

# LegCo InfoPack 2011 - 2012

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## Letters Patent

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1 Legislative Council Road  
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## ***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 original Letters Patent (or The Hong Kong Charter) and the Letters Patent of 1917 ("the principal Letters Patent") and their enactment history. The sources of information in this InfoPack are *Gazettes* published between 1877 and 1996 and a book entitled *Government and Politics*.

Legislative Council Library

December 2011

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<b>Issue date</b>	<b>The Letters Patent of 5 April 1843</b>	<b>Encl.</b>
5 April 1843	<p>The Letters Patent (or The Hong Kong Charter) of 5 April 1843 defined the constitutional structure of Hong Kong as a Crown Colony.</p> <p>(reproduced from Tsang, Steve (ed.) (1995) <i>Government and Politics</i>, Hong Kong University Press)</p>	1

### **Amendments to the Letters Patent**

<b>Amendment date</b>	<b>Amendment</b>	<b>Gazette</b>	<b>Encl.</b>
9 April 1877	Revocation of Article XI of the Letters Patent of 5 April 1843	G.N. No. 131 of 1877	2
19 January 1888	Revocation of the Letters Patent of 5 April 1843 and 9 April 1877	Proc. No. 6 of 1888	3
14 February 1917	Revocation of the Letters Patent of 19 January 1888	Proc. No. 3 of 1917	4
7 July 1938	Replacement of Article XVI of the Letters Patent of 14 February 1917 ("Letters Patent of 1917")	Proc. No. 4 of 1938	5
1 September 1939	Revocation and replacement of Article XVII of the Letters Patent of 1917	Proc. No. 9 of 1939	6
1 June 1950	Amendment of Article XIII of the Letters Patent of 1917	G.N.A. 111 of 1950	7

### Amendments to the Letters Patent (cont'd)

Amendment date	Amendment	Gazette	Encl.
1 March 1955	Insertion of the new Article XIVA in the Letters Patent of 1917	G.N.A. 19 of 1955	8
26 August 1960	Replacement of Article XIII in the Letters Patent of 1917	G.N.A. 92 of 1960	9
17 November 1967	(a) Amendment of Article XVI of the Letters Patent of 1917 ("the principal Letters Patent")  (b) Insertion of the new Article XVIA  (c) Replacement of Articles XVII and XVIIIA of the principal Letters Patent	L.N. 173 of 1967	10
5 February 1971	(a) Replacement of Article XIV of the principal Letters Patent  (b) Amendment of Article XV of the principal Letters Patent	L.N. 5 of 1971	11
3 May 1976	Replacement of Article XVIA of the principal Letters Patent	L.N. 114 of 1976	12
17 February 1977	(a) Revocation of Article 1(2) of the Hong Kong Letters Patent 1976  (b) Amendment of Article XVII(1)(b) of the principal Letters Patent	L.N. 42 of 1977	13
30 April 1982	Amendment of Article XVIA of the principal Letters Patent	L.N. 152 of 1982	14

### Amendments to the Letters Patent (cont'd)

Amendment date	Amendment	Gazette	Encl.
4 April 1985	(a) Replacement of Article VI of the principal Letters Patent  (b) Amendment of Article VII of the principal Letters Patent	L.N. 85 of 1985	15
22 August 1986	Amendment of Article XIII of the principal Letters Patent	L.N. 202 of 1986	16
9 April 1988	Amendment of Articles VI and XVIA of the principal Letters Patent	L.N. 110 of 1988	17
12 October 1990	Amendment of Articles VI and VII of the principal Letters Patent	L.N. 315 of 1990	18
22 May 1991	Amendment of Article XIV of the principal Letters Patent	L.N. 201 of 1991	19
8 June 1991	Amendment of Article VII of the principal Letters Patent	L.N. 226 of 1991	20
19 February 1993	Revocation of Article VI(1)(a) of the principal Letters Patent	L.N. 32 of 1993	21
1 July 1994	Amendment of Articles VI and VII of the principal Letters Patent	L.N. 406 of 1994	22
5 August 1995	Revocation of Article VI(1)(a) of the principal Letters Patent	L.N. 388 of 1995	23

### Amendments to the Letters Patent (cont'd)

Amendment date	Amendment	Gazette	Encl.
31 May 1996	Amendment of Article XVI of the principal Letters Patent	L.N. 246 of 1996	24
	Amendment of Article XVI of the principal Letters Patent	L.N. 247 of 1996	25
Not applicable	Check List and Instructions for the Hong Kong Letters Patent 1917 to 1995 (App.I, p. A1)	Not applicable	26

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

Letters Patent (The Hong Kong Charter) 1843 (source: CO129/2)

Victoria, by the GRACE of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, — GREETING KNOW YE — that We, of our Special Grace, certain knowledge, and mere motion, have thought fit to erect and do hereby erect our Island of Hong Kong and its Dependencies, situate between twenty-two degrees nine minutes, and twenty-two degrees twenty-one minutes North Latitude, and the one hundred and fourteenth degree eighteen minutes East Longitude from the Meridian of Greenwich, into a Colony, and the said Island and its Dependencies is hereby erected into a separate Colony accordingly, to be known and designated at 'the Colony of Hong Kong'.

AND WE DO hereby further grant, appoint, and ordain, that the Governor, for the time being, of the said Colony, and such other Persons as are hereinafter designated, shall constitute, and be a Legislative Council for the said Colony: And We do hereby direct and appoint, that in addition to the said Governor, the said Legislative Council shall be composed of such Public Officers within the said Colony, or of such other Persons within the same, as shall from time to time be named or designated for that purpose, by Us, by any Instruction of Instructions, or Warrant, or Warrants, to be by Us for that purpose issued under Our Signet and Sign Manual, and with the advice of Our Privy Councillor, shall hold their places in the said Council, at our pleasure: And we do hereby grant and ordain, that the Governor for the time being, of the said Colony, with the advice of the said Legislative Council, shall have full power and authority to make and enact all such laws and Ordinances as may from time to time be required for the Peace, Order, and good Government of the said Colony of Hong-Kong: And that, in making all such laws and Ordinances, the said Governor shall exercise all such powers and authorities; and that the said Legislative Council shall conform to, and observe all such rules and regulations as We, with the advice of Our Privy Council, shall from time to time, make for his and their guidance therein: Provided, nevertheless, and We do hereby reserve to Ourselves, our Heirs and Successors, our and their right and authority to disallow any such Ordinances in the whole or in part, and to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our or their Privy Council, all such Laws as may to Us, to them, appear necessary, for the Order, Peace, and good Government of our said Island and its Dependencies, as full as if these Presents had not been made: And, whereas, it is expedient, that an Executive Council should be appointed to advise and assist the Governor of our said Colony of Hong-Kong, for the time being, in the administration of the Government thereof — We do therefore, by these, our Letters Patent, authorizing the Governor of said Colony, for the time being, to summon as an Executive Council, such Persons as may from time to time be named or designated by Us, in any Instructions under Our Signet and Sign Manual, addressed to him in that behalf: And We, do hereby authorize and empower the Governor of Our said Colony of Hong Kong, for the time being, to keep and use the Public Seal appointed for the Sealing of all things whatsoever that shall pass the Seal of our said Colony: And we do hereby 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 may be, in that respect contained in any instructions which may from time to time be addressed to him by Us, for that purpose, to make and execute in our name, and on our behalf, under the Public Seal of our 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 of any of them: And We do hereby authorize and empower the Governor of our said Colony of Hong Kong, for the time being, to constitute and appoint Judges, and in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in our said Colony, for the due and impartial administration of justice, and for putting the Laws into execution, and to administer, or cause to be administered unto them, such Oath, or Oaths as are usually given for the due execution and performance of officers and places, and for the clearing of truth in judicial matters: And we do hereby give and grant 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 remit any fines, penalties, or forfeitures which may accrue, or become payable to us, provided the same do not exceed Fifty Pounds Sterling, in any one case, and to respite and suspend the payment of any such Fine, Penalty or Forfeiture, exceeding the said sum of Fifty Pounds, until our pleasure thereon shall be made known and signified to such Governor: And we do hereby give and grant 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 there unto annexed, or any respite of the execution of the sentence of any such offender, for such period as to such Governor may seem fit: And we do hereby give and grant unto the Governor of our said Colony of Hong Kong, for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his Office, within our said Colony, any person exercising any office or Warrant granted, or which may be granted by us, or in our name, or under our authority which suspension shall continue and have effect, only until our pleasure therein shall be made known and signified to such Governor: And we do hereby strictly require and enjoin the Governor of our said Colony of Hong Kong, for the time being, in proceeding to any such suspension, to observe the directions in that behalf, given to him by our instructions, under our Signet and Sign Manual, accompanying his Commission of appointment as Governor of the said Colony: And, in the event of the death or absence out of our said Colony of Hong-Kong, of such person as may be commissioned and appointed by us, to be the Governor thereof We do hereby provide and declare our pleasure to be, that all, and every, the powers and authorities herein granted to the Governor of our said Colony of Hong Kong, for the time being, shall be, and the same are, hereby vested in such person as may be appointed by us, by Warrant, under our Signet and Sign Manual, to be the Lieutenant-Governor of our said Colony; or, in the event of there being no Person upon the place, Commissioned and appointed by use to be Lieutenant-Governor thereof, then our pleasure is, and we do hereby provide and declare, that in any such contingency, all the powers and authorities herein granted to the Governor, or Lieutenant-Governor of our said Colony shall be, and the same

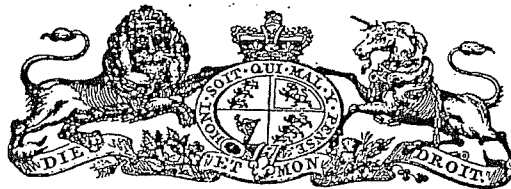


are hereby granted, to the Colonial Secretary of our said Colony of Hong Kong, for the time being, and such Lieutenant-Governor, or such Colonial Secretary, as the case may be, shall execute all, and every, the powers and authorities herein granted, until our further pleasure shall be signified therein: And we do hereby require and command all our Officers and Ministers, Civil and Military, and all other, the Inhabitants of our said Colony of Hong-Kong, to be obedient in aiding and assisting to such person as may be Commissioned and appointed by us to be Governor of Hong-Kong, or, in the event of his death or absence, to such person as may, under the provision of these, our Letters Patent, assume and exercise the functions of such: And we do hereby reserve to us, 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: *IN WITNESS WHEREOF*, we have caused these, our Letters, to be made Patent.

WITNESS Ourselves, at Westminster, the fifth day of April, in the sixth year of our Reign.

*BY THE QUEEN HERSELF*

EDMUNDS.



THE HONGKONG  
**Government Gazette.**  
 EXTRAORDINARY.

Published by Authority.

No. 26.

VICTORIA, WEDNESDAY, 6TH JUNE, 1877.

Vol. XXIII.

No. 131.

GOVERNMENT NOTIFICATION.

His Excellency JOHN POPE HENNESSY, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, having this Day taken the usual Oaths, is pleased to direct that the following Copy of the Letters-Patent passed under the Great Seal of the United Kingdom, on the 9th of April, 1877, constituting the Office of Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies,—together with the following Copy of a Commission, dated the 10th of April, 1877, from Her Most Gracious Majesty The QUEEN, be published for general information.

