

LegCo InfoPack 2011 - 2012

InfoPack No. LC03/2011-12

Royal Instructions

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Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
Tel: (852) 3919 3179
Email: library@legco.gov.hk
Website: <http://library.legco.gov.hk>

Introduction

To promote and facilitate understanding of the Legislative Council ("LegCo") of the Hong Kong Special Administrative Region, LegCo InfoPacks are compiled by the LegCo Library to facilitate users' access to relevant information on the history, work, people and other aspects of LegCo.

This InfoPack contains copies of documents providing information on the Royal Instructions and their enactment history. The sources of information in this InfoPack are *Gazettes* published between 1896 and 1995 and books entitled *Government and Politics* and *The Laws of Hong Kong*.

Legislative Council Library
December 2011

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Issue date	The Royal Instructions of 6 April 1843	Encl.
6 April 1843	<p>The Royal Instructions of 6 April 1843 provided instructions for setting up the Executive Council and the Legislative Council as well as regulating their work.</p> <p>(reproduced from Tsang, Steve (ed.) (1995) <i>Government and Politics</i>, Hong Kong University Press)</p>	1

Amendments to the Royal Instructions

Amendment date	Amendment	Gazette	Encl.
19 January 1888	<p>Revocation of the Instructions of 11 October 1886 ^{Note 1}</p> <p>(reproduced from Alabaster, Chaloner Grenville (1913) <i>The Laws of Hong Kong</i>, Hong Kong Government Printers)</p>	Not applicable	2
7 July 1896	<p>(a) Revocation of clauses 13 and 16 of the Instructions of 19 January 1888</p> <p>(b) Additional instructions to reconstruct the Legislative Council</p>	G.N. 313 of 1896	3
14 February 1917	<p>(a) Revocation of the Instructions of 19 January 1888 and the Additional Instructions of 7 July 1896</p> <p>(b) Substitution of fresh Instructions</p>	Proc. No. 3 of 1917	4

Note 1. There is no available publication containing the Instructions of 11 October 1886.

Amendments to the Royal Instructions (cont'd)

Amendment date	Amendment	Gazette	Encl.
4 January 1929	Revocation of clauses II, XIII, XIV and XV of the Instructions of 14 February 1917 ("Instructions of 1917")	G.N. 20 of 1929	5
7 July 1938	Revocation of the Additional Instructions and replacement of clauses II, V, XIII, XIV, XVI, XVIII, XX and XXXII, and revocation of clause XXXIII of the Instructions of 1917	G.N. 519 of 1938	6
1 March 1955	Revocation of clauses V and XX of the Instructions of 1917 Replacement of clauses VIII and XXI of the Instructions of 1917	G.N.A. 20 of 1955	7
1 July 1964	Amendment of clause XIII of the Instructions of 1917 ("the principal Instructions")	L.N. 83 of 1964	8
6 January 1966	Amendment of clauses XIII and XXI of the principal Instructions	L.N. 3 of 1966	9
17 November 1967	(a) Amendment of clauses II, VIII, XXVII, and XXXIV of the principal Instructions (b) Replacement of clauses VII and IX of the principal Instructions (c) Revocation of clauses XXX and XXXV of the principal Instructions	L.N. 174 of 1967	10

Amendments to the Royal Instructions (cont'd)

Amendment date	Amendment	Gazette	Encl.
28 February 1969	Amendment of clauses II, X, XIII, XIX, and XXIV of the principal Instructions	L.N. 21 of 1969	11
5 February 1971	(a) Amendment of clauses III and XIII of the principal Instructions (b) Revocation of clauses XXIX and XXXII of the principal Instructions	L.N. 6 of 1971	12
14 July 1972	Amendment of clause XIII of the principal Instructions	L.N. 139 of 1972	13
26 August 1976	Amendment of clauses II and XIII of the principal Instructions	L.N. 245 of 1976	14
17 August 1977	Amendment of clause XIII of the principal Instructions	L.N. 211 of 1977	15
22 August 1980	Amendment of clause XIII of the principal Instructions	L.N. 275 of 1980	16
1 September 1983	Amendment of clauses II, XIII and XIX of the principal Instructions	L.N. 318 of 1983	17
1 September 1984	Amendment of clause XIII of the principal Instructions	L.N. 291 of 1984	18

Amendments to the Royal Instructions (cont'd)

Amendment date	Amendment	Gazette	Encl.
4 April 1985	<p>(a) Addition of new clauses XIIA, XXIA and XXVIII A to the principal Instructions</p> <p>(b) Replacement of clauses XIII, XVI, XVII and VII of the principal Instructions</p> <p>(c) Amendment of clauses XIV, XVIII and XXI of the principal Instructions</p>	L.N. 86 of 1985	19
22 August 1986	Amendment of clause XXV of the principal Instructions	L.N. 203 of 1986	20
20 November 1986	Substitution of "were" for "where" in clause XVII of the principal Instructions	L.N. 283 of 1986	21
9 April 1988	Amendment of clauses II, III, XXI, XXIA, XXV, XXVIII, and XXVIII A of the principal Instructions	L.N. 111 of 1988	22
12 October 1990	<p>(a) Amendment of clauses XIIA, XIII, XIV, XVIII, XXI, and XXVIII A of the principal Instructions</p> <p>(b) Revocation of clause XVI(1) of the principal Instructions</p>	L.N. 316 of 1990	23
21 May 1991	<p>(a) Revocation and replacement of clauses XIX and XXI(1) of the principal Instructions</p> <p>(b) Amendment of clause XXVIII A of the principal Instructions</p>	L.N. 202 of 1991	24

Amendments to the Royal Instructions (cont'd)

Amendment date	Amendment	Gazette	Encl.
19 February 1993	<p>(a) Amendment of clauses II, VIII(3), and XIX(2) and (3) of the principal Instructions</p> <p>(b) Revocation and replacement of clauses XXI(1), XXI(2), and XXI(3) of the principal Instructions</p> <p>(c) Revocation of clause XXI(4) of the principal Instructions</p>	L.N. 39 of 1993	25
21 January 1994	Amendment of clauses XIX, XXI, and XXIII of the principal Instructions	L.N. 79 of 1994	26
1 July 1994	<p>(a) Amendment of clauses XIIA, XIX, XXI and XXIIIA of the principal Instructions</p> <p>(b) Revocation of clauses XIII, XIV, XVI, XVII and XVIII of the principal Instructions</p>	L.N. 407 of 1994	27
4 August 1995	<p>(a) Amendment of clauses II, VIII(3), XIX(2) and (3), and XXII of the principal Instructions</p> <p>(b) Revocation and replacement of clauses XXI(1), XXI(2), and XXI(3), and XXIV of the principal Instructions</p> <p>(c) Revocation of clause XXI(4) of the principal Instructions</p> <p>(d) Addition of a new clause XXIB to the principal Instructions</p>	L.N. 389 of 1995	28

Amendments to the Royal Instructions (cont'd)

Amendment date	Amendment	Gazette	Encl.
11 August 1995	Correction of clause 10 of the Hong Kong Additional Instructions 1992	L.N. 394 of 1995	29
Not applicable	Check List and Instructions for the Hong Kong Royal Instructions 1917 to 1993 (Nos. 1 and 2) (App.I, p. B1)	Not applicable	30

(Reproduced from Tsang, Steve (ed.) (1995) *Government and Politics*, Hong Kong University Press)

Royal Instructions 1843 (source: CO381/35)

Instructions to Our Trusty and Wellbeloved, Sir Henry Pottinger Bart., Knight Grand Cross of the Most Honourable Order of the Bath, Major General in the Service of the East India Company, Chief Superintendent of the Trade of Our Subjects, trading to and from the dominions of the Emperor of China, Our Governor, and Commander in Chief, in and over Our Colony of Hong Kong and its Dependencies, or in his absence to Our Lieutenant Governor or the Officer Administering the Government of the said Colony of Hong Kong and its Dependencies for the time being Given at Our Court at Buckingham Palace, this Sixth day of April 1843 in the Sixth Year of Our Reign.

1. Whereas, We did by Our Charter under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 5th day of April 1843, in this Sixth year of Our Reign, erect into a Separate Colony the Island of Hong Kong and its Dependencies situate between 22^o 9m and 22^o 21m North Latitude and 114^o 11m and 114^o 18m East Longitude from the Meridian of Greenwich.

And Whereas, by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 5th day of April 1843 in the Sixth Year of Our Reign, We did contribute and appoint you, the said Sir Henry Pottinger to be Our Governor and Commander in Chief, in and over the said Colony of Hong Kong, so erected by us as aforesaid, and of all Forts and Garrisons erected and established, or which should be erected and established within the same, and did further require and command you, to do and execute all things in due manner that should belong to your said Command, and the Trust the Lord reposed in you, according to the several powers and directions granted to or, appointed for the Governor of the said Colony for the time being, in and by the said recited Charter, and the Instructions under Our Sign Manual and Signet therein referred to, and according to such further powers, instructions, and authorities, as should from time to time be granted or appointed you under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or by Us, through one of Our principal Secretaries of State, and according to such Laws and Ordinances, as should thereafter be made, and enacted by virtue of Our said recited Charter. Now therefore by these Our Instructions under Our Royal Sign Manual and Signet, being the Instructions so referred to as aforesaid, in the said Charter, we do declare Our pleasure to be, that you shall, with all due solemnity, cause Our said recited Charter, together with Our said Commission to be read and published in the presence of Our Chief Officer and other, the principal Inhabitants of the said Colony, and you shall then and there take the Oaths appointed to be taken by an Act, passed in the first year of the Reign of King George the First, entituled [sic] An Act for the further security of His Majesty's person, and Government, and the Succession of the Crown, in the Heirs of the late Princess Sophia, being Protestant; and for extinguishing the hopes, of the Pretended Prince of Wales, and his open and Secret Abettors' as altered and explained by an Act passed in the 6th year of the Reign of His late Majesty King George the Third, entituled 'An Act for altering the Oath of Abjuration, and the Assurance', and for

amending so much of an Act, of the 7th Year of Her late Majesty Queen Anne, entitled 'An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited required the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Suspicion of Treason' or in lieu thereof, the Oath required to be taken by an Act passed in the 10th year of the Reign of His late Majesty King George the Fourth, entitled 'An Act for the relief of His Majestys [sic] Roman Catholic Subjects' according as the said former Acts, or the said last mentioned Act, shall be applicable to your case, and likewise that you take the usual Oath for the due execution of the Office of Our Governor and Commander in Chief, in and over Our said Colony, and for the due and impartial administration of Justice, which said Oaths, the Chief Magistrate for the time being of the said Colony shall, and he is hereby required to tender and administer unto you, all which being duly performed you shall administer to such Our Chief Officers there present the said Oaths mentioned in the said Several Acts, as shall be applicable to the case of the Individual taking the same, and you are also to administer unto them the usual Oath for the due execution of their places and trusts respectively.

2. And We do authorize and require you from time to time, and at any time hereafter by yourself, or by any other to be authorized by you, in that behalf, to administer and give to all, and every such person or persons as you shall think fit, who shall hold any office or place of Trust or profit, or who shall at any time or times pass into Our said Colony, or be resident therein, such of the said Oaths in the said Several Acts contained, as shall be applicable to the case of the Individual to whom the same shall be administered.

3. And whereas by the said recited Charter, we did authorize the Governor for the time being of Our said Colony of Hong Kong and such other persons as were in the said Charter designated to contribute and be a Legislative Council for the said Colony.

And We did by the said Charter further declare, that in addition to the said Governor, the said Council shall be composed of such public Officers within the said Colony or of such other persons within the same as should from time to time be named or designated for that purpose by Us by Our Instruction or Instructions, Warrant or Warrants, to be by Us for that purpose issued, under Our Signet and Sign Manual, and with the advice of Our Privy Council and that all such Councillors should hold their places in the said Council, at Our pleasure, and that the Governor for the time being of the said Colony with the advice of the said Legislative Council should have full power and authority to make and enact all such Laws, and Ordinances as might from time to time be required for the peace, order, and good Government of the said Colony, and that in the making all such Laws and Ordinances, the said Governor should exercise all such powers and authorities, and that he and the said Legislative Council should conform to and observe all such Rules and Regulations as should be given and prescribed in and by such Instructions, as We with the Advice of the Privy Council, should from time to time make for his and their guidance therein.

Now therefore by these Our Instructions under Our Signet and Sign Manual being the Instructions so referred to as last aforesaid, we do authorize and empower the Governor of Our said Colony (until further and other provision shall be made by Us on that behalf) by any Instruments or Instrument to be made and issued in Our name, and under the Public Seal of Our said Colony to constitute and appoint three persons being within the same to be Members of the said Legislative Council, during

Our Pleasure, and so from time to time, as often as any such person shall die or resign his seat in the said Council, or be absent from the said Colony, or be suspended by Him the Governor from such his office, or become from any cause incapable of discharging the duties thereof by any other such Instrument as aforesaid to nominate any other person being within the said Colony to fill any such Vacancy.

4. And We do declare Our Pleasure to be, that the said Legislative Council shall not be competent to act in any case unless two Members at the least of such Council, in addition to the Governor for the time being shall be present at, and throughout the Meetings of such Council.

5. And We do authorize and require you or the Governor of Hong Kong for the time being, to preside in the said Council.

6. And for ensuring punctuality of attendance of the Members of the said Council, and for the prevention of Meetings of the said Council being holden without convenient notice to the several Members thereof, it is, Our Pleasure, and we do hereby direct that you, or the Governor of Hong Kong for the time being, do frame for the guidance of the said Council such Standing Rules and Orders as may be necessary for those purposes, with such other Standing Rules and orders as may be best adapted for maintaining order and method in the despatch of business, and in the conduct of all debates in the said Council, which Rules and Orders (not being repugnant to the said recited Charter, or to these Instructions or to any other Instructions which you may receive from Us) shall at times be followed and observed, and shall be binding upon the said Council, unless the same or any of them shall be disallowed by Us.

7. It is Our Pleasure, and We do thereby direct that no Law or Ordinance shall be made or enacted by the said Council unless the same shall have been previously proposed by yourself, and that no question shall be debated at the said Council unless the same shall first have been proposed for that purpose by you. Provided, nevertheless, and it is Our Pleasure that if any Member of the said Council, shall deem any Law fit to be enacted by the said Council, or any question proper to be there debated, and shall of such his opinion transmit a written Statement to you, it shall be lawful for any such Member of the said Council to enter upon the Minutes thereof a copy of any such Statement together with the reasons upon which such his opinion may be founded.

8. And we do further direct that minutes be regularly kept of the proceedings of the said Council by the Clerk of the said Council, and that the said Council shall not ever proceed to the despatch of business until the Minutes of the last preceding Meeting have first been read over and confirmed or corrected as may be necessary.

9. And We do further require and enjoin you twice in each year to transmit to Us through One of Our Principal Secretaries of State, a full and exact copy of the Minutes of the said Council, for the last preceding Half Year.

10. And it is Our further pleasure, that you do not propose or assent to any Ordinance whatever respecting the constitution, proceedings, numbers, or mode of appointing any of the Members of the said Legislative Council, or otherwise in relation to any of the matters mentioned or referred to in the said Charter, and in these Our Instructions, which shall be in any wise repugnant to, or inconsistent with such Charter, or Instructions, but that any such Ordinance, or pretended Ordinance, shall be absolutely null and void to all intents and purposes.

