

PROCLAMATIONS.

No. 3.

[L.S.] FRANCIS HENRY MAY,
Governor.

By His Excellency Sir FRANCIS HENRY MAY Knight Commander of the Most Distinguished Order of Saint Michael and Saint George Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies and Vice-Admiral of the same :

Whereas by Article XXI of the Letters Patent intituled "Letters Patent passed under the Great Seal of the United Kingdom constituting the Office of Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies" and dated the 14th day of February 1917 it is directed and enjoined that the said Letters Patent shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit and shall come into operation on a day to be fixed by the Governor by Proclamation :

And whereas I have thought fit that the said Letters Patent shall be read and proclaimed in the presence of the Legislative Council of the Colony on this 19th day of April 1917 at the Council Chamber and that they shall come into operation on the 20th day of April 1917 and whereas they have been so read accordingly :

Now therefore I Sir FRANCIS HENRY MAY Knight Commander of the Most Distinguished Order of Saint Michael and Saint George Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies and Vice-Admiral of the same in pursuance of the said Article and by virtue of the powers thereby vested in me do hereby proclaim the said Letters Patent accordingly and do direct that they shall come into operation on the 20th day of April 1917.

Given at the Council Chamber, Victoria, in the Colony of Hongkong, this 19th day of April 1917.

By Command,

CLAUD SEVERN,
Colonial Secretary.

GOD SAVE THE KING.

HONGKONG.

LETTERS PATENT passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies.

*Dated 14th
February 1917.*

George the Fifth by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting.

*Recites Letters
Patent of 19th
January 1888.*

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Nineteenth day of January 1888, Her Majesty Queen Victoria did constitute the office of Governor and Commander-in-Chief in and over the Colony of Hongkong and its Dependencies, as therein described, and did provide for the Government thereof :

Letters Patent constituting the Office of
Governor and Commander-in-Chief of the Colony of
Hongkong.

And whereas by Orders of Her said Majesty in Her Privy Council bearing date respectively the Twentieth day of October 1898, and the Twenty-seventh day of December 1899, certain territories adjacent to the said Colony were, for the term therein referred to, declared to be part and parcel of the Colony in like manner and for all intents and purposes as if they had originally formed part of the Colony :

Recites Orders in Council of 20th October 1898 and 27th December 1899.

And whereas We are minded to make other provision in lieu of the above recited Letters Patent of the Nineteenth day of January 1888 :

Now, know ye that We do by these presents revoke the above recited Letters Patent of the Nineteenth day of January 1888, but without prejudice to anything lawfully done thereunder; and We do by these Our Letters Patent declare Our Will and Pleasure as follows :---

Revokes Letters Patent of 19th January 1888.

I. There shall be a Governor and Commander-in-Chief in and over Our Colony of Hongkong and its Dependencies (hereinafter called the Colony), and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

Office of Governor constituted.

II. We do hereby authorise, empower, and command Our said Governor and Commander-in-Chief (hereinafter called the Governor) to do and execute all things that belong to his said office, according to the tenour of these Our Letters Patent and of any Commission issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him, under Our Sign Manual and Signet, or by Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Colony.

Governor's powers and authorities.

III. Every person appointed to fill the office of Governor shall, with all due solemnity, before entering upon any of the duties of his office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice or other Judge of the Supreme Court, and of such Members of the Executive Council of the Colony as can conveniently attend; which being done he shall then and there take before them the Oath of Allegiance, in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the reign of Her Majesty Queen Victoria, intituled "An Act to amend the Law relating to Promissory Oaths"; and likewise the usual Oath for the due execution of the office of Governor and for the due and impartial administration of justice; which Oaths the said Chief Justice or Judge, or if they be unavoidably absent, the senior Member of the Executive Council then present, is hereby required to administer.

Publication of Governor's Commission.

Oaths to be taken by Governor.

Imperial Act, 31 & 32 Vict. c. 72.

IV. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Public Seal.

Public Seal.

