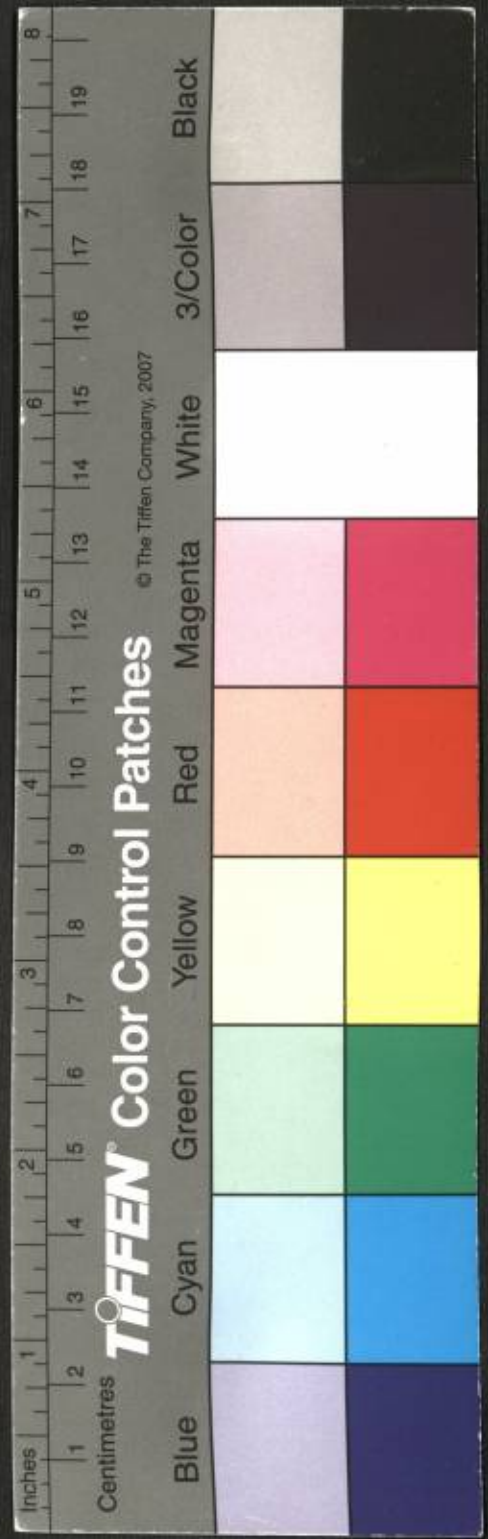


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ORDINANCES OF HONG KONG • 1949 •

ORDINANCES
OF
HONG KONG
—
1949



HONG KONG

No. 1 of 1949.



I assent.

[Signature]
Governor's Deputy.

21st January, 1949.

An Ordinance to amend the Companies Ordinance, 1932.

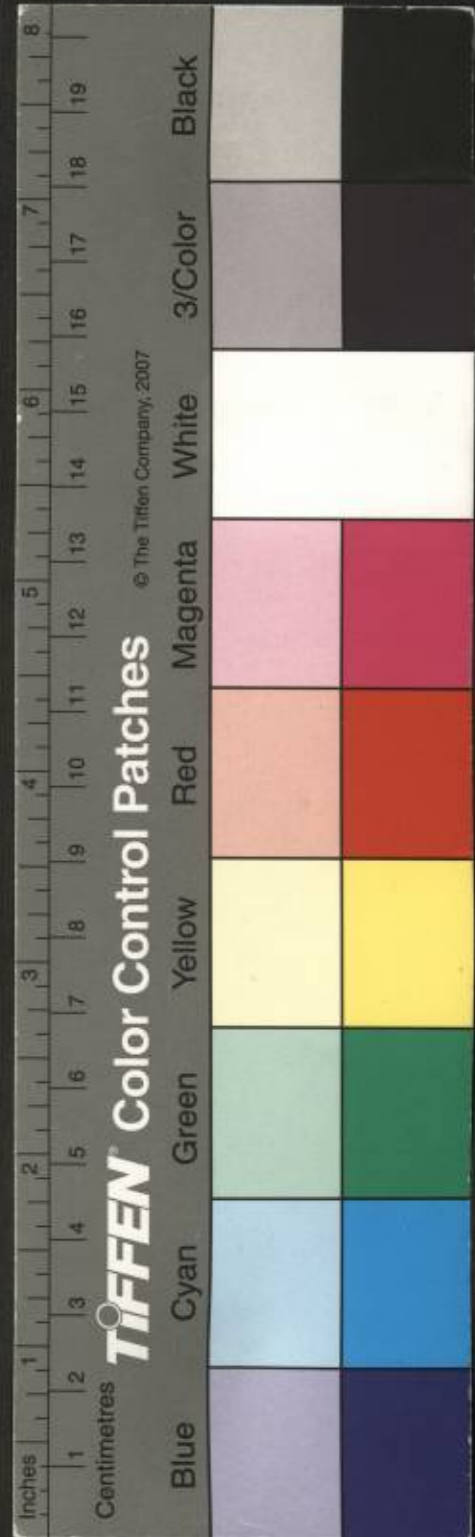
[22nd January, 1949.]

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 Companies Amendment Ordinance, 1949, and shall be read as one with the Companies Ordinance, 1932, hereinafter referred to as the principal Ordinance. Short title.
Ordinance No. 39 of 1932.

2. Sub-section (2) of section 2 of the principal Ordinance is hereby repealed. Repeal of sub-section (2) of section 2 of the principal Ordinance.

3. Paragraph (b) of sub-section (1) of section 4 of the principal Ordinance is hereby repealed. Repeal of paragraph (b) of sub-section (1) of section 4 of the principal Ordinance.



Amendment of paragraph (d) of sub-section (2) of section 19 of the principal Ordinance.

4. Paragraph (d) of sub-section (2) of section 19 of the principal Ordinance is hereby amended by the deletion of the words "Provided that this paragraph shall not apply to any China company" in the first, second and third lines thereof.

Amendment of sub-section (1) of section 21 of the principal Ordinance.

5. Sub-section (1) of section 21 of the principal Ordinance is hereby amended by the deletion of the words and brackets "(or, in the case of a China company, with the approval of the Minister)" appearing in the second and third lines thereof.

Amendment of sub-section (1) of section 33 of the principal Ordinance.

6. Sub-section (1) of section 33 of the principal Ordinance is hereby amended by the deletion of the words and brackets "(or, in the case of a China company, not situate within the limits of the China Orders in Council)" in the fifth, sixth and seventh lines thereof.

Amendment of sub-section (1) of section 34 of the principal Ordinance.

7. Sub-section (1) of section 34 of the principal Ordinance is hereby amended—

(a) by the deletion of the words and brackets "(or, in the case of a China company, outside the limits of the China Orders in Council)" in the third and fourth lines thereof; and

(b) by the deletion of the words and brackets "(or, in the case of a China company not situate within the limits aforesaid)" in the sixth, seventh and eighth lines thereof.

Amendment of sub-sections (3) and (4) of section 79 of the principal Ordinance.

8. Section 79 of the principal Ordinance is hereby amended—

(a) by the deletion in sub-section (3) of the words and brackets "(or, in the case of a China company, created outside the district of the British Consulate in Shanghai)" in the second, third and fourth lines thereof, and by the deletion of the words and brackets "(or, in the case of a China company, outside the said district)" in the fifth and sixth lines thereof, and by the deletion of the words and brackets "(or Shanghai, in the case of a China company)" in the fourteenth and fifteenth lines thereof; and

(b) by the deletion in sub-section (4) of the words and brackets "(or where, in the case of a China company, it is created within the limits of the China Orders in Council but comprises property outside the said limits)" in the second, third, fourth and fifth lines thereof.

Amendment of section 81 of the principal Ordinance.

9. Section 81 of the principal Ordinance is hereby amended—

(a) by the deletion of the words and brackets "(or, in the case of a China company, outside the district of the British Consulate at Shanghai)" in the sixteenth, seventeenth and eighteenth lines thereof; and

(b) by the deletion of the words and brackets "(or in such district, in the case of a China company)" in the twenty-first and twenty-second lines thereof.

10. Sub-section (1) of section 92 of the principal Ordinance is hereby amended by the deletion of the words and brackets "(or, in the case of a China company, within the limits of the China Orders in Council)" in the fifth and sixth lines thereof.

Amendment of sub-section (1) of section 92 of the principal Ordinance.

11. Sub-section (2) of section 93 of the principal Ordinance is hereby amended by the deletion of the words and brackets "(in the case of any company other than a China company, and for the Minister in the case of any China company)" in the twenty-third to twenty-sixth lines thereof.

Amendment of sub-section (2) of section 93 of the principal Ordinance.

12. Section 103 of the principal Ordinance is hereby amended—

(a) by the deletion in sub-section (1) of the words "other than a China company" in the fourth line thereof; and

(b) by the deletion in sub-section (3) of the words "not being a China company" in the second and third lines thereof.

Amendment of sub-sections (1) and (3) of section 103 of the principal Ordinance.

13. Sub-section (3) of section 131 of the principal Ordinance is hereby amended—

(a) by the insertion of the words "in his absolute discretion" immediately after the word "may" in the sixteenth line thereof; and

(b) by the deletion of the words "or within the limits of the China Orders in Council" in the eighteenth line thereof.

Amendment of sub-section (3) of section 131 of the principal Ordinance.

14. Sub-section (2) of section 133 of the principal Ordinance is hereby amended—

(a) by the deletion of the words and brackets "(or, in the case of a China company, if the company has branch banks beyond the limits of the Consular district wherein such company has its registered office)" in the ninth to twelfth lines thereof; and

(b) by the deletion of the words and brackets "(or, in the case of a China company, to the registered office of the company within the limits of the China Orders in Council)" in the sixteenth, seventeenth and eighteenth lines thereof.

Amendment of sub-section (2) of section 133 of the principal Ordinance.

15. Sub-section (2) of section 174 of the principal Ordinance is hereby repealed.

Repeal of sub-section (2) of section 174 of the principal Ordinance.

16. Sub-section (1) of section 215 of the principal Ordinance is hereby amended by the deletion of the words and brackets "(and, in the case of a China company, in some newspaper circulating in the place where such company has its registered office)" in the fifth, sixth and seventh lines thereof.

Amendment of sub-section (1) of section 215 of the principal Ordinance.

Repeal of paragraph (d) of sub-section (1) of section 251 of the principal Ordinance.

17. Paragraph (d) of sub-section (1) of section 251 of the principal Ordinance is hereby repealed.

Amendment of sub-section (1) of section 275 of the principal Ordinance.

18. Sub-section (1) of section 275 of the principal Ordinance is hereby amended by the deletion of the words and brackets "(or, within the limits of the China Orders in Council, before any officer of the Supreme Court for China lawfully authorised to take and receive affidavits)" in the sixth to ninth lines thereof.

Amendment of sub-sections (2), (3), (4) and (5) of section 277 of the principal Ordinance.

19. Section 277 of the principal Ordinance is hereby amended by the deletion—

(a) in sub-section (2) of the words and brackets "(and, in the case of a China company, also in such other paper as the Registrar of Companies at Shanghai may select)" in the ninth, tenth and eleventh lines thereof;

(b) in sub-section (3) of the words and brackets "(and, in the case of a China company, also in such other paper as aforesaid)" in the fifth and six lines thereof;

(c) in sub-section (4) of the words and brackets "(and, in the case of a China company, also in such other paper as aforesaid)" in the seventh, eighth and ninth lines thereof;

(d) in sub-section (5) of the words and brackets "(and, in the case of a China company, also in such other paper as aforesaid)" in the fifth and sixth lines thereof.

Amendment of sub-section (1) of section 279 of the principal Ordinance.

20. Sub-section (1) of section 279 of the principal Ordinance is hereby amended by the deletion of the words and brackets "(or, in the case of a China company, as the judge of the Supreme Court for China)" in the fourth and fifth lines thereof.

Repeal and replacement of section 320 of the principal Ordinance.

21. Section 320 of the principal Ordinance is hereby repealed and replaced as follows:—

"320. A company incorporated outside the Colony which shall have filed with the Registrar of Companies the documents specified in sub-section (1) of section 319, shall have the same power to acquire hold and dispose of immovable property in the Colony as if it were a company incorporated under this Ordinance."

Amendment of sub-section (1) of section 348 of the principal Ordinance.

22. Sub-section (1) of section 348 of the principal Ordinance is hereby amended—

(a) by the deletion of the interpretations given respectively to the expressions "China company", "China Orders in Council", "Hong Kong China company" and "Minister"; and

(b) by the deletion of the words "or Shanghai as the case may require" in the seventy-ninth and eightieth lines thereof.

23. Part XIV of the principal Ordinance is hereby repealed.

Repeal of Part XIV of the principal Ordinance.

Passed the Legislative Council of Hong Kong, this 20th day of January, 1949.

J. L. Howard.

Deputy Clerk of Councils.

HONG KONG

No. 2 of 1949.



I assent.

[Signature]
Governor's Deputy.

21st January, 1949.

An Ordinance to amend the Merchant Shipping Ordinance, 1899.

[22nd January, 1949.]

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

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

Short title.
Ordinance
No. 20 of
1899.

2. Section 2 of the principal Ordinance is hereby amended—
(a) by the substitution of the following paragraph for paragraph (i):—

Amendment
of section 2
of the
principal
Ordinance.

(i) "Motor boat" means any vessel of European build not exceeding sixty tons and mechanically propelled;

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

(j) "Port Health Officer" includes the Director of Medical Services and any officer for the time being performing the duties of Port Health Officer;

(c) by the substitution of the following paragraph for paragraph (n):—

(n) "Ship" includes any description of vessel used in navigation not propelled by oars but excludes junks and

lorchas whether mechanically propelled or not: Provided that a mechanically propelled junk or lorcha shall not be excluded from the definition of "ship" for the purposes of the International Collision Regulations;

Amendment of penalties in those sections of the principal Ordinance which are specified in the Schedule to this Ordinance.

3. Wherever in any of the sections of the principal Ordinance specified in column 1 of the Schedule to this Ordinance, the penalty specified in column 2 of the Schedule is mentioned, there shall be substituted for such penalty the corresponding penalty mentioned in column 3 of the Schedule.

Repeal and replacement of section 4 of the principal Ordinance.

4. Section 4 of the principal Ordinance is repealed and the following section is substituted therefor:—

Master, mate and engineer to possess certificates. [cf. Orders in Council, 9th May, 1891, and 22nd October, 1906].

4. (1) The name of a master, first, only, or second mate, or first or second engineer shall not be attached to the register or articles of agreement of any British ship, unless such master, mate, or engineer possesses a certificate of service or competency granted in the United Kingdom under the Merchant Shipping Acts, or a colonial certificate of competency declared by any Order of His Majesty in Council to be of the same force as if it had been granted under the said Acts.

Recognition of foreign certificates of competency of corresponding value to certificate granted under this Ordinance.