11. And you are expressly enjoined not to propose or assent to any Ordinance whatever whereby any person may be impeded or hindered from celebrating or attending the worship of Almighty God in a peaceable and orderly manner, although such worship may not be conducted according to the rites and ceremonies of the Church of England.

12. And We do further direct that you do not propose or assent to any Ordinance whatever, whereby Bills of Credit, or other negociable [sic] Securities of whatever nature may be issued in lieu of money on the credit of the said Colony, or whereby any Government paper currency may be established therein, or whereby any such Bills, or any other paper currency, or any coin, save only the Legal Coin of the Realm may be made or declared to be a legal tender, without special permission, from Us in that behalf first obtained.

13. And it is Our further pleasure that you do not propose or assent to any Ordinance whatever for raising money by the institution of any public or private lotteries.

14. And We do further direct that you do not propose or assent to any Ordinance whatever, whereby any grant of money or Land, or other donation or gratuity may be made by the said Legislative Council to you.

15. And We do further direct that you do not propose or assent to any Private Ordinance whatever, whereby the property of any Individual may affected, in which there is not a Saving of the Rights of Us, Our Heirs and Successors, and of all Bodies Politic and Corporate and of all other persons, excepting those at whose instance, or for whose especial benefit, such Ordinance may be passed, and those claiming by, from, through and under them.

16. And it is Our Will and Pleasure that you do not propose or assent to any Ordinance whatever to which Our assent has once been refused without express leave for that purpose first obtained from Us.

17. And it is Our further Will and pleasure that all Laws, or Ordinances to be enacted by the said Legislative Council shall henceforth be styled 'Ordinances enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof', and that no other style or form shall ever henceforth be observed in any such enactment, and that all such Laws and Ordinances be drawn up in a simple and compendious form avoiding as far as may be, all prolixity and tautology.

18. And We do hereby require you with all convenient speed to transmit to Us, through one of Our principal Secretaries of State, a transcript in duplicate of every such Ordinance as aforesaid duly authenticated under the public Seal of the said Colony, and by your own signature. And We do direct that every such Transcript be so transmitted by the earliest occasion next after the enactment of the said Ordinance.

19. And We do further declare Our pleasure to be that in the Month of January, or at the earliest practicable period, at the commencement of each year, you do cause a complete collection to be published for general information, of all Ordinances enacted during the preceding Year.

20. And We do further direct that all Ordinances made by you with the advice of the said Legislative Council, be distinguished by Titles, and that the ordinances of each year be also distinguished by numerical marks commencing in each successive year with the number one, and proceeding in Arithmetical progression to the number corresponding with the total number of Ordinances

enacted during the Year, and that every such Ordinance be directed into Successive Clauses or paragraphs, distinguished in like manner by numerical marks, and that to every such Clause be annexed in the margin a short summary of its contents.

21. And We do further declare Our pleasure to be, that in the passing of all Laws, each different matter be provided for by a different Law, without intermixing into one and the same Act such things as have no proper relation to each other, and that no Clause or Clauses, be inserted in, or be annexed to, any Act which shall be foreign to what the Title of such respective Act imports, and that no perpetual Clause be part of any temporary Law, and that no Act whatever be suspended, altered, contained, revived, or repealed by general words, but the title and date of such Act so suspended, altered, continued, revived, or repealed, be particularly mentioned and expressed in the enacting part.

22. You are also to take care that in all Laws or Ordinances to be passed by Our said Legislative Council, in any case for levying money, or imposing Fines, Forfeitures and Penalties, express mention be made that the same are granted or reserved to Us, Our Heirs, and Successors for the public uses of the said Colony and the support of the Government thereof, as by the said Law or Ordinance shall be directed.

23. And we do hereby further declare Our Will and Pleasure to be that all Questions proposed and debated in the said Legislative Council shall be decided by the majority of voices and that the Governor for the time being of the said Colony shall in the said Legislative Council have both an original vote, and (in case of the Votes being equally divided) a casting vote, and We do further declare Our Pleasure to be, and do ordain and appoint that it shall be competent to the Governor of the said Colony, and he is hereby authorized to make and promulgate as an Ordinance of the said Governor and Legislative Council any Ordinance which may have by him been proposed for the adoption of the said Council, even tho' all the Members of the said Council except himself shall have voted against the adoption and passing thereof and every Ordinance so made and promulgated as aforesaid shall, until the same may be repealed or disallowed by Us have the force and authority of Law in the said Colony as fully as if it had been adopted by the unanimous Votes of all the Members of the said Council.

24. And whereas by the said recited Charter we have authorized the Governor of Our said Colony for the time being to summon as an Executive Council such persons as should from time to time be named or designated by Us, in any Instructions under Our Signet and Sign Manual, to be addressed to him in that behalf. Now We do by these Our Instructions declare Our Pleasure to be that the Members of the said Executive Council shall be nominated and appointed in such and the same manner as is hereinbefore provided with respect to the nomination and appointment of the Members of the before mentioned Legislative Council, the number of the Members of the said Executive Council being always three in addition to the Governor of the said Colony.

25. And We do declare Our Pleasure to be that you do communicate to Our said Executive Council, these Our Instructions, and likewise all such others from time to time, wherein their consent and concurrence are requisite, and as you shall find convenient for Our Service to be imparted to them.

26. And We do hereby declare, and it is Our pleasure, that Our said Council shall not proceed to the despatch of business, unless duly summoned by

your authority, and unless two Members at least, exclusive of yourself or in your absence, exclusive of the Member presiding, be present and assisting throughout the whole of the Meetings at which any such business shall be despatched.

27. And it is Our pleasure that you do attend and preside at the Meetings of Our said Executive Council unless when prevented by some necessary and reasonable cause; and that in your absence the Senior Member of the Council actually present shall preside at all such Meetings.

28. And We do further direct and Command, that a full and exact Journal or Minute, be kept of all the deliberations, Acts, proceedings, votes, and resolutions of Our said Executive Council, and that at each Meeting of the said Council, the Minutes of the last preceding Meeting shall read over, confirmed or amended as the case may require before proceeding to the despatch of any other business.

29. And it is Our further Will and pleasure, and We do hereby command, that in the execution of the several powers and authorities granted and committed to you by Our said Charter and Commission, and these Our Instructions, or by any additional Instructions hereafter to be given to you by Us you do, (as often as Our Service may seem to you to require it) consult and advise with Our said Executive Council.

30. And it is Our further Will and pleasure that no questions shall be brought before Our said Executive Council for their advice or direction, excepting only such questions as may be proposed by you for that purpose: Provided nevertheless, and it is Our Will and pleasure that if any Member shall deem it expedient that any question should undergo the deliberation of the said Executive Council, and shall by application in writing to you, request and propose that such question should be so discussed, it shall be competent to any such Member to enter upon the Minutes of the said Executive Council such his written application to you, together with the answer which may be returned to you to the same. And it is Our Will, and We do further direct, that if in any case you see sufficient cause to dissent from the opinion of the major part, or of the whole of Our said Executive Council, upon any questions brought by you under their consideration, it shall be competent to you, upon any such occasion to execute the powers and authorities vested in the Governor of Our said Colony of Hong Kong for the time being, by the said Charter and Commission, and these Our Instructions, in opposition to such their opinions, it being nevertheless Our Pleasure that in every case, it shall be competent to any Member of Our said Council to record at length on the Minutes of the said Council the grounds and reasons of any advice or opinion he may give upon any question brought under the consideration of such Council, and it being also Our pleasure, that in the event of your acting upon any action in opposition to the advice of the whole , or the major part of the said Executive Council, you do, by the first opportunity, transmit to Us, through One of Our Principal Secretaries of State, a full explanation of the grounds of every such measure, together with complete copies of the Minutes, if any, of the said Executive Council relating thereto. And we do further direct that twice in each year, a full transcript of all the Minutes of the Executive Council of the preceding half year be transmitted through One of Our Principal Secretaries of State.

31. And whereas We did by Our said recited Charter give and grant to the Governor of Our said Colony of Hong Kong for the time being full power and authority in Our name and on Our behalf, but subject nevertheless to such Provisions as might be in that respect contained in any Instructions which might from time to time be

addressed to the said Governor for that purpose to make and execute in Our name, and on Our behalf, under the Public Seal of the said Colony Grants of Land to Us belonging within the same to private persons for their own use and benefit, or to any persons, bodies politic or corporate, in trust for the public uses of Our subjects there resident, or any of them. Now We do hereby direct that no Grant to Land in the said Colony be made by you, or by your authority to any person or persons for his, her or their private use and benefit gratuitously, or except by way of sale, for the best price that can be obtained for the same, and it is Our further Will and pleasure that no such Land shall be sold or let except at public Auction, that at every such Auction the Land to be then sold or let be put at a reserved or minimum price equal to the fair and reasonable price and value or Annual Rent thereof.

32. And it is Our Pleasure, and We do further direct you to ascertain what particular lands it may be proper to reserve in the said Colony for public Roads, and other Internal Communications whether by Land or Water, or as the Sites of Towns, Villages, Churches, School houses, or Parsonage House, or as places for the interment of the dead, or as places for the future extension of any existing Towns or Villages, or as places fit to be set apart for the recreation and amusement of the Inhabitants of any Town or Village, or for promoting the health of such inhabitants, or as the Sites of Quays, or Landing places, which it may at any future time be expedient to erect from or establish on the Sea Coast, or which it may be desirable to reserve for any other purpose of public convenience, utility, health, or enjoyment, and you are to cause such tracts, pieces, or parcels of Land, as may appear best adapted to answer and promote the several public purposes before mentioned, to be distinguished in the public charts of the said Colony, or in some other authentic manner, and it is Our Will and pleasure and We do strictly enjoin and require you that you do not on any account, or on any pretence whatsoever grant, convey, or describe to any person or persons any of the Lands so specified as fit to be reserved as aforesaid, nor furnish or suffer any such Lands to be occupied by any private person for any private purposes.

33. And whereas We have by the said recited Charter authorized the Governor of Our said Colony for the time being, upon sufficient cause to him appearing to suspend from the exercise of his office, within Our said Colony, any person exercising the same under and by virtue of any Commission or Warrant, granted or to be granted by Us or in Our name, or under Our Authority. Now We do charge and require you that before proceeding to any such suspension, you do signify by a statement in writing to the person so to be suspended the grounds of such your intended proceeding against him, and that you do call upon such person to communicate to you in writing a statement of the grounds upon which he may be desirous to exculpate himself and that you transmit both the said statements to Us through one of Our principal Secretaries of State by the earliest conveyance.

34. And it is Our pleasure that all commissions to be granted by you to any person or persons, for exercising any office or employment in or concerning Our said Colony of Hong Kong, be granted during pleasure only, and that whenever you shall appoint to any vacant office or employment any person not by Us specially directed to be appointed thereto, you 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.

35. And whereas by the said Charter hereinbefore recited, we have given and granted unto the Governor of Our said Colony of Hong Kong for the time being, full power and authority as he shall see occasion, in Our name and on Our behalf to grant to any offender convicted of any crime, in any Court, or before any Judge, Justice, or Magistrate within our said Colony, a free and unconditional pardon, or a pardon subject to such conditions, as by any law or ordinance hereafter to be in force in Our said Colony, may be thereunto annexed, or any respite of the sentence of any such offender, for such period as to such Governor may seem fit. Now We do hereby require and enjoin you to call upon the Judge presiding at the trial of any such offenders, to make to you, a written report of the cases of all persons who may from time to time be condemned to suffer death by any sentence of any Court within the said Colony and such reports of the said Judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held of Our said Executive Council, where the said Judge shall be specially summoned to attend, and you shall not pardon or relieve any such offenders as aforesaid, unless it shall appear to you expedient so to do upon receiving the advice of Our Executive Council therein, but in all such cases, you are to decide either to extend or withhold a pardon or relieve according to your own deliberate judgement, whether the Members of Our said Executive Council concur therein or otherwise, entering, nevertheless, on the Minutes of the said Council a Minute of your reasons at length, in case you should decide any such question in opposition to the judgement of the majority of the Members thereof.

36. And whereas you will receive through one of Our principal Secretaries of State, a book of Tables in blank (commonly called the Blue Book,) to be annually filled up with certain returns, relative to the revenue and expenditure, militia, public works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters in the said Blue Book more particularly specified with reference to the state and condition of Our said Colony. Now We do hereby signify Our pleasure that all such returns be accurately prepared, and punctually transmitted to Us from year to year, through one of Our principal Secretaries of State, and that no Officer in Our said Colony, within whose department it may be to contribute any return or returns for the purposes aforesaid, or to prepare the same when so contributed, shall be entitled to receive, or shall receive from you, any warrant for the payment of his official salary, which may become due and payable to him so long as such duty as aforesaid shall be in arrear, or remain unperformed.

37. And We do hereby declare Our pleasure to be, that the preceding Instructions shall be taken and understood as addressed to the Governor for the time being of Our said Colony, or to the officer for the time being administering the Government thereof, notwithstanding the same or any part thereof, may be in terms addressed to you, the said Sir Henry Pottinger.

38. And We do hereby reserve to Ourselves, Our Heirs and Successors, full power and authority from time to time, to revoke, alter, renew, or explain, these Our Instructions or any part thereof.



THE
LAWS OF HONGKONG
VOL. III

COMPRISING A SELECTION FROM THE
IMPERIAL TREATIES, STATUTES, RULES AND ORDERS
SPECIALLY APPLICABLE TO HONGKONG

PREPARED AS A PART OF THE

NEW REVISED EDITION

Under Ordinance No. 19 of 1911.

BY

CHALONER GRENVILLE ALABASTER

Sometime Acting Attorney General.

BY AUTHORITY

Hongkong:
Printed by NORONHA & Co.
Government Printers
1913

Officers and others to obey and assist Governor.

Term "Governor" explained. Power reserved to Sovereign to revoke, alter, or amend present Letters Patent. Publication of Letters Patent.

XVII. And we do hereby require and command all Our officials and ministers, civil and military, and all other 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.

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

XIX. 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 Letters Patent as to Us or Them shall seem meet.

XX. And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the 19th day of January in the 51st year of Our Reign.

By Warrant under the Queen's Sign Manual.

11.—INSTRUCTIONS

passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, 19th January, 1888.

Additional Instructions, 7th July, 1896.

VICTORIA R.

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

Given at Our Court at Osborne House, Isle of Wight, this 19th day of January, 1888, in the 51st year of Our Reign.

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 did thereby authorise and command Our said Instructions. Governor to do and execute all things that belong to his said office, according to the tenor of Our said Letters Patent and of such Commission as might be issued to him under Our Sign Manual and Signet, and according to such Instructions as might from time to time be given to him under Our Sign Manual and Signet or by Our 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 ;

AND WHEREAS We are minded to issue these Our Instructions under Our Sign Manual and Signet for the guidance and direction of Our Governor, Lieutenant Governor, or other officer for the time being administering the Government of Our said Colony ;

NOW THEREFORE We do hereby revoke and determine Our Instructions under our Sign Manual and Signet bearing date the 11th day of October, 1886 ; and We do direct and enjoin and declare Our will and pleasure as follows :--

Revokes
Instructions
of 11th Oct.,
1886.

II. 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 Letters Patent, together with such other Oath or Oaths as may from time to time be prescribed by 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.

Governor to
administer
oaths.
* [31 & 32
Vict. c. 72.]

III. 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 Official Members, and of such other persons [as at the date of the receipt of these Instructions in the Colony are Members of the said Council, or] as We may from time to time appoint by any Instruction or Warrant under Our Sign Manual and Signet.