V. There shall be an Executive Council in and for the Colony, and the said Council shall consist of such persons as We shall direct by Instructions under Our Sign Manual and Signet, and all such persons shall hold their places in the said Council during Our pleasure. The Governor may upon sufficient cause to him appearing suspend from the exercise of his functions in the Council any Member thereof pending the signification of Our pleasure, giving immediate notice to Us through one of Our Principal Secretaries of State. If the suspension is confirmed by Us through one of Our Principal Secretaries of State the Governor shall forthwith by an instrument under the Public Seal of the Colony revoke the appointment of such Member, and thereupon his seat in the Council shall become vacant.

Executive Council.

VI. There shall be a Legislative Council in and for the Colony, and the said Council shall consist of the Governor and such persons as We shall direct by any Instructions under Our Sign Manual and Signet, and all such persons shall hold their places in the said Council during Our

Legislative Council.

pleasure. The Governor may upon sufficient cause to him appearing suspend from the exercise of his functions in the Council any Member thereof pending the signification of Our pleasure, giving immediate notice to Us through one of Our Principal Secretaries of State. If the suspension is confirmed by Us through one of Our Principal Secretaries of State the Governor shall forthwith by an instrument under the Public Seal of the Colony revoke the appointment of such Member, and thereupon his seat in the Council shall become vacant.

Governor, with advice and consent of Council, to make Laws.

VII. The Governor, by and with the advice and consent of the Legislative Council, may make laws for the peace, order, and good government of the Colony.

Disallowance of Laws.

VIII. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority to disallow, through one of Our Principal Secretaries of State, any such law as aforesaid. Every such disallowance shall take effect from the time when the same shall be promulgated by the Governor in the Colony.

Power of legislation reserved to the Crown.

IX. We do also reserve to Ourselves, Our heirs and successors, Our and their undoubted right, with the advice of Our or their Privy Council, to make all such laws as may appear necessary for the peace, order, and good government of the Colony.

Assent to Bills.

X. When a Bill passed by the Legislative Council is presented to the Governor for his assent he shall, according to his discretion, but subject to any Instructions addressed to him under Our Sign Manual and Signet or through one of Our Principal Secretaries of State, declare that he assents thereto, or refuses his assent to the same, or that he reserves the same for the signification of Our pleasure.

Reserved Bills.

XI. A Bill reserved for the signification of Our pleasure shall take effect so soon as We shall have given Our assent to the same by Order in Council, or through one of Our Principal Secretaries of State, and the Governor shall have signified such assent by message to the Legislative Council or by proclamation: Provided that no such message shall be issued after two years from the day on which the Bill was presented to the Governor for his assent.

Governor and Legislative Council to observe Instructions.

XII. In the making of any laws the Governor and the Legislative Council shall conform to and observe all rules, regulations, and directions in that behalf contained in any Instructions under Our Sign Manual and Signet.

Land grants.

XIII. The Governor, in Our name and on Our behalf, may make and execute, under the Public Seal of the Colony, grants and dispositions of any lands which may be lawfully granted or disposed of by Us. Provided that every such grant or disposition be made in conformity either with some law in force in the Colony or with some Instructions addressed to the Governor under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, or with some regulations in force in the Colony.

Governor empowered to appoint Judges and other officers.

XIV. The Governor may constitute and appoint all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers in the Colony, as may lawfully be constituted or appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

Grant of pardon.

XV. When any crime or offence has been committed within the Colony, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender

convicted of any crime or offence in any Court, or before any Judge or other Magistrate within the Colony, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence for such period as the Governor thinks fit, and may remit any fines, penalties, or forfeitures due or accrued to Us. Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself or be removed from the Colony.

Remission of fines.

Proviso. Banishment prohibited.

Exception. Political offences.

XVI. The Governor may, upon sufficient cause to him appearing, dismiss any public officer not appointed by virtue of a Warrant from Us, whose pensionable emoluments do not exceed one thousand dollars or one hundred pounds sterling a year, according as the said emoluments are fixed with reference to dollars or to pounds sterling as the case may be, provided that in every such case the grounds of intended dismissal are definitely stated in writing and communicated to the officer in order that he may have full opportunity of exculpating himself, and that the matter is investigated by the Governor with the aid of the head of the time being of the department in which the officer is serving.

Dismissal and suspension of officers.