By Command,

J. GARDINER AUSTIN,  
*Colonial Secretary.*

Colonial Secretary's Office, Hongkong, 6th June, 1877.

HONG KONG.

DRAFT OF LETTERS-PATENT passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-chief of the Colony of Hong Kong and its Dependencies.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To all to whom these Presents shall come, Greeting: *Letters-Patent, Dated 9th April, 1877.*

WHEREAS We did, by certain Letters-Patent (hereinafter called Our said Charter) under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the fifth day of April, 1843, in the sixth year of Our reign, erect the Island of Hong Kong and its Dependencies into a separate Colony, to be known and designated as the Colony of Hong Kong, and did make provision for the Government of Our said Colony: And whereas by Our Order in Our Privy Council, bearing date the fourth day of February, 1861, in the twenty-fourth year of Our reign, it was ordered that the Kowloon District therein described should be part and parcel of Our said Colony: And whereas We did, by certain other Letters-Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the thirteenth day of February, 1872, in the thirty-fifth year of Our reign, constitute and appoint Our trusty and well-beloved Sir ARTHUR EDWARD KENNEDY, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Honourable Order of the Bath, to be, during Our will and pleasure, Our Governor and Commander-in-chief in and over Our said Colony of Hong Kong and its Dependencies, and over all forts and garrisons which are now or may hereafter be erected and established therein: And whereas We did, by certain other Letters-Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the eighth day of June, 1875, in the thirty-eighth year of Our reign, amend Our said Charter: And whereas We are desirous of making effectual and permanent provision for the Office of Governor and Commander-in-chief in and over our said Colony of Hong Kong and its Dependencies, without making new Letters-

*Preamble.*

*Recites Charter of 5th April, 1843, creating the Colony.*

*Recites Order in Council of 4th February, 1861, annexing the Kowloon district.*

*Recites Governor's Commission, 13th February, 1872.*

*Recites Supplementary Charter of 8th June, 1875.*

- Revocation of Governor's Commission, 13th February, 1872, and Supplementary Charter, 8th June, 1876.
- Office of Governor constituted.
- Governor's powers and authorities.
- Executive Councillors to be appointed by Warrant as well as by Instructions.
- Grant of pardons.
- Remission of fines.
- Article XI of Charter of 1843. Revocation of.
- Administration of the Government in case of the Governor's death, incapacity, or absence.
- By the Lieutenant-Governor.
- By Administrator.
- By the Colonial Secretary.
- Patent on each demise of the said Office: Now know ye that We have revoked and determined, and by these presents do revoke and determine, the said recited Letters-Patent of the thirteenth day of February, 1872, and the eighth day of June, 1875, and every clause, article, and thing therein contained, provided that such revocation shall not extend to or affect the repeal of the eleventh clause of Our said Charter, contained in the last-mentioned Letters-Patent, but that the said eleventh clause shall be and remain repealed: And further know ye, that We, of Our special grace, certain knowledge, and mere motion, have thought fit to constitute, order, and declare, and do by these presents constitute, order, and declare, that there shall be a Governor and Commander-in-chief (hereinafter called Our said Governor) in and over Our Colony of Hong Kong and its Dependencies (hereinafter called Our said Colony), and that the person who shall fill the said Office of Governor shall be from time to time appointed by Commission under Our Sign Manual and Signet: And We do hereby authorize and command Our said Governor to do and execute in due manner all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of Our said Charter of the fifth day of February, 1843, and these present Letters-Patent, and of such Commission as may be 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 Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such Laws as are or shall hereafter be in force in Our said Colony.
- II. And whereas, by Article IV of Our said Charter, We did make provision for the constitution of an Executive Council for Our said Colony of Hong Kong: Now We do hereby declare Our pleasure to be that, henceforth, any person or persons may be named or designated by Us as Members of Our said Executive Council of Our said Colony by Warrant, under Our Sign Manual and Signet, as well as by any Instruction or Instructions addressed by Us to Our said Governor, and that Our said Governor shall summon to Our said Executive Council any person or persons so named or designated.
- III. And We do hereby declare Our pleasure to be that, in addition to the power of granting pardons conferred upon Our said Governor by Articles VIII and IX of Our said Charter, Our said Governor shall be authorized, and he is hereby empowered, as he shall see occasion, in Our name and on Our behalf, when any crime has been committed within Our said Colony, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information as shall lead to the conviction of the principal offender; and to remit any fines, penalties, or forfeitures whatsoever, which may become due and payable to Us, notwithstanding that the same may exceed the sum of Fifty pounds sterling in any case.
- IV. And whereas by Article XI of Our said Charter We did make provision for the administration of the Government of Our said Colony, in the event of the death or absence of the Governor, for the time being thereof: And whereas We have revoked that Article of Our said Charter, and We do hereby further declare Our will and pleasure to be that in the event of the death, incapacity, or absence out of Our said Colony, of such person as may be commissioned and appointed by Us to be the Governor thereof, all and every the powers and authorities by Our said Charter, or by these Presents, granted to the Governor of Our said Colony, for the time being, shall be, and the same are hereby vested in such person as may be appointed by Us, by warrant under Our Sign Manual and Signet, to be Our Lieutenant-Governor of Our said Colony, or if there shall be no such Lieutenant-Governor in Our said Colony, then in such person or persons as may be appointed by Us under Our Sign-Manual and Signet to administer the Government of Our said Colony; or in the event of there being no person in Our said Colony commissioned and appointed by Us to be such Lieutenant-Governor or Administrator thereof, then Our pleasure is, and We do hereby provide and declare that the said powers and authorities shall be and the same are hereby vested in the Colonial Secretary, or person lawfully discharging the functions of Colonial Secretary in Our said Colony for the time being; and every such Lieutenant-Governor or such Colonial Secretary, or person lawfully discharging the functions of Colonial Secretary for the time being, shall execute all and every the said powers and authorities until Our further pleasure shall be signified therein, and according to such Instructions as Our said Governor may have received, and such further instructions as such Lieutenant-Governor, Colonial Secretary, or other person as aforesaid, may receive from Us, either under Our Sign Manual and Signet, or by Instructions under the hand of one of Our Principal Secretaries of State.

V. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of Our said Colony, to be obedient, aiding and assisting unto Our said Governor, or in the event of his death, incapacity, removal or absence, to such person or persons as may under the provisions of Our said Charter, and these Letters-Patent, administer the Government of Our said Colony.

Officers and others to obey and assist the Governor.

VI. 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 Her Majesty to revoke, alter, or amend the present Letters-Patent.

VII. And We do further direct and enjoin that these Our Letters-Patent shall be read and proclaimed at such place or places as Our said Governor shall think fit within Our said Colony of Hong Kong.

Publication of Letters-Patent.

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

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

LETTERS-PATENT constituting the Office of Governor and Commander-in-Chief of the Colony of HONG KONG.

HONG KONG.

DRAFT OF A COMMISSION passed under the Royal Sign Manual and Signet appointing JOHN POPE HENNESSY, Esquire, C.M.G., to be Governor and Commander-in-chief of the Colony of Hong Kong and its Dependencies.

VICTORIA R.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India; To Our Trusty and Well-beloved JOHN POPE HENNESSY, Esquire, Companion of Our Most Distinguished Order of Saint Michael and Saint George, Greeting:

Dated 10th April, 1877.

WE do by this Our Commission, under Our Sign Manual and Signet, appoint you, the said JOHN POPE HENNESSY, until Our further pleasure shall be signified, to be Our Governor and Commander-in-chief in and over Our Colony of Hong Kong and its Dependencies, during Our will and pleasure, with all and singular the powers and authorities granted to the Governor of Our said Colony in Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, constituting the office of Governor, bearing date at Westminster the Ninth day of April, 1877, in the Fortieth year of Our Reign, which said powers and authorities We do hereby authorize you to exercise and perform, according to such Orders and Instructions as Our said Governor for the time being hath already or may hereafter receive from Us. And for so doing this shall be your Warrant.

Appointment of Mr. J. P. Hennessy as Governor.

Recites Letters-Patent dated 9th April, 1877, constituting the office of Governor.

II. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said Colony and its Dependencies, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Officers, &c., to obey the Governor.

Given at Our Court at Osborne House, Isle of Wight, this Tenth day of April, 1877, in the Fortieth year of Our Reign.

By Her Majesty's Command,

CARNARVON.

of Commission appointing JOHN POPE HENNESSY, Esq., C.M.G., to be Governor and Commander-in-chief of the Colony of HONG KONG.

No. 6.

## PROCLAMATION.

[L.S.] G. WILLIAM DES VŒUX.

By His Excellency Sir G. WILLIAM DES VŒUX, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of the Colony of Hongkong and its Dependencies, and Vice-Admiral of the same.

Whereas by Article XX of the Letters Patent hereinafter following entitled "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," it is directed and enjoined that the said Letters Patent shall be read and published at such place or places within the Colony as the Governor shall think fit:

Now, therefore, I, Sir G. WILLIAM DES VŒUX, Governor 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 authority in me vested, do hereby under my hand proclaim that the said Letters Patent be published in the *Hongkong Government Gazette*, and the same are hereby proclaimed and published for general information.

By Command,

FREDERICK STEWART,  
*Colonial Secretary.*

GOD SAVE THE QUEEN.

Given at Government House, Hongkong, this 5th day of May, 1888.

## 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 19th January 1888.* Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To all to whom these Presents shall come, Greeting.

Preamble.

Recites Charter of  
5th April 1843.

WHEREAS, by Our Charter under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fifth day of April 1843, We did erect Our Island of Hongkong and its Dependencies into a separate Colony, to be known and designated as the Colony of Hongkong, and did make provision for the Government of Our said Colony:

Recites Order in  
Council of 4th  
February 1861.

And whereas by Our Order in Our Privy Council, bearing date the Fourth day of February 1861, in the Twenty-fourth year of Our reign, it was ordered that the Kowloon District therein described should be part and parcel of Our said Colony:

Recites Letters  
Patent of 9th April  
1877.

And whereas We did, by certain Letters Patent under Our said Great Seal, bearing date at Westminster the Ninth day of April 1877, constitute, order, and declare that there should be a Governor and Commander-in-Chief in and over Our Colony of Hongkong and its Dependencies:

And whereas We are minded to make further provision for the government of Our said Colony:

Revokes Charter and  
Letters Patent  
recited.  
Office of Governor  
constituted.

Now We do by these presents revoke Our said Charter and Our said Letters Patent, but without prejudice to anything lawfully done thereunder.

Governor's powers  
and authorities.

II. We do declare that there shall be a Governor and Commander-in-Chief in and over Our Colony of Hongkong and its Dependencies (herein-after called the Colony), and that appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

Instruction.

III. We do hereby authorize, empower, and command Our said Governor and Commander-in-Chief (herein-after called the Governor) to do and execute all things that belong to his said Office, according to the tenor of these Our Letters Patent and of such Commission as may be 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 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.

IV. And We do by these Our Letters Patent declare Our will and pleasure as follows:—

V. Every person appointed to fill the office of Governor of the Colony 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 Our reign, intituled "An Act to amend the Law relating to Promissory Oaths;" and likewise the usual Oath for the due execution of the office of Governor, and for the due and impartial administration of justice; which Oaths the said Chief Justice or Judge, or if they be unavoidably absent, the Senior Member of the Executive Council then present, is hereby required to administer.

Publication of Governor's Commission.

Oaths to be taken by Governor.

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

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

Public Seal.