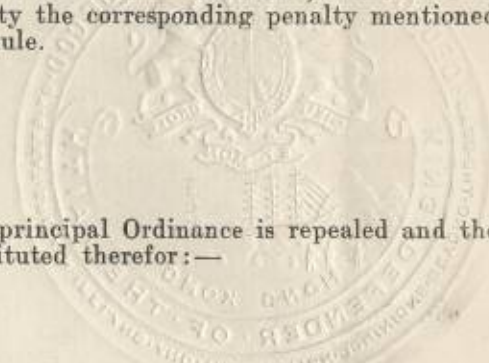
(2) Every officer on board a foreign passenger steamship who has received a certificate of competency granted by a competent authority of his country, which the Governor is satisfied is of corresponding value to any certificate of competency granted under this Ordinance, shall be deemed to be duly certificated under this Ordinance in respect of such foreign steamship, provided that his certificate is of a grade appropriate to his station in the foreign steamship or of a higher grade.

Certificated officers of British ship, and foreign ship holding passenger certificate. [cf. 57 & 58 Vict. c.60, s.92(1).]

(3) Every British ship, and every foreign ship holding a passenger certificate under section 10 shall, when leaving any port of the Colony, be provided with officers who possess certificates of competency of a grade appropriate to their stations in the ship or of a higher grade, according to the following scale:—

(a) in any case, with a duly certificated master;

(b) if the ship is of one hundred tons or upwards, with at least one officer besides the master holding a certificate not lower than that of only mate, or of second mate in the case of a sailing ship of not more than two hundred tons;



(c) if the ship carries more than one mate, with at least the first and second mates duly certificated;

(d) if the ship is a steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first class and the other a first class or second class engineer duly certificated; and

(e) if the ship is a steamship of less than one hundred nominal horse-power, with at least one engineer who is a first class or second class engineer duly certificated:

British river steamers not exceeding 300 tons.

Provided that every British river steamer exceeding sixty tons but not exceeding three hundred tons, if such river steamer does not carry more than twelve passengers, shall be provided with a duly certificated master and an engineer who possesses a local certificate of competency from the Director of Marine;

Trawlers.

Provided also that every mechanically propelled trawler or other fishing vessel regularly engaged in trawling upon the high seas from the Colony shall also be deemed to comply with the requirements of this sub-section if such vessel is provided with a duly certificated trawling master and an engineer who possesses a local certificate of competency from the Director of Marine;

Provided further that it shall be lawful for the Governor in Council to grant special exemption, which may be subject to any conditions he may impose, from all or any of the requirements of this sub-section in the case of any ship regularly plying between the Colony and Dosing, Swabue (Shan Mei), Ping Hoi, Ma Kung, Sha Yu Chung, Nam O, Tip Fuk, O Tau or any other port if the master and mate shall have passed a special examination before the Director of Marine and shall be approved by him for service on such voyages.

Holders of masters' river trade certificates.

(4) Notwithstanding the provisions of sub-section (3) every person who at the date of the passing of the Merchant Shipping Amendment Ordinance, 1949, is the holder of a masters' river trade certificate shall be entitled to be engaged as master of any river steamer exceeding 60 tons but not exceeding 300 tons if such river steamer does not carry more than 12 passengers or as master of a trawler.

Holders of mates' river trade certificates.

(5) Notwithstanding the provisions of sub-section (3) every person who at the date of the passing of the Merchant Shipping Amendment Ordinance, 1949, is the holder of a mates' river trade certificate shall be entitled to be engaged as mate of any river steamer if such ship is of 100 tons or upwards.

British river steamer not exceeding 60 tons. Regulations Table E.

(6) Every British river steamer not exceeding sixty tons shall comply with the regulations contained in Table E in the Regulations, and shall be provided with a master who possesses a local certificate of competency from the Director of Marine and also with an engineer who possesses a like certificate.

Local steam or motor ferry vessels.

(7) Every steam or motor vessel which plies as a ferry between two or more points within the Colony shall comply with the regulations contained in Table E in the Regulations for the time being in force and shall be provided with a master who possesses a local certificate of competency from the Director of Marine and also with an engineer who possesses a like certificate.

Ship leaving without certificated officers or clearance.

(8) The master of every British ship and of every foreign ship holding a passenger certificate under section 10, leaving or attempting to leave any port of the Colony without having on board, and entered on the register and articles of agreement, officers possessing the certificates required by this section shall be liable to a fine not exceeding one thousand dollars; and it shall be lawful for the Director of Marine to refuse a port clearance to any British ship, or to any foreign ship holding a passenger certificate under section 10, in case of non-compliance with the provisions of sub-sections (3) and (6) of this section; and if any ship to which this sub-section refers leaves or attempts to leave any port of the Colony without a clearance, the master thereof shall be liable to a fine not exceeding one thousand dollars.

Penalty on employment of uncertificated person.

(9) Every person who, having been engaged in any of the capacities mentioned in sub-section (3) or (6) in any such ship as aforesaid, goes to sea in that capacity without being entitled to and possessed of such certificate as is required by this section, and every person who employs any person in any of the above capacities in such ship 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.

Examination for certificates.

(10) Examinations shall be instituted for persons who wish to procure colonial certificates of competency as masters, mates or engineers in the mercantile marine.

Rules for examinations. [cf. 4 & 5 Geo. 5, c.42, s.1.]

(11) The Governor in Council may lay down rules as to the conduct of such examinations and as to the qualifications of the applicants, and such rules shall be strictly adhered to by all examiners.

Applicant for certificate to give notice to Assistant Director of Marine (Ship Surveys).

(12) When any person is desirous of obtaining a colonial certificate of competency as master, first, second, or only mate, or engineer in the mercantile marine, he shall apply in the prescribed form to the Assistant Director of Marine (Ship Surveys), and present himself for examination by the examiners appointed by the Governor, when directed to do so.

Fees to be paid by applicant.

(13) Every applicant for a colonial certificate of competency shall, on lodging his application, pay to the Marine Department the fees prescribed in the rules for the conduct of examinations.

Certificate to be given to successful candidate.

(14) Every applicant who has passed a satisfactory examination, and has given satisfactory evidence of his sobriety, experience and general good conduct on board ship, shall be entitled to receive, on the recommendation of the Assistant Director of Marine (Ship Surveys), a colonial certificate of competency signed by the Governor.

Certificate to be subject to regulations. [cf. Orders in Council, 9th May, 1891, and 22nd October, 1906.]

(15) Colonial certificates of competency granted under this section shall be subject to any regulations made under any Order of His Majesty in Council, with respect to the use, delivery, cancellation and suspension of colonial certificates of competency.

Copy of certificate to be granted in case of loss. 57 & 58 Vict. c.60, s.101.

(16) If a master, mate or engineer proves, to the satisfaction of the Governor, that he has, without fault on his part, lost or been deprived of a certificate already granted to him under this section, the Governor shall, and in any other case may, on payment of such fee, if any, as he may direct, cause a copy of the certificate to which, by the record kept, he appears to be entitled to be delivered to him; and such copy shall have all the effect of the original.

Production of certificates. 57 & 58 Vict. c.60, s.103.

(17) The master of a ship, on signing the agreement with the crew before the Superintendent of the Mercantile Marine Office, shall produce to him the certificates of competency which the master, mates and engineers of the ship are hereby required to hold.

Forgery of certificate. 57 & 58 Vict. c.60, s.104.

(18) Every person who—

(a) makes, assists in making or procures to be made any false representation for the purpose of procuring, either for himself or for any other person, a certificate of competency; or

(b) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or

(c) fraudulently lends his certificate of competency or allows it to be used by any other person, shall be liable to a fine not exceeding five thousand dollars or to imprisonment for any term not exceeding three years.

Power to permit employment of subject of foreign state.

(19) Nothing in this section or in any other enactment to the contrary shall be deemed to prevent the employment of the subject of any foreign state which may be specified by the Governor in Council, from acting as master or officer of any grade in a British ship if the Governor has granted him an authority to act in such capacity.

Special provision to permit employment of uncertificated engineers as second engineers.

(20) Nothing in this section or in any other enactment to the contrary shall be deemed to prevent or to have prevented the engagement and employment, as second engineers under temporary permit from the Governor, of experienced uncertificated engineers where the Governor is satisfied that a certificated engineer cannot be obtained.

Repeal of section 6 of the principal Ordinance.

5. Section 6 of the principal Ordinance is hereby repealed.

Repeal and replacement of section 8 of the principal Ordinance.

6. Section 8 of the principal Ordinance is repealed and the following section is substituted therefor:—

Ship to carry medicines, medical stores, etc., in accordance with scale issued by Board of Trade.

8. (1) The owner, agent or master of every British ship navigating between the Colony and any place out of the same shall cause to be kept on board such ship a supply of medicines and medical stores, in accordance with the scale appropriate to such ship as laid down in the published scales of medicines and medical stores issued by the Board of Trade or Ministry of Transport in the United Kingdom, and a copy of the book or books so issued containing instructions for dispensing the same, and also a sufficient quantity of anti-scorbutics, to be served out to the crew, of proper quality and in accordance with the requirements of the Merchant Shipping Acts.

Owner, etc., neglecting to provide medicines and medical stores to be guilty of misdemeanor.

(2) The owner, agent or master of any such ship who wilfully refuses or neglects to provide and keep on board such medicines, medical stores, books of instructions and anti-scorbutics as are by this section required shall be liable to a fine not exceeding five hundred dollars.

Inspection of medical stores. 57 & 58 Vict. c.60, s.202.

(3) It shall be the duty of the Port Health Officer to inspect the medicines, medical stores and anti-scorbutics of any British ship navigating between the Colony and any place out of the same, and, if such

articles are deficient in quantity or quality or are placed in improper containers, he shall give notice to the master of the ship and to the Director of Marine who shall, before granting a clearance to such ship, require a certificate from the Port Health Officer that the default has been remedied, and, if such certificate is not produced, the ship shall be detained until the certificate is produced, and if the ship proceeds to sea, the owner, consignee or master of the ship shall be liable to a fine not exceeding five hundred dollars.

Master of ship before shipping seaman may require him to undergo medical inspection.

(4) The master of any ship, before shipping any seaman, may require that such seaman shall be inspected by a registered medical practitioner.

Death or desertion to be reported.

(5) In the event of the death of any of the crew, passengers or other persons on board any ship in the waters of the Colony, or of the desertion of any of the crew of any British ship or of any foreign ship whose flag is not represented by a consular officer resident in the Colony, or in the event of the death of any of the crew, passengers or persons on board any ship in the course of a voyage to the Colony, the master of such ship shall, forthwith or on the arrival of the ship in the Colony, as the case may be, report the same to the Director of Marine, and, in default, shall be liable to a fine not exceeding one hundred dollars for every death or desertion which he may neglect to report.

Penalty on master for filthy condition of ship.

(6) If any ship carrying passengers is found, on arrival in the Colony, to be in a filthy and insanitary condition, the master of the ship shall be liable to a fine not exceeding one thousand dollars. It shall be the duty of the Port Health Officer to inspect every such ship on its arrival in order to ascertain the sanitary condition thereof.

7. Section 15 of the principal Ordinance is repealed and the following section is substituted therefor:—

Repeal and replacement of section 15 of the principal Ordinance.

Restrictions on carriage of dangerous goods. Ordinance No. 1 of 1873. [cf. Ordinance No. 17 of 1928, s.7.]

15. (1) Every person who sends or attempts to send by, or, not being the owner or master of the ship or vessel, carries or attempts to carry in, any ship or vessel any dangerous goods as defined by the Dangerous Goods Ordinance, 1873, without distinctly marking their nature on the outside of the container or package containing the same and giving written notice of the nature of such goods, and of the name and address of the sender or carrier thereof, to the owner or master of the ship or vessel, at or before the time of sending the same to be shipped or taking the same on board the ship or vessel, shall be liable to a fine not exceeding five hundred

dollars: Provided that if such person shows that he was merely an agent in the shipment of any such goods and was not aware, and did not suspect, and had no reason to suspect that the goods shipped by him were dangerous goods, the fine to which he shall be liable shall not exceed two hundred and fifty dollars.

Penalty for misdescription of dangerous goods.

(2) Every person who knowingly sends or attempts to send by, or carries or attempts to carry in, any ship or vessel any such dangerous goods under a false description, or falsely describes the sender or carrier thereof, shall be liable to a fine not exceeding two thousand five hundred dollars.

Power to refuse to carry suspected goods.

(3) The owner or master of any ship may refuse to take on board any package or container which he suspects to contain such dangerous goods and may require it to be opened to ascertain the fact.

Ship carrying dangerous goods and more than 20 passengers.

(4) It shall be lawful for the Director of Marine to refuse a port clearance to any ship or vessel carrying more than twenty passengers, if there are on board any such dangerous goods unless they are inclosed in a substantial compartment exclusively appropriated to the stowage of dangerous goods, or otherwise secured from contact with or damage from any other article or substance carried on board the ship or vessel, and so placed and surrounded that they are inaccessible to either the passengers or the crew, except with the consent of the master. And the master of any such ship or vessel who leaves or attempts to leave the waters of the Colony without having the said dangerous goods inclosed, secured, placed and surrounded as in this subsection provided, or without having obtained a clearance, shall be liable to a fine not exceeding two thousand dollars.

Power to throw overboard dangerous goods.

(5) Where any such dangerous goods have been sent or brought on board any ship or vessel, without being marked as aforesaid or without such notice having been given as aforesaid, the owner or master may cause such goods to be thrown overboard, together with any container or package in which they are contained; and neither the owner nor the master shall, in respect of such throwing overboard, be subject to any liability, civil or criminal.

Forfeiture of dangerous goods improperly sent or carried.

(6) Where any such dangerous goods have been sent or carried, or attempted to be sent or carried, on board any ship or vessel, without being marked as aforesaid or without such notice having been given as aforesaid, and where any such goods have been sent or carried, or attempted to be sent or carried, under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for a magistrate to declare such goods, and any package or receptacle in

which they are contained, to be, and they shall thereupon be, forfeited, and shall be disposed of as the magistrate may direct.

Magistrate may proceed in absence of owner of goods.

(7) The magistrate shall have and may exercise the aforesaid powers of forfeiture and disposal, notwithstanding that the owner of the goods may not have committed any offence under the provisions of this section relating to dangerous goods, and may not be before the magistrate, and may not have notice of the proceedings, and notwithstanding that there may be no evidence of the ownership of the goods; nevertheless the magistrate may require such notice to be given to the owner or shipper of the goods before the same are forfeited.

Saving of enactments relating to dangerous goods.

(8) The provisions of this section relating to the carriage of dangerous goods shall be deemed to be in addition to, and not in substitution for or in restraint of, any other enactment for the like object, so nevertheless, that nothing in the said provisions shall be deemed to authorize that any person be sued or prosecuted twice in the same matter.

8. Section 26 of the principal Ordinance, is hereby amended by the addition of the following sub-section as sub-section (4) at the end thereof:—

Addition of sub-section (4) to section 26 of the principal Ordinance.

Acts endangering safety of persons in vessels.

(4) Every person who, by any unlawful act, or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person conveyed or being in or upon any vessel, or aids or assists therein, shall be liable to imprisonment for any term not exceeding six months or to a fine not exceeding one thousand dollars, or to both such imprisonment and such fine.

9. The principal Ordinance is amended by the insertion of the following section as section 27A after section 27 thereof:—

Addition of section 27A to the principal Ordinance.

Breaking up and removal of wrecks.

27A. (1) If any person being the owner of any wrecked, submerged, sunken or stranded vessel, or the duly authorised agent or servant of such owner, is desirous of breaking up such vessel prior to removal thereof from the waters of the Colony, such person shall, before commencing breaking up operations, obtain the written permission of the Director of Marine who shall be entitled to grant permission conditionally upon such person furnishing security in such reasonable amount as the Director of Marine may consider necessary to ensure the effective removal of such vessel or any portion thereof from the waters of the Colony.

