration, Registrars and Assistant Registrars.

(2) The powers and discretions vested in the Registration Commissioner hereunder and duties required to be discharged by him may be exercised and discharged by an Assistant Commissioner or such other officers as the Governor may specify by Notice.

Compulsory registration of all persons.

4. (1) Subject to the provisions of sub-section (2) of this section and section 15 every person being in the Colony on the coming into force of this Ordinance or who thereafter enters the

Colony shall make application to be registered under this Ordinance.

(2) Notwithstanding the provisions of sub-section (1) of this section, if administrative convenience so requires the Governor may direct that such registration of all persons shall be effected progressively according to description or category of persons to be specified from time to time by Order made under this sub-section and published in the Gazette.

(3) On publication of any such Order every person so described or being a person of a category so specified shall make application to be registered under this Ordinance.

(4) Every application for registration made in compliance with sub-section (1) of this section shall be made in manner prescribed and every such application made in compliance with an Order made under sub-section (2) of this section shall be made in such manner as may be specified in such Order and in manner prescribed.

5. (1) Every person who enters the Colony after the publication of an Order made under sub-section (2) of section 4 shall, if he is a person described or a person of a category specified in such Order, make application within seven days of his entry into the Colony to be registered under this Ordinance.

Registration of persons becoming subject to Order after date of publication.

(2) Every person, who is not a person described or a person of a category specified in an Order made under sub-section (2) of section 4 at the date of the publication of such Order, shall, if he subsequently becomes a person so described or a person of such category, thereupon make application to be registered under this Ordinance.

(3) Every application for registration made under this section shall be made in such manner as may be specified in such Order and in manner described.

6. The Registration Commissioner shall cause to be maintained such Register as may be prescribed in which shall be entered the name and such other particulars as may be prescribed of any applicant: Provided that a Registration Officer may refuse to enter the name and particulars or, if already entered, may delete the name and particulars of any applicant whom he has reason to believe has supplied him with particulars which are materially false.

Maintenance of Register.

Taking of fingerprint impression and photographs.

Power of Registration Officer to call for further information.

Powers of Registration Commissioner.

Arrest and search.

Identity Cards.

7. It shall be lawful to require applicants for registration under this Ordinance to submit to the recording of fingerprints and the taking of photographs by the prescribed officer.

8. It shall be lawful for a Registration Officer—

(a) to summon before him any person and require him to answer any question which he may reasonably consider necessary to ask him for the purpose of the carrying out of the provisions of this Ordinance or of Rules made hereunder;

(b) to require any applicant to make such further declaration or supply such further particulars as he may reasonably require;

(c) to require any employer who has made application for registration on behalf of any person to make such further declaration or supply such further particulars as he may reasonably require.

9. The Registration Commissioner or any police officer authorized in writing by the Registration Commissioner in that behalf, may—

(a) arrest and bring before a magistrate any person whom he has reason to suspect of having contravened or attempted to contravene any of the provisions of this Ordinance or of any Rules made hereunder;

(b) search the person and property and effects of any person whom it is lawful for such officer to detain or arrest: Provided that a female shall be searched by a female, and that no person shall be searched in a public place if he objects to being so searched;

(c) search any place in which such officer has reason to suspect that there may be anything which may be evidence of any contravention or intended contravention of any of the provisions of this Ordinance or of any Rules made hereunder or which may belong to or be in the possession of or under the sole or partial control of any person whom it is lawful for such officer to detain or arrest and take and carry away any such thing.

10. (1) The Registration Commissioner shall issue Identity Cards to all persons whose names and particulars have been entered in the Register.

(2) Each Identity Card shall be in such form and shall contain such particulars as may be prescribed.

(3) It shall be lawful for the Registration Commissioner to call for and to cancel the Identity Card of any person whose name he deletes from the Register in accordance with section 6 hereof.

11. It shall be lawful for the Registration Commissioner to dismiss without notice and without formal enquiry any Registrar, Assistant Registrar or subordinate member of the Department of the Registration Commissioner whom he is satisfied has been guilty of misconduct or has been negligent or inefficient in the performance of his duty.

Disciplinary powers of Registration Commissioner.

12. (1) Any person who fails to apply to be registered under section 4 or section 5, or who obstructs any Order made under section 4; or

Offences.

(2) Any person who fails to comply with a requirement for the taking of fingerprint impressions or of photographs made under section 7 of this Ordinance, or who obstructs any such requirement; or

(3) Any person who fails to comply with a summons or a requirement of a Registration Officer made under section 8 of this Ordinance; or

(4) Any person who commits forgery of any document, provision for which is made in this Ordinance or in Rules made hereunder; or

(5) Any person who without lawful authority, makes any mark or entry upon, or erases, cancels or alters any mark or entry contained in, or otherwise defaces or destroys an Identity Card, or transfers an Identity Card; or

(6) Any person who without lawful authority or reasonable excuse knowingly obtains or is in possession of more than one Identity Card or is in possession of an Identity Card other than his own; or

(7) Any person who makes any statement or furnishes any information to any Registration Officer or to his employer under the provisions of this Ordinance or of Rules made hereunder, whether such statement or information be verbal or in writing, which is false in any material particular and which he either knows or has reason to believe is false; or

(8) Any person who resists or obstructs a Registration Officer or a police officer in the performance of his duties under this Ordinance or of Rules made hereunder or who resists or obstructs any detention, arrest, search, seizure or removal which is authorized by this Ordinance; or

(9) Any person who falsely pretends that he is a Registration Officer or other officer appointed by virtue of this Ordinance; or

(10) Any person who, without lawful authority, purports to perform the functions of a Registration Officer or other officer appointed by virtue of this Ordinance; or

(11) Any person who attempts to commit or who aids and abets or who commands, procures and counsels any person to commit any offence made punishable by this section;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars and to imprisonment for a term not exceeding one year.

Rules.

**13.** (1) The Governor in Council may from time to time make rules for the purposes following or any of them:—

(a) to prescribe the manner in which application for registration of persons under this Ordinance shall be made;

(b) to prescribe the forms which may be used for carrying out the provisions of this Ordinance;

(c) to prescribe the information to be furnished to a Registration Officer;

(d) to prescribe the documents to be furnished to a Registration Officer;

(e) to make provision for the taking and recording of photographs and fingerprints of applicants and to make provision for the destruction of the same on expiration of this Ordinance;

(f) to prescribe the form of and the particulars to be entered in the Register;

(g) to prescribe the form of and the particulars to be entered on Identity Cards, including provision for photographs and fingerprints of the person to whom such card relates;

(h) to make provision for the issue of duplicate Identity Cards in case of loss, destruction or defacement;

(i) to provide for the custody and carriage of and for the production to specified persons of Identity Cards;

(j) to prescribe times and places for the attendance before a Registration Officer of applicants and holders of Identity Cards;

(k) to exempt any person or category of persons either wholly or in part from the provisions of this Ordinance;

(l) to prescribe fees;

(m) generally for carrying into effect the provisions of this Ordinance in relation to any matter, whether similar or not to those in this sub-section mentioned, as to which it may be convenient to make rules.

(2) Any rule made under this Ordinance may provide that a contravention thereof shall be an offence and that a person guilty of such offence shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding six months unless a lesser penalty is prescribed by such rule.

(3) The rules in the Schedule to this Ordinance shall be in force except so far as they may be rescinded or amended by rules made under this section.

**14.** The burden of proving the truth of the contents of any written application for registration or the contents of an Identity Card shall lie on the applicant, or on the person to whom such Identity Card has been issued, or on any other person alleging the truth of such contents.

No presumption of truth of contents of Identity Cards, etc.

**15.** The following persons shall be exempted from the provisions of this Ordinance:—

Exemptions.

(a) The Governor;

(b) Members of His Majesty's Regular Naval, Military or Air Forces in possession of the official identity card or document of identity normally issued to members of such Forces;

(c) Members of the Hong Kong Police Force;

(d) Any bona fide traveller in transit through the Colony provided he is in possession of a passport or of an official document of identity bearing a transit visa issued by competent authority;

(e) Children under the age of 12 years;

(f) Any person exempted by rule made under section 13;

Provided that the burden of proving that a person is exempted from the provisions of this Ordinance shall be on the person claiming exemption.

Power to suspend or revive operation of the Ordinance.

16. (1) It shall be lawful for Legislative Council by resolution—

(a) from time to time to declare the suspension of the operation of this Ordinance from the date named in the resolution; and

(b) from time to time to declare that any suspension declared under paragraph (a) hereof shall terminate as from the date mentioned in the resolution.

(2) The suspension of this Ordinance under paragraph (a) of sub-section (1) shall until the termination of such suspension have the same effect as the repeal of an enactment.

(3) The termination of the suspension under paragraph (b) of sub-section (1) shall have the same effect as if the Ordinance had been re-enacted and come into operation on the date as from which the suspension is declared to terminate save and except that any rules which were in force at the date when the suspension, which has thus been terminated, came into effect, shall revive and continue to have full force and effect.

SCHEDULE.

The Registration of Persons Ordinance, 1949.  
(Section 13 (3) ).

RULES.

Citation.

1. These Rules may be cited as the Registration of Persons Rules, 1949.

Inter-pretation.

2. In these Rules—

“Ordinance” means the Registration of Persons Ordinance, 1949;

“Schedule” means the Schedule to these Rules;

“age” shall be determined according to the English usage of calculation;

“family” means persons who are—

(a) related to or dependent on; and

(b) resident with the applicant; and includes domestic servants resident with applicant.

3. An applicant, unless the provisions of any Order made under section 4 of the Ordinance otherwise requires, may apply for registration either through his employer or in person.

How applicant may apply for registration.

4. An applicant who applies for registration through his employer shall furnish his employer with such particulars of himself and of members of his family being of the age of twelve years and upwards as will enable his employer to complete Form 1(a) of the Schedule on his behalf.

Application through employer.

5. On receipt of particulars as set out in Rule 4 an employer shall complete Form 1(a) in respect of such applicant and shall sign the certificate appearing thereon.

Employer to complete Form 1(a).

6. An employer shall forthwith forward Form 1(a) on completion as set out in Rule 5 to such Registration Officer as the Registration Commissioner may determine.

Form 1(a) to be forwarded to Registration Officer.

7. An applicant who applies for registration in person shall furnish a Registration Officer with such particulars of himself and of members of his family being of the age of twelve years and upwards as will enable such Registration Officer to complete Form 2(a) of the Schedule on his behalf.

Application in person.

8. On receipt of particulars as set out in Rule 7 such Registration Officer shall complete Form 2(a) in respect of such applicant. On completion by such Registration Officer, such applicant shall sign the certificate appearing thereon.

Registration Officer to complete Form 2(a).

9. The Registration Commissioner shall cause to be filed all duly complete Forms 1(a) and 2(a). Such file shall form the Register.

Formation of Register.

10. The Registration Commissioner shall cause Identity Cards in Form 3(a) of the Schedule to be prepared by transcription thereto of the particulars entered on Forms 1(a) and 2(a).

Preparation of Identity Cards.

Photo-graphing and finger-printing of applicants who apply through employers.

