THE

ORDINANCES OF HONG KONG.

No. 51 of 1936.

An Ordinance to provide for a revised edition of the Ordinances, and for a revised edition of the Regulations, of the Colony.

[*Originally* No. 51 of 1936.

No. 15 of 1937. Law Rev. Ord., 1937.]

[4th December, 1936.]

1. This Ordinance may be cited as the Ordinances and Regulations of Hong Kong (1937 edition) Ordinance, 1936. Short title.

2. In this Ordinance— Interpretation.

(*a*) "The Ordinances of Hongkong, 1844-1923" means the edition of the Ordinances of Hong Kong prepared by Arthur Dyer Ball, Esquire, and authorized to be used by proclamation of the Governor, dated the 18th day of September, 1924, and made in virtue of the Ordinances of Hongkong, 1844-1923, Ordinance, 1923. Ordinance No. 18 of 1923.

(*b*) "The Ordinances of Hong Kong (1937 edition)" means the edition of the Ordinances of Hong Kong to be prepared under the authority of this Ordinance.

(*c*) "The Regulations of Hong Kong (1937 edition)" means the edition of the Regulations of Hong Kong to be prepared under the authority of this Ordinance.

Appointment of editor.

3. The Governor may appoint a fit and proper person as editor to prepare the Ordinances of Hong Kong (1937 edition) and the Regulations of Hong Kong (1937 edition).

Powers of editor.

4. In the preparation of the Ordinances of Hong Kong (1937 edition), the editor shall have the following powers:—

(1) to omit—

(*a*) Ordinances or parts of Ordinances which have been repealed;

(*b*) introductory words of enactment;

(*c*) headings or parts of headings of divisions or subdivisions of Ordinances which in the opinion of the editor are not necessary to the proper interpretation of the Ordinances;

(*d*) regulations contained in Schedules to Ordinances which in the opinion of the editor can conveniently be included in the Regulations of Hong Kong (1937 edition):

(2) to insert in their proper places in such Ordinances as have been amended all the provisions of the Ordinances amending the same as indicated therein as if the said amended Ordinances had been ordered to be printed as amended by such amending Ordinances; and further, where all the amendments made by such amending Ordinances are so inserted as aforesaid so that the object of such Ordinances has been effected, to treat the remainder of such Ordinances as exhausted and to omit the same:

(3) to make grammatical and typographical amendments and to revise the punctuation where in the opinion of the editor such amendment or revision is necessary:

(4) to substitute—

(*a*) figures for words, and

(*b*) in references to Ordinances, the serial number for the short title,

or *vice versa*, where in the opinion of the editor such substitution is convenient:

(5) to adopt a convenient standard form in all Ordinances for the interpretation sections and for the sections giving power to make regulations:

(6) to recast the marginal notes and references to the sections of Ordinances, and the headings of divisions or sub-divisions of Ordinances, where in the opinion of the editor such recasting is necessary:

(7) to make such formal alterations to names, localities, offices, titles and otherwise as may be necessary to bring any Ordinance into conformity with the circumstances of the Colony in the year 1937: and

(8) to do all such things relating to form and method as may be necessary for the perfecting of the Ordinances of Hong Kong (1937 edition).

Numbering of Ordinances.

5. The numbering of the Ordinances contained in the Ordinances of Hongkong, 1844-1923, and of the Ordinances passed after the 31st day of December, 1923, and of the sections of any such Ordinances shall be preserved unless any alteration of such numbering shall be authorized by the special Ordinances referred to in section 6 (1).

Ordinances to be prepared by editor for the purposes of revision.

6.—(1) All omissions and amendments in the Ordinances of Hong Kong (1937 edition), other than those referred to in section 4, shall be collected by the editor and submitted to the Legislative Council in the form of one or more Ordinances.

(2) Where a later Ordinance, the object of which is to amend an earlier Ordinance, contains new matter which cannot be inserted in the earlier Ordinance in the manner indicated by section 4 (2), and it is expedient that such new matter should be incorporated in the earlier Ordinance, it shall be lawful for the editor to effect such incorporation by one of the Ordinances mentioned in sub-section (1): and when all of such new matter has been incorporated, and the amendments, if any, in such later Ordinance have been inserted in their proper places as indicated by section 4 (2) so that the object of the later Ordinance has been effected, the remainder of the said later Ordinance shall be treated as exhausted and omitted from the Ordinances of Hong Kong (1937 edition).