(2) Every person who, without the previous written permission of the Director of Marine, does or causes to be done any breaking up operations of any wrecked, submerged, sunken or stranded vessel lying within the waters of the Colony shall be liable to a fine not exceeding three thousand dollars or to imprisonment for any term not exceeding six months.

Amendment of section 30 of the principal Ordinance.

10. Section 30 of the principal Ordinance is hereby amended—

- (a) by the substitution in the second line of sub-section (1) of the word "Sub-Inspector" for the word "inspector";
- (b) by the deletion in sub-section (2) of the proviso; and
- (c) by the addition of the following sub-section and marginal note:—

cf. 39 & 40
Vict. c. 36,
s. 137.

(4) Where any ship, boat, junk or other vessel has been lawfully required to stop under the preceding sub-section by an officer of police in charge of a police launch flying the customary flag, and such ship, boat, junk or other vessel refuses to stop, it shall be lawful for such officer, after causing a gun to be fired as a signal, to fire at or into such ship, boat, junk or other vessel, and such officer and every person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment penalty action or other proceeding for so doing: Provided that it shall be lawful for the Governor in Council in any case in which he considers that compensation should be made to order that compensation be paid out of the public revenue of the Colony for injury to person or property, caused as a result of such firing."

Repeal and replacement of section 39 of the principal Ordinance.

11. Section 39 of the principal Ordinance is repealed and replaced as follows:—

Interpretation. 39. (1) In this section—

"master" includes any person for the time being in charge or command of any vessel.

"vessel" includes cargo boat, fishing junk, hulk, lighter, trading junk, waterboat, all small boats (except pleasure boats) and all boats included in the definition of "junk" in section 2.

Regulations. Table S.

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

(a) the licensing, regulation and control of vessels, and of the owners, agents, masters, engineers and crew thereof;

(b) the payment of fees in respect of licences, permits, clearances, certificates, surveys and other documents and services relating to vessels;

(c) the duties of the owners, agents, masters and engineers of vessels;

(d) the methods of enforcement of discipline within the waters of the Colony and for the prevention of disorder or confusion;

(e) for fixing the scale of fares to be charged in respect of cargo boats, lighters and all small boats other than pleasure boats;

(f) for the registration of persons dwelling in vessels;

(g) for providing adequate means for preventing by force when necessary any vessel leaving the waters of the Colony or any port in contravention of this section or any regulation made thereunder;

(h) for appointing suitable anchorages in the waters of the Colony to be called anchorages for junks;

(i) for providing for stations of the Director of Marine; and

(j) generally for the purpose of carrying into effect the provisions of this section.

Penalties.

(3) A person who acts in contravention of or fails to comply with any of the provisions of this section or of any regulation made thereunder shall be deemed to be guilty of an offence and where no other penalty is provided shall be liable to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months.

In case of non-payment of fine, the same may be levied by sale of vessel.

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

Transfer to purchaser upon sale of vessel.

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

Penalties for carrying passengers in excess of complement.

(6) The master of any vessel licensed to carry passengers shall not have on board thereof a greater number of passengers than the number allowed by the licence; and if he does so he shall be liable to a fine not exceeding five hundred dollars and also an additional fine not exceeding twenty five dollars for every passenger above the number so allowed and to imprisonment for any term not exceeding six months.

Sailing junk not carrying lights to be deemed in fault for collision.

(7) If in any action brought in respect of a collision occurring between sunset and sunrise, in or outside the waters of the Colony, between a junk and any other vessel whatsoever, it is proved that such junk did not carry either the lights prescribed for sailing vessels by the International Collision Regulations, or the lights prescribed for junks by sub-sections (1) or (2) respectively of section 25, then such junk shall be deemed to be in fault, unless it is shown to the satisfaction of the court that the circumstances of the case made the omission to carry such lights necessary: Provided that the word "vessel" in this sub-section shall not be limited by the definition of vessel in sub-section (1).

Amendment of section 43(x) of the principal Ordinance.

12. Sub-section (1) of section 43 of the principal Ordinance is hereby amended by the repeal of the words "Examination Board or" in the third line thereof.

SCHEDULE

[Section 3].

	Column 1	Column 2 (Old penalty)	Column 3 (New penalty)
Section 5	In Sec. 5 s.s. (4) lines 3 & 4	fifty dollars	one hundred dollars
	In Sec. 5 s.s. (7) (a) line 12	one hundred dollars	two hundred dollars
	In Sec. 5 s.s. (7) (b) line 3	one hundred dollars	two hundred dollars
	In Sec. 5 s.s. (8) lines 9 & 10	twenty-five dollars	fifty dollars
	In Sec. 5 s.s. (11) line 7	two hundred and fifty dollars	five hundred dollars
Section 9	In Sec. 9 s.s. (1) (b) lines 17 and 18	one hundred dollars	two hundred dollars
	In Sec. 9 s.s. (3) lines 15 & 16	two hundred and fifty dollars	five hundred dollars
	In Sec. 9 s.s. (4) line 11	two hundred dollars	five hundred dollars
Section 10	In Sec. 10 s.s. (5) line 15	fifty dollars	one hundred dollars
	In Sec. 10 s.s. (7) line 8	five hundred dollars	one thousand dollars
	In Sec. 10 s.s. (9) line 4	five dollars	ten dollars
	In Sec. 10 s.s. (18) lines 15 & 16	one hundred dollars	two hundred dollars
	In Sec. 10 s.s. (20) lines 8 & 9	one hundred dollars	two hundred dollars
	In Sec. 10 s.s. (21) line 12	fifty dollars	one hundred dollars
	In Sec. 10 s.s. (23) line 6	five hundred dollars	one thousand dollars

SCHEDULE (Contd.)

[Section 3].

	Column 1	Column 2 (Old penalty)	Column 3 (New penalty)
Section 12	In Sec. 12 s.s. (1) lines 10 & 11	two hundred and fifty dollars	five hundred dollars
	In Sec. 12 s.s. (2) lines 4 & 5	two hundred dollars, in addition to a fine not exceeding five dollars	five hundred dollars, in addition to a fine not exceeding twenty-five dollars
Section 13	In Sec. 13 s.s. (3) line 19 and in line 21	one thousand dollars five hundred dollars	two thousand dollars one thousand dollars
	In Sec. 13 s.s. (9) line 3	one hundred dollars	two hundred dollars
Section 19	In Sec. 19 s.s. (16) line 6	two hundred and fifty dollars	five hundred dollars
Section 22	In Sec. 22 s.s. (3) line 8 and in line 11	one hundred dollars twenty dollars	two hundred dollars fifty dollars
	In Sec. 22 s.s. (4) lines 11 & 12	two hundred dollars	five hundred dollars
	In Sec. 22 s.s. (5) lines 8 & 9	two hundred dollars	five hundred dollars
Section 24	In Sec. 24, line 6	fifty dollars	one hundred dollars
Section 25	In Sec. 25 s.s. (1) lines 14 & 15	one hundred dollars	two hundred dollars
	In Sec. 25 s.s. (2) line 13	one hundred dollars	two hundred dollars
Section 26	In Sec. 26 s.s. (1) line 35	two hundred dollars	five hundred dollars
	In Sec. 26 s.s. (2) (i) line 4	two hundred and fifty dollars	five hundred dollars
	In Sec. 26 s.s. (3) lines 7 & 8	two hundred dollars	five hundred dollars
Section 28	In Sec. 28 s.s. (4) line 7	twenty dollars	fifty dollars

SCHEDULE (Contd.)

[Section 3].

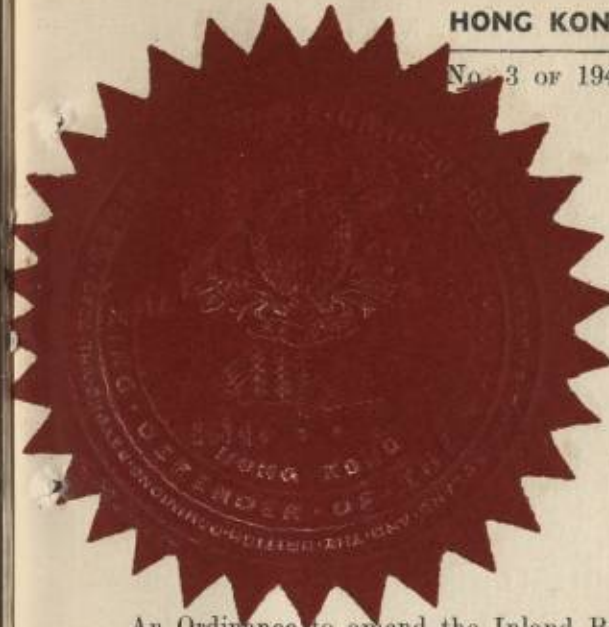
	Column 1	Column 2 (Old penalty)	Column 3 (New penalty)
Section 29	In Sec. 29 s.s. (5) line 4	fifty dollars	one hundred dollars
Section 32	In Sec. 32 s.s. (7) line 7	two hundred dollars	five hundred dollars
Section 33	In Sec. 33 s.s. (1) lines 12 & 13	two hundred and fifty dollars	five hundred dollars
Section 36	In Sec. 36 s.s. (14) line 3	three hundred dollars	five hundred dollars
Section 37	In Sec. 37 s.s. (4) line 11	not exceeding three months	not exceeding six months
	In Sec. 37 s.s. (5) line 5	not exceeding three months	not exceeding six months
	In Sec. 37 s.s. (6) line 7	not exceeding three months	not exceeding six months
Section 41	In Sec. 41 s.s. (5)(b) lines 2 & 3	one hundred dollars	two hundred dollars
	In Sec. 41 s.s. (7) lines 8 & 9	one thousand dollars	two thousand dollars

Passed the Legislative Council of Hong Kong, this 20th day
of January, 1949.

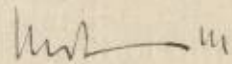
J. L. Howard.
Deputy Clerk of Councils.

HONG KONG

No. 3 of 1949.



I assent.


Governor's Deputy.

21st January, 1949.

An Ordinance to amend the Inland Revenue Ordinance, 1947.

[22nd January, 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 Inland Revenue (Amendment) Ordinance, 1949, and shall be read as one with the Inland Revenue Ordinance, 1947, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 20 of
1947.

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

(a) by the deletion of the definition of "British Empire" and the substitution therefor of the following:—

Amendment
of section 2
of the
principal
Ordinance.

" 'British Empire' means any part of His Majesty's dominions, territories under His Majesty's protection, and territories under mandate or trusteeship by the Government of any part of His Majesty's dominions;";

(b) by the deletion of the definition of "business" and the substitution therefor of the following:—

" 'business' includes agricultural undertaking, poultry and pig rearing and the sub-letting by any person of any premises or portion thereof rented by him;"; and

(c) by the deletion of the definition of "income arising in or derived from the Colony" and the substitution therefor of the following:—

“ ‘ income arising in or derived from the Colony ’ for the purpose of Chapter III, shall, without in any way limiting the meaning of the term, include all income derived from services rendered in the Colony and any annuity payable in the Colony;”.

Amendment of section 6 of the principal Ordinance.

3. Section 6 of the principal Ordinance is hereby amended—

(a) by the deletion of paragraph (v) of the proviso to the said section and the substitution therefor of the following paragraph as paragraph (v) :—

“ (v) Property tax shall not be charged on premises owned by the Government of the Colony or any part of His Majesty’s dominions;” ; and

(b) by the addition to the proviso to the said section of the following paragraph as paragraph (vi) :—

“ (vi) Where any land and/or buildings are exempt from rates by virtue of sub-section (2) of section 39 of the Rating Ordinance, 1901, there shall be substituted for the rateable value the annual rent (if any) payable to the owner of such land and/or buildings.”.

Amendment of section 10 of the principal Ordinance.

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

(a) by the deletion of the words “ passage, or free conveyance ” in paragraph (i) of sub-section (1) and the substitution therefor of the words “ or passage ” ; and

(b) by the deletion of the words “ The rental of any place of residence shall be the rental value ” in sub-section (2) and the substitution therefor of the words “ The rental value of any place of residence shall be the rental ”.

Amendment of section 11 of the principal Ordinance.

5. Section 11 of the principal Ordinance is hereby amended by the deletion of the proviso and the substitution therefor of the following :—

“ Provided—

(i) that such part of the total amount of the tax charged to the husband as appears to the Commissioner to be charged in respect of the income of the wife may, if necessary, be collected from the wife, notwithstanding that no assessment has been made upon her, and the provisions of this Ordinance as to collection and recovery of tax shall apply accordingly;

(ii) that where the husband is not assessable to tax under this Chapter or under Chapter VII the wife shall be assessed as a ‘ feme sole ’.”.

Amendment of section 17 of the principal Ordinance.

6. Section 17 of the principal Ordinance is hereby amended by the deletion of paragraph (a) of sub-section (1) and the substitution therefor of the following paragraph as paragraph (a) :—

“ (a) sums payable by such person by way of interest upon any money borrowed by him, provided that such money was borrowed for the purpose of producing the profits;”.

7. Section 18 of the principal Ordinance is hereby amended by the deletion of paragraph (g) and the substitution therefor of the following paragraph as paragraph (g) :—

Amendment of section 18 of the principal Ordinance.

“ (g) any tax paid or payable under this Ordinance other than Salaries and Annuities Tax paid in respect of employees’ remuneration.”.

8. Section 19 of the principal Ordinance is hereby amended by the deletion of sub-section (7) and the substitution therefor of the following as sub-section (7) :—

Amendment of section 19 of the principal Ordinance.

“ (7) Where in the case of any trade, profession or business it is necessary in order to arrive at the profits or losses of any year of assessment or other period to divide and apportion to specific periods the profits and losses for any period for which accounts have been made up, or to aggregate any such profits or losses or any apportioned parts thereof, it shall be lawful to make such a division and apportionment or aggregation, and any apportionment under this section shall be made in proportion to the number of days in the respective period unless the Commissioner, having regard to any special circumstances, otherwise directs.”.

9. Section 26 of the principal Ordinance is hereby repealed and replaced as follows :—

Repeal and replacement of section 26 of the principal Ordinance.

“ 26. Where Property tax is payable for any year of assessment under Chapter II of this Ordinance in respect of any land and/or buildings owned by a person carrying on trade profession or business, any Profits Tax payable by such person in respect of that year of assessment shall be reduced by a sum not exceeding the amount of such Property tax paid by him: Provided that—

(i) no reduction shall be allowed unless either the income from such property has been included in such person’s taxable profits or the property is occupied by him for the purposes of his trade, profession or business but not for residential purposes;

(ii) where Property tax, which would otherwise have been allowed as a deduction, exceeds the amount of the Profits Tax payable, the excess may be carried forward and offset against the Profits Tax payable by that person in respect of the next succeeding year of assessment.”.

10. Section 28 of the principal Ordinance is hereby amended by the deletion of sub-section (1) and the substitution therefor of the following sub-section as sub-section (1) :—

Amendment of section 28 of the principal Ordinance.

“ (1) Every corporation which is registered in the Colony shall be entitled to deduct from the amount of any dividend paid to any shareholder tax at the rate paid or payable by the corporation (as reduced by any relief granted under sections 45 and 46) in respect of the year of assessment within which the dividend is declared payable: Provided that where tax is not paid or payable by the corporation on the whole income out of which the dividend

is paid the deduction shall be restricted to that portion of the dividend which is paid out of income on which tax is paid or payable by the corporation.”.