**11.** On such dates and in such places as a Registration Officer may direct, any employer who has completed Form 1(a) in respect of any applicant shall—

(a) assemble all such applicants and applicants being members of their families of the age of 12 years and upwards to be photographed. All persons so photographed shall be issued by a Registration Officer with a receipt in Form 1(b) of the Schedule;

(b) assemble all such applicants for the recording of their fingerprints. A Registration Officer shall issue all persons whose fingerprints are recorded with Identity Cards in Form 3(a) of the Schedule and all such persons shall, on receiving their Identity Cards, record on Form 1(b) their fingerprints and return Form 1(b) to such Registration Officer. Form 3(b) of the Schedule shall be retained by the Registration Officer.

Photo-graphing and finger-printing of applicants in person.

**12.** On such dates and in such places as a Registration Officer may direct, any applicant in respect of whom Form 2(a) has been completed shall—

(a) attend, with or without applicants being members of his family of the age of 12 years and upwards as he may be directed by a Registration Officer, to be photographed. After being so photographed such applicants shall be issued by a Registration Officer with a receipt in Form 2(b) of the Schedule;

(b) attend, with or without such applicants as he may be directed by a Registration Officer for the recording of fingerprints. After fingerprints have been recorded a Registration Officer shall issue to such applicants, Identity Cards in Form 3(a) of the Schedule and such applicants shall on receiving their Identity Cards record on Form 2(b) their fingerprints and return Form 2(b) to such Registration Officer. Form 3(b) of the Schedule shall be retained by the Registration Officer.

Monthly return reporting changes by employers.

**13.** Any employer who has completed Form 1(a) in respect of any person shall on the last day of each calendar month, forward to such Registration Officer as the Registration Commissioner may direct, a return showing—

(a) the names and Identity Card numbers of persons already registered who have died or left the employment of such employer during that month;

(b) the names and Identity Card numbers of persons already registered who have reported a change of address during that month or who have reported any changes in the numbers of members of their families or the attainment by any such member of the age of 12 years;

(c) the names and Identity Card numbers of persons who have been taken into employment during that month.

**14.** Any applicant who has been issued with an Identity Card after making an application in person shall report forthwith to a Registration Officer—

Report of changes to Registration Officer by applicant in person.

(a) any change of address or change in the numbers of members of his family or the attainment by any such member of the age of 12 years;

(b) any change in occupation.

**15.** Upon the death of a person to whom an Identity Card has been issued, the person in possession of his Identity Card shall deliver it to a Registration Officer or to any police station within 7 days after the date of the death.

Death of holder of Identity Card.

**16.** Any person who finds a lost Identity Card shall forthwith deliver it to a Registration Officer or to any police station.

Finding of Identity Cards.

**17.** When an Identity Card is lost, destroyed or defaced, the person to whom the card relates shall forthwith notify a Registration Officer. A duplicate Identity Card may be issued on payment of a fee of two dollars in place of one lost destroyed or so defaced as to be useless for the purposes of identification.

Issue of duplicate of Identity Card.

**18.** (1) Any employer who wilfully refuses to render to a Registration Officer a return as provided in Rule 13 hereof; or

Offences.

(2) Any person who fails to report to his employer or a Registration Officer, as the case may be, any change of address or occupation or change in members of his family as set out in Rules 13 and 14 hereof; or

(3) Any person who, being in possession of an Identity Card of a deceased person, fails within 7 days to deliver it to a Registration Officer or any police station; or

(4) Any person who, having found a lost Identity Card fails to deliver it forthwith to a Registration Officer or to any police station; or

(5) Any person who aids and abets or who commands, procures and counsels any person to commit any offence made punishable by this rule;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding six months.

SCHEDULE.

Employer's Sheet  
Serial No.:

Identity Card  
No.:

**Form 1 (a). Registration of Persons Rules, 1949.  
(Rule 4). Form 1 (EMPLOYERS RETURN).**

Pursuant to the provisions of the Registration of Persons Ordinance, 1949, I, the undersigned employer, do hereby certify that the following is a true record of the particulars in respect of the undermentioned person employed by me as on the (a) ....., 1949, and that in the attached (b) ..... sheets I have truly recorded the information given by him in respect of the members of his family of the age of twelve years and upwards.

余本人即署名於後之僱主茲依照一九四九年人口登記則例之規定證明下開所錄關於後列一九四九年(a).....受余任用之僱員其各項均屬真確無訛並證明在所附表格(b).....張之內余已將其所報家內人口足十二歲以上者各項詳情照實錄明

(c) NAME OF EMPLOYER OR FIRM: 僱主姓名或店名	Signature of Employer. 僱主簽名
(d) ADDRESS OF EMPLOYER OR FIRM: 僱主之住址或店址	Date: 日期

(e) Designation of Person Signing Above:  
上開署名者之身份

(1) (a) Employer's reference number for employee: 僱主所給予該僱員之編號	(1) (b) Subsidiary Serial No. for members of family of the age of twelve years and upwards: 僱員家屬足十二歲以上者之分編號數
--	---

(2) Name (in English):  
英文姓名

(3) Name (in Chinese characters):  
中文姓名

(4) Address (in English):  
英文住址

(5) Address (in Chinese  
characters):  
中文住址

(6) Age last birthday:  
足若干歲

(7) Sex (M. or F.):  
性別

(8) Race (if Chinese write "C" or  
if of other race write in full):  
種族(倘係中國人可寫英文字母  
"C"字其餘則寫明屬何種族)

(9) Nationality (if Chinese write  
"C" or if of other nationality  
write in full):  
國籍(倘係中國籍可寫明英文字母"C"  
字倘屬外國國籍則寫明是何國籍)

(10) Occupation:  
職業

Identity Card  
No.

**Form 1 (b) (Employer should not  
(Rule 11) make any entry here  
except at (1) (a) or (b)  
which should be the  
same as the entry at 1  
(a) or (b) above)**

僱主不可在此處填寫任何事項惟(一)(甲)  
或(一)(乙)則可填寫此係應與上開(一)  
(甲)或(一)(乙)相同者

(1)(a) Employer's reference number  
for Employee:

僱主所給予該  
僱員之編號

(1)(b) Subsidiary Serial No. for  
members of family of the  
age of twelve years and  
upwards:

僱員家屬足十二歲以上者之分編號數

has been photographed and should produce this receipt when called  
upon to receive his Identity Card.

Received Identity Card of  
above reference.

Thumb Print.

Date:

Signature.

Identity Card  
No :

**Form 2 (a). Registration of Persons Rules, 1949.**  
**(Rule 7) Form 2 (APPLICATION FORM).**

Pursuant to the provisions of the Registration of Persons Ordinance, 1949, I, the undersigned, do hereby certify that the following is a true record of the particulars in respect of myself as on the (a)..... and that in the attached (b)..... sheets is recorded the information truly given by me in respect of members of my family of the age of twelve years and upwards.

余本人即署名於後之人茲依照一九四九年人口登記則例之規定證明下開所錄關於余本人之各事項以 (a)..... 等均屬真確無訛並證明在所附表格 (b)..... 張之內已註明余家內人口足十二歲以上者所報告於余之各項真確詳情

..... Signature of Applicant.  
申請人署名

Date :  
日期

..... Signature of Registration Officer.  
登記員署名

(1) (a) Applicant's Reference No. (1) (b) Subsidiary Serial No. for members of family of the age of twelve years and upwards:  
申請人自己之編號 僱員家屬足十二歲以上者之分編號數

(2) Name (in English):

英文姓名

(3) Name (in Chinese characters):

中文姓名

(4) Address (in English):

英文住址

(5) Address (in Chinese characters):

中文住址

(6) Age last birthday:

足若干歲

(7) Sex (M. or F.)

性別

(8) Race (if Chinese write "C" or if of other race write in full):

種族(倘係中國人可寫英文字母"C"字其餘則寫明屬何種族)

(9) Nationality (if Chinese write "C" or if of other nationality write in full):

國籍(倘係中國籍可寫英文字母"C"字倘係別國國籍者則寫明是何國籍)

(10) Occupation:

職業

Identity Card  
No.

**Form 2 (b) (Rule 12)** (Applicant should not make any entry here except at (1) (a) or (b) which should be the same as the entry at (1) (a) or (b) above) 申請人不可於此處填寫任何事項惟(一)(甲)或(一)(乙)則可填寫此係應與上項之(一)(甲)或(一)(乙)相同者

(1)(a) Applicant's Reference No :  
申請人自己之編號

(1)(b) Subsidiary Serial No. for members of the family of the age of Twelve years and upwards :  
僱員家屬足十二歲以上者之分編號數

has been photographed and should produce this receipt when called upon to receive his Identity Card.

Received Identity Card of above Reference.


Thumb Print.

Date :

Signature.


Form 3 (a) (Rules 11-12)  
Identity Card 身份證

Form 3 (b) (Rules 11-12)  
Counterfoil

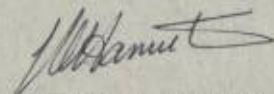
ENDORSEMENTS	 Hong Kong REGISTRATION OF PERSONS RULES, 1949 FORM 3 (RULES 11-12) 身份證	Changes of permanent residence or Address of employment.	
			(1) Employers Serial No.:
			(2) Name (in English)
			(3) (in Chinese)
(4) Address (in English)			
(5) (in Chinese)			
Employment Address (in English)			
(in Chinese)			
Date of issue	Issuing Officer's Signature.		
(1) Employers Serial No: (2) Name (in English) (3) (in Chinese) (4) Address (in English) (5) (in Chinese) Employment Address (in English)			

Form 3 (b) (Rules 11-12)  
Counterfoil

Form 3 (a) (Rules 11-12)  
Identity Card 身份證

1 2 3 4 5 6 7	(6) Age	(7) Sex	(8) Race  (9) Nationality Claimed  (10) Occupation	(6) Age (7) Sex  (8) Race  (9) Nationality Claimed  (10) Occupation	Changes of permanent residence or Address of employment.
			Photograph	Photograph	Changes of permanent residence or Address of employment.
(8) Race  (9) Nationality Claimed  (10) Occupation			Thumb Print.	Thumb Print.	

Passed the Legislative Council of Hong Kong, this 17th day  
of August, 1949.

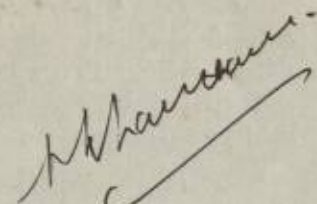
  
Clerk of Councils.

**HONG KONG**

No. 38 of 1949.

I assent.



  
Governor.

18th August, 1949.

An Ordinance to regulate Practice Bombing and Firing from  
Aircraft and for clearing certain Sea Areas in connection  
therewith.

[19th August, 1949.]

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

1. This Ordinance may be cited as the Air Armament Short title.  
Practice Ordinance, 1949.

2. In this Ordinance—

“Aircraft” includes all balloons, (whether fixed or free),  
kites, gliders, airships, aeroplanes, seaplanes, flying boats and  
other flying machines;

Inter-  
pretation.

