

HONG KONG

No. 28 of 1949.

I assent.

L. S.

A. G. GRANTHAM,
Governor.

26th May, 1949.

An Ordinance to provide for the registration of Societies and for matters related thereto.

[27th May, 1949.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof:

- Short title. **1.** This Ordinance may be cited as the Societies Ordinance, 1949.
- Interpretation. **2.** In this Ordinance—
- “society” includes any club, company, partnership, or association of ten or more persons, whatever its nature or object, but does not include—
- Ordinance No. 39 of 1932. (a) any company registered under the Companies Ordinance, 1932, or any Ordinance in amendment or replacement thereof;
- (b) any company or association constituted under Royal Charter, or Royal Letters Patent, or any Imperial Act, or any Ordinance;
- (c) any Lodge of Freemasons regularly constituted under any of the registered governing bodies of Freemasons in the United Kingdom of Great Britain and Northern Ireland;
- (d) any trade union registered under the Trade Unions and Trade Disputes Ordinance, 1948;
- Ordinance No. 8 of 1948. (e) any company, association or partnership, consisting of not more than twenty persons, formed for the sole purpose of carrying on any lawful business;

“exempted society” means any society for the time being exempted from registration by an order of exemption made under this Ordinance;

“registered society” means any society for the time being registered under this Ordinance;

“prescribed” means prescribed by rule made under this Ordinance;

“local society” means any society organised and established in the Colony or having its headquarters or chief place of business in the Colony, and includes any society deemed to be established in the Colony by virtue of section 4 of this Ordinance;

“office-bearer” of a society means any person who is the president, or vice-president, or secretary or treasurer of such society, or who is a member of the committee or governing body thereof, or who holds in such society any office or position analogous to any of those mentioned above;

“Registrar” means the officer appointed as Registrar of Societies for the Colony;

“Assistant Registrar” means an officer appointed as an Assistant Registrar of Societies for the Colony.

3. The Governor may appoint by name or office an officer to be Registrar of Societies for the Colony, and officers to be styled Assistant Registrars of Societies. Appointment of Registrar of Societies.

4. A society shall be deemed to be established in the Colony, although it is organised and has its headquarters or chief place of business outside the Colony, if any of its office-bearers or members resides in the Colony or is present therein, or if any person in the Colony manages or assists in the management of such society or solicits or collects money or subscription in its behalf: Societies deemed to be established in the Colony.

Provided that no society shall be deemed to be so established, if and so long as—

(a) it is organised and is operating wholly outside the Colony; and

(b) no office, place of business or place of meeting is maintained or used in the Colony by such society or by any person in its behalf; and

(c) no register of members of such society is kept in the Colony; and

(d) no subscriptions are collected or solicited in the Colony by the society or by any person in its behalf.

5. (1) Every local society shall in manner prescribed make application to the Registrar for registration under this Ordinance. Registration of societies.

(2) The Registrar may order that any local society shall be registered or be exempted from registration under this Ordinance.

(3) Where the Registrar is satisfied that a local society is a branch of or is affiliated or connected with any organisation

or group of a political nature established outside the Colony, he shall refuse to register it and where it appears to him that any local society is likely to be used for unlawful purposes or for any purpose prejudicial to or incompatible with peace, welfare or good order in the Colony, he shall refuse to register it.

(4) Where the Registrar agrees to register a local society under this Ordinance, he shall forthwith enter or cause to be entered in a register kept for the purpose the particulars given in the application form and the date of his order directing registration. The register may be searched and examined by any person during the usual office hours on application made to the Registrar or to an Assistant Registrar.

(5) The Registrar may, in his discretion, rescind at any time any exemption granted by him under sub-section (2) of this section if he is satisfied that it is expedient so to do on the ground that the society concerned is affiliated or connected with any organisation or group of a political nature established outside the Colony or on the ground that such society is likely to be used for unlawful purposes or for any purpose prejudicial to or incompatible with peace, welfare or good order in the Colony.

Any such rescission shall be notified in the manner provided by sub-section (2) of section 16 of this Ordinance: Provided that, notwithstanding section 9 of this Ordinance, the society concerned shall not be deemed to be an unlawful society until thirty days have elapsed from the date of the notification and such society has failed to obtain registration under this Ordinance within that period.

(6) The Registrar may, in his discretion, cancel at any time, the registration of any society effected under sub-section (4) of this section if he is satisfied that it is expedient so to do on any of the grounds mentioned in the preceding sub-section:

Provided that, prior to cancelling any registration, the Registrar shall notify his intention to one or more of the office-bearers of the society concerned and shall give him or them an opportunity to submit reasons (if any) why the registration should not be cancelled.