Amendment of section 29 of the principal Ordinance.

11. Section 29 of the principal Ordinance is hereby amended as follows:—

(i) in paragraph (b) by the deletion of the colon at the end thereof and by the substitution therefor of a semi-colon;

(ii) in paragraph (b) by the addition of the word “ or ” after the figures and semi-colon “ 17; ”;

(iii) by the addition of the following paragraph as paragraph (c) after paragraph (b):—

“ (c) paid or payable under an instrument issued by the Government of Hong Kong under—

(i) The Public Works Loan Redemption Ordinance, 1933; or

(ii) The Hong Kong Dollar Loan Ordinance, 1934; or

(iii) The Hong Kong Rehabilitation (Loan) Ordinance, 1947; or

any other Ordinance enacted to make provision for raising a loan the repayment of which is charged on the revenues of the Colony:”.

Ordinance No. 15 of 1933.

Ordinance No. 11 of 1934.

Ordinance No. 48 of 1947.

Amendment of section 37 of the principal Ordinance.

12. Section 37 of the principal Ordinance is hereby amended by the deletion of the words “ of assessment ” in the tenth line of sub-section (3) thereof.

Amendment of section 39 of the principal Ordinance.

13. Section 39 of the principal Ordinance is hereby amended by the deletion of the words and figures “ section 38(2)(ii) ” appearing in sub-section (4)(b) thereof and by the substitution thereof of the following:—

“ proviso (ii) to section 38(2) ”.

Amendment of section 42 of the principal Ordinance.

14. Section 42 of the principal Ordinance is hereby amended by the insertion in sub-section (2) immediately before the word “ resident ” of the words “ ‘ individual ’ does not include a married woman who is not living apart from her husband under the decree of a competent court or a duly executed deed of separation; ”.

Amendment of section 43 of the principal Ordinance.

15. Section 43 of the principal Ordinance is hereby amended by the deletion of paragraph (a) to sub-section (2) and the substitution therefor of the following paragraph as paragraph (a):—

“ (a) ‘ total income ’ means the total income of an individual and, save where she is entitled to be and has elected to be personally assessed, his wife, computed in accordance with the provisions of Chapters II, III, IV, and V, as the case may be,

including any interest paid or credited by a bank approved under proviso (a) to section 29 and, notwithstanding section 27, shall include the amount of any dividend from a corporation which is entitled to deduct tax under the provisions of section 28. The amount to be included in respect of any such dividend is the net dividend received plus the tax which the corporation has deducted or is entitled to deduct in respect of that dividend.”.

16. Section 49 of the principal Ordinance is hereby amended by the deletion of sub-section (1) and the substitution therefor of the following sub-section as sub-section (1):—

Amendment of section 49 of the principal Ordinance.

“(1) Where a person carries on a business of shipowner or aircraft owner or charterer and any ship or aircraft owned or chartered by such person calls at a port in the Colony the full amount of the profits arising from the carriage of passengers, mails, livestock and goods shipped in the Colony shall be deemed to arise in the Colony: Provided that—

(i) this section shall not apply to goods which are brought to the Colony solely for transshipment unless the outward freight is payable in the Colony; and

(ii) profits received by a person other than those described in this sub-section shall be assessable under Chapter IV of this Ordinance.”.

17. Section 66 of the principal Ordinance is hereby amended by the deletion of sub-section (3) and the substitution therefor of the following sub-section as sub-section (3):—

Amendment of section 66 of the principal Ordinance.

“(3) The Governor may if requested by the Board appoint a Legal Adviser to assist the Board in the determining of any question relevant to an appeal to the Board provided that such Legal Adviser shall not be a member of the Board.”.

18. The principal Ordinance is hereby amended by the addition of the following section as section 89A:—

Addition of section 89A to the principal Ordinance.

“Exemption of charitable, ecclesiastical & educational bodies.

89A. Notwithstanding anything to the contrary in this Ordinance contained there shall be exempt and there shall be deemed always to have been exempt from tax any charitable, ecclesiastical or educational institution of a public character: Provided that where a trade or business is carried on by any such institution the income derived from such trade or business shall be exempt and shall be deemed to have been exempt from tax only if such income is applied solely for charitable purposes and either—

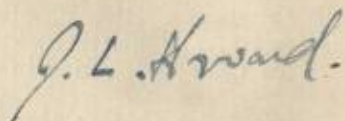
(i) the trade or business is exercised in the course of the actual carrying out of a primary purpose of such institution; or

(ii) the work in connection with the trade or business is mainly carried on by persons for whose benefit such institution is established.

Commence-
ment. **19.** (1) This Ordinance, other than sections 11 and 18 hereof, shall come into operation on the first day of April, 1949.

(2) Sections 11 and 18 shall come into operation on the date of publication of this Ordinance and shall thereupon be deemed to have been in force from the commencement of the principal Ordinance.

Passed the Legislative Council of Hong Kong, this 20th day of January, 1949.



Deputy Clerk of Councils.

THE IMMIGRANTS CONTROL ORDINANCE.

ARRANGEMENT OF SECTIONS.

PART I.

IMMIGRATION PROCEDURE.

Section.

1. Short title.
2. Interpretation.
3. Appointments.
4. Prohibition of entry except at specified points and with the permission of the Immigration Officer.
5. Procedure on arrival of vessels.
6. Prohibition of the removal of articles before examination.
7. Production of certain lists and persons by masters of vessels and captains of aircraft.
8. Immigration Officer may direct to prevent evasion of examination.
9. Interrogation of travellers.
10. Places of examination.
11. Undesirable immigrants.
12. Authorised landing places and points of entry.
13. Power of Immigration Officer.
14. Immigration Officer may release detained person on his entering into a recognizance with or without sureties.
15. Conditional landing or entry.
16. Master of vessel may detain by force.
17. False representation as member of a crew.

PART II.

PASSPORTS AND TRAVEL DOCUMENTS.

18. Prohibition of entry without valid documents.
19. Possession of valid documents vests no right to enter.
20. Validity of documents.
21. Transit visas.
22. Discretion to limit period of stay.

PART III.

ALIENS.

Section.

23. Declaration may be required of alien.
24. Registration requirements.
25. Production of documents on demand.
26. Obligations of keepers of premises offering residential accommodation.
27. Obligation on occupier of premises to which section 26 does not apply.

PART IV.

SEAMEN.

28. Prohibition of entry or discharge without permission and provision for taking security.
29. Exemption of alien seamen from residential provisions of Part III unless discharged.

PART V.

REGISTRATION OF IMMIGRANTS OTHER THAN ALIENS.

30. Part V only to be enforced on Governor's proclamation.
31. Return to Commissioner of Police when required.
32. Power to require attendance.

PART VI.

GENERAL.

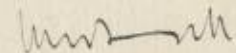
33. General penalty.
34. Governor in Council empowered to make regulations.
35. Appeal to Governor in Council.
36. Repeal of previous legislation.
37. Commencement.

HONG KONG

No. 4 of 1949.



I assent.


Governor's Deputy.
21st January, 1949.

An Ordinance to control the entry into, exit from and movement within the Colony of persons not born therein.

[22nd January, 1949.]

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

PART I.

IMMIGRATION PROCEDURE.

1. This Ordinance may be cited as the Immigrants Control Short title Ordinance, 1949.

2. (1) In this Ordinance—

(a) "alien" means any person who is unable to produce a certificate, passport or other evidence to the satisfaction of the Immigration Officer, that he is a natural born or naturalised British subject, or a British protected person;

(b) "crew" means and includes every seaman on a vessel and every person employed in the operation of an aircraft or in any service rendered to the crew or passengers in such aircraft while in flight;

(c) "enter" means any entry into the Colony by sea, land or air other than entry made for the purpose of complying with this Ordinance or an entry expressly or impliedly sanctioned by the Immigration Officer for the purpose of inquiry or detention;

Interpretation.

(d) "immigrant" means any person other than a person born in the Colony and in possession of documentary proof of such birth;

(e) "immigration examination signal" means such signal as the Governor in Council by regulation prescribes for ships which arrive in the Colony;

(f) "master" means any person, except a pilot, having command of any vessel and the captain of any aircraft;

(g) "passenger" means any person carried in a vessel or aircraft, other than the master, captain or crew;

(h) "Registrar of Aliens" means such officer as the Governor may appoint to be Registrar of Aliens;

(i) "seaman" means any person carried on the articles of a vessel as a bona fide member of the staff employed in the operation or service of such vessel and shall include the master.

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

(3) Whenever the detention of any person is authorised by this Ordinance it shall be lawful for the Governor in Council to make provision by regulation for the place and the manner in which such detention shall be effected and until provision is made by regulation such detention shall be carried out in such place and manner as the Governor may by writing under his hand direct. Any person detained in accordance with the provisions of this Ordinance shall be deemed to be in lawful custody.

Appoint-
ments.

3. (1) The Governor may appoint, by name or office, any person to be the Immigration Officer for the Colony and also such number of Deputy Immigration Officers and Immigration Control Officers as he may think fit.

(2) The powers and discretions vested in the Immigration Officer hereunder and the duties required to be discharged by him may be exercised and discharged by a Deputy Immigration Officer or an Immigration Control Officer: Provided that it shall be lawful for the Governor in Council by regulation to provide that such powers and discretions as may be specified in such regulation shall be exercisable by the Immigration Officer only or shall not be exercisable by an Immigration Control Officer.

Prohibition
of entry
except at
specified
points and
with the
permission of
the Immigra-
tion Officer.

4. No person may enter the Colony save—
(a) at an authorised landing place or point of entry; and
(b) under and in accordance with a permit of the Immigration Officer.

5. (1) The master of every vessel which arrives in the Colony shall hoist the immigration examination signal and shall exhibit such signal until authorised by an Immigration Officer to haul it down. Procedure on arrival of vessels.

(2) Every such master shall, if so ordered by the Immigration Officer, anchor or tie up his vessel at such place as may be ordered and shall remain there until the Immigration Officer gives him permission to leave.

(3) Save under and in accordance with a permit of the Immigration Officer no person other than the pilot or the Port Health Officer shall leave or board any such vessel until such vessel has been examined by the Immigration Officer and the immigration examination signal has been hauled down, nor may any person (other than the crews of the vessels carrying the said officials) approach within 30 yards of the vessel.

(4) The master shall detain on his vessel every person on board until the vessel has been examined and may use any means reasonably necessary for the purpose.

6. Except in accordance with a permit of the Immigration Officer, no article or thing shall be removed or taken from, or put on board, any vessel until such vessel has been examined by the Immigration Officer, under section 7. Prohibition of the removal of articles before examination.

7. (1) The master of every vessel entering or leaving the Colony shall, whenever required to do so by the Immigration Officer— Production of certain lists and persons by masters of vessels and captains of aircraft.

(a) exhibit to such officer a complete list of the officers and crew;

(b) produce to such officer for inspection and interrogation all the officers and members of the crew;

(c) submit to such search of his vessel as may be necessary to establish the presence or absence of other persons on board;

(d) produce his ships's papers;

(e) report the presence of any deportee or stowaway or any unauthorised person on board.

(2) In the case of passenger carrying vessels, the master shall, in addition, produce—

(a) a complete list of all the passengers arranged alphabetically, specifying their nationality, place of birth, calling or occupation, the ports or places of their embarkation and the ports or places of their disembarkation or intended disembarkation;

(b) all the passengers for inspection and interroga-
tion.

(3) In the case of aircraft, the captain of the aircraft shall land his aircraft at such places and during such periods as the Governor may direct by notification in the *Gazette*.

(4) The captain of the aircraft shall produce—

(a) a passenger list arranged as for vessels;

(b) a complete list of the officers and crew of his aircraft;

(c) the members of the crew and passengers for inspection and interrogation as directed either generally or specifically by the Immigration Officer.

Immigration Officer may direct to prevent evasion of examination.

8. The Immigration Officer may give such instructions as may be necessary to ensure that no passenger or member of a crew evades examination either of his person or his effects.

Interrogation of travellers.

9. (1) Any person who arrives in the Colony or who is about to leave the Colony by sea, air or land, shall fully and truthfully answer all questions and inquiries put to him by the Immigration Officer, notwithstanding that the answers to any such question may tend to render such person liable to any restriction whatsoever or tend to incriminate him, and shall disclose and produce to any such officer on demand all documents in the possession of such person tending directly or indirectly to establish his identity, nationality, occupation, or bearing on any of the restrictions in section 11 or on any absolute or conditional liability on his part to any military, naval or air force service under any State whatsoever.

(2) All such answers and documents shall be admissible in evidence in any proceedings under this Ordinance against the person making, disclosing or producing the same: Provided that nothing in this section shall be construed as rendering any such answer inadmissible in any other proceedings in which they would otherwise be admissible.

Places of examination.

10. Any person who arrives in the Colony or who is about to leave the Colony by sea, air or land, shall, if so directed by the Immigration Officer, proceed, at or before such time as is directed by such officer, to such place or places as such officer directs for further examination of his case and shall remain at such place until permitted to leave by the Immigration Officer.

Undesirable immigrants.

11. (1) If, during the examination of persons arriving in the Colony, or after such inquiry as may be necessary, it is found that any immigrant—

(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 dependents, 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) being a person required to be in possession of valid travel documents is not in possession of such documents or is in possession of forged or altered travel documents or travel documents which do not fully comply with any enactment in force; or

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

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

(h) is unable to show that he has definite employment awaiting him or that he has a reasonable prospect of obtaining such employment; or

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

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

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

the Immigration Officer may prohibit such person from landing in the Colony and may in his discretion detain him until an opportunity arises to return him to his place of embarkation or to the country of his birth or citizenship.

(2) If any such immigrant refuses to answer any questions put to him under this section or gives unsatisfactory answers, the Immigration Officer may prohibit him from landing and may in his discretion detain him pending an opportunity to return him to his place of embarkation or to the country of his birth or citizenship.

(3) If as a result of the exercise of the powers conferred by the preceding sub-sections—

(a) an immigrant is prohibited from landing from a vessel, the master shall if so required by the Immigration Officer remove him from the Colony by the same vessel or aircraft; and

(b) an immigrant who has been detained in the Colony has not been removed therefrom in accordance with the preceding paragraph the master, agent and consignee of the vessel or aircraft shall whether or not any requirement has been made under the preceding paragraph be liable to pay to the Government all costs incurred by the Colony for the maintenance of and removal from the Colony of such passenger.

(4) The master of a vessel or the captain of an aircraft shall give to the Immigration Officer any information relating to any person on board the vessel or aircraft suspected of belonging to any of the classes mentioned in sub-section (1) as is reasonably required for the purposes of this Ordinance, and shall answer to the best of his knowledge and belief all such questions touching such persons as are put to him.

(5) If any person enters without permission of the Immigration Officer—

(a) such person may be arrested without a warrant by any police officer and shall be liable on summary conviction to a fine not exceeding five thousand dollars; and

(b) the master, owner and agent of the vessel or aircraft by which such person was brought to the Colony shall, unless he can satisfy a magistrate that such entry was not due to any act or default on the part of any of them or of any person employed by any of them, be liable on summary conviction to a fine not exceeding five thousand dollars; and

(c) the magistrate may, whether or not any such lastly mentioned fine is imposed, make an order directing that such person shall be returned as soon as possible at the expense of the agent for the vessel or aircraft to the place of embarkation or country of birth or country of citizenship of such person.