“Air Officer Commanding” means the officer for the time being commanding Royal Air Force, Hong Kong;

“Practice” means Air Armament Practice by bombing and by air to ground firing by guns or rocket projectiles or missiles from aircraft;

“Practice Range” means any area over and on to which Practice may be carried out;

“vessel” or “ship” have the meanings respectively assigned to them in the Merchant Shipping Ordinance, 1899.

Ordinance No. 10 of 1899.

Practice Range. First Schedule.

3. Subject to the provisions of this Ordinance Practice may take place over any Practice Range specified in the First Schedule: Provided that when any person, vessel or aircraft is within danger in or over a Practice Range all Practice shall cease.

Practice programmes and notices. Second Schedule.

4. (1) A provisional programme of Practice shall be circulated at the commencement of every quarter by the Air Officer Commanding, in respect of the Practice Range to the persons enumerated in the Second Schedule, such programme being subject to alteration from time to time if necessary.

(2) Such officer shall supply to such persons as many charts, showing the Practice Range, as they may require.

(3) Such officer shall also cause to be published notice of intended Practice at least seven clear days before the date on which the Practice is to take place and shall supply to the persons enumerated in the Second Schedule as many copies of such notice as they may require, and, shall deliver not less than seven clear days before the Practice commences, copies of such notice to such persons as the District Commissioner of the New Territories may specify.

(4) Such notice shall contain warnings to masters of vessels, or pilots of aircraft exempt from the operation of this Ordinance under section 10, to assist the carrying out of the Practice by hastening through the Practice Range or in the case of vessels by consenting to be towed out of such area, if necessary, by any vessel acting under the orders of the Air Officer Commanding.

Ordinance No. 1 of 1947.

(5) No Practice shall take place on any day which is a general holiday by virtue of the Holidays Ordinance, 1947.

5. Warning that Practice is about to take place shall be given in the manner specified in the Third Schedule.

Practice Signals. Third Schedule.

6. While warning is in force as given by the hoisting or display of signals as provided in section 5 that Practice is taking place, then in respect of the area affected by the said warning—

Offences while Practice Signals are displayed.

(i) No person shall enter or remain within the area, nor bring, take or suffer to remain therein any vessel, aircraft or thing, except as provided in section 10.

(ii) No vessel shall be employed in fishing in the area.

(iii) No pleasure boat shall cruise in the area.

(iv) No vessel shall anchor or remain anchored in or ground on the area.

(v) No aircraft shall alight on, remain in or travel upon the area.

(vi) In the event of any vessel or aircraft being from any cause within the area, the Master or Pilot or other person in charge thereof shall use his utmost endeavours to pass out of the area without loss of time.

7. (1) No person shall trawl, dredge or search for or otherwise interfere with any practice bomb, bullet, shell or rocket projectile or portions thereof within the Practice Range, or take or retain, or be in possession of, any such practice bomb, bullet, shell or rocket projectile, or portions thereof, found within any of such area.

Offences and provisions relating to the recovery of projectiles.

(2) Any person who, when trawling, dredging, or in any manner whatsoever, shall come into possession of any such practice bomb, bullet, shell or rocket projectile or any portion thereof, within the Practice Range, shall not retain it, but shall immediately return it in its existing condition, and without tampering with it, into the water.

(3) The provisions of this section shall not apply in cases of persons who recover any practice bomb, bullet, shell or rocket projectile or any portion thereof, under written instructions from the Air Officer Commanding.

Penalty for offences.

8. (1) Any person doing anything prohibited by or otherwise contravening section 6 or 7 shall be deemed to commit an offence against this Ordinance.

(2) If any person commits an offence against this Ordinance he may be removed by any officer authorized by section 9 from the Practice Range, and may be taken into custody without warrant, and on summary conviction shall be liable to a fine not exceeding two hundred and fifty dollars. Any vessel or thing found in the Practice Range in contravention of this Ordinance may be removed by such officer as aforesaid and may be forfeited to His Majesty on summary conviction of the person responsible for such contravention.

Officers authorized to arrest or remove trespassers, etc.

9. The following officers are hereby authorized to remove or to take into custody without warrant any person contravening section 6 or 7, or to remove any vessel, aircraft or thing found on the Practice Range:—

- (i) the officer in charge of the Practice Range;
- (ii) any officer, warrant officer, non-commissioned officer or military policeman, for the time being under the command of the said officer in charge of the Practice Range;
- (iii) any person authorized in writing under the hand of the said officer in charge of the Practice Range; or
- (iv) any police officer.

Exemptions.

10. This Ordinance shall not apply to—

- (a) any vessel or aircraft compelled to enter or unable to quit the Practice Range by reason of the exigencies of navigation;
- (b) any vessel employed in tending, placing or replacing mark buoys or other aids to navigation within the Practice Range;
- (c) His Majesty's Ships of War, His Majesty's Aircraft, or any vessel or aircraft employed under Admiralty, War Office, or Air Council Authority or under the Government of the Colony.

Power of Governor in Council to amend Schedules.

11. The Governor in Council may amend the Schedules to this Ordinance in any manner whatsoever provided that no amendment of a Practice Range shall extend any such area beyond the Colony and its territorial waters.

12. The Defence (Firing Areas) Ordinance, 1936, is hereby amended as follows:—

(a) In section 2 thereof by the deletion of the words "or aircraft" occurring in the definition of "gun site";

(b) In section 10(a) thereof by the repeal of the words "except where such vessel or aircraft is a vessel or aircraft engaged in firing practice from a gun site" and by the substitution thereof of the words "except where such vessel is engaged in firing practice from a gun site".

Amendment of sections 2 and 10 of the Defence (Firing Areas) Ordinance, 1936. (Ordinance No. 1 of 1936).

FIRST SCHEDULE.

(s. 3.)

PRACTICE RANGE.

The area included in the Practice Range is bounded as follows:—

By a line starting from a point on the High Water Mark in PORT SHELTER (latitude 22° 20' 56" longitude 114° 16' 00") thence in a direction 076 degrees to 257 summit on the South end of the Island known as KIU TSIU CHAU (SHARP ISLAND) (latitude 22° 21' 20", longitude 114° 17' 46") thence in a direction 047 degrees to the northernmost point of the Island known as TAI TAU CHAU (URN ISLAND) thence following the High Water Mark along the Eastern Coast of that Island to the most Southerly point of that Island (latitude 22° 21' 59.6", longitude 114° 19' 39"), thence in a direction 154 degrees to the Rock known as NGAI KAP PAI, thence in a direction 106 degrees for a distance of 1.25 miles to a point in latitude 22° 19' 35", longitude 114° 22' 04", thence in a direction 050 degrees for a distance of 2.15 miles to a point in latitude 22° 21' 00", longitude 114° 23' 48", thence in a direction 140 degrees for a distance of 1.55 miles to a position in latitude 22° 19' 48", longitude 114° 24' 48", thence in a direction 230 degrees for a distance of 3.35 miles to a point 180 degrees distant 0.8 miles from STEEPCLIFF HEAD on BASALT ISLAND, thence in a direction of 286 degrees to LUNG HA WAN POINT (latitude 22° 18' 42", longitude 114° 18' 12") thence along the High Water Mark to the starting point.

SECOND SCHEDULE. (s. 4).

LIST OF PERSONS TO BE SUPPLIED WITH PROGRAMMES,  
NOTICES AND CHARTS.

The Colonial Secretary,  
The Director of Public Works,  
The Director of Marine,  
The Commissioner of Police,  
The Director of Civil Aviation,  
The District Commissioner, New Territories,  
The General Officer Commanding, Hong Kong,  
The Commodore in Charge, Hong Kong,  
The Secretary, Royal Hong Kong Yacht Club.

THIRD SCHEDULE. (s. 5.)

PRACTICE SIGNALS.

1. Notice that Practice is taking place at the Practice Range shall be given by the hoisting or display of the following signals:—


By day, a red flag flown, and by night, a red light shewn, from the old Sai Kung Police Station Flag pole (map reference 671102) and from the old observation post, hill '163' (map reference 717003) and from such points as the District Commissioner, New Territories, may require on the following islands:—

Bluff Island (map reference 765033),  
Town Island (map reference 778056),  
Urn Island (map reference 731101).

2. The signals in respect of Practice shall be hoisted or displayed two hours before such practice is due to commence.

Signals shall remain hoisted or displayed until Practice has ceased, when they shall at once be hauled down or extinguished.

Passed the Legislative Council of Hong Kong, this 17th day of August, 1949.

  
Clerk of Councils.

**HONG KONG**

No. 39 of 1949.

I assent.



*[Handwritten signature]*

Governor.

1st September, 1949.

An Ordinance to control the population of the Colony by providing for the expulsion of undesirables therefrom as occasion may require.

[2nd September, 1949.]

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

1. This Ordinance may be cited as the Expulsion of Short title. Undesirables Ordinance, 1949.

2. In this Ordinance—

“accommodation camp” means a camp established by the Governor in Council under section 6;

“act” includes omission and a state or condition;

Inter-pretation.

“authorized place” means the offices of any competent authority, any place of detention and any place which the Governor may by notification in the Gazette declare to be an authorized place for the purposes of this Ordinance;

“competent authority” means any justice of the peace and any other person whom the Governor may by notification in the Gazette declare to be a competent authority for the purposes of this Ordinance;

“enabling document” means a document which entitles the holder to obtain any valuable thing or to do any act or the possession of which renders lawful an act which would otherwise be unlawful or the failure to possess which, whether generally or in connection with a particular act, is unlawful or renders the doing of such act unlawful;

“individual” includes more than one person but does not include any public or charitable institution;

“place of detention” means any prison, any house of detention under the Deportation of Aliens Ordinance, 1935, any place of detention under the Immigrants Control Ordinance, 1949, and any accommodation camp for the accommodation of undesirables;

“suspected undesirable” means an individual whom a police officer suspects would after a prescribed inquiry be found to be an undesirable;

“unlawful structure” means any erection which constitutes a nuisance whether by virtue of any enactment or at common law or the erection state or condition whereof is prohibited by or constitutes a contravention of any enactment.

Ordinance No. 39 of 1935. Ordinance No. 4 of 1949.

Competent authority may expel undesirables after a prescribed inquiry.

Grounds upon which a person may be found to be an undesirable.

3. The competent authority may, after such inquiry as is hereinafter prescribed and after recording a finding that a person is undesirable, make an order expelling such person from the Colony unless such person has satisfied the competent authority either that he is a British subject or that he has been ordinarily resident in the Colony for a period of ten years or more.

4. A person may be found to be an undesirable if he—

(a) is diseased, maimed, blind, idiot, lunatic or decrepit not having the means of subsistence and may be hindered by his state from earning a livelihood; or

(b) is unable to show that he has in his possession the means of decently supporting himself and his dependants, if any, until he obtains a livelihood; or

(c) is a person likely to become a vagrant, beggar or a charge upon any public or private charitable institution; or

(d) is a person suffering from a contagious disease which is loathsome or dangerous; or

(e) has been removed from any country or state by the Government authorities of any such country or state for any reason whatever; or

(f) is suspected of being likely to promote sedition or to cause a disturbance of the public tranquillity; or

(g) has been convicted by a competent court outside the Colony of an offence which if committed in the Colony would constitute any of the offences specified in the First Schedule to the Chinese Extradition Ordinance, 1889; or

Ordinance No. 7 of 1889.