Constitution
of Executive
Council.
Official
Members.

IV. The Members of the Executive Council shall have seniority and precedence as We may specially assign, and, in default thereof, first, the Official 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 Members according to the priority of their respective appointments, or if appointed by the same Instrument, according to the order in which they are named therein.

Precedence.

V. In the event of the absence from the Colony of any Official or Unofficial Member of the Executive Council, the Governor may, by an Instrument under the Public Seal of the Colony, appoint any Public Officer to act provisionally as an Official or Unofficial Member, and any

Provisional
appointment
of Official
and Unofficial
Members.

Revocation of provisional appointments.

person not a Public Officer to act provisionally as an Unofficial Member of the Council, in the room of the Member so absent and during his absence. The Governor shall forthwith report every such provisional appointment to Us through one of Our Principal Secretaries of State, and every such appointment may be disallowed by Us through one of Our Principal Secretaries of State, or may be revoked by the Governor by any such Instrument as aforesaid.

Governor to communicate Instructions to Executive Council.

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.

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

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.

Governor 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 read over and confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

and 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 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 thereof.

Proviso for urgent cases, &c.

Governor to propose questions.

XI. The Governor shall alone be entitled to submit questions to the Executive Council for their advice or decision; but if the Governor de-

cline 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.

No Member to propose a question, but may record application for so doing.

XII. The Governor may, in the exercise of the powers and authorities granted to him by Our said 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.

Governor may act in opposition to Executive Council, reporting grounds for so doing. Members may record on Minutes their adverse opinions.

[Additional Instructions, 7th July, 1896.]

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 offices in the Colony, and not exceeding three in number at any one time, [as at the time of the receipt of these Our additional Instructions in the Colony 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, 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 time of the receipt of these Our Additional Instructions in the Colony are Unofficial Members of the said Council, or] as the Governor, in pursuance of any Instructions from Us, through one of Our Principal Secretaries of State, may from time to time appoint by any Instrument under the public seal of the Colony, and all such persons shall be styled Unofficial Members of the Legislative Council.

Constitution of Legislative Council.

Official Members.

Unofficial Members.

Every [person who at the time of the receipt of these Our Additional Instructions in the Colony 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 receipt of these Additional Instructions shall vacate his seat at the end of six years from the date of the Instrument by which he is appointed.

Vacation of seats.

Provisional appointments of members of Legislative Council.

XIV. If any Member of the Legislative Council, not holding one of the Offices named in the preceding Article, shall die, or become incapable, 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, appoint in his place a fit person, to be provisionally a Member of the said Council.

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 shall be released from suspension, or shall be declared by the Governor capable of again discharging his functions in the said Council.

Provisional appointments to be immediately reported.

Revocation of such appointments.

Council may transact business notwithstanding vacancies.

Quorum.

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 or Unofficial Member of the Legislative Council. Every such person shall hold his place in the Council during Our pleasure, and the Governor may by any instrument under the public seal revoke any such appointment.

XV. 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 Council five Members at the least.

[Additional Instructions, 7th July, 1896.]

Precedence of Members.

XVI. 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 above-mentioned Officers 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 the same instrument according to the order in which they are named therein.

Governor to preside in Council, or in his absence the Senior Member.

Questions to be decided by majority.

XVII. The Governor shall attend and preside in the Legislative Council unless prevented by illness or other grave cause; and in his absence that Member shall preside who is first in precedence of those present.

XVIII. 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, as also a casting vote, if upon any question the votes shall be equal.

Governor to have original and casting vote.

XIX. 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 Letters Patent, or to these Our Instructions, or to any other Instructions from Us under Our Sign Manual and Signet.

Standing Rules and Orders to be made.

XX. 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.

Questions, &c. for debate.

XXI. In the making of Laws the Governor and the Council shall observe, as far as practicable, the following Rules:—

Rules under which Ordinances are to be enacted.

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".

Form of enacting Ordinances.

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.

3. Each different matter shall be provided for by a different Ordinance, without intermixing into 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.

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

No clause to be introduced foreign to what title of Ordinance imports.

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

Temporary Ordinances.

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

Description of Ordinances not to be assented to.

3. Any Ordinance whereby any increase or diminution may be made in the number, salary, or allowances of the public officers.

4. Any Ordinance affecting the Currency of the Colony, or relating to the issue of Bank notes.

5. Any Ordinance establishing any Banking Association, or amending or altering the constitution, [powers, or privileges of any Banking Association.

6. Any Ordinance imposing differential duties.

7. Any Ordinance the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.

8. Any Ordinance interfering with the discipline or control of Our forces by land or sea.

9. Any Ordinance 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.

10. Any Ordinance 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.

11. Any Ordinance containing provisions to which Our assent has been once refused, or which have been disallowed by Us.

Provision in cases of urgency for immediate operation of an Ordinance referred to in the Article.

Unless such Ordinance shall contain a clause suspending the operation of such Ordinance until the signification of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Ordinance be brought into immediate operation, in which case he is authorised to assent in Our name to such Ordinance, 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 Ordinance so assented to, together with his reasons for assenting thereto.

Private Ordinances.

XXIII. No Ordinance shall be passed whereby the property of any private person may be affected in which there is not a saving of the rights of Us, Our heirs and successors, and of all bodies, politic or corporate, and of all other persons except such as are mentioned in the said Ordinance, and those claiming by, from, and under them. The Governor shall not assent in Our name to any private Ordinance until proof be made before him in the Executive Council, and recorded in the Minutes thereof, that adequate and timely notification, by public advertisement or otherwise, was made of the parties' intention to apply for such Ordinance before the same was brought into the Legislative Council; and a certificate under his hand shall be transmitted with and annexed to every such private Ordinance, signifying that such notification has been given, and declaring the manner of giving the same.

Ordinances to be sent home duly authenticated.

XXIV. When any Ordinance shall have been passed in the Legislative Council, the Governor shall transmit to Us, through one of Our Principal Secretaries of State, for Our final approval, disallowance, or other direc-

tion 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.

XXV. 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.

Collection of Ordinances to be published every year.

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

Minutes of proceedings to be kept.

Twice in each year, the Governor shall transmit to Us, through one of Our Principal Secretaries of State, a full and exact copy of the said Minutes for the preceding half year.

Minutes to be sent home twice a year.

[**XXVII.** Nothing herein or in Our said Letters Patent constituting the office of Governor contained, shall be deemed to invalidate or revoke certain Instructions under Our Sign Manual and Signet, given on the 21st day of January, 1846, to the Governor of the Colony, respecting the prosecution of Appeals from the Supreme Court of the Colony; but the said Instructions shall remain in full force and effect until otherwise provided by Us.]

Maintains previous Instructions, dated 21st January, 1846, regulating appeals from Supreme Court.

[The "Additional Instructions" as to appeals to the Privy Council, were revoked by Instructions, 10th August, 1909.]

[*cf. post* Part VII.]

XXVIII. 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.

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

XXIX. 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 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.

Appointments to be provisional and during pleasure.

XXX. Before suspending from the exercise of his office any public officer who has been appointed by virtue of a commission or warrant from Us or in Our name, or whose emoluments exceed £100 a year; the

Suspension of officers.

Governor shall signify to such officer, by a statement in writing, the grounds of the proposed suspension, and shall call upon him to state in writing the grounds upon which he desires to exculpate himself. The Governor shall lay both statements before the Executive Council, and, having consulted them thereon, 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 both of the said statements, together with the Minutes of the Executive 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.

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 but shall exercise his own judgments, entering his reasons on Council Minutes.

XXXI. Whenever any offender shall have been condemned to suffer death by the sentence of any Court in the Colony, 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 thereafter which may be conveniently held of the Executive Council, and he may cause the said Judge to be specially summoned to attend at such meeting 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, after 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 questions in opposition to the majority of the Members thereof.

Blue Book.

XXXII. 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 said 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.

Governor's absence.

XXXIII. 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.

XXXIV. 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 "Governor" explained.

V. R.

12.—DORMANT COMMISSION.

Passed under the Royal Sign Manual and Signet, appointing the Colonial Secretary for the time being of the Colony of Hongkong, or the Senior Military Officer for the time being in Command of His Majesty's Regular Forces in the Colony, to administer the Government in the event of the death, incapacity, or absence of the Governor, and of there being no Lieutenant-Governor therein.

14th October, 1903.

EDWARD R. & I.

EDWARD THE SEVENTH, 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 Our Colonial Secretary for the time being of Our Colony of Hongkong, or to the Senior Military Officer for the time being in command of Our Regular Forces in Our said Colony, Greeting.

We do, by this Our Commission under our Sign Manual and Signet, appoint you Our said Colonial Secretary for the time being, to administer the Government of Our Colony of Hongkong and its Dependencies, during Our pleasure, with all the powers, rights, privileges, and advantages to the same belonging or appertaining, whenever and so long as the office of Governor is vacant, or the Governor is incapable of discharging the duties of administration or is absent from the Colony and there is no Lieutenant-Governor in the Colony, or he is incapable of administering the Government thereof. Appointment of the Colonial Secretary to administer the Government.

II. And if at any time when this Our Commission takes effect the office of Our said Colonial Secretary is also vacant or he is incapable or absent from the Colony, then We do appoint you, the Senior Military Officer for the time being in command of Our Regular Forces in Our said Colony, to administer the Government of Our said Colony and its Dependencies during Our pleasure, with all the powers, rights, privileges, and advantages aforesaid. Appointment of the Senior Military Officer to administer the Government.

III. And We do in any such event hereby authorise, empower, and command you, Our said Colonial Secretary, or you the said Senior Military Officer, as the case may require, to exercise and perform all and singular the powers and directions contained in any Letters Patent, for Their duties and Powers under Letters Patent.

GOVERNMENT NOTIFICATION.—No. 313.

The following Additional Instructions making further provision as to the Legislative Council are published.

By Command.

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 8th August, 1896.

HONG KONG.

ADDITIONAL INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Hong Kong, making further provision as to the Legislative Council.

VICTORIA R.

Dated 7th July 1896.

ADDITIONAL INSTRUCTIONS to our Governor and Commander-in-Chief in and over Our Colony of Hong Kong, and its Dependencies, and to Our Lieutenant Governor or other Officer for the time being administering the Government of Our said Colony and its Dependencies.

Given at Our Court at Saint James's, this Seventh day of July 1896, in the Sixtieth year of Our Reign.

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, constituting the office of Governor and Commander-in-Chief in and over Our Colony of Hong Kong, and its Dependencies, We did, amongst other things, declare that the Legislative Council of the Colony should consist of such persons as We should direct by any Instructions under Our Sign Manual and Signet;

Recites Letters Patent of 19th January 1888.

And whereas by the Thirteenth Clause of Our Instructions under Our Sign Manual and Signet, bearing date the Nineteenth day of January 1888, accompanying Our said Letters Patent, We did constitute Our said Legislative Council as therein is set forth; and by the Sixteenth Clause of Our said Instructions We did provide for the precedence of the Members of Our said Legislative Council:

Recites Clauses 13 and 16 of Instructions of 19th January 1888.

And whereas We are minded to reconstruct Our said Legislative Council:

Revokes 15th and 16th Clauses of Instructions of 19th January 1888.

I. Now therefore We do, by these Our Additional Instructions under Our Sign Manual and Signet, revoke the aforesaid Thirteenth and Sixteenth Clauses of Our said Instructions of the Nineteenth day of January 1888, but without prejudice to anything lawfully done thereunder, and instead thereof We do declare Our pleasure as follows:—

Constitution of Legislative Council.

II. 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 offices in the Colony, and not exceeding three in number at any one time, as at the time of the receipt of these Our additional Instructions in the Colony 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, 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 time of the receipt of these Our Additional Instructions in the Colony are Unofficial Members of the said Council, or as the Governor, in pursuance of any Instructions from Us, through one of Our principal Secretaries of State, may from time to time appoint by any 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.

Vacation of seats.

Every person who at the time of the receipt of these Our Additional Instructions in the Colony 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 receipt of these Additional Instructions shall vacate his seat at the end of six years from the date of the Instrument by which he is appointed.

ADDITIONAL INSTRUCTIONS to the
Governor and Commander-in-Chief,
HONG KONG.

III. 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 above-mentioned Officers 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 the same Instrument according to the order in which they are named therein.

GOVERNMENT NOTIFICATION.—No. 314.

It is hereby notified that the Queen's Exequatur has been issued, empowering Mr. Bock to act as Consul-General for Sweden and Norway at Hongkong, to reside at Shanghai.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 7th August, 1896.

GOVERNMENT NOTIFICATION.—No. 315.

The following Notice is published.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 6th August, 1896.

NOTICE.

The following alterations in the numbering of Houses in Victoria have been made by the Assessor, under the provisions of Ordinance No. 15 of 1888, Section 40.

A. M. THOMSON,
Acting Treasurer.

Hongkong, 5th August, 1896.

Copies of the following List can be obtained upon application at the Treasury.

Former No.	New No.	Former No.	New No.	Former No.	New No.
On Wo Lane.		Staunton Street.		Staunton Street.	
11	2	...	...	...	56 new house.
2	4	...	...	...	58 "
4	6	16	26	...	60 "
6	8	18	28	...	62 "
8	10	20	30	34	64 "
10	11	22	32	36	66
		24	34	38	68
Staunton Street.		26	36	40	70
		28	38	42	72
6	2	30	40	44	74
8	4	32	42	46	76
10	6	...	44 new house.	48	78
12	8	...	46 "	50	80
	Space for 8 houses to be built here.	...	48 "	52	82
		...	50 "	54	84
...	...	...	52 "	56	86
...	...	...	54 "	58	88
				60	90

ARTHUR CHAPMAN,
Assessor.

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 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:

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:--

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.

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.

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.

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.

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.

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

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 communicate
Instructions 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.

I. 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 reprove 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 reprove, 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

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. 20.—The following is published for general information. These Additional Instructions were received in the Colony of Hong Kong on the 4th day of January, 1929, and came into force as from that date.

W. T. SOUTHORN,
Colonial Secretary.

11th January, 1929.

HONG KONG.

Additional Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Hong Kong in regard to the constitution of the Executive Council and of the Legislative Council of that Colony.

Dated 15th November, 1928.

GEORGE R.I.

Additional Instructions to Our Governor and Commander-in-Chief in and over our Colony of Hong Kong and its Dependencies, or other Officer for the time being administering the Government of Our said Colony and its Dependencies.

WHEREAS by certain Letters Patent under the Great Seal of Our Realm bearing date at Westminster the Fourteenth day of February, 1917, We did make provision for the Government of Our Colony of Hong Kong and its Dependencies (hereinafter called the Colony) and did amongst other things declare that there should be an Executive Council and a Legislative Council in and for the Colony which should consist of such persons as We might direct by Instructions under Our Sign Manual and Signet :

Preamble.
Recites
Letters
Patent of
14th
February
1917.

And whereas by Our Instructions under Our Sign Manual and Signet bearing date the Fourteenth day of February, 1917, We did constitute the said Executive and Legislative Councils as therein is set forth :

Recites
Instructions
of 14th
February
1917.