(6) A copy of the lists required under section 7 shall be furnished to the Immigration Officer within forty-eight hours after such arrival or departure, as the case may be, by the master or other person in charge, owner and agent of every vessel or aircraft which arrives in the Colony or departs therefrom, and every such owner, master, person or agent who fails to furnish such list or who furnishes any list which he knows, or could by the exercise of reasonable diligence have ascertained, to be false, shall be guilty of an offence.

Authorised landing places and points of entry.

12. The Governor may, by notification in the *Gazette*, authorise such landing places or such points of entry on the land frontier as he may consider necessary to carry out the provisions of this Ordinance.

Power of Immigration Officer.

13. (1) The Immigration Officer or any police officer authorised by him in writing in that behalf, either generally or for a particular occasion, may—

(a) detain for four days for further inquiries any person concerning whom he has reason to believe that further inquiries should be made;

(b) 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;

(c) search the person and property and effects of any person whom it is lawful for such officer to detain or arrest or who arrives in or is about to leave the Colony: 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;

(d) search any place or vessel (not being a ship of war), aircraft, train or vehicle, 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 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;

(e) seize, remove and detain anything which appears to be evidence of any contravention of the law or which it is desirable to detain for further examination or which appears to belong to or to be in the possession of or to be under the sole or partial control of any person whom it is lawful for such officer to detain or arrest.

(2) Such officer may—

(a) break open any outer or inner door of or in any such place;

(b) forcibly enter any such vessel, aircraft, train or vehicle and every part thereof;

(c) remove by force any person or material obstruction to any arrest, detention, search, seizure or removal which he is empowered to make;

(d) detain every person found in such place or on board such vessel, aircraft, train or vehicle until such place or vessel, aircraft, train or vehicle has been searched.

(3) No person shall obstruct any detention, arrest, search, seizure or removal which is authorised by this Ordinance.

Immigration Officer may release detained person on his entering into a recognizance with or without sureties.

14. The Immigration Officer may in the exercise of his discretion release a person detained under this Ordinance upon his entering into a recognizance with or without sureties, for a reasonable amount to appear before the Immigration Officer for further inquiries at the time and place mentioned in such recognizance or in the case of the person detained being a person recently arrived in the Colony for the return of such person to the place whence he came. The liberty granted after recognizance shall be subject to such conditions of residence and report as the Immigration Officer thinks fit.

15. The Immigration Officer may by order, notice or otherwise impose such conditions either general or special in or upon the occasion of or subsequent to any permit granted to an immigrant to enter, whether for the purpose of residence, sojourn or transient visit or for transshipment at a port in the Colony and may at any time vary or add to these conditions as he thinks fit.

Conditional landing or entry.

16. A master of a vessel may use all reasonable means, including force and restraint, to secure the continued presence on board of any person who has not been permitted to enter and while such person is so detained he shall be deemed to be in legal custody.

Master of vessel may detain by force.

17. Any person on board a vessel or aircraft who falsely represents himself to be a member of the crew and any member of such crew who aids and abets or otherwise connives at such false representation may be arrested without a warrant and shall be liable on summary conviction to imprisonment for a period not exceeding twelve months or to a fine not exceeding two thousand dollars.

False representation as member of a crew.

PART II.

PASSPORTS AND TRAVEL DOCUMENTS.

Prohibition of entry without valid documents.

18. No person may enter the Colony without either—

(a) a valid travel document which establishes the identity and nationality of the holder and authorises him to travel to and to enter the Colony, issued and endorsed, in the case of a British subject and British protected person by a competent British official, and in other cases by an official having authority to issue and endorse such document in respect of the person in question; or

(b) a valid Entry Permit, Certificate of Residence or Frontier Pass issued under this Ordinance:

Provided that the Immigration Officer may waive the requirements of this section in respect of a child under the age of 16 years or a person or class of person.

Possession of valid documents vests no right to enter.

19. The possession of valid travel documents shall not be deemed to imply that the holder will be permitted to enter as of right, nor, if he is permitted to enter, that he will be permitted to remain; nor shall it serve as an excuse for disobedience of any order of removal, deportation, expulsion or banishment made under any enactment for the time being in force.

Validity of documents.

20. No travel document shall be deemed to be valid unless it bears—

(a) an indication, either specific or in general terms, not otherwise invalidated by any other endorsement, that it is valid for Hong Kong; and

(b) an indication that it is still valid according to the laws of the country or state by which it was issued; and

(c) a photograph of the holder so affixed and authenticated that removal of such photograph and substitution by another is unlikely; and

(d) in the case of non-British subjects or non-British protected persons, a visa granted by a British Consular officer, or where there is no consular system, by a British official of similar authority and status, which was granted not more than one year before the arrival of the holder in the Colony and is still within the period of its validity, and which is either specifically or generally applicable to the journey on which the holder is engaged or which he has completed by his arrival in the Colony.

Transit visas.

21. The holder of valid travel documents, which bear a transit visa only, shall not remain in the Colony longer than is reasonably necessary to enable him to tranship or to find other means by which to proceed to his destination; and if the visa is for direct transit, he shall proceed by the most direct and speedy means: Provided that the Immigration Officer may, for any reason which he shall deem sufficient, grant an extension.

22. The Immigration Officer shall, at all times, have discretion to limit the stay of any immigrant entering the Colony.

Discretion to limit period of stay.

PART III.

ALIENS.

23. Any alien arriving in or having entered the Colony, on being required to do so by general or specific instruction from the Immigration Officer, shall make a declaration as to whether he is carrying or conveying any letters, written messages or memoranda, or any written or printed matter, including plans, photographs and other pictorial representations, and, if so required, shall produce such articles to the Immigration Officer.

Declaration may be required of alien.

24. Every alien who has attained the age of 16 years shall comply with the following requirements as to registration—

Registration requirements.

(a) he shall forthwith furnish to the Registrar of Aliens such particulars and photographs as may be prescribed by regulation;

(b) he shall within forty-eight hours of any occurrence affecting the accuracy of information already given furnish to the Registrar of Aliens details of the change;

(c) he shall, if he is about to change his residence, notify to the Registrar of Aliens the details of such change within forty-eight hours of the occurrence;

(d) he shall not leave the Colony, without notifying the Registrar of Aliens of his intended departure;

(e) if he is granted a stay of three months or more he shall obtain a registration book from the Registrar of Aliens and comply with any conditions applicable to him endorsed therein;

(f) an alien who has no permanent residence must report each address in the Colony at which he stays to the Registrar of Aliens: Provided that if the name and address of a British subject is supplied as a guarantor, this condition may be relaxed by the Registrar of Aliens within his discretion.

25. (1) Every alien shall on the demand of the Immigration Officer or of any Deputy Immigration Officer or of any Immigration Control Officer or of any police officer or of any member of His Majesty's Forces acting in the execution of duty, either—

Production of documents on demand.

(a) produce his registration document; or

(b) produce a valid travel document; or

(c) give a satisfactory explanation of the absence of either of such documents.

(2) If such alien fails to do so, he may be detained.

Obligations of keepers of premises offering residential accommodation.

26. (1) It shall be the duty of the keeper of any premises whether furnished or unfurnished where lodging or sleeping accommodation is provided for reward, to keep a record in such form as may be prescribed, of all persons staying at the premises who are not under the age of 16 years.

(2) If so directed, the said keeper shall furnish to the Registrar of Aliens such true returns as may be prescribed.

(3) It shall be the duty of every person (whether an alien or not) staying at any such premises to sign, when so required, a statement of his nationality and, if an alien, to furnish and sign a statement of such other particulars as may be prescribed.

(4) All registers so kept shall be available at all times for inspection by the Registrar of Aliens or by any police officer.

Obligation on occupier of premises to which section 26 does not apply.

27. Where there is resident in any premises to which section 26 does not apply, including hospitals, nursing homes, schools and other institutions, any person whom the occupier of the premises knows or has reasonable cause to believe to be an alien, it shall be the duty of the occupier to satisfy himself as far as he reasonably can that the provisions of this Ordinance with respect to the registration of and reporting of his movements by that person have been complied with and if he is not so satisfied to report the presence of that person to the nearest police station within forty-eight hours.

PART IV.

SEAMEN.

Prohibition of entry or discharge without permission and provision for taking security.

28. (1) No member of a crew who is an immigrant may enter the Colony save under and in accordance with the permit of the Immigration Officer.

(2) The Immigration Officer may demand security whether by deposit or otherwise from the master, owner, charterer or agent or consignee of the vessel or aircraft from which he has reasonable ground to suspect that any member of a crew is about to land contrary to the terms of any permit granted under sub-section (1) and may refuse to release the vessel or aircraft from examination until such security is furnished.

(3) No member of a crew who is an immigrant may be discharged or paid off in the Colony without the permission of the Immigration Officer and in any instance of contravention of this sub-section the master, owner, agent or consignee shall be liable for the maintenance of the person concerned and for the cost of his repatriation to his place of birth or citizenship.

Exemption of alien seamen from residential provisions of Part III unless discharged.

29. The provisions of Part III of this Ordinance, other than sections 25, 26 and 27, shall not apply to an alien who is a member of a crew unless he is discharged or paid off.

PART V.

REGISTRATION OF IMMIGRANTS OTHER THAN ALIENS.

30. This Part shall be in force during such period or periods as the Governor may from time to time by proclamation in the Gazette specify.

Part V only to be enforced on Governor's proclamation.

31. Every immigrant not registered as an alien under Part III shall, when required, make and sign a return in such form as may be prescribed and true to the best of his knowledge and belief and shall deliver such return to the Commissioner of Police at such time and place as the Commissioner of Police may direct.

Return to Commissioner of Police when required.

32. If in any case it appears to the Commissioner of Police, or any officer deputed by him to receive and record such returns, that any return has not been duly made or that it is incomplete or incorrect or requires verification, and that it cannot be made, completed, corrected or verified without the attendance of the person concerned, the Commissioner of Police may in his absolute discretion by a notice served on such person require his attendance at such time and place as may be specified in the notice, and every person whose attendance is so required shall attend thereat on the date and at the time specified in the notice and answer truthfully to the best of his knowledge and belief such questions as may be addressed to him by a police officer for the purpose of making, completing, correcting or verifying the return. Any notice referred to in this section may be addressed to any person at his place of residence or business and served by post.

Power to require attendance.

PART VI.

GENERAL.

33. (1) Any person who contravenes, or fails to comply with, any provision of this Ordinance or of any regulations made hereunder or any condition of any permit given hereunder shall be guilty of an offence.

General penalty.

(2) Any person guilty of an offence for which no penalty is expressly provided shall be liable on summary conviction before a magistrate to a fine not exceeding two thousand dollars and to imprisonment for a period not exceeding six months.

(3) Any immigrant who enters without a permit from the Immigration Officer or who enters in breach of any of the provisions of this Ordinance or who contravenes any condition subject to which his entry has been permitted shall upon conviction be liable in addition to expulsion from the Colony by order of the convicting magistrate. Any such order shall be sufficient authority for any police officer to arrest and detain such immigrant and to do all such other acts as may be necessary to enable such person to be removed from the Colony. Without prejudice to the provisions of sub-section (5) of section 11 such person may be removed from the Colony by such method and route as the Governor may determine.

Governor in Council empowered to make regulations.

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

- (a) defining the powers and duties of Deputy Immigration Officers and Immigration Control Officers;
- (b) providing immigrants leaving the Colony with travel documents and providing immigrants entering the Colony with Entry Permits, Certificates of Residence or Frontier Passes;
- (c) appointing places of detention and providing for their regulation and management;
- (d) prescribing an immigration examination signal;
- (e) providing for the furnishing of particulars, returns and photographs for the purposes of this Ordinance to the Registrar of Aliens and to the Commissioner of Police;
- (f) exempting any person or class of person either unconditionally or subject to such conditions as may be specified from complying with all or any of the provisions of this Ordinance;
- (g) prescribing forms and fees;
- (h) generally to carry out the provisions of this Ordinance.

Appeal to Governor in Council. cf. Ordinance No. 18 of 1935, ss. 161-3.

35. (1) Whenever any person is dissatisfied with the exercise of the discretion of any person to whom discretionary power is given under this Ordinance in respect of any act, matter, or thing, which is by this Ordinance made subject to the exercise of the discretion of such authority, or with any action or decision of any such person either as to the carrying out of or the meaning of any of the provisions of this Ordinance, or whenever any of the provisions of this Ordinance are, owing to special conditions, undesirable, the person so dissatisfied may, unless proceedings have already been taken before a magistrate in relation thereto, appeal to the Governor in Council, who, if in his opinion the exercise of such discretion or such action or decision requires modification, revocation, or setting aside, or such special conditions exist as render any such provision undesirable, may make such order in respect thereof as may be just.

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

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

Provided that nothing herein contained shall be deemed to prevent any person from applying to the Supreme Court for a *mandamus*, injunction, prohibition or other order should he elect so to do, instead of appealing to the Governor in Council under this section.

(2) In any appeal under the provisions of sub-section (1) the Governor in Council may at any time in his discretion direct a case to be stated for the opinion of the Full Court on any question of law involved in any appeal submitted to him. The terms of such case shall be agreed upon by the parties concerned, or in the event of their failure to agree shall be settled by the Full Court. The Full Court shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the matter to the Governor in Council who shall give effect by order to the finding of the court. The costs of such hearing shall be in the discretion of the court.

Any party to the appeal shall be entitled to be heard by counsel on the hearing of any case so stated.

No proceedings by way of *mandamus*, injunction, prohibition, or other order shall be taken against the Governor in Council in respect of anything arising out of this section.

(3) Every order of the Governor in Council on any appeal shall be final and may be enforced by the Supreme Court as if it had been an order of that court.

36. The Immigration Control Ordinance, 1940, and the Registration of Persons Ordinance, 1939, and any Ordinance amending the same are hereby repealed.

Repeal of previous legislation.

Ordinance No. 32 of 1940.

Ordinance No. 12 of 1939.

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

Commencement.

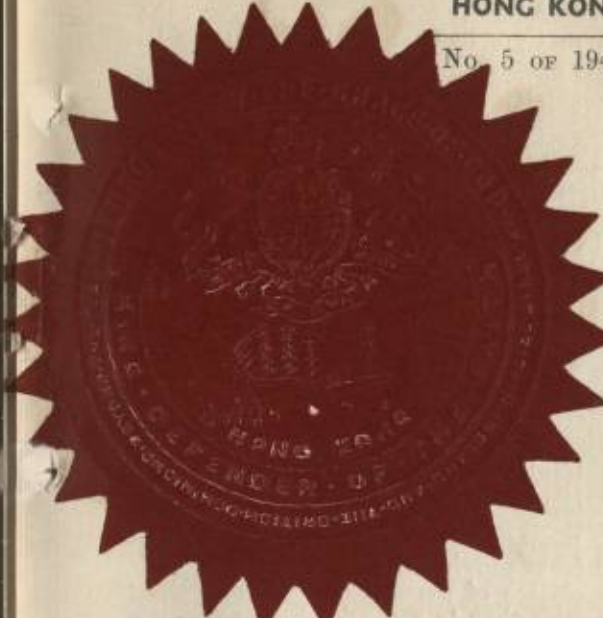
Passed the Legislative Council of Hong Kong, this 20th day of January, 1949.