VII. The Executive Council of the Colony shall consist of 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.

Constitution of Executive Council.

VIII. The Legislative Council of the Colony shall consist of 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.

Constitution of Legislative Council.

IX. 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.

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

X. 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.

Disallowance of Laws.

XI. 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.

Power of Legislation reserved to the Crown.

XII. 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.

Land grants.

XIII. 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.

Governor empowered to appoint Judges and other Officers.

XIV. When any crime 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 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 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 any such offender, or any respite of the execution of such sentence for such period as the Governor thinks fit, and may remit the payment of any fines, penalties, or forfeitures due or accrued to Us. Provided always that the Governor shall in no case, except when 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.

Grant of pardon.

And remission of fines.

Political offences.

Proviso. Banishment prohibited.

XV. The Governor may, upon sufficient cause to him appearing, suspend from the exercise of his Office any person holding any Office within the Colony, whether appointed by any Commission or Warrant from Us or in Our name, or by any other mode of appointment. Every such suspension shall continue and have effect only until Our pleasure therein shall be signified to the Governor. In proceeding to any such suspension the Governor is strictly to observe the directions in that behalf given to him by any Instructions as aforesaid.

Suspension of Officers.

Succession to  
Government.

XVI. 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 We have appointed or may hereafter appoint under Our 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 herein-before directed to be taken by the Governor and in the manner herein prescribed; which being done, We do hereby authorize, 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 tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Colony.

Proviso. Oaths of  
Office.

Powers, &c., of  
Administrator.

Officers and others to  
obey and assist  
Governor.

XVII. 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.

Term "Governor"  
explained.

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

Power reserved to  
Her Majesty to re-  
voke, alter, or amend  
present Letters  
Patent.

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 Our Letters Patent as to Us or them shall seem meet.

Publication of  
Letters Patent.

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 Ourself at Westminster, the nineteenth day of January, in the Fifty-first year of Our Reign.

By Warrant under the Queen's Sign Manual,

MUIR MACKENZIE.

LETTERS PATENT constituting the Office of  
Governor and Commander-in-Chief of the Colony of  
HONGKONG.

#### GOVERNMENT NOTIFICATION.—No. 181.

His Excellency the Governor has given his assent, in the name and on behalf of the Queen, to the following Ordinances passed by the Legislative Council:—

Ordinance No. 15 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled The Rating Ordinance, 1888.*

Ordinance No. 16 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, for the reservation of a European District in the City of Victoria.*

By Command,

FREDERICK STEWART,  
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 5th May, 1888.

## PROCLAMATIONS.

No. 3.

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

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

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

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

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

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

By Command,

CLAUD SEVERN,  
*Colonial Secretary.*

GOD SAVE THE KING.

## HONGKONG.

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

*Dated 14th  
February 1917.*

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

*Recites Letters  
Patent of 19th  
January 1888.*

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

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



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

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

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

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

Revokes Letters Patent of 19th January 1888.

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

Office of Governor constituted.

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

Governor's powers and authorities.

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

Publication of Governor's Commission.

Oaths to be taken by Governor.

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

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

Public Seal.

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

Executive Council.

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

Legislative Council.

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

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

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

Disallowance of  
Laws.

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

Power of legisla-  
tion 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. Remission of fines. 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. Banish-ment 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 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. 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 relieve 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 relieve, 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

## PROCLAMATION.

No. 4.

[L.S.] G. A. S. NORTHCOTE,  
*Governor.*

WHEREAS by Article II of the Letters Patent intituled "Letters Patent passed under the Great Seal of the Realm amending Article XVI of the Letters Patent of the 14th of February, 1917, constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies" and dated the 30th day of April, 1938, a copy whereof is appended to this Proclamation, it is directed and enjoined that the said Letters Patent shall come into operation on a date to be fixed by the Governor by Proclamation in the Hong Kong Government Gazette, and shall be published in the said Gazette, and shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit:

AND WHEREAS I have thought fit that the said Letters Patent shall be read and proclaimed in the presence of the Legislative Council of this Colony on this 7th day of July, 1938, at the Council Chamber and that they shall come into operation on the 7th day of July, 1938:

AND WHEREAS the said Letters Patent have been so read accordingly:

NOW THEREFORE I, Sir GEOFFREY ALEXANDER STAFFORD NORTHCOTE, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same, do hereby PROCLAIM the said Letters Patent and appoint that they shall come into operation on the 7th day of July, 1938.

Given under my hand and the Public Seal of the Colony of Hong Kong this 7th day of July, 1938.

Published by His Excellency's command.

N. L. SMITH,  
*Colonial Secretary.*

GOD SAVE THE KING.

Hong Kong

LETTERS PATENT passed under the Great Seal of the Realm amending Article XVI of the Letters Patent of the 14th of February, 1917, constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies.

Dated 30th April, 1938.

GEORGE THE SIXTH by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come, Greeting!

WHEREAS by certain Letters Patent under the Great Seal bearing date at Westminster of the Fourteenth day of February, 1917, His Majesty King George the Fifth did constitute the office of Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies.

Recites  
Letters  
Patent of  
14th  
February,  
1917.

AND WHEREAS We are minded to make other provision than is contained in Article XVI of the said Letters Patent :

Now KNOW YE that We do hereby declare Our will and pleasure as follows :—

I. Article XVI of the said Letters Patent of the Fourteenth day of February, 1917, is hereby revoked but without prejudice to anything lawfully done thereunder, and the following Article is substituted therefor :—

Replaces  
Article  
XVI  
of Letters  
Patent of  
14th  
February,  
1917.

“XVI. The Governor may, subject to such instructions as may from time to time be given to him by Us through one of Our Principal Secretaries of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office within the Colony, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.”

“Dismissal  
and suspen-  
sion of  
Officers.”

II. 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 may seem fit.

And We do direct and enjoin that these Our Letters Patent shall come into operation on a date to be fixed by the Governor by Proclamation in the Hong Kong Government Gazette, and shall be published in the said Gazette, and shall be read and proclaimed at such place or places within the Colony as the Governor may think fit.

Date of  
coming  
into  
operation.

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

Witness Ourselves at Westminster this thirtieth day of April, 1938, in the Second year of Our Reign.

BY WARRANT under The King's Sign Manual.

SCHUSTER.

## PROCLAMATION.

No. 9.

[L.S.] G. A. S. NORTHCOTE,  
*Governor.*

WHEREAS by Article III of the Letters Patent intituled "Letters Patent passed under the Great Seal of the Realm, amending the Letters Patent of the 14th of February, 1917, constituting the office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies" and dated the 29th day of June, 1939, a copy whereof is appended to this Proclamation, it is directed and enjoined that the said Letters Patent shall come into operation on a date to be fixed by the Governor by Proclamation in the Hong Kong Government Gazette, and shall be published in the said Gazette, and shall be read and proclaimed at such place or places within the Colony as the Governor may think fit:

AND WHEREAS I have thought fit that the said Letters Patent of the 29th day of June, 1939, shall be read and proclaimed in the presence of the Legislative Council of this Colony on this 1st day of September, 1939, at the Council Chamber and that they shall come into operation on the 1st day of September, 1939:

AND WHEREAS the said Letters Patent have been so read accordingly:

NOW THEREFORE I, Sir GEOFFREY ALEXANDER STAFFORD NORTHCOTE, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same, do hereby PROCLAIM the said Letters Patent of the 29th day of June, 1939, and fix that they shall come into operation on the 1st day of September, 1939.

Given under my hand and the Public Seal of the Colony of Hong Kong this 1st day of September, 1939.

Published by His Excellency's Command.

R. A. C. NORTH,  
*Colonial Secretary.*

GOD SAVE THE KING.

Hong Kong.

LETTERS PATENT passed under the Great Seal of the Realm, amending the Letters Patent of the 14th of February, 1917, constituting the office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies.

Dated 29th June, 1939.

GEORGE THE SIXTH, by the Grace of God of Great Britain, 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!

WHEREAS by certain Letters Patent under the Great Seal, bearing date at Westminster the Fourteenth day of February, 1917 (hereinafter referred to as "the Letters Patent of 1917"), as amended by Letters Patent bearing date the Thirtieth day of April, 1938, the office of Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies is constituted :

Recites  
Letters  
Patent of  
14th  
February,  
1917 and  
30th April,  
1938.

AND WHEREAS We are minded to amend the Letters Patent of 1917 in the manner following :

Now Know YE that We do hereby declare Our will and pleasure as follows :—

I. Article XVII of the Letters Patent of 1917 is hereby revoked, and the following Articles are substituted therefor :

Revokes  
and replaces  
Article  
XVII of  
Letters  
Patent of  
1917.

"XVII. Whenever the office of Governor is vacant, or the Governor is absent from the Colony, or is from any cause prevented from, or incapable of, acting in the duties of his office, then such person as may be appointed under the Royal Sign Manual and Signet, or, if there shall be no such person or the person so appointed shall be absent from the Colony or prevented from, or incapable of, acting as aforesaid, then the person lawfully discharging the functions of Colonial Secretary, or if there shall be no person discharging such functions, then the senior member of the Executive Council actually present in the Colony, 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 such person, to do and execute, during Our pleasure, all things that belong to the office of Governor and Commander-in-Chief, as provided in these Our Letters Patent :

"Succession  
to Govern-  
ment."

"Provided that the Governor or the person appointed as aforesaid, when visiting any neighbouring territories in the exercise or discharge of any powers or duties by these Letters Patent or otherwise conferred or imposed upon him by Us, or through one of Our Principal Secretaries of State, shall not be regarded as absent from the Colony for the purposes of this Article.

“Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he is about to assume the administration.”

“Appoint-  
ment of  
Deputies to  
Governor.”

“XVII.A. In the event of the Governor having occasion at any time to be temporarily absent for a short period from the seat of Government, or, in the exercise or discharge of any powers or duties by these Letters Patent or otherwise conferred or imposed upon him by Us, or through one of Our Principal Secretaries of State, to visit any neighbouring territories, he may by an Instrument under the Public Seal of the Colony appoint any person or persons to be his Deputy or Deputies within the Colony or any part or parts thereof during his absence from the seat of Government or from the Colony, as the case may be, and in that capacity to exercise, perform and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities by these Letters Patent or otherwise vested in the Governor as shall in and by such Instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such Instructions as the Governor shall from time to time address to him for his guidance. By the appointment of a Deputy or Deputies as aforesaid the power and authority of the Governor shall not be abridged, altered, or in any way affected otherwise than We may at any time hereafter think proper to direct.”

II. 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 fit.

III. And We do direct and enjoin that these Our Letters Patent shall come into operation on a date to be fixed by the Governor by Proclamation in the Hong Kong Government Gazette, and shall be published in the said Gazette, and shall be read and proclaimed at such place or places within the Colony as the Governor may think fit.

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

Witness Ourselves at Westminster this twenty-ninth day of June, 1939, in the Third year of Our Reign.

By Warrant under The King's Sign Manual.

*Schuster.*





# SUPPLEMENT NO. 2

TO THE

# HONG KONG GOVERNMENT GAZETTE

*Published by Authority*

SUP. TO GAZETTE No. 26]

FRIDAY, MAY 26, 1950.

[Vol. XCII

No. A. 111.

## PROCLAMATION.

No. 1.

A. G. GRANTHAM,  
*Governor.*

L.S.