The Governor may, upon sufficient cause to him appearing, also suspend from the exercise of his office any person holding any office in the Colony whether appointed by virtue of any Commission or Warrant from Us, or in Our name, or by any other mode of appointment. Such suspension shall continue and have effect only until Our pleasure therein shall be signified to the Governor. If the suspension is confirmed by one of Our Principal Secretaries of State, the Governor shall forthwith cause the officer to be so informed, and thereupon his office shall become vacant. In proceeding to any such suspension, the Governor is strictly to observe the directions in that behalf given to him by Our Instructions as aforesaid.

XVII. Whenever the office of Governor is vacant, or if the Governor become incapable, or be absent from the Colony, Our Lieutenant Governor of the Colony, or if there shall be no such Officer therein, then such person or persons as may be appointed under the Royal Sign Manual and Signet, and in default of any such appointment, the person lawfully discharging the functions of Colonial Secretary shall during Our pleasure administer the Government of the Colony, first taking the Oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed; which being done, We do hereby authorise, empower, and command Our Lieutenant Governor, or any other such Administrator as aforesaid, to do and execute, during Our pleasure, all things that belong to the office of Governor and Commander-in-Chief, according to the tenour of these Our Letters Patent, and according to Our Instructions as aforesaid, and the laws of the Colony.

Succession to Government.

Proviso. Oaths of Office.

Powers, &c., of Administrator.

XVIII. And We do hereby require and command all Our officers and ministers, civil and military, and all other the inhabitants of the Colony, to be obedient, aiding and assisting unto the Governor and to any person for the time being administering the Government of the Colony.

Officers and others to obey and assist Governor.

XIX. In these Our Letters Patent the term "the Governor," shall include every person for the time being administering the Government of the Colony.

Term "Governor" explained.

XX. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

Power reserved to His Majesty to revoke, alter, or amend present Letters Patent.

XXI. And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within the

Publication of Letters Patent.

Colony as the Governor shall think fit, and shall come into operation on a day to be fixed by the Governor by Proclamation.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Fourteenth day of February, in the Seventh year of Our Reign.

By Warrant under the King's Sign Manual,

SCHUSTER.

HONGKONG.

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies.

GEORGE R.I.

*Dated 14th
February, 1917.*

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Hongkong and its Dependencies or other Officer for the time being administering the Government of Our said Colony and its Dependencies.

Preamble.

Recites Letters
Patent of even date.

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We have made provision for the office of Governor and Commander-in-Chief (therein and hereinafter called the Governor) in and over Our Colony of Hongkong and its Dependencies (therein and hereinafter called the Colony):

And whereas We have thereby authorised and commanded the Governor to do and execute all things that belong to his said office according to the tenour of Our said Letters Patent and of any Commission issued to him under Our Sign Manual and Signet and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Order in Our Privy Council or by Us through one of Our Principal Secretaries of State and to such laws as are now or shall hereafter be in force in the Colony:

Recites Instruc-
tions of 19th
January 1888 and
Additional Instruc-
tions of 7th July
1896.

And whereas Her Majesty Queen Victoria did issue certain Instructions to the Governor under Her Sign Manual and Signet bearing date the Nineteenth day of January 1888, and certain Additional Instructions bearing date the Seventh day of July 1896:

And whereas We are minded to substitute fresh Instructions for the aforesaid Instructions and Additional Instructions:

Revokes Instruc-
tions of 19th
January 1888 and
Additional Instruc-
tions of 7th July
1896.

Now therefore We do, by these Our Instructions under Our Sign Manual and Signet, revoke as from the date of the coming into operation of Our said recited Letters Patent, the aforesaid Instructions of the Nineteenth day of January 1888 and the aforesaid Additional Instructions of the Seventh day of July 1896, but without prejudice to anything lawfully done thereunder, and instead thereof We do direct and enjoin and declare Our will and pleasure as follows:—

Administration of
Oaths.

I. The Governor may, whenever he thinks fit, require any person in the public service of the Colony to take the Oath of Allegiance, in the form prescribed by the Act mentioned in Our said recited Letters Patent, together with such other Oath or Oaths as may from time to time be prescribed by

INSTRUCTIONS to the
Governor and Commander-in-Chief of the Colony of
Hongkong.

any laws in force in the Colony. The Governor is to administer such Oaths, or to cause them to be administered by some public officer of the Colony.