The cancellation of a registration shall be notified in the manner provided by sub-section (2) of section 16 of this Ordinance and shall take effect on the day of such notification.

(7) Any office-bearer or member of a local society who is aggrieved by the Registrar's refusal to register such society, or by his decision to rescind the exemption from registration granted to such society or to cancel the registration thereof, may appeal against such refusal or decision to the Governor in Council whose decision shall be final.

Cessation of
existence of
a society.

6. (1) If the Registrar has reason to believe that any registered or exempted society has ceased to exist, he may publish in the *Gazette* a notification calling upon such society to furnish him with proof of its existence within three months from the date of such notification.

(2) If at the expiration of such three months the Registrar is satisfied that the society has ceased to exist, a notification to that effect shall be published in the *Gazette*, and the society shall be deemed to have ceased to exist from the date of such publication.

7. (1) The Registrar may, at any time, by notice under his hand, order any exempted society or registered society to furnish him in writing with— Information to be furnished by societies.

(a) a true and complete copy of the constitution and rules of any such society in force at the date of such order;

(b) a true and complete list of office-bearers and members of any such society residing in the Colony or present therein at the date of such order;

(c) a true and complete return of the number of meetings held by any such society in the Colony within the period of six months immediately preceding such order, stating the place or places at which such meetings were held;

(d) such other information as may be prescribed.

(2) An order given under the preceding sub-section shall specify the time within which (being not less than seven days) the information shall be supplied: Provided that the Registrar may, on application made to him and on good cause being shown, grant an extension of time at his discretion.

8. (1) The obligations imposed upon exempted societies and registered societies by section 7 of this Ordinance shall be binding upon every office-bearer and upon every person managing or assisting in the management of any such society in the Colony: Provided always that any such office-bearer or other person as aforesaid shall not be so bound unless he has been served with the order given by the Registrar. Persons responsible for supplying information.

(2) If any exempted society or registered society fails to comply with the whole or part of any order given under section 7 of this Ordinance, each of the persons mentioned in the preceding sub-section who has been served as aforementioned shall be liable on summary conviction to a fine not exceeding five hundred dollars unless he establishes to the satisfaction of the court that he has exercised due diligence and has failed to comply with the order for reasons beyond his control.

(3) If any information supplied to the Registrar in compliance with an order given under section 7 is false, incorrect, or incomplete in any material particular, the person who has supplied such information shall be liable on summary conviction to a fine of five hundred dollars unless he establishes to the satisfaction of the court that he had good reason to believe that the information was true, correct and complete.

9. Every local society, not being a registered society or an exempted society, shall be deemed to be an unlawful society. Unlawful societies.

Penalties on office-bearer etc. of an unlawful society.

10. Any office-bearer and any person managing or assisting in the management of any unlawful society shall be liable on summary conviction to a fine not exceeding three thousand dollars and to imprisonment for a term not exceeding three years.

Penalties on member of unlawful society.

11. Any person who is or acts as a member of an unlawful society or attends a meeting of an unlawful society shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding one year.

Persons allowing unlawful society on premises.

12. Any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding one year.

Presumptions.

13. In any proceedings under this Ordinance—

(a) where it is proved that a club, company, partnership, or association is in existence, it shall be presumed that such club, company, partnership or association is a society within the meaning of this Ordinance unless the contrary is proved;

(b) it shall not be necessary for the prosecution to prove that a society possesses a name, or that it has been constituted or is usually known under a particular name;

(c) where it is alleged that a society is an unlawful society, the burden of proving that it is a registered society, or an exempted society, or that it is not a local society, shall lie on the person charged.

Presumption of membership etc., of society.

14. (1) Where any books, accounts, writings, lists of members, seals, banners or insignia of or relating to or purporting to relate to any society are found in the possession of any person, it shall be presumed, until the contrary is proved, that such person is a member of such society, and such society shall be presumed until the contrary is proved, to be in existence at the time such books, accounts, writings, lists of members, seals, banners or insignia are so found.

(2) Where any books, accounts, writings, lists of members, seals, banners or insignia of or relating to any society are found in the possession of any person, it shall be further presumed, until the contrary is proved, that such person assists in the management of such society.

Society using a Triad ritual to be deemed an unlawful society. Offences.

15. (1) Every society, whether it is exempted or registered or not, which uses a Triad ritual shall be deemed to be an unlawful society.