WHEREAS by Article I of Letters Patent dated the 16th March, 1950, amending the Letters Patent of 1917, constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and providing for the Government thereof a copy of the said amendment being appended to this Proclamation, it is declared that the said amending Letters Patent shall come into operation on a date to be fixed by the Governor by Proclamation in the *Hong Kong Government Gazette*;

AND WHEREAS I have thought fit that the said amending Letters Patent of the 16th day of March, 1950, shall come into operation on the 1st day of June, 1950:

NOW THEREFORE I, Sir ALEXANDER WILLIAM GEORGE HERDER GRANTHAM Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of

Hong Kong and its Dependencies and Vice-Admiral of the same, do hereby PROCLAIM the said amending Letters Patent of the 16th day of March, 1950, and fix that they shall come into operation on the 1st day of June, 1950.

Given under my hand and the Public Seal of the Colony of Hong Kong this 24th day of May, 1950.

Published by His Excellency's Command,

R. R. TODD,  
*Acting Colonial Secretary.*

GOD SAVE THE KING.

HONG KONG

LETTERS PATENT passed under the Great Seal of the Realm, amending the Letters Patent of the 14th of February, 1917, constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies, and providing for the Government thereof.

Dated 16th March, 1950.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these Presents shall come, Greeting! Whereas by Letters Patent under the Great Seal dated the fourteenth day of February, 1917, (hereinafter called "the Letters Patent of 1917"), as amended by Letters Patent dated the thirtieth day of April, 1938, and the twenty-ninth day of June, 1939, the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies is constituted, and provision is made for the Government thereof:

And Whereas We are minded to amend the Letters Patent of 1917 in manner hereinafter appearing:

NOW KNOW YE that We do hereby declare Our will and pleasure as follows:—

I. These Letters Patent shall come into operation on a date to be fixed by the Governor by Proclamation in the *Hong Kong Government Gazette*. Com-  
mencement.

II. The Letters Patent of 1917 shall have effect as if the following paragraph were added at the end of Article XIII thereof :— Amendment  
of Article  
XIII of the  
Letters  
Patent of  
1917.

“Nothing in this Article shall be construed as preventing the enactment of laws by the Legislature of the Colony regarding the making and execution of such grants and dispositions.”

III. 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 think fit. Power to  
revoke,  
alter or  
amend.

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

Witness Ourself at Westminster the sixteenth day of March in the fourteenth year of Our Reign.

By Warrant under the King's Sign Manual

NAPIER.

No. A. 112.

ORDINANCE No. 9 OF 1925. (TELEPHONE).

*Resolution made and passed by the Legislative Council  
under section 6 (1) of the Telephone Ordinance,  
1925, on the 24th May, 1950.*

WHEREAS by subsection (1) of section 6 of the Telephone Ordinance, 1925, the capital of the Hong Kong Telephone Company Ltd. shall be \$7,500,000 divided into 750,000 shares of \$10 each, and the said Company shall not except with the previous consent of the Legislative Council, make any further issue of shares or otherwise save as in the said Ordinance provided in any manner whatever increase the moneys employed in the said Company's undertaking beyond the sum of \$7,500,000.



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

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SUP. TO GAZETTE No. 10] FRIDAY, FEBRUARY 25, 1955.

[VOL. XCVII

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No. A. 19.

PROCLAMATION

No. 1.

A. G. GRANTHAM,  
*Governor.*

L.S.

BY HIS EXCELLENCY SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same.

WHEREAS by Article I paragraph (4) of the Letters Patent dated the 19th January, 1955, amending the Letters Patent of 1917, constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and providing for the Government thereof a copy of the said amendment being appended to this Proclamation, it is declared that the said amending Letters Patent shall be published in the *Hong Kong Government Gazette* and shall come into operation on a date to be fixed by the Governor by Proclamation published in the *Gazette* :

AND WHEREAS I have thought fit that the said amending Letters Patent of the 19th day of January, 1955, shall come into operation on the 1st day of March, 1955 :

NOW THEREFORE I, ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, do hereby PROCLAIM the said amending Letters Patent of the 19th day of January, 1955, and fix that they shall come into operation on the 1st day of March, 1955.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong this 16th day of February, 1955.

Published by His Excellency's Command,

R. B. BLACK,  
*Colonial Secretary.*

GOD SAVE THE QUEEN.

### HONG KONG

LETTERS PATENT passed under the Great Seal of the Realm, amending the Letters Patent of the 14th of February, 1917, constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies, and providing for the Government thereof.

*Dated 19th January, 1955.*

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

WHEREAS by certain Letters Patent under the Great Seal of the Realm bearing date the fourteenth day of February in the year of our Lord one thousand nine hundred and seventeen (hereinafter called "the principal Letters Patent"), as amended by the Letters Patent specified in the Schedule to these Presents,

the Office of Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies was constituted and provision was made for the government thereof :

AND WHEREAS We are minded further to amend the provisions of the principal Letters Patent in manner hereinafter appearing :

Now Know Ye that We have ordered and declared and do hereby order and declare Our will and pleasure as follows—

1. (1) These Our Letters may be cited as the Hong Kong Letters Patent, 1954, and shall be construed as one with the principal Letters Patent.

Citation,  
construc-  
tion and  
commence-  
ment.

(2) The principal Letters Patent may be cited as the Hong Kong Letters Patent, 1917, and the Letters Patent specified in the Schedule to these Presents may be cited by the respective titles given in that Schedule.

(3) The principal Letters Patent, the Letters Patent specified in the Schedule to these Presents and these Our Letters may be cited together as the Hong Kong Letters Patent, 1917 to 1954.

(4) These Our Letters shall be published in the *Hong Kong Government Gazette* and shall come into operation on a date to be fixed by the Governor by Proclamation published in the *Gazette*.

2. The principal Letters Patent shall be amended by the insertion after Article XIV thereof of the following new Article—

Insertion of  
new Article  
XIVA in  
Hong Kong  
Letters  
Patent,  
1917.

“Concur-  
rent ap-  
pointments.

XIVA. (1) When the holder of the Office of Governor or of any office constituted under Article XIV of these Letters Patent is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

(2) When two or more persons are holding the same office by reason of an appointment made pursuant to paragraph (1) of this Article, then for the purposes of Articles XVII and XVIIIA of these Letters Patent and for the purpose of any function conferred upon the holder of that office, the person last appointed to the office shall be deemed to be the holder of the office.”

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.

(8) Authority: enactment or common law, etc.	(9) Magistrate Adjudicating	(10) Date of Adjudication	(11) Minute of Adjudication	(12) Remarks

W. V. DICKINSON,  
*Clerk of Councils.*

COUNCIL CHAMBER,

*23rd August, 1960.*

(Secretariat GR9/3231/53)

**No. A. 92.**

COLONIAL SECRETARIAT.

The Hong Kong Letters Patent, 1960, which come into operation on the 26th August, 1960, are published below for general information.

CLAUDE BURGESS,  
*Colonial Secretary.*

*24th August, 1960.*

**HONG KONG.**

**THE HONG KONG LETTERS PATENT, 1960.**

LETTERS PATENT passed under the Great Seal of the Realm amending the Letters Patent of the 14th February, 1917, constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and making certain provisions for the government thereof.

*Dated 19th July, 1960.*



ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

WHEREAS by the Hong Kong Letters Patent, 1917 to 1954, (hereinafter called the "principal Letters Patent") the Office of Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies is constituted and provision is made for the Government thereof:

AND WHEREAS We are minded to amend the provisions of the principal Letters Patent in manner hereinafter appearing:

Know Ye that We have declared and by these Presents do declare Our will and pleasure as follows—

Citation,  
construction  
and com-  
mencement.

1. (1) These Our Letters may be cited as the Hong Kong Letters Patent, 1960, and shall be construed as one with the principal Letters Patent.

(2) The principal Letters Patent and these Our Letters may be cited together as the Hong Kong Letters Patent, 1917 to 1960.

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

Replacement  
of Article  
XIII in  
Letters  
Patent of  
1917.

2. The principal Letters Patent shall have effect as if the following Article were substituted for Article XIII of the Letters Patent dated the fourteenth day of February, 1917, as amended by Letters Patent dated the sixteenth day of March, 1950—

"Disposal  
of lands.

XIII. (1) The Governor, in Our name and on Our behalf, may make and execute grants and dispositions of any lands within the Colony that may be lawfully granted or disposed of by Us.

(2) The powers conferred on the Governor by this Article may be exercised on behalf of the Governor by any person authorized, whether by name or by reference to an office, to exercise those powers by the Governor and such authorization shall be notified in the *Hong Kong Government Gazette*.

(3) Any such authority shall be subject to such conditions and restrictions (if any) as the Governor may specify, and may be varied or revoked by the Governor, and such conditions, restrictions, variation or revocation shall be notified in the *Hong Kong Government Gazette*.

(4) Grants and dispositions of land made under this Article shall be made in conformity with the provisions of such Instructions as may from time to time be given to the Governor under Our Royal Sign Manual and Signet or through a Secretary of State and such laws as may for the time being be in force in the Colony."

3. (1) Subject to the provisions of paragraph (2) of this Article, where any public officer has, before the coming into operation of these Letters Patent, entered into an agreement in writing for the lease of any land in the Colony that might at the time the agreement was entered into have been lawfully granted or disposed of by Us, such agreement shall have effect, and shall be deemed always to have had effect, as if it had been entered into by the Governor under the powers conferred on him by paragraph (1) of Article XIII of the principal Letters Patent as substituted by these Letters Patent. Validation of certain past grants and dispositions of land.

(2) The following provisions shall have effect in relation to any legal proceedings commenced before the coming into operation of these Letters Patent involving a question the decision on which depends upon the validity of title to any land, that is to say—

- (a) nothing in this Article shall affect the validity of any determination of that question before the date upon which these Letters Patent come into operation; and
- (b) in any proceedings after that date, that question shall be determined as if this Article had not been enacted,

but without prejudice to the operation of the provisions of paragraph (1) of this Article in relation to that land in so far as those provisions can operate notwithstanding the determination of that question.

4. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to amend or revoke these Letters Patent as to Us or Them shall seem fit. Power reserved to Her Majesty.

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

Witness Ourselves at Westminster the nineteenth day of July, in the ninth year of Our Reign.

COLDSTREAM.

(Secretariat BL2/3171/47)



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

SUP. TO GAZETTE No. 79]      FRIDAY, 17 NOVEMBER, 1967.

[VOL. CIX

**L.N. 173 of 1967.**

**HONG KONG.**

**THE HONG KONG LETTERS PATENT 1967.**

LETTERS PATENT passed under the Great Seal of the Realm amending the Letters Patent of the 14th February 1917 constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and making certain provisions for the government thereof.

*Dated 3rd November 1967.*

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING!

Know Ye that We have declared and by these Presents do declare Our will and pleasure as follows—

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

Citation,  
construction  
and com-  
mencement.

(2) The Hong Kong Letters Patent 1917 to 1960 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1967.

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

Amendment of Article XVI of principal Letters Patent.

2. Article XVI of the principal Letters Patent is amended by the substitution of the words "Subject to the provisions of Article XVIA, the Governor" for the words "The Governor".

Insertion of new Article XVIA.

3. The principal Letters Patent are amended by inserting, after Article XVI thereof, the following new Article—

"Tenure of office of judge.

