

PART I.—PRELIMINARY.

1. The limits of this Order are the Island of Liu Kung, all the islands in the Bay of Wei-hai-Wei, and a belt of land ten English miles wide along the entire coast line of the Bay of Wei-hai-Wei as has been or shall be hereafter delimited, including the territorial waters of the said islands and coast.

Provided that if, and whensoever, any delimitation of territory is agreed upon between His Majesty's Government and the Government of China, whether the same extends or diminishes such belt of ten miles, the Commissioner shall by proclamation give public notice thereof, and thereupon the limits described in such proclamation shall be the limits of this Order.

All territories and places within the limits of this Order are in this Order referred to as "the said territories."

2. In this Order:—

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Judge" includes Acting Judge and also the Commissioner or Acting Commissioner, when sitting as Judge.

"Supreme Court" means His Majesty's Supreme Court for Hong Kong.

"Native" means any person of Chinese birth or parentage, not being a British subject.

"Master" with respect to any ship includes any person (except a pilot), having command or charge of that ship.

"Month" means calendar month.

"Oath" and "affidavit" in case of persons for the time being allowed by law to affirm or declare, instead of swearing, include affirmation and declaration, and the expression "swear" in like case, includes affirm and declare.

"Offence" includes crime and any act or omission punishable criminally in a summary way or otherwise.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

Expressions used in any ordinances, rules, regulations, or orders made under this Order shall, unless a contrary intention appears, have the same respective meanings as in this Order.

Words importing the plural or the singular may be construed as referring to one person or thing, or to more, and words importing the masculine as referring to the feminine (as the case may require).

PART II.—ADMINISTRATIVE AND LEGISLATIVE.

3.—(1.) There shall be a Commissioner (hereinafter referred to as the Commissioner) in and over the said territories, and the person who shall fill the said office of Commissioner shall be from time to time appointed by Commission under His Majesty's Sign Manual and Signet.

(2.) In the event of the death, incapacity, removal, or absence from the said territories of the Commissioner for the time being, all and every the powers and authorities by this Order granted to him shall, until His Majesty's further pleasure is signified therein, be vested in such person as may be appointed to administer the same by any instrument under His Majesty's Sign Manual and Signet, or, if there be not in the said territories any person so appointed, then in the Senior Military Officer for the time being in command of His Majesty's forces within the said territories.

(3.) The Commissioner shall administer the Government of the said territories in the name and on behalf of His Majesty, and shall do and execute in due manner all things that shall

belong to the trust thereby reposed in him, according to the several powers and authorities granted or appointed to him by virtue of this Order and of his Commission, and according to such instructions as may from time to time be given to him under His Majesty's Sign Manual and Signet, or by Order of His Majesty in Council, or by His Majesty through a Secretary of State, and according to such laws as are or shall hereafter be in force in the said territories.

4. The Commissioner shall have an official seal, bearing the style of his office, and such device as a Secretary of State from time to time approves, and such seal shall be deemed the public seal of the said territories, and may be kept and used by the Commissioner for the sealing of all things whatsoever that shall pass the public seal. And, until a public seal shall be provided, the seal of the Commissioner may be used as the public seal.

5. The Commissioner may make and execute in His Majesty's name and on his behalf, under the public seal, grants and dispositions of any lands which may be lawfully granted or disposed of by His Majesty within the said territories.

6. The Commissioner may, as he shall see occasion, in His Majesty's name and on his behalf, grant to any offender convicted of any crime in any Court or before any Judge or Magistrate within the said territories a free and unconditional pardon, or a pardon subject to such conditions as may be lawfully thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to him may seem fit.

7. The Commissioner may, as he shall see occasion, in His Majesty's name and on his behalf, remit any fines, penalties, or forfeitures which may accrue or become payable to His Majesty.

8. A Secretary of State or the Commissioner, subject to the directions of a Secretary of State, may, on behalf of His Majesty, appoint, for the administration of the said territories, such public officers under such designations as he may think fit, and may prescribe their duties.

The Commissioner may, upon sufficient cause to him appearing, suspend from the exercise of his office within the said territories any person exercising the same, which suspension shall continue and have effect only until His Majesty's pleasure therein shall be made known and signified to the Commissioner. And, in proceeding to any such suspension, he shall observe the directions in that behalf given to him by such instructions as may hereafter be addressed to him by a Secretary of State.

9.—(1.) The Commissioner may make and proclaim Ordinances for the peace, order, and good government of the said territories and of all persons within the same.

(2.) Under this Article any of the Laws and Ordinances of Hong Kong may be applied to the said territories with such modifications and adaptations as circumstances may require.

(3.) Every such Ordinance shall forthwith be transmitted to the Secretary of State unless it has been previously approved by him.

(4.) Every such Ordinance shall, from and after the Proclamation thereof, or such other date as may be fixed by the Ordinance, have the force of law, unless the disallowance of such Ordinance by His Majesty shall, within the space of one year after such Proclamation, be signified to the Commissioner by the Secretary of State.

(5.) Every Ordinance which shall be disallowed by His Majesty shall cease to be of any force or effect so soon as the disallowance thereof shall be published by the Commissioner.