(h) is a prostitute, a person living on the earnings of prostitution or a person of known immoral character; or

(i) is not in possession of such certificates as may be necessary under the Quarantine Regulations in force; or

(j) is prohibited from entering the Colony under any other enactment for the time being in force; or

(k) is found squatting or dwelling in any unlawful structure or in any tunnel or cavity or in any place which has been declared by a health inspector to be or to be likely to become dangerous to health and cannot satisfy the competent authority that he has reasonable prospect of obtaining dwelling accommodation in a building which is not an unlawful structure; or

(l) being a person required by virtue of any enactment to be in possession of an enabling document or to register is not in possession thereof or has not registered and has no reasonable explanation to offer for such lack of possession or failure to register; or

(m) is by virtue of any other enactment declared or deemed to be an undesirable person within the meaning of this Ordinance; or

(n) is a dependant of an undesirable;

Provided that no person under the apparent age of sixteen years shall be found to be an undesirable if he is dependent on an individual other than an undesirable and such individual is providing him with the means of subsistence either in pursuance of a legal liability or in pursuance of any moral obligation which the competent authority may deem sufficient.

Nature of prescribed inquiry.

5. (1) The prescribed inquiry shall be an inquiry into the matters by reason whereof it is alleged that a person is undesirable and shall be held by the competent authority in an authorized place in the presence of the alleged undesirable.

(2) Such inquiry shall save so far as the contrary hereinafter appears be held in accordance with the procedure prescribed for the trial of summary offences under the Magistrates Ordinance, 1932.

Ordinance No. 41 of 1932.

(3) No information or summons shall be required and the inquiry shall commence with the competent authority informing the alleged undesirable of the reasons for such allegation and of the consequences of a finding by the competent authority that he is an undesirable.

(4) The competent authority shall then ask the alleged undesirable whether he admits the allegations or whether he wishes the competent authority to inquire further therein.

(5) If the alleged undesirable admits the allegations the competent authority may in his discretion proceed forthwith to make an expulsion order unless the alleged undesirable claims to be a British subject or to have been ordinarily resident in the Colony for a period of ten years. If any such claim is made the competent authority shall either inquire into such claim or, whether or not he has commenced to inquire into such claim, may refer any such claim to such other competent authority as the Governor may by any direction have specially designated to inquire into claims of the nature herein specified, in which latter event such other competent authority may deal with the proceedings in like manner as if the prescribed inquiry had been referred to him in the first instance save that he may rely on any admission of the allegations duly recorded and signed by the competent authority before whom the inquiry was in the first instance commenced.

(6) If the alleged undesirable does not admit that he is undesirable or requests the competent authority so to do the competent authority shall proceed to hear and record a summary of the evidence in support of the allegations.

(7) The witnesses shall be examined by the competent authority subject to cross-examination by the alleged undesirable and further examination by the competent authority.

(8) No person shall be permitted to conduct, or appear otherwise than as a witness in, the proceedings: Provided that in addition to giving evidence and calling any witness in his defence the alleged undesirable shall be permitted to address the competent authority in his defence and provided further that if the competent authority considers that the alleged undesirable does not understand the proceedings or is unable for any reason to conduct his own defence he may in his discretion appoint any person including any relative or friend of the alleged undesirable to conduct the proceedings on his behalf.

6. (1) The Governor in Council may in his absolute discretion establish camps for the purpose of accommodating undesirables prior to their expulsion from the Colony and of accommodating suspected undesirables.

Governor may establish camps for detention of undesirables and suspected undesirables.

(2) The establishment of such a camp shall during any period during which this Ordinance is in operation be deemed to be a public purpose within the meaning of section 2 of the Crown Lands Resumption Ordinance, 1900, in like manner as if a provision to this effect had been therein inserted.

Ordinance No. 10 of 1900.

7. (1) Any police officer of and above the rank of sub-inspector may require an undesirable or a suspected undesirable to accompany him to any accommodation camp or to any place of detention and in the event of his refusal may use such force as is reasonably necessary to compel compliance with such requirement.

Power of police officer to detain and remove undesirables and suspected undesirables.

(2) An individual who accompanies a police officer whether voluntarily or not in pursuance of a requirement under the preceding sub-section shall be deemed for all purposes to have been taken into lawful custody on a charge of felony and to remain in such custody, save during any period during which he may have evaded it and not have been recaptured, until he is released therefrom by order of a competent authority or until he has been expelled from the Colony.

8. An order of expulsion shall have the effect of authorizing any police officer to arrest and detain the individual therein named and do all such other acts as may be necessary to expel such person from the Colony and it shall be an offence punishable on summary conviction by a magistrate with imprisonment for a term not exceeding three months for such individual to return to the Colony within five years from the date of the order of expulsion.

Effect of order of expulsion.

Order of release.

9. If after the prescribed inquiry a competent authority does not record a finding that an individual to whom the inquiry relates is an undesirable the competent authority shall forthwith order that such individual shall be released from any custody or detention in which he may be under the provisions of this Ordinance. Such release shall not be a bar to any subsequent inquiry under this Ordinance or to the making of an order of expulsion in consequence thereof.

Detention and remand pending prescribed inquiry.

10. (1) Notwithstanding the provisions of section 7 it shall be unlawful to detain any individual who is deemed to have been taken into lawful custody thereunder for longer than an initial period of ninety-six hours and such further period or periods as a competent authority may by writing under his hand order under sub-section (2) and, in the event of an order for the expulsion of such individual being made, for such additional period as in the absolute discretion of the Commissioner of Police is reasonably required to carry out the order of expulsion.

(2) A competent authority is hereby authorized from time to time to order the further detention of a suspected undesirable for such period or periods not exceeding seven days at one time as shall in the opinion of the competent authority be necessary for holding in respect of such suspected undesirable the prescribed inquiry.

Order of expulsion to be final and conclusive subject to revocation by the Governor.

11. An order of expulsion shall be final and conclusive for all purposes whatsoever: Provided that it shall be lawful for the Governor in any particular case to revoke an order of expulsion or to declare generally that all orders of expulsion made hereunder with such exceptions (which may be expressed by reference to a class or classes of individuals or to grounds of undesirability) as he shall specify, shall be revoked.

Power of entry and search.

12. It shall be lawful for any justice of the peace or police officer duly authorized by warrant of any justice of the peace with such assistants as may be necessary, to enter and, if necessary to break into any place in which it appears, from information given to such justice or of his own knowledge, there are undesirables or suspected undesirables.

Power to make regulations.

13. The Governor in Council may make regulations not inconsistent with the provisions of this Ordinance providing for—

(a) the management control hygiene and sanitation of any accommodation camp;

(b) the conduct to be observed by undesirables and suspected undesirables whilst they are detained in any accommodation camp;

(c) the manner in which and the conditions under which any order of expulsion is to be carried into effect;

(d) the forms to be used for any of the purposes of this Ordinance; and

(e) generally for carrying this Ordinance into effect.

14. (1) It shall be lawful for Legislative Council by resolution—

Power to suspend operation of the Ordinance.

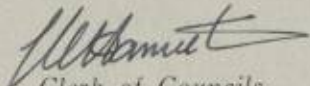
(a) from time to time to declare the suspension of the operation of this Ordinance from the date named in the resolution; and

(b) from time to time to declare that any suspension declared under paragraph (a) hereof shall terminate as from the date mentioned in the resolution.

(2) The suspension of this Ordinance under paragraph (a) of sub-section (1) shall until the termination of such suspension but without prejudice to section 11 have the same effect as the repeal of an enactment.

(3) The termination of the suspension under paragraph (b) of sub-section (1) shall have the same effect as if the Ordinance had been re-enacted and come into operation on the date as from which the suspension is declared to terminate save and except that any regulations which were in force at the date when the suspension, which has thus been terminated, came into effect, shall revive and continue to have full force and effect.

Passed the Legislative Council of Hong Kong, this 31st day of August, 1949.

  
Clerk of Councils.

**HONG KONG**

No. 40 of 1949.

I assent.



*McHarman*

Governor.

1st September, 1949.

An Ordinance further to amend the Emergency Regulations Ordinance, 1922.

[2nd September, 1949.]

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

1. This Ordinance may be cited as the Emergency Regulations (Amendment) (No. 2) Ordinance, 1949, and shall be read as one with the Emergency Regulations Ordinance, 1922, hereinafter referred to as the principal Ordinance.

Short title.

Ordinance  
No. 5 of  
1922.

Amendment of paragraph (n) of sub-section (2) of section 2 of the principal Ordinance.

2. Paragraph (n) of sub-section (2) of section 2 of the principal Ordinance is hereby amended by adding the words "or against any law in force in the Colony" after the word "regulations" in the second line thereof.

Repeal and replacement of section 3 of the principal Ordinance.

3. Section 3 of the principal Ordinance is hereby repealed and replaced by the following section:—

"Penalties.

3. (1) Without prejudice to the powers conferred by section 2, regulations made hereunder may provide for the punishment of any offence (whether such offence is a contravention of the regulations or an offence under any law applicable to the Colony) with such penalties and sanctions (including the penalty of death), and may contain such provisions in relation to forfeiture disposal and retention of any article connected in any way with such offence and as to revocation or cancellation of any licence, permit, pass or authority issued under the regulations or under any other enactment as to the Governor in Council may appear to be necessary or expedient to secure the enforcement of any regulation or law or to be otherwise in the public interest.

(2) Every person who contravenes any regulation made under this Ordinance shall, where no other penalty or punishment is provided by such regulations, be liable upon summary conviction by a magistrate to imprisonment for any term not exceeding two years and to a fine not exceeding five thousand dollars.

(3) Notwithstanding the provisions of sub-section (1) if any regulation made under this Ordinance provides either—

(a) that a contravention of such regulation shall be punished with death; or

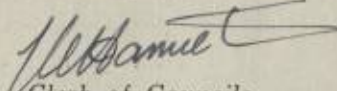
(b) that an offence, not punishable with death under the law in force immediately prior to the making of such regulation, shall be punishable with death, or uses words to a similar effect;

such provision shall be subject to the approval of Legislative Council and if approved shall come into operation on such date as may be specified by resolution of Legislative Council."

4. For the purpose of removing doubts it is hereby declared that the words in sub-section (1) of section 2 "he may make any regulations whatsoever which he may consider desirable in the public interest" shall be deemed always to have included power to make such regulations as are mentioned in paragraph (g) of sub-section (2) of section 2 and it is further declared that the provisions of sub-section (4) of section 2 shall be deemed always to have been incorporated in the principal Ordinance.

Declaratory provision as to effect of principal Ordinance.

Passed the Legislative Council of Hong Kong, this 31st day of August, 1949.

  
Clerk of Councils.

HONG KONG

NO. 41 OF 1949.

I assent.



*[Signature]*  
Officer Administering  
the Government.

5th October, 1949.

An Ordinance to provide for the holding of the property and funds now held by or vested in the Trustees for the time being of the Will and Codicil of Granville Sharp deceased and the funds of the Trustees of the War Memorial Nursing Home and for the administration of the said property and funds for maintaining endowing supporting carrying on or otherwise promoting subject to the provisions of this Ordinance a hospital in substitution for the Matilda Hospital and the War Memorial Nursing Home as heretofore constituted and to be called the Matilda and War Memorial Hospital.