II. The Executive Council of the Colony shall consist of the Lieutenant-Governor of the Colony (if any), the Senior Military Officer for the time being in command of Our regular troops within the Colony, the persons for the time being lawfully discharging the functions of Colonial Secretary, of Attorney-General, and of Treasurer of the Colony, who are hereinafter referred to as *ex officio* Members, and of such other persons as at the date of the coming into operation of Our said recited Letters Patent are Members of the said Council, or as We may from time to time appoint by any Instructions or Warrant under Our Sign Manual and Signet, or as the Governor in pursuance of Instructions from Us through one of Our Principal Secretaries of State may from time to time appoint under the Public Seal of the Colony.

Constitution of
Executive Council.

III. Whenever any Member, other than an *ex officio* Member, of the Executive Council of the Colony shall, by writing under his hand, resign his seat in the Council, or shall die, or be declared by the Governor by an Instrument under the Public Seal of the Colony to be incapable of exercising his functions as a Member of the Council, or be absent from the Colony, or shall be acting in an office the holder of which is an *ex officio* Member of the Council, or shall be suspended from the exercise of his functions as a Member of the Council, the Governor may, by an Instrument under the Public Seal of the Colony, provisionally appoint any public officer to be temporarily an Official or Unofficial Member of the Council, and any person not a public officer to be temporarily an Unofficial Member of the Council in the place of the Member so resigning, or dying, or being suspended, or declared incapable, or being absent, or sitting as an *ex officio* Member.

Provisional
appointment of
Members of the
Executive Council.

Such person shall forthwith cease to be a Member of the Council if his appointment is disallowed by Us, or if the Member in whose place he was appointed shall be released from suspension, or, ~~in~~ the case may be, shall be declared by the Governor by an Instrument under the Public Seal capable of again discharging his functions in the Council, or shall return to the Colony, or shall cease to sit in the Council as an *ex officio* Member.

IV. The Governor shall, without delay, report to Us, for Our confirmation or disallowance, through one of Our Principal Secretaries of State, every provisional appointment of any person as a Member of the said Executive Council. Every such person shall hold his place in the Council during Our pleasure, and the Governor may by an Instrument under the Public Seal revoke any such appointment.

Such provisional
appointments to
be immediately
reported.

V. The Official Members of the Executive Council shall take precedence of the Unofficial Members, and among themselves shall have seniority and precedence as We may specially assign, and, in default thereof, first, the *ex officio* Members in the order in which their offices are above mentioned (except that the Senior Military Officer, if below the rank of Lieutenant-Colonel in Our Army, shall take precedence after the person lawfully discharging the functions of Attorney-General), and then other Official Members and all Unofficial Members according to the priority of their respective appointments, or if appointed by or in pursuance of the same Instrument, according to the order in which they are named therein.

Precedence.

VI. The Governor shall forthwith communicate these Our Instructions to the Executive Council, and likewise all such others, from time to time, as We may direct, or as he shall find convenient for Our service to impart to them.

Governor to com-
municate Instru-
ctions to Executive
Council.

VII. The Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the Governor, nor unless two Members at the least (exclusive of himself or of the Member presiding), be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

Executive Council
not to proceed to
business unless
summoned by
Governor's
authority.
Quorum.