(3) Without prejudice to the generality of the provisions of sub-section (1), the following omissions shall be held to be included therein:—

(*a*) Ordinances or parts of Ordinances which have expired or have become spent or have lost their effect or are no longer required;

(*b*) repealing sections, and tables and lists of repealed enactments, in schedules or otherwise;

(*c*) preambles or parts of preambles, to Ordinances which in the opinion of the editor no longer serve any useful purpose; and

(*d*) sections prescribing the date when, or the method by which, any Ordinance, or any part of any Ordinance, is to come into force, where the omission in the opinion of the editor can conveniently be made: Provided that in all cases a note shall be inserted at the head of all Ordinances of the date of their commencement.

Extent of revision of Ordinances. *

7.—(1) The Ordinances of Hong Kong (1937 edition) shall include all the Ordinances in force on the 1st day of January, 1938, and also any unrepealed Ordinance passed before but not brought into force on or before that date, and shall be comprised in two or more volumes, as may be necessary.

(2) The editor shall further prepare and issue as part of his undertaking—

(*a*) a chronological table of all the Ordinances of the Colony, including those which have been repealed or which were not included in the Ordinances of Hongkong, 1844-1923: Provided that he may for such purpose adopt the chronological table prepared for the Ordinances of Hongkong, 1844-1923, by Arthur Dyer Ball, Esquire;

(*b*) a full and complete index to the subject-matter of all Ordinances contained in the Ordinances of Hong Kong (1937 edition); and

* As amended by No. 15 of 1937 [24.9.37].

(*c*) such indexes and tables of reference to the aforesaid or other matters as he may consider necessary for perfecting the Ordinances of Hong Kong (1937 edition),

all of which things shall be included in one or more supplementary volumes separate and distinct from those containing the Ordinances, and shall, together with the volumes containing the Ordinances, form one edition entitled " The Ordinances of Hong Kong (1937 edition) ".

Collection of regulations.

8. The editor shall further prepare and issue in two or more volumes a collection of the regulations in force in the Colony on the 1st day of January, 1938, to be known as the Regulations of Hong Kong (1937 edition), omitting—*

(i) regulations of particular and not of general application; and

(ii) save by reference only, regulations contained in Schedules to Ordinances which in the opinion of the editor cannot conveniently be included in the said collection,

and including—

(i) regulations contained in Schedules to Ordinances which in his opinion can conveniently be so included;

(ii) in an Appendix, such other Government Notifications as he may think desirable for the purposes of convenient reference; and

(iii) such indexes and tables of reference to the aforesaid or other matters as he may consider necessary for perfecting the Regulations of Hong Kong (1937 edition),

and for these purposes the editor shall have the same powers, as nearly as may be, with regard to regulations, as he has with regard to Ordinances under section 4.

Approval of new editions of Ordinances and Regulations by proclamation.

9.—(1) Each volume of the Ordinances of Hong Kong (1937 edition) after it is printed shall, by general order of the Governor in that behalf, be impressed on the title page thereof with the seal of the Colony.

* As amended by No. 15 of 1937 [24.9.37].

(2) After the printing of each of the volumes containing the Ordinances, and after the passing of the special Ordinances referred to in section 6 relating to the Ordinances contained in that volume, the said volume shall be laid before the Legislative Council for approval, and such approval, if given, shall be notified by proclamation of the Governor.

(3) The supplementary volumes referred to in section 7 (2) and the volumes of the Regulations of Hong Kong (1937 edition) shall similarly be laid before the Legislative Council for approval as soon as conveniently may be after the printing of each volume, and such approval, if given, shall similarly be notified by proclamation of the Governor.

Preservation of Ordinances.

10.—(1) A copy of this Ordinance and of all Ordinances passed after the 3rd day of December, 1936, certified under the hand of the Governor and the seal of the Colony shall, as soon as conveniently may be after they have been passed by the Legislative Council and assented to by the Governor, be transmitted by the Clerk of Councils to the Registrar of the Supreme Court, who shall preserve them for record together with the collection of Ordinances of the Colony from the commencement thereof down to and inclusive of Ordinance No. 30 of 1886, and the sealed copies of all the Ordinances subsequent to Ordinance No. 30 of 1886 already preserved in the Registry of the Supreme Court.

Originals.

(2) All such sealed copies and all the copies contained in the said collection shall be deemed to be the originals.

Copy of Ordinances of Hongkong, 1844-1923, to be preserved.

(3) The Registrar of the Supreme Court shall also obtain and preserve a copy of the Ordinances of Hongkong, 1844-1923.

Variations between the Ordinances of Hongkong, 1844-1923, and originals.

Ordinance No. 18 of 1923.