J. L. Howard.

Deputy Clerk of Councils.

HONG KONG

No. 5 OF 1949.



I assent.

W. Murray
Governor.

24th February, 1949.

An Ordinance to make provision for the control of accommodation provided by and charges made by hotels.

[25th February, 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 Hotels Ordinance, Short title, 1949.

2. In this Ordinance—

“charge” includes any valuable consideration and any promise to do any act or perform any service passing to or to pass from or made or to be made by the person upon whom the charge is levied or attempted to be imposed;

Interpreta-
tion.

“contravene” includes a failure to comply;

“hotel” includes a boarding house and every place where any person is harboured or lodged for any kind of rent, hire or reward but shall not include any place where no service other than the provision of accommodation and furniture is rendered upon the premises occupied by the person so harboured or lodged;

“manager” means, in the case of any person registered as the manager of a hotel pursuant to regulations made under this Ordinance or under the Boarding House Ordinance, 1917, such person, and if there is no such person, or in the absence of any such person, then the person who is in fact in control whether on his own account or for any other person of the management of the hotel;

Ordinance
No. 27 of
1917.

“Quartering Authority” means such person as the Governor has appointed or from time to time shall appoint to be or act as Quartering Authority;

“service” includes provision of accommodation or of any appliance or facility;

“specified” means specified by regulations made under this Ordinance.

Appointment of Quartering Authority.

3. The Governor may by notification in the *Gazette* appoint any person to be the Quartering Authority for the purpose of this Ordinance.

The Quartering Authority may make regulations to control hotel accommodation and charges for hotel services.

4. (1) The Quartering Authority may make regulations to—

(a) require the manager of any hotel to reserve a specified portion of its total accommodation (other than its public rooms) or a portion to be allocated in such manner as the regulations may provide or any particular accommodation, for specified uses, including the use by particular persons or classes of persons;

(b) prohibit the manager or any person concerned in the management of any hotel from providing specified accommodation to any specified class or classes of persons or from providing specified accommodation otherwise than to a specified class;

(c) limit the number of persons which may be accommodated in any particular room or class of room;

(d) exempt from the operation of any regulations made under paragraph (a) hereof any accommodation or direct that any accommodation shall be so exempted if it is with the consent of the Quartering Authority applied to other uses during any period to which such consent relates;

(e) require the manager or any person concerned in the management of any hotel to supply any specified services;

(f) fix a maximum charge for any specified service provided by any hotel, including a maximum charge for any particular accommodation or class of accommodation, or direct that a charge for any service included as aforesaid shall be computed in such manner and by reference to such matters as may be specified;

(g) prohibit the making of any charge by the manager or by any person concerned in the management of a hotel for any specified service or for any service except specified services;

(h) require that action shall be taken to bring the provisions of any regulations made hereunder to the notice of the public or of persons seeking accommodation or requiring the performance of any service in any hotel;

(i) require the manager or any person concerned in the management of any hotel to produce to the Quartering Authority such information as may reasonably be required for the purposes of this Ordinance or any regulation made hereunder.

(2) Any regulation made under paragraph (a) of subsection (1) which provides for the allocation of a portion of the accommodation of a hotel may provide—

(a) that in the event of any failure of agreement between the Quartering Authority and the manager of the hotel that the allocation is a satisfactory compliance with the regulations the matter shall be referred to the final determination of such persons as the Governor shall appoint;

(b) that such persons may in their discretion arrive at a determination without hearing the parties to the difference or any person acting on their behalf; and

(c) that such determination shall be final and conclusive for all purposes whatsoever.

(3) (a) All regulations made by the Quartering Authority shall be submitted to the Governor, and shall not come into force until they have been approved by resolution of the Legislative Council.

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

5. Any person appointed by the Governor as Quartering Authority and any person deputed by such Quartering Authority in writing shall have power at all reasonable times to enter and inspect any hotel for the purpose of ascertaining whether this Ordinance or any regulation made hereunder are being contravened.

Powers of Quartering Authority and persons acting under his authority.

6. A person shall not be deemed to be concerned in the management of a hotel merely by reason of being a director or officer of the corporation which owns a hotel or carries on the business thereof but any such director or officer and any other person who is in any other way concerned in such management and any employee acting within the scope of his authority shall be deemed to be so concerned.

Interpretation of "person concerned in the management of a hotel".

7. It shall be an offence against this Ordinance—

Offences.

(a) for any person to provide, agree to provide or offer to provide or to procure, or seek to procure that another shall provide, any accommodation or service in relation to a hotel except for the uses and at the charges sanctioned by or under this Ordinance, or to provide any accommodation or service which it would be a contravention of any regulations made hereunder to provide, or for a consideration other than a monetary consideration;

(b) for any person to contravene any regulation made hereunder;

(c) for the manager or person concerned in the management of any hotel to supply any information which he may be lawfully required to furnish hereunder which he knows or has reason to believe is inaccurate in any material particular or by reason of the omission of any material particular;

(d) for the manager or person concerned in the management of any hotel to refuse to supply to a person being accommodated in a hotel any service in respect of which a maximum charge has been fixed or has been directed to be computed under this Ordinance or any regulation made hereunder for any reason other than such reason as a magistrate shall deem sufficient.

Penalties.

8. (1) Any contravention of any regulation made under this Ordinance shall be punished on summary conviction by imprisonment for any term not exceeding six months and by a fine not exceeding one thousand dollars and save in so far as a lesser penalty is not provided by regulation any such contravention and any offence against this Ordinance or regulation made hereunder shall be so punishable.

(2) Where any person concerned in the management of a hotel is convicted of contravening any regulation made under paragraph (f) of sub-section (1) of section 4, the magistrate may in addition to any punishment which he may lawfully impose order the person who is carrying on the business of such hotel to pay a sum equivalent to the value of any charge in excess of the maximum or permitted charge to the person upon whom such excess charge was imposed.

Repeal.
G.N. No.
A.190 of
1948.

9. The Price Control (Hotels) (Control of Charges) Regulations, 1948, are hereby repealed and any charges fixed thereunder shall be deemed never to have been applicable.

Commence-
ment.

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

Duration.

11. 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.

SCHEDULE

THE HOTELS ORDINANCE, 1949.

(Section 4(3))

REGULATIONS.

Citation.

1. These regulations may be cited as The Hotel Regulations, 1949.

Application.

2. These regulations shall apply to the hotels listed in Column I of the First Schedule hereto.

3. In these regulations—

Interpreta-
tion.

“the Ordinance” means The Hotels Ordinance, 1949;

“Hong Kong resident” means a person who has been declared in writing under the hand of the Quartering Authority to be a person who is in his opinion a resident of the Colony of Hong Kong;

“maximum capacity” means in respect of any room in a hotel the maximum number of persons over the age of ten years who may be accommodated in the respective type of room mentioned in the Second Schedule hereto.

4. A declaration that a person is a Hong Kong resident shall be in the Form I prescribed in the Third Schedule hereto which form may be completed in advance of such a person's arrival in the Colony upon request by his employer or by a person authorised to act in such behalf for such employer or by such other person as may be able to produce evidence satisfactory to the Quartering Authority.

Declaration
of Hong
Kong
resident.

5. The Quartering Authority shall not make a declaration that a person is a Hong Kong resident unless he is satisfied by such evidence as he shall deem sufficient either that such a person has resided in Hong Kong for a consecutive period of not less than six months preceding the making of any such declaration or that the period if any during which he has resided in Hong Kong preceding the making of such declaration will together with the period for which he intends to stay in Hong Kong aggregate to not less than six months.

Evidence
to enable
declaration
to be made.

6. The manager of any hotel listed in Column I of the First Schedule and any person concerned in the management of such a hotel shall not allow any private room to be occupied by more than its maximum capacity: Provided that a child under the age of ten years may be accommodated over and above such maximum capacity at the request of the parent or guardian of such child.

Maximum
capacity of
private
rooms.

7. An additional charge may be made when a child under the age of ten years is so accommodated in a room already occupied to maximum capacity by persons over the age of ten years. Such additional charge shall not exceed half the rate paid by one person over the age of ten years in such a room: Provided that where neither bed or bedding is supplied by the hotel there shall be no additional charge for the accommodation in this manner of a child under the age of three years.

Additional
charge for
children.

8. (1) The manager of every hotel listed in Column I of the First Schedule shall reserve for the use of Hong Kong residents such portion of its total accommodation other than its public rooms as is in the case of each such hotel mentioned in Column II of such Schedule and the manager shall within seven days of the coming into force of these regulations submit to the Quartering

Reservation
of particular
accommo-
dation for
Hong Kong
residents.

Authority a statement in Form 2 in the Third Schedule hereto. Such rooms shall not be used for the accommodation of guests other than Hong Kong residents without the consent of the Quartering Authority.

(2) If after the receipt of any such statement the Quartering Authority is of the opinion that the allocation made by the manager in such statement as aforesaid is defective in that it does not comply with the requirements of this regulation or that the allocation made by the manager in such statement is in his opinion unsuitable the Quartering Authority may serve by post a notice on the manager informing him of such opinion and calling upon him to amend the allocation made by the statement in manner indicated by such notice. If the manager fails within seven days after the receipt of such notice to agree to such amendment or to reply to such notice the Quartering Authority shall apply the procedure prescribed in the Fourth Schedule hereto.

(3) An allocation of accommodation for Hong Kong residents made and accepted as suitable in accordance with this regulation may thereafter be amended from time to time upon application to the Quartering Authority and with his consent.

Maximum rates for the accommodation of Hong Kong residents.

9. (1) The rates for the accommodation of Hong Kong residents shall relate to the types of rooms specified in the Second Schedule hereto and shall apply only to rooms reserved in accordance with the provisions of regulation 8 and, subject to sub-regulation (3) of the regulation, shall not exceed the rates prescribed in Column III of the Fifth Schedule.

(2) Such rates shall apply from the date upon which the manager receives a declaration in writing made by a Hong Kong resident, and addressed to the manager, declaring his intention to stay in the hotel for a period of not less than four weeks: Provided that such rates shall not be applicable if a Hong Kong resident, notwithstanding the making of a declaration as aforesaid, leaves the hotel before the expiry of the said period.

(3) The consent of the Quartering Authority may be obtained, upon application in writing by the manager, for the rates prescribed in Column III of the Fifth Schedule to be exceeded for particular rooms having extra amenities: Provided that any such permitted increase shall not exceed the figure specified in Column IV of the said Schedule.

(4) No charge shall be made to a Hong Kong resident for any service other than a service in respect of which a charge is prescribed by these regulations: Provided that—

(a) a charge may be made for the service of meals elsewhere than in the appropriate public rooms;

(b) a charge may be made for the provision of air conditioning or for the electricity used by an air conditioning apparatus;

(c) a charge may be made for the provision of such further services as are rendered by the hotel upon the request of a Hong Kong resident: Provided that the manager shall have submitted a list of such charges to the Quartering Authority and received his approval of them.

10. The manager of every hotel and every person concerned in the management of such hotel shall supply or cause to be supplied the services normally supplied in such hotel on the 31st day of July, 1948, and shall furnish particulars of such services in writing to the Quartering Authority. Obligation to supply services.

11. The rates which Hong Kong residents may be charged for the use of electricity other than for lighting shall not exceed the amounts specified in the Sixth Schedule except that where separate meters are installed the charge shall be based on the actual electricity consumed as shown by the meter readings. Rates for electricity.

12. A Hong Kong resident shall be entitled to be provided according to a Residents' Menu with breakfast, lunch and dinner for a total weekly charge not exceeding \$38.50: Provided that such Hong Kong resident has agreed that such weekly charge may be added to the accommodation charge payable by him. Meals. Hong Kong residents.

13. In every room reserved for Hong Kong residents there shall be prominently displayed a card stating that such room is so reserved and showing the maximum accommodation charge allowed by these regulations for that particular room together with the maximum charges permitted for services specified in the Sixth Schedule and the maximum capacity as specified in the Second Schedule. Display of cards in rooms reserved for Hong Kong residents.

14. At the reception desk of every hotel there shall be prominently displayed a notice setting forth the maximum charges permitted by these regulations both for accommodation and for services supplied to Hong Kong residents. Notice at reception desk.

15. The manager—

(a) shall keep such records in respect of accommodation and services supplied to Hong Kong residents as shall clearly show on any and every day the name or names of the occupant or occupants of any and every room reserved under these regulations for the accommodation of Hong Kong residents and the charges made to such Hong Kong residents for such services as are specified in these regulations;

Manager to keep records.

(b) shall produce on demand to the Quartering Authority or any person deputed in writing by the Quartering Authority any records the keeping of which is required by these regulations and shall furnish on demand such information as may reasonably be required for the purposes of these regulations.

16. The rates for the accommodation of, and charges for services payable by, a Hong Kong resident who on the coming into force of these regulations is accommodated in a hotel but cannot be accommodated in a room reserved for the accommodation of a Hong Kong resident in accordance with the provisions of regulation 8, shall not exceed the rates and charges payable by such person on the 1st February, 1949. Transitional provisions. Rates and charges.

FIRST SCHEDULE

(regulations 2 and 8)

Percentage of accommodation to be reserved for Hong Kong residents.

Item	Column I Name of Hotel	Column II Percentage
1.	Hong Kong Hotel	20%
2.	Gloucester Hotel	20%
3.	Peninsula Hotel	80%
4.	Repulse Bay Hotel	80%
5.	Arlington Hotel	90%
6.	Harbour View Hotel	90%
7.	Melbourne Hotel	90%
8.	Ritz Hotel	90%
9.	Phillips House	90%
10.	Lytton House	90%
11.	Melbourne Apartments	70%
12.	Ritz Apartments	70%
13.	Lucky Apartments	100%
14.	Tuk Lin Apartments	100%
15.	Cecil Hotel	20%
16.	Good View Hotel	20%
17.	Kimberley Hotel	20%
18.	Kowloon Hotel	20%
19.	Metropole Hotel	20%
20.	Union Hotel	20%
21.	Star Hotel	20%
22.	Tavern Hotel	20%
23.	Rose Hotel	20%
24.	Waldorf Hotel	20%

SECOND SCHEDULE

(regulations 2 and 9)

TYPES OF ROOMS.

Type	Floor Area in Square Feet	Maximum Capacity
A.	Exceeding 400	4
B.	Exceeding 250 but less than 400	3
C.	Exceeding 100 but less than 250	2
D.	Exceeding 70 but less than 100	1
E.	Less than 70	1

THIRD SCHEDULE

FORM 1.

HOTEL REGULATIONS, 1949.

(regulation 4).

Form of declaration to be made by the Quartering Authority that a person is a Hong Kong resident.

I hereby declare that in my opinion is a Hong Kong resident and is therefore eligible to be accommodated in any hotel room reserved by the Hotel Regulations, 1949, for the accommodation of Hong Kong residents.

Given under my hand this day of, 1949.

.....
Quartering Authority.

FORM 2.

HOTEL REGULATIONS, 1949.
(regulation 8)

PART I.
(Statement of Manager)

<i>*Type of Room</i>	<i>Room Number of each Room</i>	<i>Totals</i>
A.	rooms.
B.	rooms.
C.	rooms.
D.	rooms.
E.	rooms.

I certify that to the best of my knowledge and belief the above statement is correct and that all rooms used in this hotel as private rooms have been included in the above categories.