XVIA. (1) Subject to the provisions of the following paragraphs of this Article a judge of the Supreme Court shall hold office until he attains the age of sixty-two years:

Provided that notwithstanding that he has attained the age of sixty-two years, a person holding the office of a judge of the Supreme Court may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) A judge of the Supreme Court may at any time resign his office by writing under his hand addressed to the Governor.

(3) Notwithstanding anything in paragraph (1) of this Article or in any other enactment, a judge of the Supreme Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of paragraph (4) of this Article.

(4) A judge of the Supreme Court shall be removed from office by the Governor by instrument under the Public Seal if the question of his removal from office has, at the request of the Governor made in pursuance of paragraph (5) of this Article, been referred by Us to the Judicial Committee of the Privy Council under section 4 of the Judicial Committee Act 1833 or any other enactment enabling Us in that behalf, and the Judicial Committee has advised Us that the judge concerned ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Governor considers that the question of removing a judge of the Supreme Court from office

1833, c. 41.

for inability as aforesaid or for misbehaviour ought to be investigated, then—

- (a) the Governor shall, by instrument under the Public Seal (which he may vary or revoke by another such instrument), appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor from among judges who hold or have held office as judge of a court having unlimited jurisdiction in any part of the Commonwealth or a court having jurisdiction in appeals from any such court;
- (b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of the judge concerned should be referred by Us to the Judicial Committee; and
- (c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(6) If the question of removing a judge of the Supreme Court from office has been referred to a tribunal appointed under paragraph (5) of this Article, the Governor may suspend the judge concerned from performing the functions of his office.

(7) Any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

- (a) if the tribunal recommends to the Governor that he should not request that the question of the removal from office of the judge concerned should be referred by Us to the Judicial Committee; or
- (b) if the Judicial Committee advises Us that the judge concerned ought not to be removed from office.”.

4. Article XVII of the principal Letters Patent is revoked and replaced by the following—

“Acting  
Governor.

XVII. (1) During any period when the office of Governor is vacant or the holder thereof is absent from the Colony or is for any other reason unable

Replacement  
of Article XVII  
of principal  
Letters Patent.

to perform the functions of his office, those functions shall, during Our pleasure, be assumed and performed by—

- (a) such person as may be designated under Our Sign Manual and Signet or by instructions given by Us through one of Our Principal Secretaries of State; or
- (b) if there is no person in the Colony so designated and able to perform those functions, the person lawfully discharging the functions of Colonial Secretary.

(2) Before assuming the functions of the office of Governor for the first time, any person as aforesaid shall make the oaths directed by Article III of these Our Letters to be made by the holder thereof.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the holder thereof, or some other person having a prior right to perform those functions, has notified him that he is about to resume, or assume, those functions.

(4) The holder of the office of Governor or any other person as aforesaid shall not, for the purposes of this Article, be regarded as absent from the Colony or as unable to perform the functions of that office at any time when there is a subsisting appointment of a Deputy under Article XVIIIA of these Our Letters.”.

5. Article XVIIIA of the principal Letters Patent is revoked and replaced by the following—

Replacement  
of Article  
XVIIIA of  
principal  
Letters Patent.

“Deputy to  
Governor.

XVIIIA. (1) Whenever the Governor—

- (a) has occasion to be absent from the Colony for a period which he has reason to believe will be of short duration; or
- (b) is suffering from any illness which he has reason to believe will be of short duration; or
- (c) considers for any reason that the public interest so requires,

he may by instrument under the Public Seal appoint a person to be his Deputy and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in such instrument.

(2) The powers and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a Deputy under this Article and a Deputy shall comply with all instructions which the Governor may address to him, but the question whether a Deputy has in any matter complied with such instructions shall not be enquired into by any court.

(3) Any appointment under this Article may be revoked at any time by Us by instructions given by Us through one of Our Principal Secretaries of State or by the Governor by instrument under the Public Seal, and subject thereto a person appointed under this Article shall hold that appointment for such period as may be specified in the instrument by which he is appointed.”.

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

Power  
reserved to  
Her Majesty.

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

Witness Ourself at Westminster the third day of November in the Sixteenth year of Our Reign.

By Warrant under the Queen's Sign Manual.

COLDSTREAM.



## *Legal Supplement No. 2*

TO THE

# HONG KONG GOVERNMENT GAZETTE

*Published by Authority*

SUP. TO GAZETTE No. 5]

FRIDAY, 5 FEBRUARY, 1971.

[Vol. CXIII

L.N. 5 of 1971.

### HONG KONG.

#### THE HONG KONG LETTERS PATENT 1970.

LETTERS PATENT passed under the Great Seal of the Realm amending the Letters Patent of the 14th February 1917 constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and making certain provisions for the government thereof.

*Dated 23rd December 1970.*

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and pleasure as follows—

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

Citation,  
construction  
and com-  
mencement.

(2) The Hong Kong Letters Patent 1917 to 1967 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1970.

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



Replacement of  
Article XIV of  
principal Letters  
Patent.

2. Article XIV of the principal Letters Patent is revoked and replaced by the following—

“Governor  
empowered  
to appoint  
Judges and  
other public  
officers.

XIV. The Governor may constitute and appoint such Judges, Justices of the Peace and other public officers as may be lawfully appointed, all of whom shall, unless otherwise provided by law, hold their offices during Our pleasure.”

Amendment of  
Article XV of  
principal Letters  
Patent.

3. Article XV of the principal Letters Patent is amended by deleting “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” and substituting the following—

“by any court of law in the Colony (other than a court martial established under any Act of Parliament), either free or subject to such conditions as the Governor may think fit to impose, a pardon or any remission of the sentence”.

Power reserved  
to Her Majesty.

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

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

Witness Ourself at Westminster the twenty-third day of December in the nineteenth year of Our Reign.

By Warrant under The Queen's Sign Manual.

DOBSON.



*Legal Supplement No. 2*

TO THE

**HONG KONG**

**GOVERNMENT GAZETTE**

**EXTRAORDINARY**

*Published by Authority*

**FRIDAY, 7 MAY, 1976**

SUP. TO GAZETTE EXTRAORDINARY No. 4 VOL. CXVIII

## L.N. 114 of 1976

## HONG KONG

## THE HONG KONG LETTERS PATENT 1976

LETTERS PATENT passed under the Great Seal of the Realm amending the Letters Patent of the 14th February 1917 constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and making certain provisions for the government thereof.

Dated 3rd May 1976.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and pleasure as follows—

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

Citation,  
construction  
and com-  
mencement.

~~(2) The Hong Kong Letters Patent 1917 to 1970 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1976.~~

L.N. 76/76

(3) These Our Letters shall come into operation forthwith and be published in the Hong Kong Government Gazette.

2. Article XVIA of the principal Letters Patent is revoked and replaced by the following—

Replacement  
of Article  
XVIA of  
principal Letters  
Patent.

"Tenure of  
office of  
Supreme  
Court or  
district  
judge.

XVIA. (1) Subject to the provisions of this Article, a judge of the Supreme Court or a Judge of the District Court shall vacate his office when he attains the retiring age:

Provided that, notwithstanding that he has attained the retiring age, a person holding such an office may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) For the purposes of the preceding paragraph 'the retiring age' means:—

- (a) in relation to the Chief Justice, the age of sixty-five years;
- (b) in relation to any other judge of the Supreme Court, the age of sixty-two years;
- (c) in relation to a judge of the District Court, the age of sixty years:

Provided that the Governor, after having transmitted to Us the recommendations of the Judicial Service Commission, may, in pursuance of Instructions given to him by Us through a Secretary of State, extend the term of office of a judge of the Supreme Court who is due to retire on attaining the age of sixty-two years for such period not exceeding three years as may have been agreed between

the Governor and the judge, and if the term of office of a judge is so extended for any period, the judge shall be regarded as having attained the retiring age at the expiration of that period.

(3) A judge of the Supreme Court or the District Court may at any time resign his office by writing under his hand addressed to the Governor.

(4) A judge of the Supreme Court or the District Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of paragraph (5) of this Article.

(5) A judge of the Supreme Court or the District Court shall be removed from office by the Governor by instrument under the Public Seal if the question of his removal from office has, at the request of the Governor made in pursuance of paragraph (6) of this Article, been referred by Us to the Judicial Committee of the Privy Council under section 4 of the Judicial Committee Act 1833 or any other enactment enabling Us in that behalf, and the Judicial Committee has advised Us that the judge ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Governor considers that the question of removing a judge of the Supreme Court or the District Court from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

(a) the Governor shall, by instrument under the Public Seal (which he may vary or revoke by another such instrument), appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor from among judges who hold or have held office as judge of a court having unlimited jurisdiction in any part of the Commonwealth or a court having jurisdiction in appeals from any such court;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of the judge should be referred by Us to the Judicial Committee; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(7) If the question of removing a judge of the Supreme Court or the District Court from office has been referred to a tribunal appointed under paragraph (6) of this Article, the Governor may suspend the judge from performing the functions of his office.

(8) Any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of the removal from office of the judge should be referred by Us to the Judicial Committee; or

(b) if the Judicial Committee advises Us that the judge ought not to be removed from office.”

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

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

Witness Ourself at Westminster the 3rd day of May in the twenty-fifth year of Our Reign.

By Warrant under The Queen's Sign Manual.

DOBSON.



*Legal Supplement No. 2*

TO THE

**HONG KONG**

**GOVERNMENT GAZETTE**

*Published by Authority*

**THURSDAY, 17 FEBRUARY, 1977**

SUP. TO GAZETTE No. 7 VOL. CXIX

## L.N. 42 of 1977

## HONG KONG

## THE HONG KONG (NO. 2) LETTERS PATENT 1976

LETTERS PATENT passed under the Great Seal of the Realm amending the Letters Patent of the 14th February 1917 constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and making certain provisions for the government thereof.

Dated 23rd November 1976.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and pleasure as follows—

1. (1) These Our Letters may be cited as the Hong Kong (No. 2) Letters Patent 1976 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called "the principal Letters Patent").

Citation,  
construction,  
revocation and  
commencement.

(2) The Hong Kong Letters Patent 1917(a) to 1970, the Hong Kong Letters Patent 1976 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1976.

(3) Article 1(2) of the Hong Kong Letters Patent 1976 is revoked.

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

2. Article XVII(1)(b) of the principal Letters Patent is amended by substituting for the word "Colonial" the word "Chief".

Amendment  
of Article  
XVII(1)(b).

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

Power reserved  
to Her Majesty.

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

Witness Ourselves at Westminster the 23rd day of November in the twenty-fifth year of Our Reign.

By Warrant under The Queen's Sign Manual.

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(a) 1917 rev. X, p. 20 as amended.



*Legal Supplement No. 2*

TO THE

**HONG KONG**

**GOVERNMENT GAZETTE**

*Published by Authority*

**FRIDAY, 30 APRIL, 1982**

SUP. TO GAZETTE No. 17 VOL. CXXIV



**L.N. 152 of 1982****HONG KONG****LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE  
REALM AMENDING THE HONG KONG LETTERS PATENT  
1917 TO 1976**

Dated: 18th March 1982.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and pleasure as follows—

Citation,  
construction and  
commencement.

1. (1) These Our Letters may be cited as the Hong Kong Letters Patent 1982 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called "the principal Letters Patent").

(2) The Hong Kong Letters Patent 1917 to 1976 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1982.

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

Amendment of  
Article XVIA  
of principal  
Letters Patent.