And whereas we are minded to make further provision respecting the said Executive and Legislative Councils :

Now therefore we do, as from the date of the receipt in the Colony of these Our Additional Instructions under Our Sign Manual and Signet, hereby revoke the Second, Thirteenth, Fourteenth and Fifteenth Clauses of Our said Instructions of the Fourteenth day of February, 1917, without prejudice to anything lawfully done thereunder, and instead thereof We do direct and enjoin and declare Our will and pleasure that from the date of such receipt the aforesaid Instructions shall henceforth be construed and take effect as if the following clauses had been inserted therein in place of the Second, Thirteenth, Fourteenth and Fifteenth Clauses thereof :—

Revokes
Clauses II,
XIII, XIV
and XV of
Instructions
of 14th
February
1917.

"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, of Secretary for Chinese Affairs, 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

Constitution
of Executive
Council.

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 Legisla-
tive 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, Secretary for Chinese Affairs, and Treasurer of the Colony, and such other persons holding office in the Colony, and not exceeding four 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 eight 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.

"If any Official Member of the Legislative Council cease to hold office in the Colony his seat in the Council shall thereupon become vacant."

Provisional
appoint-
ments in
place of
Members
absent. &c.

"XIV. Whenever any 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, or if his seat become vacant, or whenever any person shall be lawfully discharging the functions of more than one of the offices the holders of which are *ex officio* Members of the Council, the Governor may, by an Instrument under the Public Seal of the Colony, provisionally appoint in his place some person to be temporarily an Official or Unofficial Member of the Council, as the case may be."

"Every person so provisionally appointed shall forthwith cease to be a Member of the Council if his appointment is disallowed by Us, or revoked by the Governor, or superseded by the definitive appointment of an Official or Unofficial Member of the Council, 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, or shall cease to discharge the functions of more than one of the offices the holders of which are *ex officio* Members of the Council, as the case may be."

“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 or Unofficial Member of the Legislative Council.”

Provisional appointments to be immediately reported.

“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.”

Revocation of such appointments.

Given at Our Court at St. James's this Fifteenth day of November, 1928, in the Nineteenth year of Our Reign.

SUPREME COURT.

No. 21.—It is hereby notified for general information that, pursuant to section 5 of the Criminal Procedure Ordinance, 1899, His Honour the Chief Justice has ordered that the next Criminal Sessions for the despatch of the business of the Court shall be held on Monday, the 21st day of January, 1929, at 10 o'clock in the forenoon.

C. D. MELBOURNE,
Registrar.

9th January, 1929.

OFFICE OF REGISTRAR OF TRADE MARKS.

No. 22.—It is hereby notified that the registration of the following trade marks has expired and that they will be removed from the Register of Trade Marks on the 12th February, 1929, unless the prescribed fees for renewal of registration are paid before that date:—

Number of Trade Marks.	Name and Address of Proprietors.	Date of Expiration of Registration.	File No.
Nos. 16 & 17 of 1915.	Igahiko Sumida, Managing Director of the Teikoku Brewery Co., Ltd., of No. 2805, Dairi-Cho (near Mozi) Kiku-Gun, Fukuoka-ken, Japan.	9th December, 1928.	258 of 1928.

E. L. AGASSA,
Registrar of Trade Marks

9th January, 1929.

APPOINTMENTS, &c.

No. 516.—His Majesty the KING has been pleased to approve the appointment of the Honourable Mr. JOHN JOHNSTONE PATERSON to be an Unofficial Member of the Legislative Council for a further period of four years, with effect from the 15th March, 1938.

6th July, 1938.

No. 517.—His Excellency the Governor has been pleased to appoint Mr. BENJAMIN DAVIES EVANS, F.R.A.S. to act as Director of the Royal Observatory during the absence from the Colony of Mr. CHARLES WILLIAM JEFFERIES, or until further notice, with effect from the 7th July, 1938.

6th July, 1938.

No. 518.—His Excellency the Governor has been pleased to approve the following promotion in the Hong Kong Volunteer Defence Corps, with effect from 29th May, 1938:—

Second Lieutenant CHRISTOPHER D'ALMADA E CASTRO to be Lieutenant.

8th July, 1938.

NOTICES.

No. 519.

COLONIAL SECRETARY'S DEPARTMENT.

Notice is hereby given that His Excellency the Governor, by virtue and in exercise of the powers conferred on him by certain Additional Instructions of His Majesty dated the 30th day of April, 1933, a copy whereof is appended hereto, hereby appoints the 7th day of July, 1938, as the date on which the said Additional Instructions shall come into operation.

N. L. SMITH,
Colonial Secretary.

7th July, 1938.

Hong Kong.

Additional Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Hong Kong.

GEORGE R.I.

Dated 30th April, 1938.

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

Recites
Instructions
of 14th
February,
1917, and
Additional
Instruc-
tions.

WHEREAS by certain Instructions under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief (therein and hereinafter called the Governor) of Our Colony of Hong Kong and its Dependencies (therein and hereinafter called the Colony), bearing date the Fourteenth day of February, 1917, as amended by Additional Instructions bearing date the Tenth day of January, 1922, the Fifteenth day of November, 1928, and the Twentieth day of November, 1929, provision is made, amongst other things, for the constitution of the Executive and Legislative Councils of the Colony and the appointment and suspension of officers:

AND WHEREAS We are minded to make other provision in regards to the matters aforesaid:

Revokes
Additional
Instructions
and replaces
Clauses II,
V, XIII,
XIV, XVI,
XVIII,
XX, and
XXXII,
and revokes
Clause
XXXIII,
of Instruc-
tions of
14th
February,
1917.

NOW, THEREFORE, We do, by these Our Additional Instructions under Our Sign Manual and Signet, as from a date to be fixed by the Governor by notification in the Hong Kong Government Gazette, revoke, without prejudice to any appointment lawfully made, or to anything lawfully done, thereunder, the Additional Instructions of the Tenth day of January, 1922, the Fifteenth day of November, 1928, and the Twentieth day of November, 1929, and Clauses Five, Eighteen, Thirty-two and Thirty-three of the Instructions of the Fourteenth day of February, 1917, and We do hereby direct and enjoin and declare Our will and pleasure that from the date so fixed, the said Instructions of the Fourteenth day of February, 1917, shall be construed as if the following Clauses had been inserted therein instead of the Second, Fifth, Thirteenth, Fourteenth, Sixteenth, Eighteenth, Twentieth, and Thirty-second Clauses thereof:—

Constitu-
tion of
Executive
Council.

II. The Executive Council of the Colony shall consist of 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, of Secretary for Chinese Affairs, and of Financial Secretary of the Colony, who are hereinafter referred to as *ex officio* Members, and of such other persons 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 by an Instrument under the Public Seal of

the Colony. Persons so appointed are hereinafter referred to as Official Members or Unofficial Members according as they hold, or do not hold, office under the Crown in the Colony at the time of appointment.

Every Unofficial Member shall vacate his seat at the end of five years from the date of the Instrument by which he is appointed or of such other period as may be specified in that Instrument, but shall be eligible to be re-appointed in the manner aforesaid for a further period or periods, each period not exceeding five years:

Vacation of seats.

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 said period of five years shall be reckoned from the date of the Instrument provisionally appointing him.

If any Official Member cease to hold office under the Crown in the Colony his seat in the Council shall thereupon become vacant.

V. The Members of the Executive Council 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); then the Official Members, according to the priority of their respective appointments, or if appointed by the same Instrument, according to the order in which they are named therein; then the Unofficial Members, according to the like priority, except that any Unofficial Member re-appointed immediately on the termination of his term of Office shall, as between himself and other Unofficial Members, take precedence according to the date from which he has been continuously a Member of the Council.

Precedence.

XIII. The Legislative Council of the Colony shall consist of the Governor, 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, Secretary for Chinese Affairs, and Financial Secretary of the Colony, and such other persons holding office under the Crown in the Colony, and not exceeding four in number at any one time, 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 eight in number at any one time, 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.

Constitution of Legislative Council.

Official Members.

Unofficial Members.

If any Official Member of the Legislative Council cease to hold office under the Crown in the Colony, his seat in the Council shall thereupon become vacant.

Provisional
appoint-
ment of
members.

XIV. Whenever any Member of the Legislative Council, other than an *ex officio* Member, shall, in the manner hereinafter provided, have resigned his seat in the Council or shall die, or whenever the seat of any such Member shall otherwise become vacant, or wherever any such Member shall 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 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, appoint some person to be provisionally a Member of the Council in the place of such Member.

Such person shall hold his place in the Council during Our pleasure and shall forthwith cease to be a Member of the Council if his appointment is disallowed by Us, or revoked by the Governor or superseded by the definitive appointment of a Member of the Council, or if the Member in whose place he was appointed shall be released from suspension, or, as the case may be, shall be declared by the Governor capable of again exercising his functions in the Council, or shall return to the Colony, or shall cease to sit in the Council as an *ex officio* Member.

When any person shall be lawfully discharging the functions of more than one of the offices the holders of which are *ex officio* Members of the said Council, the Governor may, by an Instrument under the Public Seal, appoint any fit person to be provisionally a Member of the Council so long as the said offices shall continue to be so discharged by one person but any such appointment may be disallowed or revoked as aforesaid.

The Governor shall, without delay, report to Us, through one of Our Principal Secretaries of State, every provisional appointment of any person as a Member of the Legislative Council.

Tenure of
Office of
Unofficial
Members of
Legislative
Council.

XVI. Every Unofficial Member of the Legislative Council shall vacate his seat at the end of four years from the date of the Instrument by which he is appointed or of such other period as may be specified in that Instrument, but shall be eligible to be re-appointed in the manner hereinbefore provided for a further period or periods, each period not exceeding four years:

Unofficial
Members
eligible for
re-appoint-
ment.

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 four years shall be reckoned from the date of the Instrument provisionally appointing him.

Resignation
of Members.

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

XX. The Members of the Legislative Council shall take precedence as We may specially assign, and in default thereof, as follows:—

Precedence
of Members.

(1) First, the Official Members in the following order:—

(a) The *ex officio* Members in the order in which their offices are hereinbefore 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);

(b) Other Official Members according to the priority of their respective appointments, or if appointed by the same Instrument, according to the order in which they are named therein.

(2) Secondly, the Unofficial Members in the following order:—

(a) The Unofficial Members who are also Members of the Executive Council of the Colony according to the precedence taken as between themselves as Members of the Executive Council;

(b) Other Unofficial Members according to the priority of their respective appointments, or if appointed by the same Instrument, according to the order in which they are named therein: Provided that any such Unofficial Member who is re-appointed immediately on the termination of his term of office shall, as between himself and other Unofficial Members who are not also Members of the Executive Council, take precedence according to the date from which he has been continuously a Member of the Legislative Council.

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.

Appoint-
ments by
Governor
to be
granted
during
pleasure.

Given at Our Court at Saint James's this Thirtieth day of April, 1938, in the Second year of Our Reign.

Reservation
of power
to amend
or revoke
these
Letters.

3. We do hereby reserve to Ourselves, Our Heirs and Successors full power to amend or revoke these Presents.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourselves at Westminster the nineteenth day of January, in the third year of Our Reign.

By Warrant under the Queen's Sign Manual.

Coldstream.

SCHEDULE.

Letters Patent under the Great Seal of the Realm bearing date the thirtieth day of April One thousand nine hundred and thirty-eight.	The Hong Kong Letters Patent, 1938.
Letters Patent under the Great Seal of the Realm bearing date the twenty-ninth day of June One thousand nine hundred and thirty-nine.	The Hong Kong Letters Patent, 1939.
Letters Patent under the Great Seal of the Realm bearing date the sixteenth day of March One thousand nine hundred and fifty.	The Hong Kong Letters Patent, 1950.

No. A. 20.

HONG KONG

Additional Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies.

ELIZABETH R.

Dated 17th February, 1955.

ADDITIONAL INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies, or other Officer for the time being Administering the Government of Our said Colony.

WHEREAS by certain Instructions under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies bearing date the fourteenth day of February, 1917 as amended by Additional Instructions bearing date the thirtieth day of April, 1938 (which Instructions, as so amended, are hereinafter called "the existing Instructions") provision is made amongst other things for the constitution of the Executive Council and the Legislative Council of the Colony :

AND WHEREAS We are minded to amend the existing Instructions in the following manner :

NOW, THEREFORE, We do hereby direct and enjoin and declare Our will and pleasure as follows—

1. Clause V of the existing Instructions shall be revoked.

Revocation
of clause
V of
instructions
of 1917.

2. Clause VIII of the existing Instructions shall be revoked, without prejudice to anything lawfully done thereunder, and the following clause shall be substituted therefor—

Replace-
ment of
clause VIII
of Instruc-
tions of
1917.

"Presiding
in Execu-
tive
Council.

VIII.—(1) The Governor shall, so far as is practicable, preside at meetings of the Executive Council.

(2) In the absence of the Governor there shall preside at any meeting of the Council—

(a) such Member of the Council as the Governor may appoint; or

(b) in the absence of a Member so appointed, the senior *ex officio* Member present; or

(c) in the absence of a Member so appointed or of an *ex officio* Member, the senior Official Member present.

(3) For the purposes of subparagraphs (b) and (c) of paragraph (2) of this clause—

(a) the Senior Military Officer shall not be regarded as an *ex officio* Member of the Council;

- (b) the remaining *ex officio* Members of the Council shall have seniority in the order in which their offices are mentioned in clause II of these Instructions; and
- (c) the Official Members of the Council shall have seniority according to the priority of their respective appointments to the Council:

Provided that Members appointed by the same Instrument shall have seniority among themselves according to the order in which they are named therein."

Revocation
of clause
XX of
Instructions
of 1917.

3. Clause XX of the existing Instructions shall be revoked.

Replace-
ment of
clause XXI
of Instruc-
tions of
1917.

4. Clause XXI of the existing Instructions shall be revoked, without prejudice to anything lawfully done thereunder, and the following clause shall be substituted therefor—

"Presiding
in Legisla-
tive
Council.

XXI.—(1) The Governor shall, so far as is practicable, preside at meetings of the Legislative Council.

(2) In the absence of the Governor there shall preside at any meeting of the Council—

- (a) such Member of the Council as the Governor may appoint; or
- (b) in the absence of a Member so appointed, the senior Official Member present.

(3) For the purposes of subparagraph (b) of paragraph (2) of this clause—

- (a) the Senior Military Officer shall not be regarded as an Official Member of the Council; and
- (b) the remaining Official Members of the Council shall have seniority as follows—

- (i) First, the persons discharging the functions of the offices specified in clause XIII of these Instructions, in the order in which those offices are mentioned therein;

- (ii) Second, the other Members according to the priority of their respective appointments to the Council :

Provided that Members appointed by the same Instrument shall have seniority among themselves according to the order in which they are named therein."

5. These Additional Instructions shall come into effect on the first day of March, 1955. Commencement

Given at Our Court at St. James's this Seventeenth day of February, in the fourth year of Our Reign.

No. A. 21.

NURSES REGISTRATION ORDINANCE.

(Chapter 164).

NURSES REGISTRATION (AMENDMENT) REGULATIONS, 1955.

In exercise of the powers conferred by section 4 of the Nurses Registration Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Nurses Registration Citation. (Amendment) Regulations, 1955.

2. Regulation 1 of the Nurses Registration Regulations is amended— Amendment of regulation 1. (Vol. X, p. 241).

- (a) by the deletion from the first line of paragraph (1) of the word "seven" and the substitution therefor of the following—

"nine"; and

The following are published for general information:—

L.N. 83 of 1964.

HONG KONG.

THE HONG KONG ADDITIONAL INSTRUCTIONS 1964.