- Who to preside. VIII. The Governor shall attend and preside at all meetings of the Executive Council, unless when prevented by illness or other grave cause, and in his absence such Member as the Governor may appoint, or in the absence of such Member the senior Member of the Council actually present, shall preside.
- Minutes of Executive Council to be kept. IX. Minutes shall be regularly kept of all the proceedings of the Executive Council; and at each meeting of the Council the Minutes of the last preceding meeting shall be confirmed or amended, as the case may require, before proceeding to the despatch of any other business.
- To be transmitted home twice a year. Twice in each year a full and exact copy of all Minutes for the preceding half year shall be transmitted to Us through one of Our Principal Secretaries of State.
- Governor to consult Executive Council. X. In the execution of the powers and authorities granted to the Governor by Our said recited Letters Patent, he shall in all cases consult with the Executive Council, excepting only in cases which may be of such a nature that, in his judgment, Our service would sustain material prejudice by consulting the Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases he shall, at the earliest practicable period, communicate to the Executive Council the measures which he may so have adopted, with the reasons therefor.
- Governor alone entitled to submit questions. XI. The Governor shall alone be entitled to submit questions to the Executive Council for their advice or decision; but if the Governor decline to submit any question to the Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application, together with the answer returned by the Governor to the same.
- Governor may act in opposition to Executive Council. Reporting grounds for so doing. XII. The Governor may, in the exercise of the powers and authorities granted to him by Our said recited Letters Patent, act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case deem it right to do so; but in any such case he shall fully report the matter to Us by the first convenient opportunity, with the grounds and reasons of his action. In every such case it shall be competent to any Member of the said Council to require that there be recorded at length on the Minutes the grounds of any advice or opinion he may give upon the question.
- Members may require their adverse opinions to be recorded on Minutes.
- Constitution of Legislative Council. XIII. The Legislative Council of the Colony shall consist of the Governor, the Lieutenant Governor (if any), the Senior Military Officer for the time being in command of Our regular troops within the Colony, the persons for the time being lawfully discharging the functions of Colonial Secretary, Attorney-General, and Treasurer of the Colony, and such other persons holding office in the Colony, and not exceeding three in number at any one time, as at the date of the coming into operation of Our said recited Letters Patent are Official Members of the said Council, or as We may from time to time appoint by any Instructions or Warrants under Our Sign Manual and Signet, or as the Governor, in pursuance of Instructions from Us, through one of Our Principal Secretaries of State, may from time to time appoint by an Instrument under the Public Seal of the Colony, and all such persons shall be styled Official Members of the Legislative Council; and further of such persons, not exceeding six in number at any one time, as at the date of the coming into operation of Our said recited Letters Patent are Unofficial Members of the said Council, or as the Governor, in pursuance of Instructions from Us, through one of Our Principal Secretaries of State, may from time to time appoint by an Instrument under the Public Seal of the Colony, and all such persons shall be styled Unofficial Members of the Legislative Council.
- Official Members.
- Unofficial Members.

XIV. Whenever any Official Member other than an *ex officio* Member of the Legislative Council of the Colony shall, by writing under his hand, resign his seat in the Council, or shall die, or be suspended from the exercise of his functions as a Member of the Council, or be declared by the Governor by an Instrument under the Public Seal of the Colony to be incapable of exercising his functions as a Member of the Council, or be absent from the Colony, or shall be acting in an office the holder of which is an *ex officio* Member of the Council, the Governor may, by an Instrument under the Public Seal of the Colony, provisionally appoint some person to be temporarily an Official Member of the Council in the place of the Member so resigning, or dying, or being suspended, or declared incapable, or being absent, or sitting as an *ex officio* Member.

Provisional
appointments in
place of Official
Members
absent, &c.

Such person shall forthwith cease to be an Official Member of the Council if his appointment is disallowed by Us, or if the Member in whose place he was appointed shall return to the Colony, or shall be released from suspension, or shall be declared by the Governor by an Instrument under the Public Seal capable of again discharging his functions in the said Council, or shall cease to sit in the Council as an *ex officio* Member.

The Governor shall, without delay, report to Us, for Our confirmation or disallowance, through one of Our Principal Secretaries of State, every provisional appointment of any person as an Official Member of the Legislative Council. Every such person shall hold his place in the Council during Our pleasure, and the Governor may by an Instrument under the Public Seal revoke any such appointment.

Provisional
appointments to be
immediately
reported.

Revocation of such
appointments.

XV. If any Unofficial Member of the Legislative Council shall die, or become incapable of discharging his functions as a Member of the Council, or be suspended or removed from his seat in the Council, or be absent from the Colony, or if he resign by writing under his hand, or if his seat become vacant, the Governor may, by an Instrument under the Public Seal of the Colony, provisionally appoint in his place a fit person to be temporarily an Unofficial Member of the said Council.

Provisional
appointments in
place of Unofficial
Members
absent, &c.

Such person shall forthwith cease to be a Member if his appointment is disallowed by Us, or if the Member in whose place he was appointed shall return to the Colony, or, as the case may be, shall be released from suspension, or shall be declared by the Governor by an Instrument under the Public Seal capable of again discharging his functions in the said Council.