2. (1) Article XVIA of the principal Letters Patent (as amended by Article 2 of the Hong Kong Letters Patent 1976) is amended by deleting paragraph (2) and substituting the following:—

'(2) (a) For the purposes of the preceding paragraph "retiring age" means:—

(i) in relation to the Chief Justice and any other judge of the Supreme Court, the age of sixty-five years; and

(ii) in relation to a judge of the District Court, the age of sixty years.

(b) Notwithstanding the preceding subparagraph—

(i) a person may be appointed to be a judge of the Supreme Court (whatever his age and whether or not he has previously held office as such) for a specified period or periods not exceeding five years in the aggregate;

(ii) the term of office of a judge of the District Court may be extended for a specified period or periods not exceeding five years in the aggregate after his attainment of the age of sixty years,

and in any such case the judge shall accordingly be regarded for the purposes of the preceding paragraph as having attained the retiring age at the expiration of the specified period or periods.'

(2) It is hereby declared, for the avoidance of doubt, that a judge may continue to perform any of the functions of his office until he vacates that office in accordance with paragraph (1) of Article XVIA of the principal Letters Patent notwithstanding that he is entitled to leave of absence by virtue of his previous service.

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

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

Power  
reserved to  
Her Majesty.

Witness Ourselves at Westminster the 18th day of March in the Thirty-  
first year of Our Reign.

By Warrant under The Queen's Sign Manual.

*Bourne*



*Legal Supplement No. 2*

TO THE

**HONG KONG  
GOVERNMENT GAZETTE  
EXTRAORDINARY**

*Published by Authority*

THURSDAY, 4 APRIL, 1985

## L.N. 85 of 1985

## HONG KONG

## THE HONG KONG LETTERS PATENT 1985

LETTERS PATENT passed under the Great Seal of the Realm amending the Letters Patent of the 14th February 1917 constituting the Office of Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and making certain provisions for the government thereof.

Dated: 2nd April 1985.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and pleasure as follows—

1. (1) These Our Letters may be cited as the Hong Kong Letters Patent 1985 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

Citation,  
construction,  
commencement  
and saving.

(2) The Hong Kong Letters Patent 1917 to 1982 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1985.

(3) These Our Letters 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) Subject to any Instructions addressed to the Governor of Hong Kong under Our Sign Manual and Signet or through one of Our Principal Secretaries of State, the Legislative Council of Hong Kong may make laws for giving effect to these Our Letters 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 Our Letters or the said Instructions or laws shall affect the membership or powers and privileges of the said Legislative Council as constituted under the principal Letters Patent immediately before the date of coming into operation of these Our Letters.

(5) In these Our Letters “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 Letters Patent are amended by deleting Article VI and substituting the following new Article—

“Legislative  
Council.

VI. (1) There shall be a Legislative Council in and for the Colony, and the said Council shall consist of—

- (a) the Governor;
- (b) three *ex officio* members, being the persons for the time being lawfully discharging the functions of Chief Secretary, Attorney General and Financial Secretary of the Colony;
- (c) not more than seven persons holding office under the Crown in the Colony as the Governor may, from time to time, appoint (who, together with the *ex officio* members, shall be styled “Official Members”);
- (d) not more than twenty-two persons as the Governor may, from time to time, appoint (who shall be styled “Appointed Members”); and

Replacement of  
Article VI of  
principal Letters  
Patent.

(e) twenty-four elected members (who shall be styled "Elected Members") being persons who are qualified and elected as elected members in accordance with a law in that behalf in force in the Colony.

(2) Appointments to the Legislative Council shall be made by the Governor, in pursuance of any Instructions under Our Sign Manual and Signet or through one of Our Principal Secretaries of State, by an instrument under the Public Seal of the Colony. Official Members and Appointed Members shall hold their places in the said Council during Our pleasure and, subject thereto, in accordance with any Instructions under Our Sign Manual and Signet.

(3) Subject to any Instructions under our Sign Manual and Signet, Elected Members shall hold their places in the Legislative Council, and vacate their seats, in accordance with a law in that behalf in force in the Colony."

Amendment of Article VII of principal Letters Patent.

3. Article VII of the principal Letters Patent is amended by renumbering the same as paragraph (1) and by adding the following new paragraph—

"(2) Without prejudice to the generality of paragraph (1), a law of the Colony may provide for the election of Elected Members of the Legislative Council and, in particular, may determine the constituencies and the number of members of the said Council to be elected by each constituency, the qualifications and disqualifications of electors, candidates and Elected Members, and the tenure of office of Elected Members."

Reservations.

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

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

Witness Ourselves at Westminster the second day of April in the thirty-fourth year of Our Reign.

By Warrant under The Queen's Sign Manual.

*Oulton*



*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. 202 of 1986****HONG KONG****THE HONG KONG LETTERS PATENT 1986**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1985.

Dated: 25th July 1986.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and pleasure as follows—

1. (1) These Our Letters may be cited as the Hong Kong Letters Patent 1986 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

Citation,  
construction and  
commencement.

(2) The Hong Kong Letters Patent 1917 to 1985 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1986.

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

2. Article XIII(1) of the principal Letters Patent is amended by deleting the words “in Our name and”.

Amendment of  
Article XIII of  
principal Letters  
Patent.

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

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

Witness Ourselves at Westminster the twenty-fifth day of July in the thirty-fifth year of Our Reign.

By Warrant under the Queen’s Sign Manual.

*Oulton*



*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. 110 of 1988****HONG KONG****THE HONG KONG LETTERS PATENT 1988**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1986.

Dated: 7th April 1988.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

1. (1) These Our Letters may be cited as the Hong Kong Letters Patent 1988 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

Citation,  
construction  
and  
commencement.

(2) The Hong Kong Letters Patent 1917 to 1986 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1988.

(3) These Our Letters 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) Subject to any Instructions addressed to the Governor of Hong Kong under Our Sign Manual and Signet or through one of Our Principal Secretaries of State, laws may be made for giving effect to these Our Letters and for the holding of elections in accordance therewith but, until the appointed day, nothing in these Our Letters or the said Instructions or laws shall affect the membership or powers and privileges of the Legislative Council of Hong Kong as constituted under the principal Letters Patent immediately before the date of coming into operation of these Our Letters.

(5) In these Our Letters “the appointed day” means the day (or, if more than one, the first day) appointed under a law in force in the Colony for the holding of an election in 1988 for all the Elected Members of the Legislative Council of Hong Kong.

2. Article VI(1) of the principal Letters Patent is amended—

Amendment of  
Article VI of  
principal  
Letters Patent.

(a) in sub-paragraph (d), by deleting the word “twenty-two” and substituting the word “twenty”;

(b) in sub-paragraph (e), by deleting the word “twenty-four” and substituting the word “twenty-six”.

3. Article XVIA(2) of the principal Letters Patent is amended—

Amendment of  
Article XVIA  
of principal  
Letters Patent.

(a) by deleting sub-paragraph (a)(ii) and substituting the following—

“(ii) in relation to a judge of the District Court who was appointed to be such judge before 1st January 1987, the age of sixty years; and

(iii) in relation to a judge of the District Court who was appointed to be such judge on or after 1st January 1987, the age of sixty-five years.”;

(b) by deleting sub-paragraph (b)(ii) and substituting the following—

“(ii) the term of office of a judge of the Supreme Court (other than a person appointed to be a judge of the Supreme Court under this sub-paragraph) or a judge of the District Court referred to in sub-paragraph (a)(ii) may be extended for a specified period or periods not exceeding five years in the aggregate.”.

Reservations.

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

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

Witness Ourselves at Westminster the 7th day of April in the Thirty-seventh year of Our Reign.

By Warrant under the Queen's Sign Manual.

*Oulton*



*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. 315 of 1990**

**HONG KONG**

**THE HONG KONG LETTERS PATENT 1990**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1988.

Dated: 30th August 1990.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction, and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1990 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1988 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1990.

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

(4) Subject to any Instructions addressed to the Governor of Hong Kong under Our Sign Manual and Signet or through one of Our Principal Secretaries of State, laws may be made for giving effect to these Our Letters and for the holding of elections in accordance therewith but, until the appointed day, nothing in these Our Letters or the said Instructions or laws shall affect the membership or powers and privileges of the Legislative Council of Hong Kong as constituted under the principal Letters Patent immediately before the date of coming into operation of these Our Letters.

(5) In these Our Letters “the appointed day” means the day (or, if more than one day, the first day) appointed under a law in force in the Colony for the holding of an election in 1991 for all the Elected Members of the Legislative Council of Hong Kong.

**2. Amendment of Article VI of principal Letters Patent**

(1) Article VI(1) of the principal Letters Patent is amended—

- (a) by deleting sub-paragraph (c);
- (b) in sub-paragraph (d), by deleting the word “twenty” and substituting the word “eighteen”; and
- (c) in sub-paragraph (e), by deleting the word “twenty-six” and substituting the word “thirty-nine”.

(2) Article VI(2) of the principal Letters Patent is amended by deleting the words “Official Members and”.

**3. Amendment of Article VII of principal Letters Patent**

Article VII(2) of the principal Letters Patent is amended by adding at the end—

“The law of the Colony may make provision for different categories of Elected Members and separate provision as regards the constituencies, qualifications and disqualifications relating to such categories of Elected Members.”.

**4. Reservations**

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

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

Witness Ourselves at Westminster the Thirtieth day of August in the Thirtieth year of Our Reign.

By Warrant under The Queen’s Sign Manual.

*Legg*



*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. 201 of 1991****HONG KONG****THE HONG KONG LETTERS PATENT 1991 (NO. 1)**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1990.

Dated: 20th May 1991.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1991 (No. 1) and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1990 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1991 (No. 1).

(3) These Our Letters shall be published in the Hong Kong Government Gazette and shall come into operation upon the day immediately following the date of such publication.

**2. Amendment of Article XIV of principal Letters Patent**

(1) Article XIV of the principal Letters Patent is amended—

(a) by renumbering the same as paragraph (1) of that Article; and

(b) by adding the following new paragraph—

“(2) The powers conferred on the Governor by this Article may, save in the case of the office of judge of the Supreme Court or judge of the District Court or the office of Chief Secretary, Attorney General or Financial Secretary and subject to such conditions and restrictions (if any) as the Governor may specify, be exercised on behalf of the Governor by any person authorised, whether by name or by reference to an office, to exercise those powers by the Governor. Any such authorisation, condition or restriction shall be notified in the Hong Kong Government Gazette.”.

(2) No appointment made to the public service of Hong Kong before the coming into operation of the Hong Kong Letters Patent 1991 (No. 1) by a person to whom a power of appointment conferred under Article XIV of the principal Letters Patent was purportedly delegated under that Article shall be called in question on the ground that the appointment was not made in accordance with Article XIV of the principal Letters Patent.

### 3. Reservations

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

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

Witness Ourselves at Westminster the twentieth day of May in the Fortieth year of Our Reign.

By Warrant under The Hands of the Counsellors of State.

*Legg*





*Legal Supplement No. 2*

TO THE

**HONG KONG**

**GOVERNMENT GAZETTE**

*Published by Authority*

**FRIDAY, 7 JUNE, 1991**

SUP. TO GAZETTE No. 23 VOL. CXXXIII

**L.N. 226 of 1991****HONG KONG****THE HONG KONG LETTERS PATENT 1991 (NO. 2)**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1990.

Dated: 20th May 1991.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1991 (No. 2) and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1990 and 1991 (No. 1) and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1991 (Nos. 1 and 2).

