THE
ORDINANCES OF HONGKONG.

No. 18 of 1923.

An Ordinance to authorise the publication of an edition of the Ordinances of the Colony, to be known as "The Ordinances of Hongkong, 1844-1923".

[*Originally* No. 18 of 1923. — Law Rev. Ord., 1924.] *

[28th September, 1923.]

1. This Ordinance may be cited as the Ordinances of Hongkong, 1844-1923, Ordinance, 1923. Short title.

2. In this Ordinance,

(*a*) "New Revised Edition" means the New Revised Edition of the Ordinances of Hongkong prepared by Chaloner Grenville Alabaster, Esquire, and authorised to be used by proclamation of the Governor, dated the 28th day of August, 1913, and made in virtue of Ordinance No. 19 of 1911. Interpretation.

(*b*) "The Ordinances of Hongkong, 1844-1923" means the edition of the Ordinances of Hongkong authorised by this Ordinance.

3. The Governor may appoint some fit and proper person as editor to prepare the Ordinances of Hongkong, 1844-1923. Appointment of editor. †

* As amended by Law Rev. Ord., 1923.
† *See* G. N. No. 447 of 1923.

Powers of editor.

4. In the preparation of the Ordinances of Hongkong, 1844-1923, the editor shall have the following powers with regard to the Ordinances included therein:—

(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(*a*) Ordinances or parts of Ordinances which have been repealed;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 sub-divisions of Ordinances which in the opinion of the editor are not necessary to the proper interpretation of the Ordinances;

(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 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 versâ*, where in the opinion of the editor such substitutions are 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 of 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; and

(7) to do all such things relating to form and method which may be necessary for the perfecting of the Ordinances of Hongkong, 1844-1923.

Numbering of Ordinances.

5. The numbering of the Ordinances contained in the New Revised Edition and of the Ordinances passed after the 31st day of December, 1912, and of the sections of any such Ordinances, shall be preserved unless any alteration of such numbering shall be authorised 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 comprised in the Ordinances of Hongkong, 1844-1923, 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

* As amended by Law Rev. Ord., 1924.

the said Law Revision Ordinances: 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 Hongkong, 1844-1923.

(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;

(*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.

Extent of revision. *

7.—(1) The Ordinances of Hongkong, 1844-1923, shall include all the Ordinances in force on the 31st day of December, 1923, 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 New Revised Edition: Provided that he may for such purpose adopt the chrono-

* As amended by Law Rev. Ord., 1924.

logical table prepared for the New Revised Edition by Chaloner Grenville Alabaster, Esquire;

(*b*) a full and complete index to the subject-matter of all Ordinances contained in the Ordinances of Hongkong, 1844-1923;

(*c*) in so far as it may be practicable, a collection of such Orders of His Majesty in Council, treaties, constitutional documents and Acts of the Imperial Parliament as relate to or affect the Colony or extracts therefrom as he may deem fit; and

(*d*) such indexes and tables of references to the aforesaid or other matters as he may consider necessary for perfecting the Ordinances of Hongkong, 1844-1923,

all of which things, whether or not included in one or more supplementary volumes separate and distinct from those containing the Ordinances, shall, together with the volumes containing the Ordinances, form one edition entitled "The Ordinances of Hongkong, 1844-1923."

Approval of new edition by proclamation.

8.—(1) Each volume of the edition before it is issued shall, by general order of the Governor in that behalf, be impressed on the title page thereof with the seal of the Colony.

(2) After the publication of the last of the volumes containing the Ordinances, and after the passing of the special Ordinances referred to in section 6, the said volumes 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) shall be similarly laid before the Legislative Council for approval as soon as conveniently may be after the publication of each volume, and such approval, if given, shall be similarly notified by proclamation of the Governor.

[s. 9, *rep.* Law Revision Ordinance, 1924.]

Preservation of Ordinances. *

10.—(1) A copy of this Ordinance and of all Ordinances passed after the 27th day of September, 1923, 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 New Revised Edition to be preserved. (3) The Registrar of the Supreme Court shall also obtain and preserve a copy of the New Revised Edition.

Variations between the New Revised Edition, and originals. (4) In so far as there are variations between the New Revised Edition, and the aforesaid originals in the case of Ordinances passed up to the end of the year 1912, such

* As amended by Law Rev. Ord., 1924.

originals shall be deemed to have been amended by, and such variations shall be deemed to have been authorised by, the Statute Laws (New Revised Edition) Ordinance, 1911. [s. 10 *contd.*] Ordinance No. 19 of 1911.

(5) Subject to the provisions of section 11, any original within the meaning of sub-section (2) and any Ordinance contained in the New Revised Edition may be proved respectively by a certified copy of such original and by a certified copy of such Ordinance as contained in the New Revised Edition, 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 New Revised Edition. Subject, however, to any objection being taken, any such original or any Ordinance contained in the New Revised Edition 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 New Revised Edition 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 New Revised Edition 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 New Revised Edition.

Validity and operation of the Ordinances of Hongkong, 1844-1923.

11. From the date of the proclamation referred to in section 8 (2), the Ordinances of Hongkong, 1844-1923, shall be deemed to be, and shall be, without any question, in all courts and for all other purposes whatsoever, the sole and only proper statute book of the Colony up to the date of the latest 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 Hongkong, 1844-1923, and the New Revised Edition, or between the Ordinances contained in the Ordinances of Hongkong, 1844-1923, and the originals preserved by the Registrar of the Supreme Court of Ordinances passed between the commencement of the year 1913 and the end of the year 1923, the Ordinances contained in the New Revised Edition and the Ordinances passed during the said period shall be deemed to have been amended by, and such variations to have been authorised 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 Hongkong, 1844-1923.

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 practic-

* As amended by Law Rev. Ord., 1924.

able, be deemed to extend and apply to the corresponding enactment as contained in the Ordinances of Hongkong, 1844-1923.

13. This Ordinance shall be printed as the first of the Ordinances to be contained in the Ordinances of Hongkong, 1844-1923. Place of this Ordinance in the Ordinances of Hongkong, 1844-1923.

[s. 14, *rep.* Law Revision Ordinance, 1924.]