The Governor shall, without delay, report to Us, for Our confirmation or disallowance, to be signified through one of Our Principal Secretaries of State, every provisional appointment of any person as an Unofficial Member of the Legislative Council. Every such person shall hold his place in the Council during Our pleasure, and the Governor may by an Instrument under the Public Seal revoke any such appointment.

Provisional
appointments to be
immediately
reported.

Revocation of such
appointments.

XVI. Every person who at the date of the coming into operation of Our said recited Letters Patent is an Unofficial Member of the Legislative Council may retain his seat until the end of six years from the date of his appointment, and every Unofficial Member appointed after the date of the coming into operation of Our said recited Letters Patent shall vacate his seat at the end of six years from the date of the Instrument by which or in pursuance of which he is appointed, unless it is otherwise provided by that Instrument.

Vacation of seats
by Unofficial
Members.

Provided that if any such Member is provisionally appointed to fill a vacant seat in the Council and his provisional appointment is immediately followed by his definitive appointment, the aforesaid period of six years shall be reckoned from the date of the Instrument provisionally appointing him.

Every such Unofficial Member shall be eligible to be re-appointed by the Governor by an Instrument under the Public Seal of the Colony for a further period not exceeding six years, subject to Our approval conveyed through one of Our Principal Secretaries of State.

Seats declared void
in certain cases.

XVII. If any Unofficial Member of the Legislative Council shall become bankrupt or insolvent, or shall be convicted of any criminal offence, or shall absent himself from the Colony for more than three months without leave from the Governor, the Governor may declare in writing that the seat of such Member at the Council is vacant, and immediately on the publication of such declaration he shall cease to be a Member of the Council.

Resignation of
Members.

XVIII. Any Unofficial Member may resign his seat at the Council by writing under his hand, but no such resignation shall take effect until it be accepted in writing by the Governor, or by Us through one of Our Principal Secretaries of State.

Council may
transact business
notwithstanding
vacancies.

Quorum.

XIX. The Legislative Council shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof; but the said Council shall not be competent to act in any case unless (including the Governor or the Member presiding) there be present at and throughout the meetings of the Council five Members at the least.

Precedence of
Members.

XX. The Official Members of the Legislative Council shall take precedence of the Unofficial Members; and among themselves shall take precedence as We may specially assign, and, in default thereof, first the *ex officio* Members, in the order in which their offices are mentioned (except that the Senior Military Officer, if below the rank of Lieutenant-Colonel in Our Army, shall take precedence after the person lawfully discharging the functions of Attorney-General), then other Official Members and all Unofficial Members according to the priority of their respective appointments, or if appointed by or in pursuance of the same Instrument according to the order in which they are named therein.

Every Unofficial Member of the Legislative Council re-appointed immediately on the termination of his term of office shall take precedence according to the date from which he has been continuously a Member of the said Council.

Who to preside.

XXI. The Governor shall attend and preside in the Legislative Council, unless prevented by illness or other grave cause; and in his absence any Member appointed by him in writing shall preside, or in default of such Member, the Member who is first in precedence of those present shall preside.

Questions to be
decided by a
majority.

Governor
to have original
and casting vote.

XXII. All questions proposed for debate in the Legislative Council shall be decided by the majority of votes, and the Governor or the Member presiding shall have an original vote in common with the other Members of the Council, and also a casting vote, if upon any question the votes shall be equal.

Rules and orders
to be made.

XXIII. The Legislative Council may from time to time make standing rules and orders for the regulation of their own proceedings; provided such rules and orders be not repugnant to Our said recited Letters Patent, or to these Our Instructions, or to any other Instructions from Us under Our Sign Manual and Signet.

Question, &c., for
debate.

XXIV. It shall be competent for any Member of the Legislative Council to propose any question for debate therein; and such question, if seconded by any other Member, shall be debated and disposed of according to the standing rules and orders. Provided always that every ordinance, vote, resolution, or question, the object or effect of which may be to dispose of or charge any part of Our revenue arising within the Colony, shall be proposed by the Governor, unless the proposal of the same shall have been expressly allowed or directed by him.

Rules and regula-
tions under which
Ordinances are to
be enacted.