.....
Manager.

Date Hotel.

* As defined in the Second Schedule to the Hotel Regulations, 1949.

PART II.

I hereby undertake to set aside the following rooms (indicated by the individual numbers thereof) for the accommodation of Hong Kong residents so as to comply with regulation 8 of the Hotel Regulations, 1949, and the First Schedule thereto.

TYPE A.
TYPE B.
TYPE C.
TYPE D.
TYPE E.

.....
Manager.

Date Hotel.

FOURTH SCHEDULE

(regulation 8)

Procedure where Quartering Authority does not accept the allocation made in a statement forwarded under regulation 8.

1. The Quartering Authority shall make report in writing to the Colonial Secretary which report shall be accompanied by a copy of the statement and of the notice of the Quartering Authority and any other relevant correspondence, and he shall notify the manager of the action taken.

2. The Colonial Secretary shall refer such report and other documents to any persons (hereinafter referred to as the arbitrators) appointed by the Governor under section 4 of the Ordinance to determine the matter.

3. The arbitrators so appointed shall thereafter proceed to determine the matter after taking into consideration all correspondence before them and upon such inspection of the hotel as they may see fit to make and, in their discretion, with or without hearing any submissions by the Quartering Authority or manager.

4. Any such determination may confirm the allocation made in the statement of the manager submitted under regulation 8 or vary the allocation by allocation of such rooms in the hotel as will in the opinion of the arbitrators satisfy the requirements of the regulation and be most appropriate to the needs of Hong Kong residents.

5. Any such determination shall be final and conclusive for all purposes whatsoever.

FIFTH SCHEDULE

(regulation 9)

Maximum *weekly* rates for the accommodation of Hong Kong residents.

Item	Column I Name of Hotel	Column II Type of Room	Column III Maximum rate	Column IV Maximum permitted increase
1.	Hong Kong Hotel	A, B & C	\$112	\$56
2.	Gloucester Hotel			
3.	Peninsula Hotel			
4.	Repulse Bay Hotel	A	\$252	Nil
5.	Arlington Hotel	B & C	\$126	\$42
6.	Harbour View Hotel	B & C	\$ 84	\$28
7.	Melbourne Hotel			
8.	Ritz Hotel			
9.	Phillips House			
10.	Lyton House	D	\$ 42	Nil
11.	Melbourne Apartments	B & C	\$ 70	\$14
12.	Ritz Apartments	D	\$ 35	Nil

Item	Column I Name of Hotel	Column II Type of Room	Column III Maximum rate	Column IV Maximum permitted increase
13.	Lucky Apartments	B & C	\$ 56	Nil
14.	Tuk Lin Apartments		D	\$ 28
15.	Cecil Hotel	B & C D	\$ 84	\$56
16.	Good View Hotel			
17.	Kimberley Hotel			
18.	Kowloon Hotel			
19.	Metropole Hotel			
20.	Union Hotel			
21.	Star Hotel	D	\$ 42	Nil
22.	Tavern Hotel			
23.	Rose Hotel	B & C	\$ 70	Nil
		D	\$ 35	Nil
24.	Waldorf Hotel	A, B & C	\$ 98	\$56
		D	\$ 49	Nil
25.	All hotels where applicable ...	E	\$ 21	Nil

When more than one person is accommodated in any room the maximum charge shall be divided between the occupants.

SIXTH SCHEDULE

(regulation 11)

Maximum monthly charges for electricity consumed by Hong Kong residents in the use of the appliances listed hereunder.

	Watts	Rate per month
FANS	Under 35	\$ 8
	50 - 60	10
	60 - 70	12
	500	18
	1,000	30
RADIATORS	250	5
	450	6
	1,500	30
	2,000	45
	3,000	50

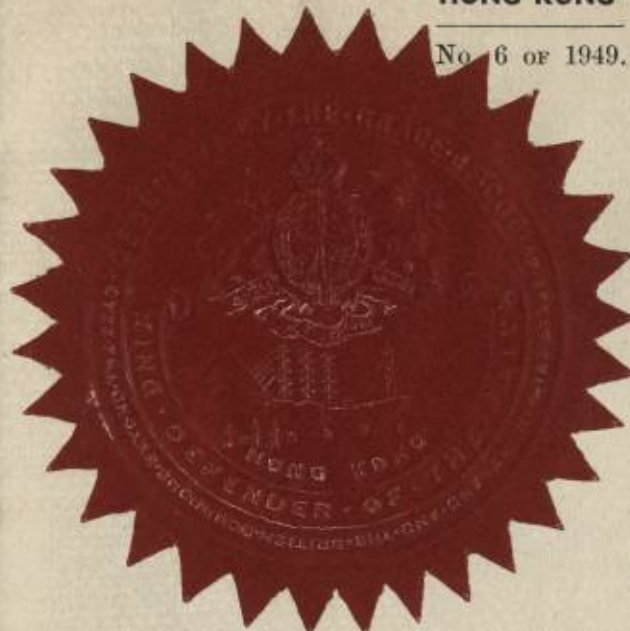
	Watts	Rate per month
IRONS	400	\$ 4
	500	6
	600	6
KETTLES	600	6
	1,000	7
	1,200	8
	1,800	8
RADIO	60	5
	100	7
	150	12

Passed the Legislative Council of Hong Kong, this 23rd day of February, 1949.

J. L. Howard.
Deputy Clerk of Councils.

HONG KONG

No. 6 of 1949.



I assent.

[Signature]
Governor.

10th March, 1949.

An Ordinance to amend the Betting Duty Ordinance, 1931.

[11th March, 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 Betting Duty (Amendment) Ordinance, 1949, and shall be read as one with the Betting Duty Ordinance, 1931, hereinafter referred to as the principal Ordinance. Short title. Ordinance No. 40 of 1931.

2. The principal Ordinance is hereby amended by the repeal of section 5 thereof and the substitution therefor of the following section:— Repeal and replacement of section 5 of the principal Ordinance.

“Restriction on sale of tickets. 5. No tickets, lists, receipts, or other substitutes for tickets recording the numbers of the chances allocated for any cash-sweep, totalizator or pari-mutuel may be made, printed, issued, sold or offered for sale except by or on behalf of a club which has received the permission of the Commissioner of Police under this Ordinance.”

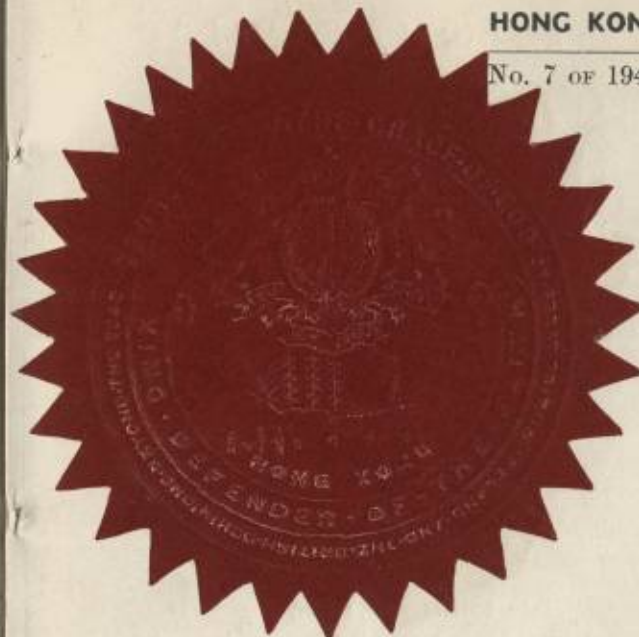
Passed the Legislative Council of Hong Kong, this 9th day of March, 1949.

[Signature]
Deputy Clerk of Councils.



HONG KONG

No. 7 of 1949.



I assent.

M. Hancock
Governor.

17th March, 1949.

An Ordinance to amend the Hong Kong Defence Force Ordinance, 1948.

[18th March, 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 Hong Kong Defence Force (Amendment) Ordinance, 1949, and shall be read as one with the Hong Kong Defence Force Ordinance, 1948, hereinafter referred to as the principal Ordinance.

Short Title.
Ordinance
No. 63 of
1948.

2. Section 13 of the principal Ordinance is hereby repealed and replaced as follows:—

Repeal and
replacement
of section 13
of the
principal
Ordinance.

“13. (1) The Governor in Council may make regulations respecting the constitution, general government, discipline and training of the Force as a whole and in particular respecting—

- (a) conditions of efficiency;
- (b) appointment, promotion and rank of officers; and
- (c) generally for the better carrying out of the provisions of this Ordinance.

(2) Notwithstanding the provisions of sub-section (1) hereof a Service Commander may, with the approval of the Governor and for the purposes aforesaid, make regulations for the unit of which he is the Service Commander in so far as they are not inconsistent with the regulations made under sub-section (1) hereof.”

Repeal and
replacement
of sub-
sections
(1), (2),
(3) and (4)
of section 16
of the
principal
Ordinance.

3. Sub-sections (1), (2), (3) and (4) of Section 16 of the principal Ordinance are hereby repealed and replaced as follows:—

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

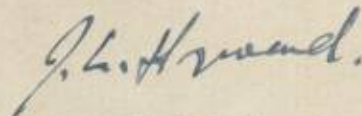
(2) The wife (as defined in the Force Pay Code) of an officer or volunteer, as declared on the date of enlistment or as subsequently notified to the Commandant, who loses his life whilst called out, in training or under instruction or whose death is, in the opinion of a board constituted for the purpose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

- (a) to a widow's pension payable in accordance with the provisions of the Force Pay Code at rates applicable to the deceased's rank and appropriate to his unit; and
 - (b) additional allowance for children (as defined in the Force Pay Code) payable in accordance with the provisions of such Code at rates applicable to the deceased's rank and appropriate to his unit.
- (3) (a) The parent, a motherless or fatherless child and other dependant of an officer or volunteer, as declared on the date of enlistment or as subsequently notified to the Commandant, who loses his life whilst called out, in training or under instruction or whose death is, in the opinion of a board constituted for the purpose of this section, attributable to illness caused or aggravated by such service shall, irrespective of the deceased's nationality, be entitled to claim the appropriate pension in respect of the deceased. Such pension shall be paid in accordance with the provisions of the Force Pay Code at rates applicable to the deceased's rank and appropriate to his unit.
- (b) The terms “parent”, “child” and “other dependant” shall have the respective meanings assigned to them in the Force Pay Code.

(4) An unmarried dependant declared on the date of enlistment or as subsequently notified to the Commandant as living as a wife of an officer or volunteer who loses his life whilst called out, in training or under instruction or whose death is, in the opinion of a board constituted for the purpose of this section, attributable to illness caused or aggravated by such service shall,

irrespective of the deceased's nationality, be entitled to claim a pension in respect of the deceased. Such a pension shall be paid in accordance with the provisions of the Force Pay Code at rates applicable to the deceased's rank and appropriate to his unit.”

Passed the Legislative Council of Hong Kong, this 16th day of March, 1949.



Deputy Clerk of Councils.

HONG KONG

No. 8 OF 1949.



I assent.

W. Chavasse
Governor.

17th March, 1949.

An Ordinance to amend the Emergency Regulations Ordinance, 1922.

[18th March, 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) 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.

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

(a) by the deletion of all words in the second, third and fourth lines of sub-section (2) subsequent to the word "may" in the second line thereof and the substitution therefor of the words "provide for";

Amendment
of section 2
of the
principal
Ordinance.

(b) by the deletion of paragraphs (g), (h) and (i) from sub-section (2) thereof and by the insertion in lieu thereof of the following additional paragraphs:—

"(g) amending any enactment, suspending the operation of any enactment and applying any enactment with or without modification;

(h) authorising the entry and search of premises;

(i) empowering such authorities or persons as may be specified in the regulations to make orders and rules and to make or issue notices, licences, permits, certificates or other documents for the purposes of the regulations;



(j) charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the regulations such fees as may be prescribed by the regulations;

(k) the taking of possession or control on behalf of the Governor of any property or undertaking;

(l) requiring persons to do work or render services;

(m) payment of compensation and remuneration to persons affected by the regulations and the determination of such compensation; and

(n) the apprehension trial and punishment of persons offending against the regulations;

and may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the regulations.”; and

(c) by the insertion of the following additional subsections after sub-section (3) thereof:—

“(4) A regulation or any order or rule made in pursuance of such a regulation shall have effect notwithstanding anything inconsistent therewith contained in any enactment; and any provision of an enactment which may be inconsistent with any regulation or any such order or rule shall, whether that provision shall or shall not have been amended, suspended or modified in its operation under sub-section (2), to the extent of such inconsistency have no effect so long as such regulation, order or rule shall remain in force.

(5) Every document purporting to be an instrument made or issued by the Governor or other authority or person in pursuance of this Ordinance or of any regulation made hereunder and to be signed by or on behalf of the Governor or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Governor or that authority or person.”

3. Section 3 of the principal Ordinance is hereby amended Amendment of section 3 of the principal Ordinance. by the deletion of all words subsequent to the word “fine” and the substitution therefor of the words “not exceeding five thousand dollars and to imprisonment for any term not exceeding two years”.

Passed the Legislative Council of Hong Kong, this 16th day of March, 1949.

J. L. Howard.
Deputy Clerk of Councils.

HONG KONG

No. 9 OF 1949.



I assent.

W. H. Murray
Governor.

17th March, 1949.

An Ordinance to authorise the British-American Tobacco Company (China) Limited to convert the currency of its capital.

[18th March, 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 British-American Tobacco Company (China) Limited (Capital Conversion) Ordinance, 1949. Short title.

2. In this Ordinance—

“The Company” means the British-American Tobacco Company (China) Limited;

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

3. It shall be competent for the Company to convert the currency of its capital (both authorised and issued) and to alter the denomination of the shares into which its capital is divided and such conversion and alteration may be effected in the following manner:— Ordinance No. 39 of 1932.

(a) The Company shall convene separate meetings of each class of shareholder of the Company and the notices convening such meetings shall specify in detail the manner and at what date Conversion of currency of capital. Procedure.

the conversion and alteration is proposed to be made and that at such meeting it is intended to propose that the Directors be authorised by ordinary resolution to effect such conversion and alteration accordingly.

(b) Notwithstanding that at any meeting of any class of shareholder an ordinary resolution authorising the Directors of the Company to make the conversion and alteration specified in the notice convening such meeting shall have been duly passed, the holders of not less than fifteen per cent of the issued shares of any class being persons who did not consent to or vote in favour of the resolution for the conversion and alteration may apply to the Court to have the resolution disallowed or amended and where any such application is made the resolution shall not have effect unless and until it is confirmed or amended by the Court.

(c) An application under this section shall be made within three months after the date on which the ordinary resolution was passed and may be made on behalf of the shareholders entitled to make the application by such one or more of their number as they may appoint in writing for such purpose.

(d) On any such application the Court, after hearing the applicant and any other persons who apply to the Court to be heard and appear to the Court to be interested in the application, may disallow or confirm or amend the resolution for the conversion and alteration as it may deem just.

(e) The decision of the Court on any such application shall be final.