[7th October, 1949.]

WHEREAS in pursuance of the Will and Codicil of Granville Sharp, deceased, (hereinafter referred to as "the Testator") who died on August 16th, 1899, and of a scheme approved by the Supreme Court of Hong Kong (Action No. 46 of 1904) and of an Order of the said Court made on March 7th, 1923, the residue of the estate of the Testator was applied to the erection and maintenance of a hospital called the Matilda Hospital for British American and European patients as provided in the said scheme;

AND WHEREAS by the War Memorial Nursing Home Trustees Ordinance, 1923, the Trustees of the War Memorial Nursing Home and their successors in office (hereinafter called the "Nursing Home Trustees") were incorporated as a body corporate and the property of the War Memorial Nursing Home was vested in the said Trustees to be administered in accordance with the constitution provided by the said Ordinance for the institution and maintenance of the Hong Kong War Memorial Nursing Home;

AND WHEREAS in order to ensure the continuance of the objects for which the said Matilda Hospital was instituted and to make provision for a nursing home or hospital to fulfil the purpose for which the War Memorial Nursing Home was instituted it is deemed expedient that all lands buildings messuages or tenements funds and endowments held by the Trustees of the Will and Codicil of the Testator and all the funds and endowments held by the Nursing Home Trustees should be vested in one incorporated body and that the same may be administered for the purposes and subject to the provisions of an Ordinance;

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

Short title.

1. This Ordinance may be cited as the Matilda and War Memorial Hospital Ordinance, 1949.

Interpretation.

2. In this Ordinance—

"Board of Governors" or "Board" means the Board of Governors referred to in section 4 of this Ordinance and specified in Article 7 of the Constitution;

"Constitution" means the Articles of Constitution referred to in section 4 of this Ordinance and specified in the Schedule to this Ordinance;

"Corporation" means the Matilda and War Memorial Hospital named and incorporated in accordance with the provisions of section 3 of this Ordinance;

"Custodian Trustee" means the Hong Kong and Shanghai Bank, Hong Kong (Trustee) Limited appointed as Custodian Trustee in accordance with the provisions of section 10 of this Ordinance;

"Nursing Home Trustees" means the Trustees appointed in accordance with the provisions of section 3 of the War Memorial Trustees Ordinance, 1923;

Ordinance No. 14 of 1923.

"Trustees" means the Trustees of the Will and Codicil of Granville Sharp, deceased.

3. A hospital to be named the Matilda and War Memorial Hospital is hereby incorporated as a body corporate and as the Matilda and War Memorial Hospital shall have perpetual succession and shall and may sue or be sued in all courts and shall have and may use a Common Seal and may break change alter and make anew the said Seal.

Description and incorporation.

4. The Articles of Constitution specified in the Schedule to this Ordinance shall be binding upon the Corporation and a Board of Governors shall be appointed in accordance with the Constitution the members of which shall be deemed to be the members of the Corporation after notice of their appointment has been filed with the Registrar of Companies.

Constitution and Board of Governors.

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

Powers of Corporation.

(2) The Corporation shall further have power to direct the Custodian Trustee to do any of the following acts namely to borrow or raise money and to give securities for the repayment thereof, to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares, or securities, which are for the time being vested in the Custodian Trustee for the Corporation upon such terms as to the Corporation may seem fit: Provided that—

(a) the powers of direction conferred by this section shall only be exercised for the purpose of endowing, supporting, maintaining, carrying on or otherwise promoting the work of the Corporation; and

(b) the Custodian Trustee may accept the certificate of the Corporation in connection with any matters mentioned herein that the direction does not contravene the requirement of

paragraph (a) of this proviso and the Custodian Trustee shall not be under any responsibility to investigate the purpose of any such direction.

Powers of Custodian Trustee.

6. The Custodian Trustee shall be deemed to have all powers required to give effect to any direction made by the Corporation under section 5 of this Ordinance as though the Custodian Trustee were the absolute owner of the funds vested in the Custodian Trustee: Provided that all deeds and other instruments requiring the seal of the Corporation shall be sealed in the presence of two members of the Board of Governors and shall be signed by two members of the Board of Governors.

Internal management and amendment of Constitution.

7. All matters of internal management of the Corporation including any amendment of the Constitution shall be settled and carried out in accordance with the Constitution.

Vesting of certain properties.

8. (1) The property and assets of whatsoever description (excluding only furniture, fittings, fixtures, hospital equipment and chattels of domestic use) hitherto vested in the Nursing Home Trustees are hereby vested in the Custodian Trustee upon the trusts declared in section 10 of this Ordinance.

(2) The furniture, fittings, fixtures, hospital equipment and chattels of domestic use hitherto belonging to the Nursing Home Trustees are hereby vested in the Corporation.

Discharge of Trustees. Vesting of certain properties.

9. (1) The Trustees are hereby discharged from the trusts of the Will and Codicil of Granville Sharp, deceased, and the scheme for the administration thereof approved by the Supreme Court of Hong Kong in Action No. 46 of 1904 and the property and assets of whatsoever description (excepting only furniture, fittings, fixtures, hospital equipment and chattels of domestic use) belonging to the Trustees are hereby vested in the Custodian Trustee upon the trusts declared in section 10 of this Ordinance.

(2) The furniture, fittings, fixtures, hospital equipment and chattels of domestic use belonging to the Trustees are hereby vested in the Corporation.

Appointment of Custodian Trustee. Declaration of Trusts.

10. The Hong Kong and Shanghai Bank, Hong Kong (Trustee) Limited is hereby appointed Custodian Trustee for the Corporation and property hereinbefore vested in the Custodian Trustee shall forthwith be transferred into the name of the Hong Kong and Shanghai Bank, Hong Kong (Trustee) Limited to be

held by them upon the trusts declared in section 4(2) of the Public Trustee Act, 1906, of the Imperial Parliament but as though the Board of Governors were the Managing Trustees mentioned therein: Provided that the reference therein to the Trustee Act, 1893, shall be construed to refer to the Trustee Ordinance, 1934, of this Colony and the appointment of the Custodian Trustee shall be upon the usual terms and conditions for the time being in force including those governing the right to remuneration in accordance with the published Scale of Fees or such other scale as may be arranged between the Custodian Trustee and the Corporation.

Ordinance No. 18 of 1934.

11. The War Memorial Nursing Home Trustee Ordinance, 1923, is hereby repealed.

Repeal. Ordinance No. 14 of 1923.

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

Saving.

### SCHEDULE.

(sections 2 and 4).

#### Articles of Constitution.

1. These Articles shall be cited as the Articles of Constitution of the Matilda and War Memorial Hospital.

Citation.

2. In these Articles—

“Hospital” means the Matilda and War Memorial Hospital;

Interpretation.

“Matilda Hospital” means the hospital erected and maintained in pursuance of the Will and Codicil of Granville Sharp, deceased, and a scheme approved by the Supreme Court of Hong Kong (Action No. 46 of 1904) and by an order of the said Court made on the 7th March, 1923;

“Nursing Home Trustees” and “Trustees” have the meanings respectively assigned to them in section 2 of the Ordinance;

“Ordinance” means the Matilda and War Memorial Hospital Ordinance, 1949;

Ordinance No. 14 of 1923. "War Memorial Hospital" means the hospital specified in the War Memorial Nursing Home Trustees Ordinance, 1923.

Title of Hospital. 3. The Hospital shall be called the Matilda and War Memorial Hospital.

Objects of Hospital. 4. The objects of the Hospital shall be— (a) to acquire and take over and carry on the hospital now known as the Matilda Hospital and to carry on and maintain the objects for which the Matilda Hospital was instituted, namely—

(i) to establish a Hospital to the Glory of God and for the good of man and in memory of Matilda Lincolne Sharp, resident of this Colony from 1858 to 1893;

(ii) to provide gratuitous medical relief to all British, American and European patients who are poor, helpless or forsaken;

(iii) to establish the Hospital as a religious and evangelistic institution;

(b) to carry on and maintain the objects for which the War Memorial Nursing Home was instituted, namely to institute as part of the Hong Kong War Memorial Scheme a Home to be carried on in the interests of the community and without any view to profit it being particularly the intention that residents in Hong Kong who saw active service in the Great War of 1914-18 should have, where their circumstances in the opinion of the Committee of Management demand it, a preference and be accorded free treatment;

(c) to provide medical and surgical treatment and aid or any other assistance and all remedies and requisites in case of accident or illness in the Colony either gratuitously or in return for such payment as may from time to time be determined by the Board of Governors and to provide facilities for training in medicine, surgery, nursing and hospital work and the investigation of diseases;

(d) generally to do all things necessary or expedient for the proper and effective carrying out of any of the objects aforesaid.

Supreme control of Hospital. 5. The supreme control government and management of all the property and affairs of the Hospital shall be vested in the Board of Governors.

6. The Board of Governors may exercise all such powers and do all such acts and things as the Corporation may do but without prejudice to the general powers conferred upon them it is hereby expressly declared that they shall have the following powers, that is to say, power— Powers of Board of Governors.

(a) to appoint and at their discretion dismiss or suspend such medical superintendents matrons secretaries nursing sisters nurses housekeepers or other officers and servants whether appointed for permanent temporary or special services as they may from time to time think fit and to determine their powers and duties and fix their salary or remuneration;

(b) to appoint any person or persons (whether incorporated or not) to accept and hold in trust for the Corporation any property belonging to the Corporation or in which it is interested or for any other purpose and to execute and do all such deeds and things as may be requisite in relation to any such trust and to provide for the remuneration of the trustee or trustees;

(c) to institute conduct defend compound or abandon any legal proceedings by or against the Corporation or its officers or otherwise concerning the affairs of the Corporation and also to compound or allow for payment or satisfaction of any debts due or any claims or payments by or against the Corporation;

(d) to refer any claims or demands by or against the Corporation to arbitration and observe and perform the awards;

(e) to make and give receipts releases and other discharges for money payable to the Corporation and for the claims and demands of the Corporation;

(f) to determine who shall be entitled to sign on the Corporation's behalf bills notes receipts acceptances endorsements cheques releases contracts and documents;

(g) save as herein provided to make vary and repeal such orders by-laws regulations and rules as the Governors may from time to time think fit in relation to the said Hospital and its conduct and management and as to their own duties and procedure and proceedings and in any affairs relating to the said Hospital;

(h) to enter into all such negotiations and contracts and rescind and vary all such contracts and execute and do all such acts deeds and things in the name and on behalf of the Corporation as they may consider expedient for or in relation to any of the matters aforesaid or otherwise for the purpose of the Corporation;

(i) at any time and from time to time by Power of Attorney and under the Corporation's seal or by an instrument in writing delegate any of their powers and appoint any person or persons to be the Attorney or Attorneys of the Corporation for such purposes and with such powers authorities and discretions not exceeding those vested in the Board of Governors and subject to such conditions as the Governors may from time to time think fit;

(j) to appoint any committee or committees consisting of such member or members of their own body or otherwise as they may think fit and to delegate any of their powers to such committee or committees and to prescribe the functions duties and powers thereof and to revoke any delegation and to determine all or any such functions duties and powers; and

(k) to exercise all or any of the foregoing powers so far as they are applicable in relation to liabilities or obligations whether legal or moral previously incurred by the Trustees or by the Nursing Home Trustees and to assume responsibility for payments by way of gratuities pensions or otherwise for services rendered to the Matilda Hospital or the War Memorial Hospital and to charge such payments to the funds of the Corporation and generally at the discretion of the Board to sanction new payments in respect of services previously rendered to the Matilda Hospital or the War Memorial Hospital.