XXV. In the passing of Ordinances the Governor and the Council shall observe, as far as practicable, the following Rules:—

Form of enacting
Ordinances.

1. All laws shall be styled "Ordinances," and the enacting words shall be, "enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof."

2. All Ordinances shall be distinguished by titles, and shall be divided into successive clauses or paragraphs, numbered consecutively, and to every such clause there shall be annexed in the margin a short summary of its contents. The Ordinances of each year shall be distinguished by consecutive numbers, commencing in each year with the number one.

Ordinances to be numbered and methodically arranged.

Except in the case of Bills reserved for the signification of Our pleasure, all Ordinances passed by the Legislative Council in any one year shall, if assented to by the Governor, be assented to by him in that year, and shall be dated as of the day on which the assent of the Governor is given, and shall be numbered as of the year in which they are passed. Bills not so assented to by the Governor, but reserved by him for the signification of Our pleasure, shall be dated as of the day and numbered as of the year on and in which they are brought into operation.

3. Each different matter shall be provided for by a different Ordinance, without intermixing in one and the same Ordinance such things as have no proper relation to each other; and no clause is to be inserted in or annexed to any Ordinance which shall be foreign to what the title of such Ordinance imports, and no perpetual clause shall be part of any temporary Ordinance.

Different subjects not to be mixed in same Ordinance. No clause to be introduced foreign to what title of Ordinance imports. Temporary Ordinances.

XXVI. The Governor shall not, except in the cases hereunder mentioned, assent in Our name to any Bill of any of the following classes:—

Description of Bills not to be assented to.

1. Any Bill for the divorce of persons joined together in holy matrimony:

2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself:

3. Any Bill affecting the Currency of the Colony or relating to the issue of Bank notes:

4. Any Bill establishing any Banking Association, or amending or altering the constitution, powers, or privileges of any Banking Association:

5. Any Bill imposing differential duties:

6. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty:

7. Any Bill interfering with the discipline or control of Our forces by land, sea, or air:

8. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of Our United Kingdom and its Dependencies, may be prejudiced:

9. Any Bill whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable:

10. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us:

Unless in the case of any such Bill as aforesaid the Governor shall have previously obtained Our instructions upon such Bill through one of Our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill until the signification of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorised to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed on Us by treaty. But he is to transmit to Us, by the earliest opportunity, the Bill so assented to, together with his reasons for assenting thereto.

Proviso in cases of emergency for immediate operation of an Ordinance.

XXVII. Every Bill intended to affect or benefit some particular person, association or corporate body shall contain a section saving the rights of Us, Our heirs and successors, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from, and

Private Bills.

under them. No such Bill, not being a Government measure, shall be introduced into the Legislative Council until due notice has been given by not less than two successive publications of the Bill in the *Hongkong Government Gazette*, and in such other manner as may be required by the Standing Rules and Orders for the time being in force; and the Governor shall not assent thereto in Our name until it has been so published. A certificate under the hand of the Governor shall be transmitted to Us with the Bill signifying that such publication has been made.

Ordinances, &c., to be sent home duly authenticated.

XXVIII. When any Ordinance shall have been passed or when any Bill shall have been reserved for the signification of Our pleasure, the Governor shall transmit to Us, through one of Our Principal Secretaries of State, for Our final approval, disallowance or other direction thereupon, a full and exact copy in duplicate of the same, and of the marginal summary thereof, duly authenticated under the Public Seal of the Colony, and by his own signature. Such copy shall be accompanied by such explanatory observations as may be required to exhibit the reasons and occasion for passing such Ordinance or Bill.

Collection of Ordinances to be published every year.

XXIX. At the earliest practicable period at the commencement of each year, the Governor shall cause a complete collection to be published, for general information, of all Ordinances enacted during the preceding year.

Minutes of proceedings of Legislative Council to be kept, and sent home after every meeting.

XXX. Minutes shall be regularly kept of the proceedings of the Legislative Council, and at each meeting of the said Council, the Minutes of the last preceding meeting shall be confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

The Governor shall transmit to Us, through one of Our Principal Secretaries of State, as soon as possible after every meeting a full and exact copy of the Minutes of the said Council.

Surveys and reservations to be made before waste lands are disposed of. Governor not to purchase lands.