(3) These Our Letters shall be published in the Hong Kong Government Gazette and shall come into operation upon the day immediately following the date of such publication.

**2. Amendment of Article VII of principal Letters Patent**

Article VII of the principal Letters Patent is amended by adding the following new paragraph—

“(3) The provisions of the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966, as applied to Hong Kong, shall be implemented through the laws of Hong Kong. No law of Hong Kong shall be made after the coming into operation of the Hong Kong Letters Patent 1991 (No. 2) that restricts the rights and freedoms enjoyed in Hong Kong in a manner which is inconsistent with that Covenant as applied to Hong Kong.”.

**3. Reservations**

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

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

Witness Ourselves at Westminster the twentieth day of May in the Fortieth year of Our Reign.

By Warrant under The Hands of the Counsellors of State.

*Legg*



*Legal Supplement No. 2*

TO THE

**HONG KONG  
GOVERNMENT GAZETTE  
EXTRAORDINARY**

*Published by Authority*

**THURSDAY, 18 FEBRUARY, 1993**

SUP. TO GAZETTE EXTRAORDINARY No. 6 VOL. CXXXV

L.N. 32 of 1993

## HONG KONG

**THE HONG KONG LETTERS PATENT 1992**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1991 (Nos. 1 and 2).

Dated: 17th December 1992.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1992 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1991 (Nos. 1 and 2) and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1992.

(3) These Our Letters shall be published in the Hong Kong Government Gazette and shall come into operation upon the day immediately following the date of such publication.

**2. Revocation of Article VI(1)(a) of principal Letters Patent**

Article VI(1)(a) of the principal Letters Patent is revoked.

**3. Reservations**

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

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

Witness Ourselves at Buckingham Palace the seventeenth day of December in the Forty-first year of Our Reign.

By Warrant under The Queen's Sign Manual.

*N. H. Nicholls*



*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. 406 of 1994****HONG KONG**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1992.

Dated: 16th July 1993.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1993 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1992 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1993.

(3) These Our Letters shall be published in the Hong Kong Government Gazette and, subject to Article 2, shall come into operation upon the date of publication.

2. Subject to any Instructions addressed to the Governor of Hong Kong under Our Sign Manual and Signet or through one of Our Principal Secretaries of State, laws may be made for giving effect to these Our Letters and for the holding of elections in accordance therewith but, until the appointed day, nothing in these Our Letters or the said Instructions or laws shall affect the membership or powers and privileges of the Legislative Council of Hong Kong as constituted under the principal Letters Patent immediately before the date of coming into operation of these Our Letters. In these Our Letters “appointed day” means the day (or, if more than one day, the first day) appointed under the laws in force in the Colony for the holding of an election in 1995 to elect the Members of the Legislative Council of Hong Kong.



### 3. Amendment of Article VI of principal Letters Patent

(1) Article VI(1) of the principal Letters Patent is revoked and replaced by the following new paragraph (1)—

“(1) There shall be a Legislative Council in and for the Colony, and the said Council shall consist of sixty Members, being persons who are qualified for election and elected in accordance with laws in that behalf in force in the Colony and of whom—

(a) twenty shall have been returned in respect of geographical constituencies;

(b) thirty shall have been returned in respect of functional constituencies; and

(c) ten shall have been returned by an election committee.”.

(2) Article VI(2) is revoked.

(3) Article VI(3) is amended by deleting “Elected” and by deleting “a law” and substituting “laws”.

### 4. Amendment of Article VII of the principal Letters Patent

(1) Article VII(2) of the principal Letters Patent is revoked and replaced by the following new paragraph 2—

“(2) Without affecting the generality of paragraph (1), laws of the Colony may provide for the holding of elections as regards the election of Members of the Legislative Council. Such laws may provide for different categories of such Members and provide generally, or in relation to a particular category of Member, for—

(a) different systems or methods of election;

(b) determination of constituencies and the number of Members to be returned in respect thereof;

(c) qualifications or disqualifications, as regards electors, candidates for election or such Members;

(d) tenure of office of Members.”.

(2) Article VII is amended to renumber paragraph (3) as paragraph (5) and to add two new paragraphs, paragraphs (3) and (4)—

“(3) Nothing in this Article shall be construed as precluding the making of laws which, as regards the election of the Members of the Legislative Council, confer on persons generally or persons of a particular description any entitlement to vote which is in addition to a vote in respect of a geographical constituency.

(4) Laws of the Colony may provide, as regards the election of the Members of the Legislative Council, for the appointment of different dates for voting to take place in respect of constituencies of different descriptions or election of different categories of Members.”.

**5. Reservations**

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

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

Witness Ourselves at St. James's the sixteenth day of July in the Forty-second year of Our Reign.

By Warrant under The Queen's Sign Manual.

Legg

Legislative Council Library  
立法局圖書館



*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. 388 of 1995****HONG KONG****THE HONG KONG LETTERS PATENT 1992**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1992.

Dated: 15th April 1993.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1992 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1991 (Nos. 1 and 2) and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1992.

(3) These Our Letters shall be published in the Hong Kong Government Gazette and shall come into operation upon the day immediately following the date of such publication.

**2. Revocation of Article VI(1)(a) of principal Letters Patent**

Article VI(1)(a) of the principal Letters Patent is revoked.

**3. Reservations**

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

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

Witness Ourselves at St. James's the Fifteenth day of April in the  
Forty-second year of Our Reign.

By Warrant under The Queen's Sign Manual.

Legg



*Legal Supplement No. 2*

TO THE

**HONG KONG  
GOVERNMENT GAZETTE**

*Published by Authority*

**FRIDAY, 31 MAY, 1996**

SUP. TO GAZETTE No. 22 VOL. CXXXVIII

**L.N. 246 of 1996****HONG KONG**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1993.

Dated: 17th September 1993.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1993 (No. 2) and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1993 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1993 (No. 2).

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

**2. Amendment of Article XVI of principal Letters Patent**

(1) Article XVI of the principal Letters Patent is numbered as Article XVI, paragraph (1) and a following new paragraph (2) is added—

“(2) Paragraph (1) of this Article shall not apply to any person holding any of the following public offices within the Colony—

Registrar of the Supreme Court  
Deputy Registrar, Supreme Court  
Assistant Registrar, Supreme Court  
Principal Magistrate  
Magistrate  
Special Magistrate  
Presiding Officer, Labour Tribunal  
Adjudicator, Small Claims Tribunal  
Coroner

President, Lands Tribunal  
Presiding Officer, Lands Tribunal  
Member of the Lands Tribunal (being a member who is in the  
full-time service of the Crown).”.

**3. Reservations**

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

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

Witness Ourselves at Balmoral the seventeenth day of September in the Forty-second year of Our Reign.

By Warrant under The Queen's Sign Manual.

Legg





*Legal Supplement No. 2*

TO THE

**HONG KONG  
GOVERNMENT GAZETTE**

*Published by Authority*

**FRIDAY, 31 MAY, 1996**

SUP. TO GAZETTE NO. 22 VOL. CXXXVIII

**L.N. 247 of 1996****HONG KONG**

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1993 (No. 2).

Dated: 30th November 1995.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and Pleasure as follows—

**1. Citation, construction and commencement**

(1) These Our Letters may be cited as the Hong Kong Letters Patent 1995 and shall be construed as one with the Hong Kong Letters Patent 1917 as amended (hereinafter called “the principal Letters Patent”).

(2) The Hong Kong Letters Patent 1917 to 1993 (No. 2) and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1995.

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

**2. Amendment of Article XVI of principal Letters Patent**

Article XVI(2) of the principal Letters Patent is amended by adding at the end the following public offices—

Chief Magistrate

Principal Presiding Officer, Labour Tribunal

Principal Adjudicator, Small Claims Tribunal.

**3. Reservations**

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

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

Witness Ourselves at Saint James's the thirtieth day of November in the Forty-fourth year of Our Reign.

By Warrant under The Queen's Sign Manual.

Legg

**Check List and Instructions for the  
HONG KONG LETTERS PATENT 1917 TO 1995  
(APP. I, p. A1)**

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
A1 - A6 (all) .....	A1 - A6 .....	A1 - A6 .....	12

**Enactment History**

Originally Proc. No. 3 of 1917 — Proc. No. 4 of 1938, Proc. No. 9 of 1939, G.N.A. 111 of 1950, G.N.A. 19 of 1955, G.N.A. 92 of 1960, L.N. 173 of 1967, L.N. 5 of 1971, L.N. 114 of 1976, L.N. 42 of 1977, L.N. 152 of 1982, L.N. 85 of 1985, L.N. 202 of 1986, L.N. 110 of 1988, L.N. 315 of 1990, L.N. 201 of 1991, L.N. 226 of 1991, L.N. 32 of 1993, L.N. 406 of 1994, L.N. 388 of 1995, L.N. 246 of 1996, L.N. 247 of 1996

**The following are not yet in operation —**

Nil

## HONG KONG LETTERS PATENT 1917 TO 1995

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## Article

- I. Office of Governor constituted
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## HONG KONG LETTERS PATENT 1917 TO 1995

PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM, CONSTITUTING THE OFFICE OF GOVERNOR AND COMMANDER-IN-CHIEF OF THE COLONY OF HONG KONG AND ITS DEPENDENCIES.

DATED 14TH FEBRUARY, 1917 (S.R. & O. 1917 c. 1317) (PROC. NO. 3 OF 1917).

[Amended 7th July 1938 (S.R. & O. 1938 II p. 3449) (Proc. No. 4 of 1938).  
Amended 1st September 1939 (S.R. & O. 1939 II p. 3573) (Proc. No. 9 of 1939).

- Amended 1st June 1950 (S.I. 1950 II p. 1545) (G.N.A. 111 of 1950).
- Amended 1st March 1955 (S.I. 1955 II p. 3185) (G.N.A. 19 of 1955).
- Amended 26th August 1960 (S.I. 1960 III p. 4169) (G.N.A. 92 of 1960).
- Amended 17th November 1967 (L.N. 173 of 1967).
- Amended 5th February 1971 (L.N. 5 of 1971).
- Amended 3rd May 1976 (L.N. 114 of 1976).
- Amended 17th February 1977 (L.N. 42 of 1977).
- Amended 30th April 1982 (L.N. 152 of 1982).
- Amended 4th April 1985 (L.N. 85 of 1985).
- Amended 22nd August 1986 (L.N. 202 of 1986).
- Amended 9th April 1988 (L.N. 110 of 1988).
- Amended 12th October 1990 (L.N. 315 of 1990).
- Amended 22nd May 1991 (L.N. 201 of 1991).
- Amended 8th June 1991 (L.N. 226 of 1991).
- Amended 19th February 1993 (L.N. 32 of 1993)\*.
- Amended 1st July 1994 (L.N. 406 of 1994).
- Amended 4th August 1995 (L.N. 388 of 1995).
- Amended 31st May 1996 (L.N. 246 of 1996; L.N. 247 of 1996).]

\* In relation to the operation of L.N. 32 of 1993, please see the Hong Kong (Acts of the Legislative Council) Validation Order 1995 (L.N. 390 of 1995).

**Office of Governor constituted**

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

**Governor's powers and authorities**

II. We do hereby authorize, 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.

**Publication of Governor's Commission.****Oaths to be taken by Governor**

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 (1868 c. 72 U.K.) 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.