(4) In so far as there are variations between the Ordinances of Hongkong, 1844-1923, and the aforesaid originals in the case of Ordinances passed up to the end of the year 1923, such originals shall be deemed to have been amended by, and such variations shall be deemed to have been authorized by, the Ordinances of Hongkong, 1844-1923, Ordinance, 1923.

* As amended by Law Rev. Ord., 1937.

(5) Subject to the provisions of section 11 (1), any original within the meaning of sub-section (2) and any Ordinance contained in the Ordinances of Hongkong, 1844-1923, may be proved respectively by a certified copy of such original and by a certified copy of such Ordinance as contained in the Ordinances of Hongkong, 1844-1923, or, by order of a judge, by production by the Registrar of the Supreme Court of such original or of such Ordinance as contained in the Ordinances of Hongkong, 1844-1923. Subject, however, to any objection being taken, any such original or any Ordinance contained in the Ordinances of Hongkong, 1844-1923, may be proved by the production of a copy of the Gazette or of a copy of any collection of Ordinances, purporting to be printed by the Government Printers, containing a copy of such original, or of a volume of the Ordinances of Hongkong, 1844-1923, purporting to be impressed on the title page thereof with the seal of the Colony, containing such Ordinance. Proof of Ordinances.

(6) Any person shall be entitled to inspect any such originals or the copy of the Ordinances of Hongkong, 1844-1923, during office hours on payment of twenty-five cents for each inspection not exceeding three hours, and to take copies or extracts therefrom for certification by the Registrar of the Supreme Court on payment of twenty-five cents per folio of seventy-five words for each copy or extract. Inspection of originals and Ordinances of Hongkong, 1844-1923.

11.—(1) From the date of each proclamation referred to in section 9 (2), the volume of the Ordinances of Hong Kong (1937 edition) referred to in such proclamation shall be deemed to be, and shall be, without any question, in all courts and for all purposes whatsoever, the sole and only proper statute book of the Ordinances contained therein. From the date of the said proclamation, in so far as there may be variations between the Ordinances contained in the Ordinances of Hong Kong (1937 edition) and the Ordinances of Hongkong, 1844-1923, or between the Ordinances contained in the Ordinances of Hong Kong (1937 edition) and the originals preserved by the Registrar of the Supreme Court of Ordinances passed between the commencement of the year 1924 and the end of the year 1937, the Ordinances contained in the Ordinances of **Validity and operation of the Ordinances of Hong Kong (1937 edition) and the Regulations of Hong Kong (1937 edition).** *

* As amended by No. 15 of 1937 [24.9.37].

Hongkong, 1844-1923, and the Ordinances passed during the said period shall be deemed to have been amended by, and such variations to have been authorized by, this Ordinance:

Provided that nothing in this section shall affect the operation of any Ordinance which may be passed before the issue of such proclamation, for the repeal, alteration or amendment of any earlier Ordinance, after such Ordinance has been printed in the Ordinances of Hong Kong (1937 edition).

(2) Subject to the provisions of section 8, each volume of the Regulations of Hong Kong (1937 edition) shall contain all the regulations made in pursuance of the powers conferred by the Ordinances contained in a corresponding volume of the Ordinances of Hong Kong (1937 edition), and from and after the date of any proclamation under section 9 (3) relating to such volume of the Regulations—

(*a*) the volume shall for all purposes be deemed to contain all the regulations in force under and by virtue of the Ordinances in the corresponding volume of the Ordinances of Hong Kong (1937 edition) on the 1st day of January, 1938;

(*b*) any regulations which, although in force in the Colony on the 1st day of January, 1938, under and by virtue of the said Ordinances, are not contained in the said volume of regulations, shall be deemed to have been repealed; and

(*c*) in so far as there may be variations between the regulations in force in the Colony on the 1st day of January, 1938, and the same regulations as printed in the Regulations of Hong Kong (1937 edition) the regulations in force on the 1st day of January, 1938, shall be deemed to have been repealed and the regulations as printed in the said edition of the Regulations shall be deemed to have been substituted therefor.

Construction of references to former editions of Ordinances.

12. Where in any existing enactment or in any existing document of whatever kind reference is made to an Ordinance which is affected by or under the operation of this Ordinance, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding enactment as contained in the Ordinances of Hong Kong (1937 edition).

13. This Ordinance shall be printed as the first of the Ordinances to be contained in the Ordinances of Hong Kong (1937 edition).

Place of this Ordinance in the Ordinances of Hong Kong (1937 edition).

[s. 14, *rep.* Law Revision Ordinance, 1937.]