XXXI. Before disposing of any vacant or waste land to Us belonging, the Governor shall cause the same to be surveyed, and such reservations to be made thereout as he may think necessary for roads or other public purposes. The Governor shall not, directly or indirectly, purchase for himself any of such lands without Our special permission given through one of Our Principal Secretaries of State.

Appointments to be provisional and during pleasure.

XXXII. All Commissions to be granted by the Governor to any person or persons for exercising any office or employment shall, unless otherwise provided by law, be granted during pleasure only; and whenever the Governor shall appoint to any vacant office or employment, of which the initial emoluments exceed one thousand dollars or one hundred pounds sterling a year, according as the said emoluments are fixed with reference to dollars or to pounds sterling, as the case may be, any person not by Us specially directed to be appointed thereto, he shall, at the same time, expressly apprise such person that such appointment is to be considered only as temporary and provisional until Our allowance or disallowance thereof be signified.

Suspension of Officers.

XXXIII. Before suspending from the exercise of his office any public officer whose annual pensionable emoluments exceed one thousand dollars or one hundred pounds sterling, according as the said emoluments are fixed with reference to dollars or to pounds sterling, as the case may be, the Governor shall signify to such officer, by a statement in writing, the grounds of the intended suspension, and shall call upon him to state in writing the grounds upon which he desires to exculpate himself, and if the officer does not furnish such statement within the time fixed by the Governor, or fails to exculpate himself to the satisfaction of the Governor, the Governor shall appoint a Committee of the Executive Council to investigate the charges made and to make a full report to the Executive Council. The Governor shall forthwith cause such report to be considered by the Council, and shall cause to be recorded on the Minutes whether the Council or the

majority thereof does or does not assent to the suspension; and if the Governor thereupon proceed to such suspension, he shall transmit the report of the Committee and the evidence taken by it, together with the Minutes of the proceedings of the Council, to Us through one of Our Principal Secretaries of State by the earliest opportunity. But if in any case the interests of Our service shall appear to the Governor to demand that a person shall cease to exercise the powers and functions of his office instantly, or before there shall be time to take the proceedings hereinbefore directed, he shall then interdict such person from the exercise of the powers and functions of his office.

XXXIV. Whenever any offender shall have been condemned by the sentence of any Court in the Colony to suffer death, the Governor shall call upon the Judge who presided at the trial to make to him a written report of the case of such offender, and shall cause such report to be taken into consideration at the first meeting of the Executive Council which may be conveniently held thereafter, and he may cause the said Judge to be specially summoned to attend at such meeting and to produce his notes thereat. The Governor shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or reprieve, according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise, entering, nevertheless, on the Minutes of the Executive Council a Minute of his reasons at length, in case he should decide any such question in opposition to the judgment of the majority of the Members thereof.

Regulation of power of pardon in capital cases.

Judge's report to be laid before Executive Council.

Governor to take advice of Executive Council in such cases.

May exercise his own judgment; entering his reasons on Council Minutes, if unable to accept the advice of the majority.

XXXV. The Governor shall punctually forward to Us from year to year, through one of Our Principal Secretaries of State, the annual book of returns for the Colony, commonly called the Blue Book, relating to the Revenue and Expenditure, Defence, Public Works, Legislation, Civil Establishments, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agriculture, Produce, Manufactures, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of the Colony.

Blue Book.

XXXVI. The Governor shall not upon any pretence whatever quit the Colony without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Governor's absence.

XXXVII. In these Our Instructions the term "the Governor" shall, unless inconsistent with the context, include every person for the time being administering the Government of the Colony.

Term "the Governor" explained.

Given at Our Court at Saint James's, this Fourteenth day of February, 1917, in the Seventh year of Our Reign.

EXECUTIVE COUNCIL.

No. 161.

Order made by the Governor in Council under Sub-section (2) of Section 3 of the Trading with the Enemy (Extension of Powers) Ordinance, 1916, Ordinance No. 4 of 1916, on the 19th day of April, 1917.

The list which was published in the *Gazette* of the 21st July, 1916, of persons and bodies of persons, incorporated or unincorporated, with whom trading is prohibited by the Trading with the Enemy (Statutory List) Proclamation, Hongkong, 1916, No. 3, and