Dated 12th May 1964.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1964 and shall be construed as one with the Instructions under the Royal Sign Manual and Signet to Our Governor and Commander-in-Chief of Our Colony of Hong Kong and its Dependencies dated 14th February 1917 (hereinafter called “the principal Instructions”) as amended by the Additional Instructions to Our said Governor and Commander-in-Chief dated respectively 30th April 1938 and 17th February 1955.

Citation,
construction
and
commence-
ment.

(2) The principal Instructions may be cited as the Hong Kong Royal Instructions 1917, and the Additional Instructions dated 30th April 1938 and 17th February 1955 may be cited respectively as the Hong Kong Additional Instructions 1938 and the Hong Kong Additional Instructions 1955.

(3) The principal Instructions, the Hong Kong Additional Instructions 1938, the Hong Kong Additional Instructions 1955 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1964.

(4) These Instructions shall come into effect on 1st July 1964.

2. Clause XIII of the principal Instructions, as replaced by the Hong Kong Additional Instructions 1938, is amended by deleting the first paragraph of the said clause and substituting therefor the following—

Amendment
of clause
XIII of
principal
Instructions.

“The Legislative Council of the Colony shall consist of the Governor, 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, Secretary for Chinese Affairs, and Financial Secretary of the Colony and such other persons holding office under the Crown in the Colony, and not exceeding seven in number

at any one time, 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 thirteen in number at any one time, 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.”.

Given at Our Court at St. James's this twelfth day of May 1964 in the thirteenth year of Our Reign.

(Secretariat CR L/M1/64 in SCR1/511/60)

The following are published for general information :—

L.N. 3 of 1966.

HONG KONG.

THE HONG KONG ADDITIONAL INSTRUCTIONS 1965.

Dated 23rd December, 1965.

ELIZABETH R.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1965 and shall be construed as one with the Hong Kong Royal Instructions 1917 (hereinafter called “the principal Instructions”) as amended by the Hong Kong Additional Instructions 1938, the Hong Kong Additional Instructions 1955 and the Hong Kong Additional Instructions 1964. Citation, construction and commencement.

(2) The principal Instructions, the Hong Kong Additional Instructions 1938, the Hong Kong Additional Instructions 1955, the Hong Kong Additional Instructions 1964 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1965.

(3) These Instructions shall come into effect on 6th January 1966.

2. Clause XIII of the principal Instructions, as amended by the Hong Kong Additional Instructions 1964, is further amended— Amendment of clause XIII of principal Instructions.

(a) by the deletion of the words “the Senior Military Officer for the time being in Command of Our regular troops within the Colony,”; and

(b) by the substitution of the word “eight” for the word “seven”.

3. Clause XXI of the principal Instructions, as replaced by the Hong Kong Additional Instructions 1955, is amended by the substitution of the following paragraph for paragraph (3):— Amendment of clause XXI of principal Instructions.

“(3) For the purposes of sub-paragraph (b) of paragraph (2) of this clause the Official Members of the Council shall have seniority as follows :—

(i) first, the persons discharging the functions of the offices specified in clause XIII of these Instructions, in the order in which those offices are mentioned therein;

- (ii) second, the other Members according to the priority of their respective appointments to the Council :

Provided that Members appointed by the same Instrument shall have seniority among themselves according to the order in which they are named therein.”.

Given at Our Court at St. James's this 23rd day of December 1965 in the fourteenth year of Our Reign.

(Secretariat SCR2/1136/58)

L.N. 174 of 1967.

HONG KONG.

THE HONG KONG ADDITIONAL INSTRUCTIONS 1967.

ELIZABETH R.

Dated 16th October 1967.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows—

Citation, construction and commencement.

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1967 and shall be construed as one with the Hong Kong Royal Instructions 1917 as amended (hereinafter called "the principal Instructions").

(2) The Hong Kong Royal Instructions 1917 to 1965 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1967.

effect 17. 11. 67
174/67

(3) These Instructions shall come into effect on a date to be appointed by the Governor.

Amendment of clause II of principal Instructions.

2. Clause II of the principal Instructions is amended by substituting for the words "the Senior Military Officer for the time being in command of Our regular troops within the Colony" the words "the Officer for the time being in command of Our regular forces within the Colony (hereinafter called the Commander British Forces)".

Replacement of clause VII of principal Instructions.

3. Clause VII of the principal Instructions is revoked and replaced by the following—

"Summoning of Executive Council. VII. The Executive Council shall not be summoned except by the authority of the Governor."

Amendment of clause VIII of principal Instructions.

4. Clause VIII of the principal Instructions is amended in sub-paragraph (a) of paragraph (3) thereof by substituting for the words "Senior Military Officer" the words "Commander British Forces".

Replacement of clause IX of principal Instructions.

5. Clause IX of the principal Instructions is revoked and replaced by the following—

"Proceedings in Executive Council. IX. (1) No business except that of adjournment shall be transacted in the Executive Council if objection is taken by any Member present that there are

less than four Members present besides the Governor or the Member presiding.

(2) Subject to the provisions of paragraph (1) of this clause, the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council, and any proceedings in the Council shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

(3) The Governor or the Member presiding, when in his opinion the business before the Executive Council makes it desirable, may summon any person to a meeting of the Council, notwithstanding that that person is not a Member of the Council.”.

- | | |
|--|---|
| <p>6. Clause XXVII of the principal Instructions is amended—</p> <p>(a) by inserting after the word “Bill” where it first occurs therein the words “, not being a Government measure,”; and</p> <p>(b) by deleting in the second sentence thereof the words “, not being a Government measure,”.</p> | <p>Amendment of clause XXVII of principal Instructions.</p> |
| <p>7. Clause XXX of the principal Instructions is hereby revoked.</p> | <p>Revocation of clause XXX of principal Instructions.</p> |
| <p>8. Clause XXXIV of the principal Instructions is amended by substituting for the words “the first meeting of the Executive Council which may be conveniently held thereafter” the words “a meeting of the Executive Council”.</p> | <p>Amendment of clause XXXIV of principal Instructions.</p> |
| <p>9. Clause XXXV of the principal Instructions is hereby revoked.</p> | <p>Revocation of clause XXXV of principal Instructions.</p> |

Given at Our Court at St. James’s this sixteenth day of October 1967 in the Sixteenth year of Our Reign.



Legal Supplement No. 2
TO THE
HONG KONG GOVERNMENT GAZETTE
Published by Authority

SUP. TO GAZETTE No. 9]

FRIDAY, 28 FEBRUARY, 1969.

[Vol. CXI

L.N. 21 of 1969.

HONG KONG.

THE HONG KONG ADDITIONAL INSTRUCTIONS 1969.

ELIZABETH R.

Dated 17th February 1969.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1969 and shall be construed as one with the Hong Kong Royal Instructions 1917 as amended (hereinafter called "the principal Instructions").

Citation, construction and commencement.

(2) The Hong Kong Royal Instructions 1917 to 1967 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1969.

2. Clause II of the principal Instructions is amended by substituting for the words "Secretary for Chinese Affairs" the words "Secretary for Home Affairs".

Amendment of clause II of principal Instructions.

Amendment of
clause X of
principal
Instructions.

3. Clause X of the principal Instructions is amended by inserting after the words "excepting only" the words "in cases relating to the appointment, disciplinary control or removal from office of a public officer or".

Amendment of
clause XIII
of principal
Instructions.

4. Clause XIII of the principal Instructions is amended by substituting for the words "Secretary for Chinese Affairs" the words "Secretary for Home Affairs".

Amendment of
clause XIX
of principal
Instructions.

5. Clause XIX of the principal Instructions is amended by substituting for the words "five Members" the words "ten Members".

Amendment of
clause XXIV
of principal
Instructions.

6. Clause XXIV of the principal Instructions is amended by deleting the words ", if seconded by any other Member,".

Given at Our Court at St. James's this Seventeenth day of February 1969 in the Eighteenth year of Our Reign.

L.N. 6 of 1971.

HONG KONG.**THE HONG KONG ADDITIONAL INSTRUCTIONS 1970.**

ELIZABETH R.

Dated 27th November 1970.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1970 and shall be construed as one with the Hong Kong Royal Instructions 1917 as amended (hereinafter called “the principal Instructions”).

Citation,
construction
and com-
mencement.

*In operation on
1-2-71 - see
L.N. 7/71*

(2) The Hong Kong Royal Instructions 1917 to 1969 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1970.

(3) These Instructions shall come into effect on a date to be appointed by the Governor.

2. Clause III of the principal Instructions is amended by inserting after “from the exercise of his functions as a Member of the Council,” the following—

Amendment of
Clause III
of principal
Instructions.

“or whenever the seat of any such Member shall otherwise become vacant.”

3. Clause XIII of the principal Instructions is amended by inserting after “Financial Secretary of the Colony” the following—

Amendment of
Clause XIII
of principal
Instructions.

“, who are hereinafter referred to as *ex officio* Members.”

4. Clauses XXIX and XXXII of the principal Instructions are revoked.

Revocation of
Clauses XXIX
and XXXII
of principal
Instructions.

Given at Our Court at St. James's this Twenty-seventh day of November 1970 in the Nineteenth year of Our Reign.

L.N. 139 of 1972

HONG KONG
THE HONG KONG ADDITIONAL INSTRUCTIONS
1972

Dated: 28th June 1972.

ELIZABETH R.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1972 and shall be construed as one with the Hong Kong Royal Instructions 1917 as amended (hereinafter called “the principal Instructions”).

Citation, construction and commencement.

(2) The Hong Kong Royal Instructions 1917 to 1970 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1972.

2. Clause XIII of the principal Instructions is amended by substituting for the word “eight” the word “ten”, and for the word “thirteen” the word “fifteen”.

Amendment of clause XIII of principal Instructions.

GIVEN at Our Court at St. James’s this Twenty-eighth day of June 1972 in the Twenty-first year of Our Reign.



Legal Supplement No. 2

TO THE

HONG KONG

GOVERNMENT GAZETTE

Published by Authority

FRIDAY, 24 SEPTEMBER, 1976

SUP. TO GAZETTE No. 39 VOL. CXVIII

L.N. 245 of 1976

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1976

Dated: 26th August 1976.

ELIZABETH R.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows--

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1976 and shall be construed as one with the Hong Kong Royal Instructions 1917 as amended (hereinafter called "the principal Instructions").

Citation,
construction and
commencement.

(2) The Hong Kong Royal Instructions 1917 to 1972 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1976.

2. (1) Clause II of the principal Instructions is amended by substituting for the word "Colonial" the word "Chief".

Amendment of
clauses II and
XIII of the
principal
Instructions.

(2) Clause XIII of the principal Instructions is amended by substituting for the word "Colonial" the word "Chief", and for the word "ten" the word "eighteen", and for the word "fifteen" the word "twenty-three".

Given at Our Court at St. James's this 26th day of August in the Twenty-fifth year of Our Reign.



Legal Supplement No. 2

TO THE

HONG KONG

GOVERNMENT GAZETTE

Published by Authority

FRIDAY, 26 AUGUST, 1977

SUP. TO GAZETTE No. 34 VOL. CXIX

L.N. 211 of 1977

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1977

Dated: 17th August 1977.

ELIZABETH R.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1977 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called "the principal Instructions").

Citation,
construction
and
commencement.

(2) The Hong Kong Royal Instructions 1917 to 1976 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1977.

2. Clause XIII of the principal Instructions is amended by substituting for the word "eighteen" the word "twenty", and for the word "twenty-three" the word "twenty-five".

Amendment of
clause XIII
of principal
Instructions.

Given at Our Court at St. James's this 17th day of August in the Twenty-sixth year of Our Reign.



Legal Supplement No. 2

TO THE

HONG KONG

GOVERNMENT GAZETTE

Published by Authority

FRIDAY, 3 OCTOBER, 1980

SUP. TO GAZETTE No. 40 VOL. CXXII

L.N. 275 of 1980**HONG KONG****THE HONG KONG ADDITIONAL INSTRUCTIONS 1980**

Dated, 22nd August 1980

ELIZABETH R.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1980 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called "the principal Instructions").

Citation, and construction.

(2) The Hong Kong Royal Instructions 1917 to 1977 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1980.

2. Clause XIII of the principal Instructions is amended by substituting for the word "twenty" the word "twenty-two", and for the word "twenty-five" the word "twenty-seven".

Amendment of clause XIII of principal instructions.

Given at Our Court at St. James's this Twenty-second day of August, 1980, in the Twenty-ninth year of Our Reign.

L.N. 318 of 1983

HONG KONG
THE HONG KONG ADDITIONAL INSTRUCTIONS 1983

Dated: 24th August 1983.

ELIZABETH, R.

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

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1983 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called "the principal Instructions"). Citation, construction and commencement.
- (2) The Hong Kong Royal Instructions 1917 to 1980 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1983.
- (3) These Instructions shall come into effect on the first day of September 1983.
2. Clause II of the principal Instructions is amended by deleting the words "of Secretary for Home Affairs,". Amendment of Clause II of principal Instructions.
3. Clause XIII of the principal Instructions is amended by—
 - (a) deleting the words "Secretary for Home Affairs, "; and
 - (b) substituting for the word "twenty-two" the word "twenty-five" and for the word "twenty-seven" the word "twenty-nine".Amendment of Clause XIII of principal Instructions.
4. Clause XIX of the principal Instructions is amended by substituting for the word "ten" the word "twenty". Amendment of Clause XIX of principal Instructions.

Given at Our Court at St. James's this twenty-fourth day of August 1983 in the thirty-second year of Our Reign.

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L.N. 291/84

L. S. NO. 2 TO GAZETTE NO. 33/1984

L.N. 291 of 1984

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1984

Dated: 30 June 1984.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and pleasure as follows:—

Citation,
construction and
commencement.

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1984 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called "the principal Instructions").

(2) The Hong Kong Royal Instructions 1917 to 1983 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1984.

(3) These Instructions shall come into effect on the first day of September 1984.

Amendment of
Clause XIII of
principal
Instructions.

2. Clause XIII of the principal Instructions is amended by substituting for the word "twenty-nine" the word "thirty-two".

Given at Our Court at St. James's this thirtieth day of June in the thirty-third year of Our Reign.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE
EXTRAORDINARY**

Published by Authority

THURSDAY, 4 APRIL, 1985

SUP. TO GAZETTE EXTRAORDINARY NO. 11 VOL. CXXVII

L.N. 86 of 1985

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1985

Dated: 30th March 1985.

ELIZABETH. R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and pleasure as follows—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1985 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

Citation,
construction,
commencement
and saving.

(2) The Hong Kong Royal Instructions 1917 to 1984 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1985.

(3) These Instructions shall be published in the Hong Kong Government Gazette and, subject to paragraph (4), shall come into operation upon the date of such publication.

(4) The Legislative Council of Hong Kong may make laws for giving effect to these Instructions and for the holding of elections prior to the appointed date to elect persons to be Elected Members of the said Legislative Council in accordance therewith but, until the appointed date, nothing in these Instructions or the said laws shall affect the membership or powers and privileges of the said Legislative Council as constituted under Our Letters Patent and the principal Instructions immediately before the date of coming into operation of the Hong Kong Letters Patent 1985.

(5) In these Instructions “the appointed date” means such date as the said Governor shall appoint for the commencement of the session of the said Legislative Council commencing next after the current session thereof.

2. The principal Instructions are amended by adding, immediately after Clause XII, the following—

Addition of new
Clause XIII A to
principal
Instructions.

“Election to
Legislative
Council.