Constitution of Board of Governors.

7. The Board of Governors shall consist of the following and such others as may from time to time be appointed as their successors in accordance with the provisions hereof, or except as herein otherwise provided, in the case of the absence from time to time of any members of the Board, their respective substitute appointed with the consent of the Board:—

(1) One member who and whose successors shall be appointed by the Chief Manager for the time being of the Hong Kong and Shanghai Banking Corporation.

(2) One member who and whose successors shall be appointed by the Manager for the time being of Hong Kong and Shanghai Banking Corporation, Hong Kong Branch.

(3) One member who and whose successors shall be appointed by the senior representative for the time being in Hong Kong of Jardine, Matheson & Company, Limited.

(4) One member who and whose successors shall be appointed by the senior representative for the time being in Hong Kong of John Swire & Sons Limited.

(5) The Bishop of Victoria, Hong Kong, as defined in the Bishop of Victoria Incorporation Ordinance, 1925, or in his absence an Anglican clergyman resident in the Colony of Hong Kong to be appointed by him.

Ordinance No. 4 of 1925.

(6) The Dean of St. John's Cathedral in Victoria, Hong Kong for the time being or in his absence a member of the clergy of St. John's Cathedral to be appointed by him.

(7) The minister of the Union Church or in his absence the minister of the Methodist Church for the time being.

(8) One registered medical practitioner to be appointed by the Hong Kong and China Branch of the British Medical Association, Hong Kong.

(9) One member to be appointed by the Governor of Hong Kong.

(10) Two registered medical practitioners to be appointed by the members of the Board of Governors:

Provided that upon the commencement of the Ordinance—

(a) the power to appoint two registered medical practitioners shall be exercisable by the persons named in paragraphs (1) to (9) inclusive of this Article; and

(b) a Chairman and a Deputy Chairman of the Board of Governors to hold office until the first annual general meeting held in accordance with Article 14 hereof shall be appointed, from among the persons named in paragraphs (1) to (10) inclusive of this Article, by the Governor of Hong Kong.

8. Save for the Bishop of Victoria, Hong Kong, and the Dean of St. John's Cathedral or their respective nominees and the Minister of the Union Church or of the Methodist Church the Governors shall hold office for a period of three years only but shall be eligible for re-appointment.

Board of Governors. Tenure of office.

9. The Board of Governors shall once in every month and may as often as they think fit meet together for the dispatch of business and any two Governors may by notice in writing to the Chairman of the Board of Governors or to the duly appointed Secretary or Secretaries require a meeting to be called at any time.

Monthly meeting of Board.

10. At any meeting of the Board of Governors a quorum shall be constituted by five members of such Board one of whom must be the Chairman or Deputy Chairman.

Quorum.

Appointment of treasurer and secretary.

11. The Board of Governors may appoint a treasurer of the Hospital who shall be an honorary officer and may appoint from outside their own members a secretary or secretaries of the Hospital who shall perform such duties and receive such remuneration as the Board from time to time may determine.

Minutes.

12. The Board of Governors shall cause minutes to be made in books provided for the purpose—

(a) of all appointments of officers made by the Board;

(b) of all the resolutions and proceedings at all meetings of the Board and of the committees appointed by them.

Books, accounts and audit.

13. The Board of Governors shall cause proper books or accounts to be kept of all receipts and payments and the accounts of the Corporation shall be balanced and the financial state of the Corporation shall be ascertained under the superintendence of the Board once in every year as at the 31st December in every year and the balance sheet showing the financial state of the Corporation as on that date in each year shall be prepared. The profit and loss account and balance sheet shall be audited by an auditor or by auditors appointed by the Board and a copy of such account and balance sheet fully audited shall within seven days after the date of the certificate of the auditors thereon be sent by the Board to the Governor of Hong Kong.

Annual General Meeting of Board

14. A meeting of the Board of Governors shall be held not later than April 30th in each year and shall be called the Annual General Meeting and at such meeting a report of all the affairs of the Hospital with a Statement of Property belonging to the Hospital and a full account of all the receipts and expenditure of the Hospital for the year and a balance sheet drawn up as at the 31st day of December preceding shall be presented and at such meeting the auditors for the ensuing year shall be appointed. After the conclusion of each Annual General Meeting a special meeting shall be held at which the members appointed to replace the members retiring from the Board shall take office and the Board shall elect from among their own members a Chairman and Deputy Chairman and such other officers as they may consider necessary for the ensuing year.

Custody of moneys received.

15. All moneys received for the purpose of being applied towards acquiring additional land or erecting buildings for the Hospital or for paying off any debt incurred for any such purpose shall on being received be paid to the Custodian Trustee for and on behalf of the Board.

16. All moneys at any time standing to the credit of the general account which shall not be required for current expenses shall be paid to the Board of Governors and any investment from time to time held by the Custodian Trustee may be sold and the proceeds thereof invested in other investments as and when the Board shall direct.

Investment of surplus moneys.

17. Cheques shall be drawn under the order of the Board of Governors and shall be signed by such persons in such manner as the Board may from time to time determine.

Cheques.

18. The Board of Governors shall be at liberty to appoint for the Hospital a Resident Medical Officer or Superintendent who shall be a British subject and registered as a medical practitioner in the Colony and he shall exercise such functions as the Board directs and receive such remuneration as the Board may from time to time determine. The Board may appoint other medical or technical officers for service in the Hospital either for whole or part time and either in an honorary capacity or for such remuneration and on such terms as the Board may from time to time determine. The Board shall also be at liberty to appoint for the Hospital a Matron who shall be a British subject and have such qualifications as are necessary for a registered nursing sister in the Colony and she shall have such functions and receive such remuneration as the Board may from time to time determine. The Board shall also appoint an adequate number of nursing sisters who shall preferably but not necessarily be British subjects and also of nurses who shall be duly qualified to perform such duties as may be prescribed by the Governors or by the Resident Medical Officer or Superintendent of the Hospital or the Matron from time to time.

Appointment of medical and nursing staff.

19. Any patient in the Hospital may be attended by his own medical attendant on the condition that he be so attended at his own expense and without any liability on the part of the Corporation or of the Board of Governors or any member of the staff of the Hospital in respect of any act of commission or omission of the medical attendant attending such patient.

Private medical attendants.

20. Except as herein otherwise provided the Board of Governors shall have the sole right of making rules for and deciding as to the suitability of any applicant for admission to the Hospital and as to the continuance in the Hospital of any patient who may have been admitted and to decide and regulate the fees and charges to be paid by them. In urgent cases the admission of patients shall be in the discretion of the Resident

Rules for admission to Hospital.

Medical Officer or Superintendent, or, in his absence, of the Matron, who shall as far as possible in the circumstances act in accordance with such rules as may be made by the Board.

Power to exclude certain patients.

21. No lunatic or person suffering from any disease which in the opinion of the Resident Medical Officer or Superintendent, or, in his absence, of the Matron, may be a source of danger or otherwise prejudicial to other patients, may (except in case of necessity) be admitted or retained as a patient.

Conditions of admission to Hospital.

22. The Corporation shall delegate to a Committee consisting of the members of the Board of Governors appointed under the provisions of Article 7 (1), (2), (5), (6) and (7) together with the Resident Medical Officer or Superintendent or in his absence the Matron of the Hospital the following powers:—

(a) to decide upon the admission of patients under the terms and conditions formerly applicable to the Matilda Hospital and to direct that payment in full or in part of the charges and expenses incurred in respect of such patients in accordance with the scale from time to time in force shall be made out of the income from the invested funds of the Hospital: Provided that the number of such patients admitted shall not at any time exceed half of the number of in-patients which can be accommodated in the Hospital;

(b) to arrange for religious ministrations in accordance with the intentions expressed in the Will and Codicil of Granville Sharp, deceased.

Power of Board to amend, etc. Constitution. Procedure.

23. The Board shall have power to repeal, replace or amend these Articles or any of them: Provided that—

(a) a resolution authorizing any such repeal, replacement or amendment shall have been passed by a majority of not less than three-fourths of the members of the Board; and

(b) the consent in writing thereto shall have been given by the Governor of Hong Kong.

Passed the Legislative Council of Hong Kong, this 5th day of October, 1949.

*[Signature]*  
Clerk of Councils.

HONG KONG

No. 42 OF 1949.

I assent.



*[Signature]*  
Governor.

20th October, 1949.

An Ordinance to repeal the Naturalization Ordinance, 1902.

[21st October, 1949.]

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

1. This Ordinance may be cited as the Naturalization Short title, (Repeal) Ordinance, 1949.

2. The Naturalization Ordinance, 1902, is hereby repealed. Repeal of Ordinance No. 44 of 1902.

Passed the Legislative Council of Hong Kong, this 19th day of October, 1949.

*[Signature]*  
Deputy Clerk of Councils.

HONG KONG



**HONG KONG**

No. 43 OF 1949.

I assent,



*M. H. H. H.*  
Governor.

20th October, 1949.

An Ordinance further to amend the Landlord and Tenant Ordinance, 1947.

[21st October, 1949.]

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

1. This Ordinance may be cited as the Landlord and Tenant (Amendment) Ordinance, 1949. Short title.

2. In this Ordinance—  
“principal Ordinance” means the Landlord and Tenant Ordinance, 1947. Interpretation.  
Ordinance No. 25 of 1947.

3. Section 5 of the principal Ordinance is hereby amended by the insertion of the following additional sub-section after sub-section (3):— Amendment of section 5 of the principal Ordinance.

“(4) Notwithstanding the provisions of sub-section (1)—

Ordinance  
No. 18 of  
1935.

(a) a closure order may be made under section 120 of the Buildings Ordinance, 1935; and

(b) a closure order may be made under paragraph (ee) of sub-section (1) of section 6 of the Buildings Ordinance, 1935, if the Building Authority has certified by writing under his hand that the making of such an order is necessary in order to enable the owner to carry out the building works required without undue danger to the tenants or to the public generally.”

Amendment  
of section  
6 of the  
principal  
Ordinance.

4. (1) Subject as hereinafter provided sub-section (1) of section 6 of the principal Ordinance shall take effect as if for the words “forty five” in the sixth line thereof there were substituted the words “one hundred”.

(2) The addition to the standard rent authorized by the provisions of sub-section (1) shall in respect of any subsisting tenancy take effect as from the date when payment of standard rent next falls due after the commencement of this Ordinance: Provided that if such standard rent is payable in arrear it shall take effect on the second occasion when payment of standard rent falls due after the commencement of this Ordinance.

Passed the Legislative Council of Hong Kong, this 19th day of October, 1949.

Deputy Clerk of Councils.

**HONG KONG**

No. 44 OF 1949.