(f) If at the separate meetings of the shareholders ordinary resolutions shall be passed authorising the Directors to effect the proposed conversion and alteration and no application to the Court to disallow any such resolution has been duly made the Directors shall file with the Registrar, within one month of the expiration of the period specified in paragraph (c) of this section, a certificate under the seal of the Company countersigned by the Auditors of the Company certifying that separate meetings of each class of shareholder have been held at which resolutions authorising such conversion and alteration were duly passed and that no such application has been made and that in the opinion of the Directors of the Company and of such Auditors the net assets of the Company had at a date stated in the resolution, which shall for all purposes be regarded as the date of conversion a value equivalent at the least to the amount of such converted capital as has been paid up: Provided that the date stated in the resolution shall be a date not earlier than the date of the resolution by more than twelve months.

(g) If an application to the Court has been duly made the Company shall file with the Registrar within one month of the making thereof a sealed copy of the order made by the Court upon such application.

4. Upon the filing of any such certificate as is referred to in paragraph (f) of section 3 of this Ordinance, or upon the filing of a sealed copy of an order made by the Court as is referred to in paragraph (g) of section 3 of this Ordinance which confirms or amends any resolution for the conversion and alteration then in either case the Registrar shall issue a fresh certificate of incorporation of the Company showing the capital of the Company as affected by such conversion and alteration. Such fresh certificate shall take the place of the original certificate of incorporation of the Company and shall be the certificate of incorporation of the Company. Issue of fresh certificate of incorporation.

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

Passed the Legislative Council of Hong Kong, this 16th day of March, 1949.

J. L. Howard.

Deputy Clerk of Councils.

HONG KONG

No. 10 OF 1949.



I assent.

W. H. Murray
Governor.

31st March, 1949.

An Ordinance to amend the Gambling Ordinance, 1891.

[1st April, 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 Gambling Amendment Ordinance, 1949, and shall be read as one with the Gambling Ordinance, 1891, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 2 of
1891.

2. The principal Ordinance is hereby amended by the addition of the following section, after section 9, as section 9A:—

Addition of
section 9A
to the
principal
Ordinance.
(24 & 25
Geo. 5,
c. 58,
s. 23.)

“Lotteries
incidental
to an enter-
tainment
and not for
private
gain.”

9A. (1) A lottery promoted as an incident of an entertainment to which this section applies, shall be deemed not to be a lottery within the meaning of this Ordinance if the permission of the Commissioner of Police, which permission may be granted or refused in his sole discretion, has been obtained in writing prior to the promotion of the lottery: Provided that the conditions specified in the next succeeding sub-section shall be observed in connection with the promotion and conduct of the lottery.

(2) The conditions referred to in the preceding sub-section are that—



(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum (if any) not exceeding two hundred dollars as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery, shall be devoted to purposes other than private gain;

(b) none of the prizes in the lottery shall be money prizes;

(c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are balls, dances, dinners and bazaars, sales of work, fêtes and other entertainments of a similar character, whether limited to one day or extending over two or more days.

(4) If any of the conditions prescribed in subsection (2) hereof is broken, every person concerned in the promotion or conduct of a lottery which is an incident of an entertainment to which this section applies shall be guilty of an offence unless he proves that the offence was committed without his knowledge and shall upon summary conviction be liable to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding six months."


Passed the Legislative Council of Hong Kong, this 30th day of March, 1949.

J. L. Howard.
Deputy Clerk of Councils.

HONG KONG

No. 11 of 1949.

I assent.



Robert H. S. Ho
Governor.

31st March, 1949.

An Ordinance to amend the Summary Offences Ordinance, 1932.

[1st April, 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 Summary Offences Short title, Amendment Ordinance, 1949, and shall be read as one with the Summary Offences Ordinance, 1932, hereinafter referred to as the principal Ordinance. Ordinance No. 40 of 1932.

2. Section 2 of the principal Ordinance is amended by the addition of the following paragraph after paragraph (b):— Amendment of section 2 of the principal Ordinance.
“(bb) “public meeting” includes any meeting in a public place and any meeting which the public or a section thereof are permitted to attend, whether on payment or otherwise.”

3. Section 3 of the principal Ordinance is hereby amended:— Amendment of section 3 of the principal Ordinance.
(a) by the substitution of the words “five hundred dollars or imprisonment for a term not exceeding three months” for the words “two hundred and fifty dollars” in the second line thereof;

(b) by the deletion of the words “on any road or” in paragraph (2);

(c) by the substitution of the following paragraph for paragraph (4):—

"(4) causes any annoyance or obstruction in any public place—

(i) by exposing anything for sale in or upon, or so as to hang over, any street, road or footway, or on the outside of any house, shop or building; or

(ii) by setting up or continuing any pole, blind, awning, line or other projection from any window, parapet or other part of any house, shop or building;";

(d) by the substitution of the following paragraph for paragraph (14):—

"(14) kindles, discharges, or lets off any firework save under and in accordance with the conditions of any such general or special permit as the Secretary for Chinese Affairs in his absolute discretion may issue or save under and in accordance with the conditions of any special permit which in his absolute discretion the District Commissioner or a District Officer, New Territories, may issue;";

(e) by the substitution of the following paragraph for paragraph (15):—

"(15) plays any musical instrument in any public street or road save under and in accordance with the conditions of any such general or special permit as the Commissioner of Police in his absolute discretion may issue;";

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

"(16) in any public place organises, equips or takes part in any procession, save under and in accordance with the conditions of any such general or special permit as the Commissioner of Police in his absolute discretion may issue;";

(g) by the substitution of the following paragraph for paragraph (16A):—

"(16A) organises or equips or takes part in any collection of money or the sale of badges in any public place save under and in accordance with the conditions of any such general or special permit as the Commissioner of Police in his absolute discretion may issue;";

(h) by the substitution of the following paragraph for paragraph (18):—

"(18) organises or takes part in any public meeting except a meeting solely for religious purposes or a meeting held under and in accordance with the conditions of any such general or special permit as the Commissioner of Police in his absolute discretion may issue;";

(i) by the addition of the following paragraph after paragraph (18):—

"(18A) in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace might be occasioned;";

(j) by the substitution of the words "under the age of 14 years" for the words "under the age of 16 years" in paragraph (21);

(k) by the substitution of the following paragraph for paragraph (25A):—

"(25A) uses or introduces in or into any public place any loud speaker, megaphone or other device or instrument for magnifying sound save under and in accordance with the conditions of any such general or special permit as the Commissioner of Police in his absolute discretion may issue;";

4. Section 4 of the principal Ordinance is hereby amended by the substitution of the words "a fine not exceeding one hundred dollars" for the words "a fine not exceeding fifty dollars".

Amendment of section 4 of the principal Ordinance.

5. Section 6 of the principal Ordinance is hereby amended by the substitution of the words "fifty dollars" for the words "twenty-five dollars" in the second line thereof and by the deletion of all the words following the word "trade" in the fifth line thereof.

Amendment of section 6 of the principal Ordinance.

6. The following section is hereby inserted immediately after section 6 of the principal Ordinance:—

Addition of new section 6A to the principal Ordinance.

"Prohibition on taking photographs, etc., in court.

cf. 15 & 16, Geo. 5, ch. 86, s. 41.

6A. (1) Every person who—

(a) takes or attempts to take in any court any photograph, or with a view to publication makes or attempts to make in any court any portrait or sketch, of any person, being a judge of the court or a juror or a witness in or a party to any proceedings before the court, whether civil or criminal; or

(b) publishes any photograph, portrait or sketch taken or made in contravention of the foregoing provisions of this section or any reproduction thereof; shall, on summary conviction, be liable in respect of each offence to a fine not exceeding two hundred and fifty dollars.

(2) For the purposes of this section—

(a) the expression "court" means any court of justice, including any place in which an inquiry is being held by a magistrate;

(b) the expression "judge" includes registrar, magistrate and justice of the peace;

(c) a photograph, portrait or sketch shall be deemed to be a photograph, portrait or sketch taken or made in court if it is taken or made in the court-room or in the building or in the precincts of the building in which the court is held, or if it is a photograph, portrait or sketch taken or made of the person while he is entering or leaving the court-room or any such building or precincts as aforesaid."

Amendment of section 7 of the principal Ordinance.

7. Section 7 of the principal Ordinance is hereby amended by the substitution of the words "five hundred dollars or imprisonment for a term not exceeding three months" for the words "two hundred and fifty dollars" in the second line thereof.

Amendment of section 9 of the principal Ordinance.

8. Section 9 of the principal Ordinance is hereby amended by the addition of the words "or other lawful authority" after the words "District Officer" in the third line thereof.

Amendment of section 11 of the principal Ordinance.

9. Section 11 of the principal Ordinance is hereby amended by the insertion of the words "or loiters for the purpose of soliciting" after the word "solicits" in the fourth line thereof.

Amendment of section 13 of the principal Ordinance.

10. Section 13 of the principal Ordinance is hereby amended by the substitution of the following sub-section for sub-section (1):—

"(1) No person shall between the hours of 11 p.m. and 6 a.m. make or cause or permit to be made or caused any noise whatever calculated to disturb or interfere with the public tranquillity or to annoy any person."

Amendment of section 18A of the principal Ordinance.

11. Section 18A of the principal Ordinance is hereby amended by the substitution of the following sub-section for sub-section (2):—

"(2) Provided that it shall not constitute an offence against this section for a juvenile to possess an imitation firearm or for any person to import an imitation firearm under and in accordance with a permit of the Director of Commerce and Industry containing such conditions as such Director may see fit to impose and provided also that no prosecution for an offence against this section shall be commenced without the consent of the Attorney General."

Addition of new sections 19B, 19C and 19D to the principal Ordinance.

12. The following sections shall be added after section 19A of the principal Ordinance:—

19B. Any person who wears a uniform which he is not entitled to wear or any dress so closely resembling the same as to be calculated to deceive shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months: Provided that the wearing of any uniform or dress by a performer in any public entertainment shall not constitute an offence against this section.

In this section "uniform" means any apparel from time to time constituting the proper apparel whilst on duty for members of His Majesty's Forces or of the Hong Kong Defence Force or for the British Mercantile Marine or for members of the Hong Kong Police Force or Hong Kong Police Reserve Force or for any force raised under the authority of any enactment in force in the Colony and "apparel" includes accoutrements.

Punishment for falsely pretending to be or be able to influence a public servant.

19c. Any person who, by any act or omission and whether or not with intent to procure any valuable thing, falsely pretends that he is a public servant or is able to procure any public servant to do or refrain from doing any act or thing in connection with the duty of such public servant shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

Punishment for resisting or obstructing a public officer or other person lawfully engaged in a public duty.

19d. Every person who resists or obstructs a public officer or other person lawfully engaged, authorised or employed in the performance of any public duty or any person lawfully assisting such public officer or person therein shall on summary conviction by a magistrate be liable to imprisonment for a term not exceeding six months and to a fine not exceeding one thousand dollars."

13. The following section is substituted for section 20 of the principal Ordinance:—

"Improper possession of arms or clothing of police officer or member of police reserve.

20. Every person who, not being a police officer or a member of the Hong Kong Police Reserve Force, as the case may be, has in his possession any article forming part of the clothing, accoutrements or appointments supplied to any such officer or member and is not able satisfactorily to account for his possession thereof shall be liable to a fine not exceeding two hundred and fifty dollars."

14. The Uniforms Ordinance, 1895, the British Mercantile Marine Uniform Ordinance, 1929 and section 47 of the Interpretation Ordinance, 1911, are hereby repealed.

Repeal and replacement of section 20 of the principal Ordinance.

Repeal of Ordinances No. 4 of 1895, No. 19 of 1929 and section 47 of No. 31 of 1911.

Passed the Legislative Council of Hong Kong, this 30th day of March, 1949.

J. L. Hayward.
Deputy Clerk of Councils.

HONG KONG

No. 12 OF 1949.



I assent.

H. H. Johnston
Governor.

31st March, 1949.

An Ordinance further to amend the Medical Registration Ordinance, 1935.

[1st April, 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 Medical Registration Amendment Ordinance, 1949, and shall be read as one with the Medical Registration Ordinance, 1935, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 41 of
1935.

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

Amendment
of section 3
of the
principal
Ordinance.

“3. (1) Nothing in this Ordinance shall be deemed to affect the right of any person of Chinese race, not being a person taking or using any name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery according to modern scientific methods, to practise medicine or surgery according to purely Chinese methods and to demand and recover reasonable charges in respect of such practice.

(2) For the purposes of this section—

(a) the taking or using in Chinese by any person of the name, title, addition or description of 中醫 or 中醫生 or 中醫師 or 唐醫 or 國醫 or of any words or characters implying specialisation when preceded by the afore-mentioned characters shall not be deemed to be the taking or using of

a name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery according to modern scientific methods provided that in any English translation of such characters the word "Herbalist" must be included;

(b) the taking or using by any person of the name, title, addition or description of 西醫, 醫生, 醫師, 醫士, 醫學士, 醫學博士, 男醫, 女醫, 醫科, 醫家, 醫寓, 醫院, 醫務院, 醫所, 醫務所, 醫寮所, 療疹所, 療病院, and the taking or using of words or characters implying specialisation if preceded by words or characters other than those specified in paragraph (a) of this sub-section shall be deemed to be the taking or using of a name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery according to modern scientific methods."

Amendment of section 4 of the principal Ordinance.

3. Section 4 of the principal Ordinance is hereby amended—
(a) by the repeal of sub-section (2) thereof; and
(b) by the renumbering of sub-section (3) as sub-section (2).

Repeal of section 9 of the principal Ordinance and the regulations made thereunder.

4. Section 9 of the principal Ordinance and the regulations made thereunder are hereby repealed.

Amendment of section 5 of the principal Ordinance.

5. Section 11 of the principal Ordinance is hereby amended—
(a) by the deletion of the words "Part I of" in the second line thereof;

(b) by the deletion of the words "in Europe, the United States of America or the Empire of Japan," in the second and third lines of paragraph (c); and

(c) by the addition, immediately after paragraph (d) of the following paragraph:—

"(e) any Licentiate of the former Hong Kong College of Medicine.";

(d) by the addition of the following after the word "written" in the proviso to the section as amended by the Medical Registration Amendment Ordinance, 1941:—

"and provided that any person who was on the 7th day of May, 1948, included in Part II of the Register as constituted by section 4 of the Medical Registration Ordinance, 1935, shall be deemed to be registered in the Register in like manner as if such inclusion entitled him to be so registered and as if he had duly applied for and obtained registration."

6. Section 15 of the principal Ordinance is hereby amended—
(a) by the substitution for the first line thereof of the following:—

Amendment of section 15 of the principal Ordinance.

"Subject to the provisions of section 3 every person who —"; and

(b) by the substitution of the words "two thousand dollars" for the words "one thousand dollars" in the penultimate line thereof.

7. Form Nos. 1 and 2 of the First Schedule to the principal Ordinance are hereby repealed and replaced by the following:—

Amendment of the First Schedule to the principal Ordinance.

FORM NO. 1. [s.4(1)].

MEDICAL REGISTER.

Persons qualified to practise Medicine and Surgery generally and authorised by the Governor to sign medical certificates of the cause of death for the purposes of the Births and Deaths Registration Ordinance, 1934.

Name.	Address.	Nature of qualification.	Date of qualification.

FORM NO. 2. [s.12(2)].

CERTIFICATE OF QUALIFICATION FOR REGISTRATION IN THE REGISTER.

HONG KONG

Impressed Stamp.
\$25.

This is to certify that A.B. has satisfied the Medical Board that he is duly registered according to law as a medical practitioner in

and therein is entitled to practise medicine, surgery and midwifery,