XIIA. (1) An election for all Elected Members of the Legislative Council in accordance with a law in force in the Colony shall be held—

(a) in 1985; and

(b) within three months after any subsequent dissolution of the Council.

(2) Elections for causal vacancies among the Elected Members shall be held in accordance with a law in that behalf in force in the Colony.”.

3. Clause XIII of the principal Instructions is revoked and replaced by the following—

Replacement of
Clause XIII of
the principal
Instructions.

“Legislative
Council:
Suspension of
Official or
Appointed
Members.

XIII. The Governor may upon sufficient cause to him appearing suspend from the exercise of his functions in the Legislative Council any Official or Appointed 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 Official or Appointed Member and thereupon his seat in the Legislative Council shall become vacant.”.

Amendment of Clause XIV of the principal Instructions.

4. Clause XIV of the principal Instructions is amended by inserting, immediately after the words "*ex officio* Member" where they appear in the second line, the words "or an Elected Member".

Replacement of Clause XVI of the principal Instructions.

5. Clause XVI of the principal Instructions is revoked and replaced by the following—

"Tenure of office of Official and Appointed Members of Legislative Council.

XVI. (1) If any Official Member of the Legislative Council ceases to hold office under the Crown in the Colony his seat in the Council shall thereupon become vacant.

(2) Every Appointed Member of the Legislative Council shall vacate his seat at the end of—

- (a) such period as may be specified in the Instrument by which he is appointed; or
- (b) the day immediately before the commencement of the session of the Council commencing next after the holding of an election for all the Elected Members of the Council,

whichever first occurs.

(3) An Appointed Member who vacates his seat under paragraph (2) of this clause shall, if appropriately qualified, be eligible to be reappointed."

Replacement of Clause XVII of the principal Instructions.

6. Clause XVII of the principal Instructions is revoked and replaced by the following—

"Declaration of vacancy among Appointed Members.

XVII. Without prejudice to clause XIII, if the office of any Appointed Member of the Legislative Council would become vacant (directly or by reason of a disqualification for holding office) under a law in force in the Colony were he an Elected Member of the Council on any of the following grounds—

- (a) that he holds any office specified in such law or has been dismissed therefrom;
- (b) that he has been convicted of any offence so specified;
- (c) that he has been sentenced to any punishment so specified, whether in the Colony or elsewhere;
- (d) on the ground of his bankruptcy or other ground relating to indebtedness so specified;
- (e) on the ground of his non-attendance at sittings of the Council;
- (f) that he has been elected as an Elected Member of the Council,

the Governor shall declare in writing that the seat of such Appointed Member is vacant and, immediately on the publication of such declaration in the Hong Kong Government Gazette, he shall cease to be a Member of the Council."

Amendment of Clause XVIII of the principal Instructions.

7. Clause XVIII of the principal Instructions is amended by inserting, immediately before the word "Member" where it appears in the first line, the words "Official or Appointed".

Amendment of Clause XXI of the principal Instructions.

8. Clause XXI(3)(i) of the principal Instructions is amended by substituting for the words and figures "clause XIII of these Instructions" the words and figures "Article VI(1)(b) of Our Letters Patent as set out in the Hong Kong Letters Patent 1985".

9. The principal Instructions are amended by adding, immediately after clause XXI, the following—

“Sessions and sittings of Legislative Council.

XXIA. (1) The sessions of the Legislative Council shall commence on such date and end on such date as the Governor shall from time to time appoint by notice published in the Hong Kong Government Gazette, but the period between the last sitting of one session of the Legislative Council and the first sitting of the next session shall not exceed three months.

(2) The Governor, by notice published in the Hong Kong Government Gazette, may summon special sittings of the Legislative Council to be held in any period between the end of one session of the Council and the beginning of the next session.

(3) The consideration of any Bill or other business of the Council shall not be affected by the termination of a session, but it may be resumed at any subsequent sitting of the Council.”.

Addition of new Clause XXIA to the principal Instructions.

10. The principal Instructions are amended by adding, immediately after Clause XXVIII, the following—

“Dissolution of Council.

XXVIII A. (1) The Governor may at any time, by Order published in the Hong Kong Government Gazette, dissolve the Legislative Council:

Provided that unless it has been sooner dissolved, the Council shall stand dissolved on the ninetieth day before the third anniversary of the first sitting of the Council following the latest election for all the Elected Members of the Council.

(2) On the dissolution of the Council, all the Elected Members shall vacate their seats:

Provided that if, for the consideration of any urgent business, the Governor shall appoint a time for a sitting of the Council after the dissolution but before the day appointed for the holding of an election for all the Elected Members of the Legislative Council (as required by Clause XI A of these Instructions), the persons holding office as Elected Members of the Council immediately before such dissolution shall continue to sit as Elected Members until the commencement of the day (or, if more than one, the first day) appointed for the holding of such elections.”.

Addition of new Clause XXVIII A to the principal Instructions.

Given at Our Court of St. James's this thirtieth day of March in the thirty-fourth year of Our Reign.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE**

Published by Authority

FRIDAY, 22 AUGUST, 1986

SUP. TO GAZETTE No. 34 VOL. CXXVIII

L.N. 203 of 1986**HONG KONG****THE HONG KONG ADDITIONAL INSTRUCTIONS 1986**

Dated: 24th July 1986.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS TO Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

Citation,
construction and
commencement.

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1986 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called "the principal Instructions").

(2) The Hong Kong Royal Instructions 1917 to 1985 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1986.

(3) These Instructions shall be published in the Hong Kong Government Gazette and shall come into operation upon the date of such publication.

Amendment of
Clause XXV of
principal
Instructions.

2. Clause XXV of the principal Instructions is amended by deleting Rule 1 and substituting the following new Rule—

"Form of enacting
Ordinances.

1. Laws may be enacted in English or Chinese. All laws shall be styled "Ordinances" and the enacting words shall be "enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof", or the corresponding style and words in Chinese."

Given at Our Court at St. James's this twenty-fourth day of July in the thirty-fifth year of Our Reign.



Legal Supplement No. 2

TO THE

HONG KONG

GOVERNMENT GAZETTE

Published by Authority

FRIDAY, 28 NOVEMBER, 1986

SUP. TO GAZETTE NO. 48 VOL. CXXVIII

L.N. 283 of 1986

REVISED EDITION OF THE LAWS ORDINANCE 1965

(No. 53 of 1965)

**REVISED EDITION OF THE LAWS (CORRECTION OF ERROR)
(NO. 2) ORDER 1986**

Made under section 18

1. This order may be cited as the Revised Edition of the Laws (Correction of Error) (No. 2) Order 1986. Citation.

2. The errors which appear in the enactments specified in the first column of the Schedule are rectified in the manner set out in the second column thereof. Rectification
of errors.
Schedule.

SCHEDULE

<i>First column</i>	<i>Second column</i>
Companies Ordinance	<p>(a) In section 52, substitute "resolution" for "resolutin". (Cap. 32.)</p> <p>(b) In section 80(3), substitute "property" for "porperty".</p> <p>(c) In section 92(3), substitute "default" for "dafault".</p> <p>(d) In section 93(2), substitute "used" for "sued".</p> <p>(e) In section 97(2), substitute "warrant" for "warrent".</p> <p>(f) In section 129D(3)(b), substitute "dividend" for "divident".</p> <p>(g) In section 129G(1)—</p> <p style="padding-left: 2em;">(i) substitute "is" for "it" in the first place where it occurs;</p> <p style="padding-left: 2em;">(ii) insert a comma after "company".</p> <p>(h) In section 161(1), substitute "laid" for "liad".</p> <p>(i) In section 163C(2), substitute "illegal" for "illegel".</p> <p>(j) In section 190(2), substitute "require" for "required" in the first place where it occurs.</p> <p>(k) In section 193(1), substitute "liquidator" for "lquidator".</p> <p>(l) In section 201, substitute "prescribed" for "pescribed".</p> <p>(m) In the Eighth Schedule to the Ordinance, under the sub-heading "I.—BY A COMPANY HAVING A SHARE CAPITAL", in item (ca), substitute "prospectus" for "prospetus".</p>

	<i>First column</i>	<i>Second column</i>
		(n) In the Tenth Schedule to the Ordinance, in paragraph 13(1)(b), substitute "interest" for "interst".
(Cap. 123.)	Buildings Ordinance	In section 24(3), insert "building," after "such".
(Cap. 279, sub. leg.)	Subsidized Schools Provident Fund Rules	In rule 5(5), in the proviso, substitute "Provided" for "Provident".
(Cap. 336.)	District Court Ordinance	In section 38(2), substitute "Supreme" for "Surpeme".
(Cap. 358, sub. leg.)	Water Pollution Control (Appeal Board) Regulations	(a) In regulation 1, substitute "1986" for "1985". (b) In regulation 9(2)— (i) substitute "regulation 16" for "Part VII"; (ii) substitute "1986" for "1985".
(Cap. 366.)	District Boards Ordinance	In section 3A(1), substitute "declare" for "delcare".
(App. I, p. D.)	Hong Kong Royal Instructions 1917 to 1986	In clause XVII, substitute "were" for "where".
(App. I, p. BF.)	Copyright (Performing Right Tribunal) Rules	In rule 2, in the margin, substitute "(S.I. 1979/910.)" for "(S.I. 1979/510.)".

Michael THOMAS,
Attorney General.

20 November 1986.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE
EXTRAORDINARY**

Published by Authority

SATURDAY, 9 APRIL, 1988

SUP. TO GAZETTE EXTRAORDINARY No. 16 VOL. CXXX

L.N. 111 of 1988

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1988

Dated: 31st March 1988.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS TO Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1988 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

Citation,
construction
and
commencement.

(2) The Hong Kong Royal Instructions 1917 to 1986 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1988.

(3) These Instructions shall be published in the Hong Kong Government Gazette and shall come into operation upon the date of such publication.

(4) The membership of the Executive Council of a person appointed thereto prior to the commencement of these Instructions shall not be affected by the change in description made by Clause 2 of these Instructions.

2. Clause II of the principal Instructions is amended by deleting the word “Unofficial” wherever it occurs and substituting the word “Appointed”.

Amendment of
Clause II of
principal
Instructions.

3. Clause III of the principal Instructions is amended—

Amendment of
Clause III of
principal
Instructions.

(a) by deleting the words “or Unofficial” where they occur in the phrase “an Official or Unofficial Member of the Council”; and

(b) by deleting the words “an Unofficial” where they occur elsewhere and substituting the words “an Appointed”.

4. Clause XXI of the principal Instructions is amended in paragraph (2) by deleting the words “there shall preside at any meeting of the Council” and substituting the words “from a meeting of the Legislative Council there shall preside at that meeting”.

Amendment of
Clause XXI of
principal
Instructions.

5. Clause XXIA of the principal Instructions is amended by deleting paragraph (3) and substituting the following—

Amendment of
Clause XXIA
of principal
Instructions.

“(3) The consideration of any Bill or other business of the Legislative Council shall not be affected by the termination of a session and may be resumed at any subsequent sitting, but shall lapse on a dissolution of the Legislative Council.”

Amendment of
Clause XXV of
principal
Instructions.

6. Clause XXV of the principal Instructions is amended in paragraph 2 by deleting the words "paragraphs, numbered consecutively, and to every such clause there shall be annexed in the margin a short summary of its contents" and substituting the words "paragraphs numbered consecutively".

Amendment of
Clause XXVIII
of principal
Instructions.

7. Clause XXVIII of the principal Instructions is amended by deleting the words "and of the marginal summary thereof,".

Amendment of
Clause
XXVIII A of
principal
Instructions.

8. Clause XXVIII A of the principal Instructions is amended in paragraph (1) by deleting the proviso and substituting the following—

"Provided that the Legislative Council shall stand dissolved in the third year after the latest election for all the Elected Members of the Legislative Council on such date as the Governor shall fix being a date not earlier than 60 days and not later than 30 days before the anniversary of that election."

Given at Our Court at St. James's this 31st day of March in the Thirty-seventh year of Our Reign.



Legal Supplement No. 2

TO THE

HONG KONG

GOVERNMENT GAZETTE

Published by Authority

FRIDAY, 12 OCTOBER, 1990

SUP. TO GAZETTE No. 41 VOL. CXXXII

L.N. 316 of 1990

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1990

Dated: 22nd August 1990

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

1. Citation, construction and commencement

(1) These Instructions may be cited as the Hong Kong Additional Instructions 1990 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

(2) The Hong Kong Royal Instructions 1917 to 1988 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1990.

(3) These Instructions shall be published in the Hong Kong Government Gazette and shall come into operation upon the appointed day.

(4) In these Instructions “appointed day” has the same meaning as in the Hong Kong Letters Patent 1990.

2. Amendment of Clause XIIA of principal Instructions

Clause XIIA(1)(a) of the principal Instructions is amended by deleting the date “1985” and substituting the date “1991”.

3. Amendment of Clause XIII of principal Instructions

Clause XIII of the principal Instructions is amended by deleting the words “Official or” wherever they occur.

4. Amendment of Clause XIV of principal Instructions

Clause XIV of the principal Instructions is amended by deleting the words "Member of the Legislative Council, other than an *ex officio* Member or an elected Member," in the first and second lines and substituting the words "Appointed Member of the Legislative Council".

5. Revocation of Clause XVI(1) of principal Instructions

Clause XVI(1) of the principal Instructions is revoked.

6. Amendment of Clause XVIII of principal Instructions

Clause XVIII of the principal Instructions is amended by deleting the words "Official or Appointed Member of the Legislative Council, other than an *ex officio* Member," and substituting the words "Appointed Member of the Legislative Council".

7. Amendment of Clause XXI of principal Instructions

(1) Clause XXI(2) of the principal Instructions is amended by deleting sub-paragraphs (a) and (b) and substituting the following sub-paragraphs—

“(a) the Deputy President; or

(b) in the absence of the Deputy President, the senior *ex officio* Member present.”.

(2) Clause XXI(3) is revoked and replaced by the following paragraphs—

“(3) The Governor may, by Instrument under the Public Seal, appoint any Member of the Legislative Council to be Deputy President of the Council who shall hold office as such in the Council during Our Pleasure and shall forthwith cease to be Deputy President of the Council if his appointment is revoked by the Governor, or he shall cease to be a Member of the Council.

(4) The provisions of Article VI(2) of Our Letters Patent 1917 to 1990 shall apply to the appointment of a Deputy President and, in the absence of any such Instructions as are mentioned therein, the Governor shall, without delay, report to Us, through one of Our Principal Secretaries of State, every such appointment.

(5) For the purposes of paragraph (2)(b) of this clause, the *ex officio* Members of the Council shall have seniority in the order in which their offices are specified in Article VI(1)(b) of Our said Letters Patent.”.

**8. Amendment of Clause XXVIII A
of principal Instructions**

The proviso to Clause XXVIII A(1) of the principal Instructions is amended by deleting the word "third" and substituting the word "fourth".

Given at Our Court at St. James's this twenty-second day of August in the Thirty-ninth year of Our Reign.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE
EXTRAORDINARY**

Published by Authority

TUESDAY, 21 MAY, 1991

SUP. TO GAZETTE EXTRAORDINARY NO. 24 VOL. CXXXIII

L.N. 202 of 1991

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1991

Dated: 12th May 1991.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

1. Citation, construction and commencement

(1) These Instructions may be cited as the Hong Kong Additional Instructions 1991 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

(2) The Hong Kong Royal Instructions 1917 to 1990 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1991.