I assent.



Governor's Deputy.

3rd November, 1949.

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

[4th November, 1949.]

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

1. This Ordinance may be cited as the Deportation of Aliens (Amendment) Ordinance, 1949, and shall be read as one with the Deportation of Aliens Ordinance, 1935, hereinafter referred to as the principal Ordinance.

Short title.

Ordinance  
No. 39 of  
1935.

2. Paragraphs (a) and (b) of section 2 of the principal Ordinance are hereby deleted and the following paragraphs substituted therefor:—

Amendment  
of section  
2 of the  
principal  
Ordinance.

“(a) “alien” means a person who is not a British subject or a citizen of the Irish Republic or a British protected person but includes a British protected person who has been deported, banished or expelled from any territory which is not a foreign country;

(b) "British subject", "British protected person" and "foreign country" have the meanings attributed thereto by the British Nationality Act, 1948."

Repeal and replacement of section 8 of the principal Ordinance.

3. Section 8 of the principal Ordinance as substituted by the Deportation of Aliens (Amendment) Ordinance, 1948, is hereby repealed and replaced by the following section:—

8. (1) A competent authority upon being satisfied—

(a) that an alien stands sentenced to a sentence of not less than six months' imprisonment for one or more of the offences specified in the Second Schedule; and

(b) that after taking into consideration any remission to which such alien may be entitled he will still be required to serve for such offence a sentence of imprisonment of not less than fourteen days after service upon him of a notification under sub-section (7) hereof;

shall unless the Governor otherwise directs order that such alien shall be deported for life.

(2) A competent authority upon being satisfied—

(a) that an alien stands sentenced to imprisonment for a term of one month or more and less than six months for an offence specified in the Second Schedule; and

(b) that after taking into consideration any remission to which such alien may be entitled he will still be required to serve for such offence a sentence of imprisonment of not less than fourteen days after service upon him of a notification under sub-section (7) hereof;

shall unless the Governor otherwise directs order that such alien be deported for ten years.

(3) Without prejudice to the provisions of sub-section (2) hereof a competent authority, upon being satisfied—

(a) that an alien has been convicted of an offence, whether or not such offence is an offence specified in the Second Schedule;

(b) that after taking into consideration any remission to which such alien may be entitled he will still be required to serve for such offence a sentence of imprisonment of not less than fourteen days after service upon him of a notification under sub-section (7) hereof; and

(c) either that a term of imprisonment of more than eighteen months has been applied for such offence or that the term of imprisonment applied for such offence is such that it will together with any other terms of imprisonment applied for any offence of which such alien has at any time been convicted by any competent court or magistrate in the Colony aggregate to more than eighteen months;

shall unless the Governor otherwise directs order that such alien be deported for a period of ten years.

(4) If it appears to the Registrar of the Supreme Court or to a magistrate that by reason of a sentence or sentences of imprisonment imposed on any person by the court or by such magistrate as the case may be, and by reason of the sentences imposed on such person for previous convictions which have been proved or admitted by such person in the proceedings before such court or magistrate the competent authority would, if such person were an alien, be required by the provisions of sub-section (3) to order his deportation, the Registrar or the magistrate shall cause to be forwarded to the Commissioner of Prisons together with the certificate of sentence or warrant of commitment a certificate of such previous convictions in Form No. 10 or No. 11 of the First Schedule hereto as the case may be.

(5) A certificate in the form prescribed by sub-section (4) purporting to be signed by the Registrar of the Supreme Court or a magistrate as the case may be shall unless it be shown that it was not signed by such Registrar or magistrate be sufficient evidence for the purposes of this section of the facts therein stated.

(6) A certificate of sentence purporting to be signed by the Registrar of the Supreme Court and a warrant of commitment purporting to be signed by the magistrate shall unless it be shown that it was not

signed by such Registrar or magistrate be sufficient evidence for the purposes of this section of the facts therein stated.

(7) Whenever the competent authority is satisfied that he would be required by this section to order the deportation of any person if such person is an alien he shall notify such person by the notification in Form No. 12 in the First Schedule that the competent authority is proposing to order his deportation as an alien convict, to whom this section applies.

(8) A person who has received notification under sub-section (7) may within fourteen days from the receipt of such notification claim that he is not an alien or petition the Governor to exercise the power conferred by sub-section (10) by completing the appropriate portions of Form No. 12 and delivering such Form to the Superintendent of the prison where he is in custody.

(9) If the person receiving such notification as aforesaid duly claims that he is not an alien then, after investigation of such claim, opinions on the validity of such claim shall be given by the Attorney General and the Secretary for Chinese Affairs and the claim together with such opinions shall be referred to the Governor.

(10) If the person receiving such notification petitions the Governor to exercise his powers under this sub-section such petition shall be forwarded to the Governor with the observations of the Attorney General and the Secretary for Chinese Affairs and the Governor may if he considers that in all the circumstances of the case the alien should be permitted to remain in the Colony direct that no deportation order shall be made under this section against such alien.

(11) If the person receiving such notification neither claims that he is not an alien nor petitions the Governor under sub-section (10) or if every such claim or petition as may be lodged within due time is rejected then the competent authority shall proceed to make an order of deportation in Form No. 13. Such order, if made during the subsistence of any term of imprisonment imposed on the person to whom it relates which

has not been remitted, shall take effect as on the day when such person is due to be released from such imprisonment and subject as aforesaid shall authorize deportation as from the day upon which it is made.

(12) If a prisoner becomes due to be released from custody by reason of the expiration of any lawful sentence of imprisonment at a time when a claim not to be an alien or a petition to the Governor lodged under this section is still undetermined the Commissioner of Prisons shall notify the Governor accordingly and shall detain such person in his custody until directed by the Governor to release him therefrom or, in the event of an order for the deportation of such person being made, until he is removed therefrom by or by the direction of the Commissioner of Police in pursuance of such order.

(13) The notification provided for by sub-section (7) shall not be given until the time for any material appeal or review has expired and, if any material appeal or review has in the meanwhile become pending, such notification shall not be given until the determination of any such appeal or review. A notification given in contravention of this provision shall be a nullity but shall not prejudice the giving of another valid notification. An appeal or review shall be deemed to be material to the giving of a notification to a particular person if as a result of such appeal or review a sentence of imprisonment, imposed by a competent court or magistrate in the Colony on such person might be affected.

(14) Nothing herein contained shall derogate from the power vested in the Governor in Council by section 3.

(15) The Governor in Council may by regulation amend the Second Schedule hereto.

(16) If the competent authority shall be a person other than the Commissioner of Prisons, the Commissioner shall transmit to the competent authority all documents and information relevant to the exercise of the powers and duties of such authority and shall afford to such authority every facility for inspection of prison registers and records and for interviewing any convict alien.

(17) The directions of the Governor under this section may be signified under the hand of the Clerk of Councils.

(18) In this section—

“competent authority” means such person as the Governor may by notification in the *Gazette* appoint to be the competent authority for the purposes of this section;

“competent court” includes any court constituted under Proclamation 8 of the British Military Administration and any court which since the 30th of August, 1946, was constituted for the trial of war criminals but does not include any court constituted or set up in the Colony between the 25th of December, 1941, and the 1st of August, 1945.

“Registrar of the Supreme Court” includes a Deputy Registrar of the Supreme Court;

“stands sentenced” or “applied for” means respectively stands sentenced or applied for whether before or after the commencement of the Deportation of Aliens (Amendment) Ordinance, 1949, after taking into consideration any appeal or review but without taking into consideration any remission whether granted by the Governor or by any application of the Prison Rules or any period of the sentence which has in fact been served.”

Repeal of sub-section (3) of section 9 of the principal Ordinance.

4. Sub-section (3) of section 9 of the principal Ordinance is hereby repealed.

Repeal and replacement of sub-sections (6) to (9) of section 13 of the principal Ordinance.

5. Sub-sections (5), (6), (7), (8) and (9) of section 13 of the principal Ordinance as amended by the Deportation of Aliens (Amendment) Ordinance, 1948, are hereby repealed and replaced by the following sub-sections:—

“(5) Whenever an alien is convicted by a court of being within the Colony without lawful excuse after the date fixed for his departure under any deportation order and before the expiration of the period of his deportation or banishment such conviction shall be sufficient authority for the Commissioner

of Police to make such arrangements as he may deem expedient to deport such alien from the Colony and to such end the Commissioner and any person acting upon his instructions or request may keep or cause such alien to be kept in custody in any prison or house of detention until such alien leaves the Colony and may use such force and restraint as is necessary to cause such alien to depart from the Colony, and until such departure such alien shall be deemed to be under lawful arrest and in lawful custody: Provided that no alien shall be deported while he is still serving a sentence of imprisonment imposed by any competent court or magistrate which has not been remitted or in breach of any condition imposed upon such remission and that no alien shall be deported by virtue of this sub-section after the expiration of the period of his deportation or banishment.

(6) Notwithstanding the provisions of sub-section (5) an order of banishment or deportation may by order of the Governor under the hand of the Clerk of Councils be enforced against an alien although he has not been prosecuted for the misdemeanour mentioned in sub-section (1) and the Governor may for such purpose by order under the hand of the Clerk of Councils fix the time within which any such alien shall leave the Colony and make any such order as is mentioned in section 11.

(7) An application for the order of the Governor may be made by the Commissioner of Police or any person authorized by him in any case or in any class or classes of case in which the Attorney General may by any special or general direction have authorized the making of such an application.

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

(9) Any such order shall have the same effect and confer the same authority as a conviction by a magistrate under sub-section (5) hereof.

(10) It shall be lawful for any justice of the peace to order that any alien in respect of whom he is satisfied—

- (a) a deportation order is still in force; and
- (b) his detention in custody is required pending the making of an order under sub-section (6);

to issue a warrant ordering that such alien be arrested and be kept in custody in any police station or in any prison or house of detention for a period of seven days. Any warrant lawfully issued hereunder shall be a warrant of arrest and detention within the meaning of sub-section (1) of section 51 of the Police Force Ordinance, 1948.

(11) The Governor in Council may make regulations for carrying the provisions of sub-sections (6), (7), (8) and (10) of this section into effect and for prescribing forms and procedure."

Amendment of sub-section (5) of section 16 of the principal Ordinance.

6. Sub-section (5) of section 16 of the principal Ordinance is hereby amended by deleting the words "a British subject" in the fifth line thereof and substituting therefor the words "not an alien".

Addition of new section 18A to the principal Ordinance.

7. The principal Ordinance is hereby amended by the insertion of the following section as section 18A thereof:—

**18A.** The provisions of the Deportation (British Subjects) Ordinance, 1936, shall apply to British protected persons in like manner as if the expression "British subjects" had been therein defined so as to include British protected persons."

Amendment of the principal Ordinance.

8. The principal Ordinance is hereby amended—

- (a) by inserting throughout the principal Ordinance the word "First" before the word "Schedule" save and except where the word "Schedule" is already by reason of the amendments effected by this Ordinance preceded by the word "Second" or already preceded by the word "First"; and
- (b) by the addition as the Second Schedule thereto of the First Schedule to this Ordinance; and
- (c) by the addition in the First Schedule to the principal Ordinance of Forms 10, 11, 12 and 13 of the Forms in the Second Schedule to this Ordinance.