**Public Seal**

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.

### Executive Council

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.

### Legislative Council

VI. (1) There shall be a Legislative Council in and for the Colony, and the said Council shall consist of sixty Members, being persons who are qualified for election and elected in accordance with laws in that behalf in force in the Colony and of whom—

- (a) twenty shall have been returned in respect of geographical constituencies;
- (b) thirty shall have been returned in respect of functional constituencies; and
- (c) ten shall have been returned by an election committee.

*(Replaced on 1.7.1994)*

(2) *(Repealed on 1.7.1994)*

(3) Subject to any Instructions under our Sign Manual and Signet, Members shall hold their places in the Legislative Council, and vacate their seats, in accordance with laws in that behalf in force in the Colony.

*(Amended on 1.7.1994)*

*(Replaced on 4.4.1985)*

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

VII. (1) 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. *(Amended on 4.4.1985)*

(2) Without affecting the generality of paragraph (1), laws of the Colony may provide for the holding of elections as regards the election of Members of the Legislative Council. Such laws may provide for different categories of such



Members and provide generally, or in relation to a particular category of Member, for—

- (a) different systems or methods of election;
- (b) determination of constituencies and the number of Members to be returned in respect thereof;
- (c) qualifications or disqualifications, as regards electors, candidates for election or such Members;
- (d) tenure of office of Members. *(Replaced on 1.7.1994)*

(3) Nothing in this Article shall be construed as precluding the making of laws which, as regards the election of the Members of the Legislative Council, confer on persons generally or persons of a particular description any entitlement to vote which is in addition to a vote in respect of a geographical constituency. *(Added on 1.7.1994)*

(4) Laws of the Colony may provide, as regards the election of the Members of the Legislative Council, for the appointment of different dates for voting to take place in respect of constituencies of different descriptions or election of different categories of Members. *(Added on 1.7.1994)*

(5) The provisions of the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966, as applied to Hong Kong, shall be implemented through the laws of Hong Kong. No law of Hong Kong shall be made after the coming into operation of the Hong Kong Letters Patent 1991 (No. 2) that restricts the rights and freedoms enjoyed in Hong Kong in a manner which is inconsistent with that Covenant as applied to Hong Kong. *(Added on 8.6.1991. Amended on 1.7.1994)*

#### 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.

### Disposal of lands

XIII. (1) The Governor, on Our behalf, may make and execute grants and dispositions of any lands within the Colony that may be lawfully granted or disposed of by Us. (*Amended on 22.8.1986*)

(2) The powers conferred on the Governor by this Article may be exercised on behalf of the Governor by any person authorized, whether by name or by reference to an office, to exercise those powers by the Governor and such authorization shall be notified in the Hong Kong Government Gazette.

(3) Any such authority shall be subject to such conditions and restrictions (if any) as the Governor may specify, and may be varied or revoked by the Governor, and such conditions, restrictions, variation or revocation shall be notified in the Hong Kong Government Gazette.

(4) Grants and dispositions of land made under this Article shall be made in conformity with the provisions of such Instructions as may from time to time be given to the Governor under Our Royal Sign Manual and Signet or through a Secretary of State and such laws as may for the time being be in force in the Colony.

(*Replaced on 26.8.1960*)

### Governor empowered to appoint Judges and other public officers

\*XIV. (1) The Governor may constitute and appoint such Judges, Justices of the Peace and other public officers as may be lawfully appointed; all of whom shall, unless otherwise provided by law, hold their offices during Our pleasure. *(Replaced on 5.2.1971. Amended on 22.5.1991)*

(2) The powers conferred on the Governor by this Article may, save in the case of the office of judge of the Supreme Court or judge of the District Court or the office of Chief Secretary, Attorney General or Financial Secretary and subject to such conditions and restrictions (if any) as the Governor may specify, be exercised on behalf of the Governor by any person authorised, whether by name or by reference to an office, to exercise those powers by the Governor. Any such authorisation, condition or restriction shall be notified in the Hong Kong Government Gazette. *(Added on 22.5.1991)*

### Concurrent appointments

XIVA. (1) When the holder of the Office of Governor or of any office constituted under Article XIV of these Letters Patent is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

(2) When two or more persons are holding the same office by reason of an appointment made pursuant to paragraph (1) of this Article, then for the purposes of Articles XVII and XVIIA of these Letters Patent and for the purpose of any function conferred upon the holder of that office, the person last appointed to the office shall be deemed to be the holder of the office.

*(Added on 1.3.1955)*

### Grant of pardon. Remission of fines. Proviso. Banishment prohibited. Exception. Political offences

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

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\* Letters Patent dated 20 May 1991, published as L.N. 201 of 1991, contain (inter alia) the following provision:

"2(2) No appointment made to the public service of Hong Kong before the coming into operation of the Hong Kong Letters Patent 1991 (No. 1) by a person to whom a power of appointment conferred under Article XIV of the principal Letters Patent was purportedly delegated under that Article shall be called in question on the ground that the appointment was not made in accordance with Article XIV of the principal Letters Patent."

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 by any court of law in the Colony (other than a court martial established under any Act of Parliament), either free or subject to such conditions as the Governor may think fit to impose, a pardon 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.

*(Amended on 5.2.1971)*

#### Dismissal and suspension of officers

XVI. (1) Subject to the provisions of Article XVII, the Governor may, subject to such instructions as may from time to time be given to him by Us through one of Our Principal Secretaries of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office within the Colony, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable. *(Amended on 31.5.1996)*

(2) Paragraph (1) of this Article shall not apply to any person holding any of the following public offices within the Colony—

Registrar of the Supreme Court

Deputy Registrar, Supreme Court

Assistant Registrar, Supreme Court

Principal Magistrate

Magistrate

Special Magistrate

Presiding Officer, Labour Tribunal

Adjudicator, Small Claims Tribunal

Coroner

President, Lands Tribunal

Presiding Officer, Lands Tribunal

Member of the Lands Tribunal (being a member who is in the full-time service of the Crown)

Chief Magistrate

Principle Presiding Officer, Labour Tribunal

Principal Adjudicator, Small Claims Tribunal. *(Added on 31.5.1996)*

*(Replaced on 7.7.1938. Amended on 17.11.1967)*

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**Tenure of office of Supreme Court or district judge**

XVIA. (1) Subject to the provisions of this Article, a judge of the Supreme Court or a Judge of the District Court shall vacate his office when he attains the retiring age:

Provided that, notwithstanding that he has attained the retiring age, a person holding such an office may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

\* (2) (a) For the purposes of the preceding paragraph "retiring age" means—

- (i) in relation to the Chief Justice and any other judge of the Supreme Court, the age of sixty-five years; and
- (ii) in relation to a judge of the District Court who was appointed to be such judge before 1st January 1987, the age of sixty years; and (*Replaced on 9.4.1988*)
- (iii) in relation to a judge of the District Court who was appointed to be such judge on or after 1st January 1987, the age of sixty-five years. (*Added on 9.4.1988*)

(b) Notwithstanding the preceding subparagraph—

- (i) a person may be appointed to be a judge of the Supreme Court (whatever his age and whether or not he has previously held office as such) for a specified period or periods not exceeding five years in the aggregate;
- (ii) the term of office of a judge of the Supreme Court (other than a person appointed to be a judge of the Supreme Court under this sub-paragraph) or a judge of the District Court referred to in sub-paragraph (a)(ii) may be extended for a specified period or periods not exceeding five years in the aggregate, (*Replaced on 9.4.1988*)

and in any such case the judge shall accordingly be regarded for the purposes of the preceding paragraph as having attained the retiring age at the expiration of the specified period or periods. (*Replaced on 30.4.1982*)

(3) A judge of the Supreme Court or the District Court may at any time resign his office by writing under his hand addressed to the Governor.

(4) A judge of the Supreme Court or the District Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of paragraph (5) of this Article.

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\* Note: For the avoidance of doubt, see p. BE (L.N. 152 of 1982) in Appendix I of the Revised Edition.

(5) A judge of the Supreme Court or the District Court shall be removed from office by the Governor by instrument under the Public Seal if the question of his removal from office has, at the request of the Governor made in pursuance of paragraph (6) of this Article, been referred by Us to the Judicial Committee of the Privy Council under section 4 of the Judicial Committee Act 1833 (1833 c. 41 U.K.) or any other enactment enabling Us in that behalf, and the Judicial Committee has advised Us that the judge ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Governor considers that the question of removing a judge of the Supreme Court or the District Court from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

- (a) the Governor shall, by instrument under the Public Seal (which he may vary or revoke by another such instrument), appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor from among judges who hold or have held office as judge of a court having unlimited jurisdiction in any part of the Commonwealth or a court having jurisdiction in appeals from any such court;
- (b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of the judge should be referred by Us to the Judicial Committee; and
- (c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(7) If the question of removing a judge of the Supreme Court or the District Court from office has been referred to a tribunal appointed under paragraph (6) of this Article, the Governor may suspend the judge from performing the functions of his office.

(8) Any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

- (a) if the tribunal recommends to the Governor that he should not request that the question of the removal from office of the judge should be referred by Us to the Judicial Committee; or
- (b) if the Judicial Committee advises Us that the judge ought not to be removed from office.

*(Replaced on 3.5.1976)*

### Acting Governor

XVII. (1) During any period when the office of Governor is vacant or the holder thereof is absent from the Colony or is for any other reason unable to perform the functions of his office, those functions shall, during Our pleasure, be assumed and performed by—

- (a) such person as may be designated under Our Sign Manual and Signet or by instructions given by Us through one of Our Principal Secretaries of State; or
- (b) if there is no person in the Colony so designated and able to perform those functions, the person lawfully discharging the functions of Chief Secretary. *(Amended on 17.2.1977)*

(2) Before assuming the functions of the office of Governor for the first time, any person as aforesaid shall make the oaths directed by Article III of these Our Letters to be made by the holder thereof.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the holder thereof, or some other person having a prior right to perform those functions, has notified him that he is about to resume, or assume, those functions.

(4) The holder of the office of Governor or any other person as aforesaid shall not, for the purposes of this Article, be regarded as absent from the Colony or as unable to perform the functions of that office at any time when there is a subsisting appointment of a Deputy under Article XVIIIA of these Our Letters.

*(Replaced on 17.11.1967)*

#### Deputy to Governor

XVIIIA. (1) Whenever the Governor—

- (a) has occasion to be absent from the Colony for a period which he has reason to believe will be of short duration; or
- (b) is suffering from any illness which he has reason to believe will be of short duration; or
- (c) considers for any reason that the public interest so requires,

he may by instrument under the Public Seal appoint a person to be his Deputy and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in such instrument.

(2) The powers and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a Deputy under this Article and a Deputy shall comply with all instructions which the Governor may address to him, but the question whether a Deputy has in any matter complied with such instructions shall not be enquired into by any court.

(3) Any appointment under this Article may be revoked at any time by Us by instructions given by Us through one of Our Principal Secretaries of State or by the Governor by instrument under the Public Seal, and subject thereto a person appointed under this Article shall hold that appointment for such period as may be specified in the instrument by which he is appointed.

*(Replaced on 17.11.1967)*

**Officers and others to obey and assist Governor**

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.

**Term "the Governor" explained**

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

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

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.

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

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Note: Publication in accordance with Article XXI of the Letters Patent was effected by Proclamation No. 3 of 1917 in the Hong Kong Government Gazette of 20 April 1917.