(3) These Instructions shall be published in the Hong Kong Government Gazette and shall come into operation upon the date of such publication.

2. Clause XIX of principal Instructions revoked and replaced

Clause XIX of the principal Instructions is revoked and replaced by the following new Clause—

“Validity of proceedings and quorum

XIX. (1) The Legislative Council shall not be disqualified from the transaction of business by reason of any vacancy in the membership thereof (including any vacancy when the Council first meets after an election to elect all the Elected Members), and any proceedings therein shall not be invalidated by any such vacancy or by any defect in the election, appointment or qualification of any Member thereof.

(2) If at any sitting of the Legislative Council a quorum is not present and any Member who is present objects on that account to the transaction of business and, after such interval as may be prescribed by standing rules and orders of the Council, the Governor or Member presiding at the sitting ascertains that a quorum is still not present, he shall adjourn the Council.

(3) For the purpose of paragraph (2) of this Clause, a quorum shall consist of twenty members including the Governor or Member presiding.”.

**3. Clause XXI(1) of principal Instructions
revoked and replaced**

Clause XXI(1) of the principal Instructions is revoked and replaced by the following new Clause—

“Presiding in Legislative Council

XXI. (1) The Governor shall be President of the Legislative Council and, when present at a meeting of the Council, shall preside.”.

**4. Amendment of Clause XXVIII A of
principal Instructions**

Clause XXVIII A of the principal Instructions is amended by adding at the end of the proviso to paragraph (1) the following—

“(or if the election was held on more than one day, of the first day of that election)”.

Given at Our Court at St. James’s this 12th day of May 1991 in the Fortieth year of Our Reign.



Legal Supplement No. 2

TO THE

HONG KONG

GOVERNMENT GAZETTE

Published by Authority

FRIDAY, 19 FEBRUARY, 1993

SUP. TO GAZETTE No. 7 VOL. CXXXV

L.N. 39 of 1993

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1992

Dated: 17th December 1992.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

1. Citation, construction and commencement

(1) These Instructions may be cited as the Hong Kong Additional Instructions 1992 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

(2) The Hong Kong Royal Instructions 1917 to 1991 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1992.

(3) These Instructions shall be published in the Hong Kong Government Gazette and shall come into operation upon the date of such publication.

2. Amendment of Clause II of principal Instructions

Clause II of the principal Instructions is amended by deleting the words “the Officer for the time being in command of Our regular forces within the Colony (hereinafter called the Commander British Forces),”.

3. Amendment of Clause VIII(3) of principal Instructions

Clause VIII paragraph (3) of the principal Instructions is amended by deleting sub-paragraph (a), by deleting the word “remaining” from sub-paragraph (b) and by relettering sub-paragraphs (b) and (c) as sub-paragraphs (a) and (b).

4. Amendment of Clause XIX(2) and (3) of principal Instructions

Clause XIX of the principal Instructions is amended by deleting the words "Governor or" from paragraphs (2) and (3).

5. Revocation and replacement of Clause XXI(1) of principal Instructions

Clause XXI paragraph (1) of the principal Instructions is revoked and replaced by the following paragraph (1)—

"(1) There shall be a President of the Legislative Council who, when present at a meeting of the Council, shall preside. The President of the Legislative Council shall be elected from amongst their number by the Members of the Council excluding the *ex officio* Members."

6. Revocation and replacement of Clause XXI(2) heading and (a) of principal Instructions

(1) Clause XXI paragraph (2) heading and sub-paragraph (a) of the principal Instructions are revoked and replaced by the following heading and sub-paragraph (a)—

"(2) In the absence of the President from a meeting of the Legislative Council there shall preside at that meeting—

(a) the President's deputy who shall be elected from amongst their number by the Members of the Council excluding the *ex officio* Members;"

(2) In Clause XXI paragraph (2)(b) for the words "Deputy President" there shall be substituted the words "President's deputy".

7. Revocation and replacement of Clause XXI(3)

Clause XXI paragraph (3) of the principal Instructions is revoked and is replaced by the following paragraph (3)—

"(3) For the avoidance of doubt, a reference to "the Member presiding" is to the President, the President's deputy or the senior *ex officio* Member present as the case may be."

8. Revocation of Clause XXI(4) of principal Instructions

Clause XXI paragraph (4) of the principal Instructions is revoked.

9. A new Clause XXIB is added to the principal Instructions which reads—

**“Governor’s attendance of Legislative Council.
Attendance of Legislative Council by a
public officer designated by Governor**

XXIB. (1) The Governor may at his discretion attend sittings of the Legislative Council, or any committee or sub-committee thereof, for the following purposes—

- (a) addressing the Council at any time as he shall think fit, including during a special sitting;
- (b) enabling Members of the Council to put questions to him on any public matter for which the Government of the Colony is responsible and receive answers thereto; and
- (c) proposing any policy, measure, bill, vote, resolution, motion or question for debate by and in the Council or any such committee or sub-committee.

(2) In relation to any public matter for which the Government of the Colony is responsible, the Governor at his discretion, may require and direct a public officer designated by him to attend a sitting of the Legislative Council, or a committee or sub-committee thereof, for the following purposes—

- (a) making a statement;
- (b) answering questions put by Members of the Council; and
- (c) proposing any policy, measure, bill, vote, resolution, motion or question for debate and in the Council, or any such committee or sub-committee.”.

**10. Amendment of Clause XXII of the principal Instructions
and consequential amendment of side-note**

Clause XXII of the principal Instructions is amended by deleting the words “the Governor or”.

**“Questions to
be decided by
a majority.
Original and
casting vote”**

**11. Revocation and replacement of Clause XXIV
of principal Instructions**

Clause XXIV is revoked and replaced by a new Clause XXIV which reads—

“XXIV. (1) Subject to paragraph (2) of this clause, it shall be competent for any Member of the Legislative Council to propose any question for debate therein; and such question shall be debated and disposed of according to the standing rules and orders.

(2) 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 only by—

- (a) the Governor;
- (b) a public officer whom the Governor has designated to make such a proposal under clause XXIB, paragraph (2); or
- (c) a member of the Legislative Council expressly authorised or permitted by the Governor to make such a proposal.”.

Given at Our Court at Buckingham Palace this seventeenth day of December in the Forty-first year of Our Reign.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE**

Published by Authority

FRIDAY, 21 JANUARY, 1994

SUP. TO GAZETTE NO. 3 VOL. CXXXVI

L.N. 79 of 1994

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1993 (NO. 1)

Dated: 23rd December 1993.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

1. Citation, construction and commencement

(1) These Instructions may be cited as the Hong Kong Additional Instructions 1993 (No. 1) and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

(2) The Hong Kong Royal Instructions 1917 to 1992 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1993 (No. 1).

(3) These Instructions shall be published in the Hong Kong Government Gazette and shall come into operation on such publication.

2. Amendment of Clause XIX of principal Instructions

Clause XIX of the principal Instructions is amended by adding after paragraph (3) the following paragraph—

“(4) A reference in these Instructions to the “Member presiding” is a reference to the President of the Legislative Council or a Member acting in his place pursuant to clause XXIII(2), as the case may be.”.

3. Amendment to Clause XXI of principal Instructions

Clause XXI of the principal Instructions is amended by deleting paragraphs (2), (3) and (5).

4. Amendment of Clause XXIII of principal Instructions

Clause XXIII of the principal Instructions is amended—

- (a) by renumbering that clause as paragraph (1) thereof;
- (b) by adding after paragraph (1) the following paragraph—

“(2) Without affecting the generality of paragraph (1), standing rules or orders made under that paragraph may make provision for a Member of the Legislative Council to act in place of the President of the Legislative Council if or whenever the President is absent or unable to act.”.

Given at Our Court at St. James's this twenty-third day of December in the Forty-second Year of Our Reign.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE**

Published by Authority

FRIDAY, 1 JULY, 1994

SUP. TO GAZETTE No. 26 VOL. CXXXVI

L.N. 407 of 1994

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1993 (NO. 2)

Dated: 23rd December 1993.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

1. Citation, construction and commencement

(1) These Instructions may be cited as the Hong Kong Additional Instructions 1993 (No. 2) and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

(2) The Hong Kong Royal Instructions 1917 to 1993 (No. 1) and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1993 (Nos. 1 and 2).

(3) These Instructions shall be published in the Hong Kong Government Gazette and, subject to paragraph (4), shall come into operation on the appointed day.

(4) The following provisions shall come into operation on the date of publication—

(a) Clause 2(a)(ii) and (iii) which amends clause XIIA(1) of the principal Instructions;

(b) Clause 2(b)(ii) which amends clause XIIA(2) of the principal Instructions;

(c) Clause 2(c) which adds paragraph (3) to clause XIIA of the principal Instructions.

(5) In these Instructions “appointed day” has the same meaning as in the Hong Kong Letters Patent 1993.

2. Amendment of Clause XIIA of principal Instructions

Clause XIIA of the principal Instructions is amended—

- (a) in paragraph (1)—
 - (i) by deleting the word “Elected” and substituting the word “the”;
 - (ii) by deleting the words “a law” and substituting the word “laws”;
 - (iii) by deleting the date “1991” and substituting the date “1995”;
- (b) in paragraph (2)—
 - (i) by deleting the word “Elected”;
 - (ii) by deleting the words “a law” and substituting the word “laws”;
- (c) by adding after paragraph (2) the following paragraph—

“(3) Subject to paragraph (1)(b), as regards an election referred to in paragraph (1), voting in respect of constituencies of different descriptions or the election of different categories of Members of the Legislative Council may take place on different days.”.

3. Revocation of Clauses XIII, XIV, XVI, XVII and XVIII of principal Instructions

Clauses XIII, XIV, XVI, XVII and XVIII of the principal Instructions are revoked.

4. Amendment of Clause XIX of principal Instructions

Clause XIX of the principal Instructions is amended in paragraph (1)—

- (a) by deleting the word “Elected”;
- (b) by deleting the word “, appointment”.

5. Amendment of Clause XXI of principal Instructions

Clause XXI of the principal Instructions is amended in paragraph (1) by deleting the words “excluding the *ex officio* Members”.

6. Amendment of Clause XXVIII A of principal Instructions

Clause XXVIII A of the principal Instructions is amended by deleting the word “Elected” wherever it occurs.

Given at Our Court at St. James’s this twenty-third day of December in the Forty-second Year of Our Reign.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE**

Published by Authority

FRIDAY, 4 AUGUST, 1995

SUP. TO GAZETTE No. 31 VOL. CXXXVII

L.N. 389 of 1995

HONG KONG

THE HONG KONG ADDITIONAL INSTRUCTIONS 1992

Dated: 24th March 1993.

ELIZABETH, R.

ADDITIONAL INSTRUCTIONS To Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our Will and Pleasure as follows—

1. Citation, construction and commencement

(1) These Instructions may be cited as the Hong Kong Additional Instructions 1992 and shall be construed as one with the Hong Kong Royal Instructions of 1917 as amended (hereinafter called “the principal Instructions”).

(2) The Hong Kong Royal Instructions 1917 to 1991 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1992.

(3) These Instructions shall be published in the Hong Kong Government Gazette and shall come into operation upon the date of such publication.

2. Amendment of Clause II of principal Instructions

Clause II of the principal Instructions is amended by deleting the words “the Officer for the time being in command of Our regular forces within the Colony (hereinafter called the Commander British Forces),”.

3. Amendment of Clause VIII(3) of principal Instructions

Clause VIII paragraph (3) of the principal Instructions is amended by deleting sub-paragraph (a), by deleting the word “remaining” from sub-paragraph (b) and by relettering sub-paragraphs (b) and (c) as sub-paragraphs (a) and (b).

**4. Amendment of Clause XIX(2) and (3)
of principal Instructions**

Clause XIX of the principal Instructions is amended by deleting the words "Governor or" from paragraphs (2) and (3).

**5. Revocation and replacement of Clause XXI(1)
of principal Instructions**

Clause XXI paragraph (1) of the principal Instructions is revoked and replaced by the following paragraph (1)—

"(1) There shall be a President of the Legislative Council who, when present at a meeting of the Council, shall preside. The President of the Legislative Council shall be elected from amongst their number by the Members of the Council excluding the ex officio Members."

**6. Revocation and replacement of Clause XXI(2)
heading and (a) of principal Instructions**

(1) Clause XXI paragraph (2) heading and sub-paragraph (a) of the principal Instructions are revoked and replaced by the following heading and sub-paragraph (a)—

"(2) In the absence of the President from a meeting of the Legislative Council there shall preside at that meeting—

(a) the President's deputy who shall be elected from amongst their number by the Members of the Council excluding the ex officio Members;"

(2) In Clause XXI paragraph (2)(b) for the words "Deputy President" there shall be substituted the words "President's deputy".

7. Revocation and replacement of Clause XXI(3)

Clause XXI paragraph (3) of the principal Instructions is revoked and is replaced by the following paragraph (3)—

"(3) For the avoidance of doubt, a reference to "the Member presiding" is to the President, the President's deputy or the senior ex officio Member present as the case may be."

8. Revocation of Clause XXI(4) of principal Instructions

Clause XXI paragraph (4) of the principal Instructions is revoked.

9. A new Clause XXIB is added to the principal Instructions which reads:—

“Governor’s attendance of Legislative Council.

Attendance of Legislative Council by a public officer designated by Governor

XXIB. (1) The Governor may at his discretion attend sittings of the Legislative Council, or any committee or sub-committee thereof, for the following purposes—

- (a) addressing the Council at any time as he shall think fit, including during a special sitting;
- (b) enabling Members of the Council to put questions to him on any public matter for which the Government of the Colony is responsible and receive answers thereto; and
- (c) proposing any policy, measure, bill, vote, resolution, motion or question for debate by and in the Council or any such committee or sub-committee.

(2) In relation to any public matter for which the Government of the Colony is responsible, the Governor at his discretion, may require and direct a public officer designated by him to attend a sitting of the Legislative Council, or a committee or sub-committee thereof, for the following purposes—

- (a) making a statement;
- (b) answering questions put by Members of the Council; and
- (c) proposing any policy, measure, bill, vote, resolution, motion or question for debate and in the Council, or any such committee or sub-committee.”.

10. Amendment of Clause XXII of the principal Instructions and consequential amendment of side-note

Clause XXII of the principal Instructions is amended by deleting the words “the Governor or

“Questions to be decided by a majority. Original and casting vote”

11. Revocation and replacement of Clause XXIV of principal Instructions

Clause XXIV is revoked and replaced by a new Clause XXIV which reads—

“XXIV. (1) Subject to paragraph (2) of this clause, it shall be competent for any Member of the Legislative Council to propose any question for debate therein; and such question shall be debated and disposed of according to the standing rules and orders.

(2) 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 only by—

- (a) the Governor;
- (b) a public officer whom the Governor has designated to make such a proposal under clause XXIB, paragraph (2); or
- (c) a member of the Legislative Council expressly authorised or permitted by the Governor to make such a proposal.”.

Given at Our Court at St. James’s this Twenty-fourth day of March, 1993,
in the Forty-second year of Our Reign.



Legal Supplement No. 2

TO THE

**HONG KONG
GOVERNMENT GAZETTE**

Published by Authority

FRIDAY, 11 AUGUST, 1995

SUP. TO GAZETTE No. 32 VOL. CXXXVII

L.N. 394 of 1995

**THE HONG KONG ADDITIONAL INSTRUCTIONS 1992
(L.N. 389 OF 1995)**

CORRIGENDUM

It is hereby notified that the Hong Kong Additional Instructions 1992 is corrected in clause 10 by adding “.” after “or”.