Commencement.

9. This Ordinance shall come into operation on the first day of January, 1950.

FIRST SCHEDULE.

- The Offences against the Person Ordinance, 1865—  
sections 5, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23, 27, 28, 29, 30, 30A, 44, 45 and 45A.
- The Malicious Damage Ordinance, 1865—  
sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 25, 27, 27A, 28, 29, 30, 33, 36, 37 and 45.
- Piracy Jure Gentium.
- The Suppression of Piracy Ordinance, 1868—  
sections 2, 4, 5 and 6.
- The Criminal Intimidation Ordinance, 1920—  
section 3.
- The Societies Ordinance, 1949—  
sections 10, 11 and 12.
- The Arms and Ammunition Ordinance, 1933—  
section 4.
- The Larceny Ordinance, 1935—  
sections 25, 26, 40, 41, 42, 43, 44, 45, 46 (1) (i), 47, 48 and 51.
- The Dangerous Drugs Ordinance, 1935—  
section 21A (1) (c), (d) and (e).
- The Protection of Women and Girls Ordinance, 1938—  
sections 3, 4, 5, 6, 8, 10, 12, 17, 18, 19, 20, 21, 22, 23, 25 and 26.
- Any offence under the Prevention of Corruption Ordinance, 1948.

SECOND SCHEDULE.

Form No. 10. [s. 8(4).]

THE DEPORTATION OF ALIENS ORDINANCE, 1935.

REGISTRAR'S CERTIFICATE OF PREVIOUS CONVICTIONS.

I hereby certify

1. That \_\_\_\_\_ was convicted at the Criminal Sessions of the Supreme Court of Hong Kong held on \_\_\_\_\_ of the offence(s) hereunder set out and that the sentence(s) of imprisonment specified were imposed therefor:

<i>Offence</i>	<i>Sentence</i>	<i>Date of Conviction</i>
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2. That in the course of his trial for the abovementioned offence(s), the previous convictions of which particulars are given hereunder were \*{proved against } the said \*{admitted by }

Offence Sentence Date of Conviction

3. That the said is the same person as the referred to in Certificate of Sentence No.†

Registrar, Supreme Court.

\* Delete if inapplicable.

† Note:—This should be the Certificate of Sentence of the offences certified in paragraph 1.

Form No. 11. [s. 8(4).]

THE DEPORTATION OF ALIENS ORDINANCE, 1935.

MAGISTRATE'S CERTIFICATE OF PREVIOUS CONVICTIONS.

I hereby certify

1. That on the of was convicted by me of the offence hereunder set out for which I imposed the sentences of imprisonment specified.

Offence Sentence Date of Conviction

2. That in the course of his trial for the said offence(s) the previous convictions of which particulars are given hereunder were \*{proved against } the said \*{admitted by }

Offence Sentence Date of Conviction

3. That the said is the same person as the referred to in Warrant of Commitment No.†

Magistrate.

\* Delete if inapplicable.

† Note:—This should be the Warrant of Commitment of the offences certified in paragraph 1.

Form No. 12. [s. 8(7).]

THE DEPORTATION OF ALIENS ORDINANCE, 1935.

NOTIFICATION THAT COMPETENT AUTHORITY PROPOSES TO ORDER DEPORTATION.

TAKE NOTICE

1. That I am proposing to order your deportation as an alien convict to whom sub-section\* (1) (2) (3) of section 8 of the Deportation of Aliens Ordinance, 1935, applies on the ground that you are an alien who stands sentenced as follows:—

Offence Sentence Date of Conviction

2. That if you are in fact a British subject or British protected person you should complete Part I overleaf and return it to the Superintendent of your prison within 14 days.

3. That if you have good reasons for claiming to be allowed to stay in Hong Kong you should complete Part II overleaf and return it to the Superintendent of your prison within 14 days.

Competent Authority.

\* Strike out sub-sections inapplicable.

PART I.

CLAIM NOT TO BE AN ALIEN.

I claim to have been born in

The following persons can prove I speak the truth:—

Names of Witnesses

Places where Witnesses can be found.

PART II.

PETITION TO BE PERMITTED TO STAY IN HONG KONG.

The Petitioner humbly prays that he be permitted to stay in Hong Kong for the following reasons:—

NOTES.

The following notes which are intended in appropriate cases to assist prisoners to complete this form should be explained to the prisoner by or on behalf of the competent authority in a language intelligible to the prisoner:—

Part I is only intended for persons who are British subjects or have been granted citizenship of or have been born in a state or territory under British protection. Residence in Hong Kong even for a long period is insufficient to justify a claim under this Part.

Under Part II the Petitioner should give his reasons for being allowed to stay in Hong Kong and the names of any people who can vouch for his future good behaviour. It is only in very special circumstances that permission to stay will be granted. Generally speaking permission will not be granted unless the Governor is satisfied that the Petitioner has been in Hong Kong for a period of at least five years and will obtain continuous honest employment, or that the Petitioner has been in Hong Kong for a very long time and there is a reasonable expectation that the Petitioner will be of good behaviour.

The prisoner should also be warned that the investigation of a claim or petition may take time and that if he becomes due for release prior to such investigation having been completed he will probably have to remain in prison after expiration of his sentence.

Form No. 13. [s. 8(11).]

THE DEPORTATION OF ALIENS ORDINANCE, 1935.

ORDERS FOR DEPORTATION OF ALIEN CONVICT.

Whereas I am satisfied that \_\_\_\_\_ is an alien and stands sentenced to a sentence of \_\_\_\_\_ months' imprisonment for \*(an offence specified in the Second Schedule of the Deportation of Aliens Ordinance, 1935) (the offence of \_\_\_\_\_ of which he was convicted on the \_\_\_\_\_ of \_\_\_\_\_) and in addition to sentences aggregating to \_\_\_\_\_ months' imprisonment for offences of which he has been convicted by a competent court or magistrate in the Colony.

Now therefore in pursuance of the power vested in me by sub-section †(1) (2) (3) of section 8 of the Deportation of Aliens Ordinance, 1935, I hereby order—

that the said \_\_\_\_\_ be prohibited from being within the Colony } † for life } † (for the space of ten years)

and that he shall depart from this Colony as soon as the Commissioner of Police has made the necessary arrangements to that end.

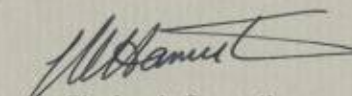
Competent Authority.

Date: \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Commissioner of Prisons.

- \* Delete if inapplicable. † Delete the sub-sections inapplicable. ‡ Delete if inapplicable.

Passed the Legislative Council of Hong Kong, this 2nd day of November, 1949.

  
Clerk of Councils.

**HONG KONG**

No. 45 OF 1949.

I assent.



*Albani*  
Governor's Deputy.

3rd November, 1949.

An Ordinance to amend the Criminal Procedure Ordinance, 1899.

[4th November, 1949.]

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance, 1949, and shall be read as one with the Criminal Procedure Ordinance, 1899, hereinafter referred to as the principal Ordinance.

Short title  
Ordinance  
No. 9 of  
1899.

2. The following section is hereby inserted as section 55 of the principal Ordinance :—

Insertion  
of new  
section as  
section 55.

“Statements of accused persons. 55. It is hereby declared that, if on a trial by jury of a person accused of an offence, a statement alleged to have been made by such accused person is admitted

in evidence, all evidence relating to the circumstances in which the alleged statement was made shall be admissible for the purpose of enabling the jury to decide upon the weight (if any) to be given to the statement; and, if any such evidence has been taken in the absence of the jury before the admission of the statement, the Crown and such accused person shall have the right to have any such evidence retaken in the presence of the jury."

Passed the Legislative Council of Hong Kong, this 2nd day of November, 1949.



**HONG KONG**

No. 46 OF 1949.

I assent.



*Governor's Deputy.*

3rd November, 1949.

An Ordinance to amend the Prevention of Corruption Ordinance, 1948.

[4th November, 1949.]

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

1. This Ordinance may be cited as the Prevention of Corruption (Amendment) Ordinance, 1949, and shall be read as one with the Prevention of Corruption Ordinance, 1948, hereinafter referred to as the principal Ordinance.

Short title.  
Ordinance  
No. 39 of  
1948.

2. Section 5 of the principal Ordinance is hereby repealed and replaced as follows:—

Repeal and  
replacement  
of section  
5 of the  
principal  
Ordinance.

“Penalty for offences. 5. (1) Any person who commits an offence against section 3 of this Ordinance shall—

(a) be liable on summary conviction to imprisonment for a term not exceeding two years and to a fine not exceeding five thousand dollars;

(b) be liable on conviction on indictment to imprisonment for a term not exceeding five years and to a fine not exceeding ten thousand dollars;

(c) in addition be liable to be ordered to pay to such body, and in such manner as the magistrate or the court directs, the amount or value of any gift, loan, fee, or reward received by him or any part thereof;

(d) in the event of a second conviction for a like offence, in addition to the foregoing penalties, be liable to be adjudged to be incapable for seven years of being registered as an elector of members of any public body, and any enactment from time to time in force in the Colony for preventing the voting and registration of persons declared by reason of corrupt practices to be incapable of voting shall apply to a person adjudged in pursuance of this section to be incapable of voting.

(2) Any person committing an offence against section 4 of this Ordinance shall be liable—

(a) on summary conviction to imprisonment for a term not exceeding two years and to a fine not exceeding one thousand dollars;

(b) on conviction on indictment to imprisonment for a term not exceeding five years and to a fine not exceeding ten thousand dollars; and

(c) in addition to be ordered to pay to his principal and in such manner as the magistrate or the court may direct, any gift or consideration or any part thereof."

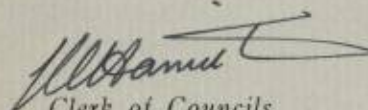
Repeal and replacement of section 9 of the principal Ordinance.

3. Section 9 of the principal Ordinance is hereby repealed and replaced as follows:—

"9. Notwithstanding any rule of practice or procedure to the contrary in the event of a person being charged with an offence against section 3 or section 4 of this Ordinance, a judge

shall not be required to direct the jury that it is dangerous to convict on the evidence of an accomplice without corroboration in a material particular implicating the accused but it shall suffice if the judge shall give the jury such instructions regarding the liability of the evidence of an accomplice as he may deem appropriate."

Passed the Legislative Council of Hong Kong, this 2nd day of November, 1949.

  
Clerk of Councils.

**HONG KONG**

No. 47 OF 1949.

I assent.



*[Signature]*  
Governor's Deputy.

3rd November, 1949.

An Ordinance to control persons, other than accredited representatives of foreign states, in the discharge in the Colony of functions on behalf of the Governments of foreign states or on behalf of other foreign political organizations.

[4th November, 1949.]

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

**1.** This Ordinance may be cited as the Representation of Foreign Powers (Control) Ordinance, 1949. Short title.

**2.** In this Ordinance—

“accredited representative” means a person who by notice in the *Gazette* has been recognized by the Governor as the representative of a foreign state;

Inter-pretation.

“foreign power” means any of, or a combination of any of, the following, namely—