**Check List and Instructions for the
HONG KONG ROYAL INSTRUCTIONS 1917 TO 1993 (NOS. 1 AND 2)
(APP. I, p. B1)**

See the Master Check List (in the Contents and Index Volume) to verify that this is the latest issue referred to in that list. To determine how up to date this enactment is, see page 1 of the Master Check List and Instructions in Volume 1.

Withdraw pages	Insert pages	You should now have pages	Issue number
B1 - B9 (all).....	B1 - B8.....	B1 - B8.....	12

Enactment History

Originally Proc. No. 3 of 1917 — G.N. 20 of 1929, G.N. 519 of 1938, G.N.A. 20 of 1955, L.N. 83 of 1964, L.N. 3 of 1966, L.N. 174 of 1967, L.N. 21 of 1969, L.N. 6 of 1971, L.N. 139 of 1972, L.N. 245 of 1976, L.N. 211 of 1977, L.N. 275 of 1980, L.N. 318 of 1983, L.N. 291 of 1984, L.N. 86 of 1985, L.N. 203 of 1986, L.N. 283 of 1986, L.N. 111 of 1988, L.N. 316 of 1990, L.N. 202 of 1991, L.N. 39 of 1993, L.N. 79 of 1994, L.N. 407 of 1994, L.N. 389 of 1995, L.N. 394 of 1995

The following are not yet in operation —

Nil

HONG KONG ROYAL INSTRUCTIONS
1917 TO 1993 (NOS. 1 AND 2)

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- Clause
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 - II. Constitution of Executive Council
Vacation of seats
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 - V. *(Repealed)*
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 - XI. Governor alone entitled to submit questions
 - XII. Governor may act in opposition to Executive Council
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Members may require their adverse opinions to be recorded on Minutes
 - XIIA. Election to Legislative Council
 - XIII-XVIII. *(Repealed)*
 - XIX. Validity of proceedings and quorum
 - XX. *(Repealed)*
 - XXI. Presiding in Legislative Council
 - XXIA. Sessions and sittings of Legislative Council
 - XXIB. Governor's attendance of Legislative Council
Attendance of Legislative Council by a public officer designated by Governor
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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. (*Repealed*)
- XXXVI. Governor's absence
- XXXVII. Term "the Governor" explained

HONG KONG ROYAL INSTRUCTIONS 1917 TO 1993 (NOS. 1 AND 2)

PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO THE GOVERNOR AND
COMMANDER-IN-CHIEF OF THE COLONY OF HONG KONG AND ITS
DEPENDENCIES.

DATED 14 FEBRUARY 1917 (PROC. NO. 3 OF 1917)

[Amended 4 January 1929 (G.N. 20 of 1929)

Amended 7 July 1938 (G.N. 519 of 1938)

Amended 1 March 1955 (S.I. 1955 II p. 3190) (G.N.A. 20 of 1955)

Amended 1 July 1964 (S.I. 1964 II p. 3119) (L.N. 83 of 1964)

Amended 6 January 1966 (L.N. 3 of 1966)

Amended 17 November 1967 (L.N. 174 of 1967)

Amended 28 February 1969 (L.N. 21 of 1969)

Amended 5 February 1971 (L.N. 6 of 1971)

Amended 14 July 1972 (L.N. 139 of 1972)

Amended 24 September 1976 (L.N. 245 of 1976)

Amended 26 August 1977 (L.N. 211 of 1977)

Amended 3 October 1980 (L.N. 275 of 1980)

Amended 1 September 1983 (L.N. 318 of 1983)

Amended 1 September 1984 (L.N. 291 of 1984)

Amended 4 April 1985 (L.N. 86 of 1985)

Amended 22 August 1986 (L.N. 203 of 1986)

Amended 28 November 1986 (L.N. 283 of 1986)

Amended 9 April 1988 (L.N. 111 of 1988)

Amended 12 October 1990 (L.N. 316 of 1990)

Amended 21 May 1991 (L.N. 202 of 1991)

*Amended 19 February 1993 (L.N. 39 of 1993)**

Amended 21 January 1994 (L.N. 79 of 1994)

Amended 1 July 1994 (L.N. 407 of 1994)

Amended 4 August 1995 (L.N. 389 of 1995)

Amended 11 August 1995 (L.N. 394 of 1995)

Amended 17 September 1995 (L.N. 407 of 1994)]

* In relation to the operation of L.N. 39 of 1993, please see the Hong Kong (Acts of the Legislative Council) Validation Order 1995 (L.N. 390 of 1995).

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 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.

Constitution of Executive Council

II. The Executive Council of the Colony shall consist of the persons for the time being lawfully discharging the functions of Chief Secretary, of Attorney-General, and of Financial Secretary of the Colony, who are hereinafter referred to as *ex officio* Members, and of such other persons 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 by an Instrument under the Public Seal of the Colony. Persons so appointed are hereinafter referred to as Official Members or Appointed Members according as they hold, or do not hold, office under the Crown in the Colony at the time of appointment. (*Amended on 17.11.1967; 28.2.1969; 24.9.1976; 1.9.1983; 9.4.1988; 19.2.1993; 4.8.1995*)

Vacation of seats

Every Appointed Member shall vacate his seat at the end of five years from the date of the Instrument by which he is appointed or of such other period as may be specified in that Instrument, but shall be eligible to be re-appointed in the manner aforesaid for a further period or periods, each period not exceeding five years: (*Amended on 9.4.1988*)

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 said period of five years shall be reckoned from the date of the Instrument provisionally appointing him.

If any Official Member cease to hold office under the Crown in the Colony his seat in the Council shall thereupon become vacant.

(*Replaced on 7.7.1938*)

Provisional appointment of Members of the 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, or whenever the seat of any such Member shall otherwise become vacant, the Governor may, by an Instrument under the Public Seal of the Colony, provisionally appoint any public officer to be temporarily an Official Member of the Council, and any person not a public officer to be temporarily an Appointed 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.

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, as 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.

(Amended on 5.2.1971; 9.4.1988)

Such provisional appointments to be immediately reported

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.

V. *(Repealed on 1.3.1955)*

Governor to communicate Instructions to Executive Council

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.

Summoning of Executive Council

VII. The Executive Council shall not be summoned except by the authority of the Governor.

(Amended on 17.11.1967)

Presiding in Executive Council

VIII. (1) The Governor shall, so far as is practicable, preside at meetings of the Executive Council.

(2) In the absence of the Governor there shall preside at any meeting of the Council—

(a) such Member of the Council as the Governor may appoint; or
(b) in the absence of a Member so appointed, the senior ex officio Member present; or

(c) in the absence of a Member so appointed or of an ex officio Member, the senior Official Member present.

(3) For the purposes of sub-paragraphs (b) and (c) of paragraph (2) of this clause—

(a) the ex officio Members of the Council shall have seniority in the order in which their offices are mentioned in clause II of these Instructions; and

(b) the Official Members of the Council shall have seniority according to the priority of their respective appointments to the Council:

Provided that Members appointed by the same Instrument shall have seniority among themselves according to the order in which they are named therein. (*Amended on 19.2.1993; 4.8.1995*)

(*Replaced on 1.3.1955*)

Proceedings in Executive Council

IX. (1) No business except that of adjournment shall be transacted in the Executive Council if objection is taken by any Member present that there are less than four Members present besides the Governor or the Member presiding.

(2) Subject to the provisions of paragraph (1) of this clause, the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council, and any proceedings in the Council shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

(3) The Governor or the Member presiding, when in his opinion the business before the Executive Council makes it desirable, may summon any person to a meeting of the Council, notwithstanding that that person is not a Member of the Council.

(*Replaced on 17.11.1967*)

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 relating to the appointment, disciplinary control or removal from office of a public officer or 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.

(Amended on 28.2.1969)

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.

Members may require their adverse opinions to be recorded on Minutes

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.

Election to Legislative Council

XIIA. (1) An election for all the Members of the Legislative Council in accordance with laws in force in the Colony shall be held—

(a) in 1995; and *(Amended on 12.10.1990)*

(b) within three months after any subsequent dissolution of the Council.

(2) Elections for casual vacancies among the Members shall be held in accordance with laws in that behalf in force in the Colony.

(3) Subject to paragraph (1)(b), as regards an election referred to in paragraph (1), voting in respect of constituencies of different descriptions or the election of different categories of Members of the Legislative Council may take place on different days. *(Added on 1.7.1994)*

(Added on 4.4.1985. Amended on 1.7.1994; 17.9.1995)

XIII–XIV. *(Repealed on 17.9.1995)*

XV. *(Repealed on 4.1.1929)*

XVI–XVIII. *(Repealed on 17.9.1995)*

Validity of proceedings and quorum

XIX. (1) The Legislative Council shall not be disqualified from the transaction of business by reason of any vacancy in the membership thereof (including any vacancy when the Council first meets after an election to elect all the Members), and any proceedings therein shall not be invalidated by any such vacancy or by any defect in the election or qualification of any Member thereof. *(Amended on 17.9.1995)*

(2) If at any sitting of the Legislative Council a quorum is not present and any Member who is present objects on that account to the transaction of business and, after such interval as may be prescribed by standing rules and orders of the Council, the Member presiding at the sitting ascertains that a quorum is still not present, he shall adjourn the Council.

(3) For the purpose of paragraph (2) of this clause, a quorum shall consist of twenty members including the Member presiding.

(4) A reference in these Instructions to the “Member presiding” is a reference to the President of the Legislative Council or a Member acting in his place pursuant to clause XXIII(2), as the case may be. *(Added on 21.1.1994)*

(Replaced on 21.5.1991. Amended on 19.2.1993; 4.8.1995)

XX. *(Repealed on 1.3.1955)*

Presiding in Legislative Council

XXI. (1) There shall be a President of the Legislative Council who, when present at a meeting of the Council, shall preside. The President of the Legislative Council shall be elected from amongst their number by the Members of the Council. *(Replaced on 19.2.1993; 4.8.1995. Amended on 17.9.1995)*

(2)–(3) (*Repealed on 21.1.1994*)

(4) (*Repealed on 19.2.1993; 4.8.1995*)

(5) (*Repealed on 21.1.1994*)

Sessions and sittings of Legislative Council

XXIA. (1) The sessions of the Legislative Council shall commence on such date and end on such date as the Governor shall from time to time appoint by notice published in the Hong Kong Government Gazette, but the period between the last sitting of one session of the Legislative Council and the first sitting of the next session shall not exceed three months.

(2) The Governor, by notice published in the Hong Kong Government Gazette, may summon special sittings of the Legislative Council to be held in any period between the end of one session of the Council and the beginning of the next session.

(3) The consideration of any Bill or other business of the Legislative Council shall not be affected by the termination of a session and may be resumed at any subsequent sitting, but shall lapse on a dissolution of the Legislative Council. (*Replaced on 9.4.1988*)

(*Added on 4.4.1985*)

Governor's attendance of Legislative Council.

Attendance of Legislative Council by a public officer designated by Governor

XXIB. (1) The Governor may at his discretion attend sittings of the Legislative Council, or any committee or sub-committee thereof, for the following purposes—

- (a) addressing the Council at any time as he shall think fit, including during a special sitting;
- (b) enabling Members of the Council to put questions to him on any public matter for which the Government of the Colony is responsible and receive answers thereto; and
- (c) proposing any policy, measure, bill, vote, resolution, motion or question for debate by and in the Council or any such committee or sub-committee.

(2) In relation to any public matter for which the Government of the Colony is responsible, the Governor at his discretion, may require and direct a public officer designated by him to attend a sitting of the Legislative Council, or a committee or sub-committee thereof, for the following purposes—

- (a) making a statement;
- (b) answering questions put by Members of the Council; and

- (c) proposing any policy, measure, bill, vote, resolution, motion or question for debate and in the Council, or any such committee or sub-committee.

(Added on 19.2.1993; 4.8.1995)

**Questions to be decided by a majority.
Original and casting vote**

XXII. All questions proposed for debate in the Legislative Council shall be decided by the majority of votes, and 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.

(Amended on 19.2.1993; 4.8.1995; 11.8.1995)

Rules and Orders to be made

XXIII. (1) 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. *(Amended on 21.1.1994)*

(2) Without affecting the generality of paragraph (1), standing rules or orders made under that paragraph may make provision for a Member of the Legislative Council to act in place of the President of the Legislative Council if or whenever the President is absent or unable to act. *(Added on 21.1.1994)*

Questions, etc. for debate

XXIV. (1) Subject to paragraph (2) of this clause, it shall be competent for any Member of the Legislative Council to propose any question for debate therein; and such question shall be debated and disposed of according to the standing rules and orders.

(2) 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 only by—

- (a) the Governor;
- (b) a public officer whom the Governor has designated to make such a proposal under clause XXIB, paragraph (2); or
- (c) a member of the Legislative Council expressly authorised or permitted by the Governor to make such a proposal.

(Replaced on 19.2.1993; 4.8.1995)

Rules and regulations 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. Laws may be enacted in English or Chinese. All laws shall be styled "Ordinances" and the enacting words shall be "enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof", or the corresponding style and words in Chinese. (*Replaced on 22.8.1986*)

Ordinances to be numbered and methodically arranged

2. All Ordinances shall be distinguished by titles, and shall be divided into successive clauses or paragraphs numbered consecutively. The Ordinances of each year shall be distinguished by consecutive numbers, commencing in each year with the number one.

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. (*Amended on 9.4.1988*)

Different subjects not to be mixed in same Ordinance.

No clause to be introduced foreign to what title of Ordinance imports.

Temporary Ordinances

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.

Description of Bills not to be assented to

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

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:

Proviso in cases of emergency for immediate operation of an Ordinance

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 authorized 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.

Private Bills

XXVII. Every Bill, not being a Government measure, 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 under them. No such Bill 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 Hong Kong 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.

(Amended on 17.11.1967)

Ordinances, etc. 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, 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.

(Amended on 9.4.1988)

Dissolution of Council

XXVIII.A. (1) The Governor may at any time, by Order published in the Hong Kong Government Gazette, dissolve the Legislative Council:

Provided that the Legislative Council shall stand dissolved in the fourth year after the latest election for all the Members of the Legislative Council on such date as the Governor shall fix being a date not earlier than 60 days and not later than 30 days before the anniversary of that election (or if the election was held on more than one day, of the first day of that election). *(Replaced on 9.4.1988. Amended on 12.10.1990; 21.5.1991)*

(2) On the dissolution of the Council, all the Members shall vacate their seats:

Provided that if, for the consideration of any urgent business, the Governor shall appoint a time for a sitting of the Council after the dissolution but before the day appointed for the holding of an election for all the Members of the Legislative Council (as required by clause XI.A of these Instructions), the persons holding office as Members of the Council immediately before such dissolution shall continue to sit as Members until the commencement of the day (or, if more than one, the first day) appointed for the holding of such elections.

(Added on 4.4.1985. Amended on 17.9.1995)

XXIX. *(Repealed on 5.2.1971)*

XXX. *(Repealed on 17.11.1967)*

**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.

XXXII. *(Repealed on 5.2.1971)*

XXXIII. *(Repealed on 7.7.1938)*

**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**

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 a meeting of the Executive Council, 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.

(Amended on 17.11.1967)

XXXV. *(Repealed on 17.11.1967)*

Governor's absence

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.

Term "the Governor" explained

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.