(2) Any person who is or acts as a member of a Triad Society or attends a meeting thereof or is found in possession of or having the custody or control of any books, accounts, writings, lists of members, seals, banners or insignia of or relating to any Triad Society or branch of a Triad Society, whether such society

or branch is established in the Colony or not, shall be liable on summary conviction to a fine not exceeding two thousand dollars and to imprisonment for a term not exceeding two years.

16. (1) The Governor in Council may, in his discretion, order that any exempted society or registered society be dissolved where he is satisfied that any such society is being used for purposes prejudicial to or incompatible with peace, welfare or good order in the Colony.

Governor in Council may order dissolution of any registered or exempted society.

(2) Notification of every such order shall be published in the *Gazette*, and shall be affixed in a conspicuous manner on any building occupied by such society and at the nearest police station of the police district in which such building exists.

(3) Every society against which an order of dissolution is made shall thenceforward be deemed to be an unlawful society and the registration thereof, if it is a registered society, shall be cancelled.

17. The Registrar or an Assistant Registrar may at any time enter into any place which he has reason to believe is kept or used by any registered society or any of its members as a place of meeting or place of business.

Power of Registrar etc., to enter place kept as place of meeting.

18. The Registrar or an Assistant Registrar who has reason to believe that any registered society or any exempted society is being used for purposes prejudicial to public peace or welfare or to good order in the Colony, may enter with or without assistance and using force for that purpose, if necessary, into any place which he has reason to believe is used as the place of meeting or place of business of such society, and may search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purpose as aforesaid.

Power of entry by Registrar, etc., in special cases.

19. (1) Any police officer of or above the rank of inspector may, with or without assistance, using force, if necessary, enter into any dwelling-house or other building, or into any place in which he has reason to believe that a meeting of any unlawful society, or of persons who are members of an unlawful society, is being held, or that any books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles belonging to any unlawful society are concealed, kept or deposited, and to arrest or cause to be arrested all persons found in such house and to search such house, building or place, and seize or cause to be seized all books, accounts, writings, banners, lists of members, seals, insignia, arms and other articles which he has reasonable cause to believe to belong to any unlawful society or to be in any way connected therewith.

Powers of entry and search.

(2) All persons so arrested and all articles so seized may be detained in custody and brought before a Magistrate to be dealt with according to law.

Powers of Registrar to summon witnesses.

20. (1) The Registrar or an Assistant Registrar may summon before him any person who he has reason to believe to be able to give any information as to the existence or operations of any unlawful society, or suspected unlawful society, or as to the operations of any registered society or exempted society.

(2) The person so summoned shall attend at the hour and place in the summons specified, and produce all documents in his custody, possession or power relating to such society or suspected society, and answer truthfully all questions which the Registrar or an Assistant Registrar puts to him.

(3) The Registrar and every Assistant Registrar may administer oaths to and examine on oath any person summoned before him under this section.

(4) If any person summoned by the Registrar or an Assistant Registrar under this section shall without lawful excuse fail to comply with any obligation imposed upon him by sub-section (2) or shall give information which the Registrar or Assistant Registrar believes to be false, the Registrar or Assistant Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of fingerprints of such person be taken at such time and in such place and manner as the Registrar or Assistant Registrar may think fit.

(5) Any person who refuses to comply with such order or who obstructs compliance with such order may be arrested and detained in custody and shall be liable on summary conviction to a fine not exceeding two hundred dollars.

(6) No statement made by a person summoned before the Registrar or an Assistant Registrar under the provisions of this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceeding, except a prosecution for failing to answer truthfully under this section.

Consent to prosecution.

21. Except in the case of persons charged under the provisions of section 15 and of persons arrested under the provisions of section 19 and sub-section (5) of section 20, no person shall be charged with an offence under this Ordinance or any rule made thereunder unless the prior consent in writing of the Attorney General has been obtained.

Forfeiture.

22. Any books, accounts, writings, banners, insignia or other property belonging to any unlawful society shall upon order of a Magistrate be forfeited and given to the Registrar or to an Assistant Registrar for disposal in such manner as he may see fit.

Service of summons.

23. Every summons, notice or other document issued under this Ordinance, or under any rule made hereunder, shall be deemed to have been validly and effectually served, if served in the manner prescribed by the Magistrates Ordinance, 1932, for the service of summonses under that Ordinance.

Ordinance No. 41 of 1932.

24. In any prosecution under this Ordinance the Magistrate may refer, for the purpose of evidence, to "The Triad Society or Heaven and Earth Association" by William Stanton and to any other published book or articles on the subject of unlawful societies in general or of particular unlawful societies which the Magistrate may consider to be of authority on the subject to which they relate. Evidence.

25. (1) Any local society in existence at the date of the commencement of this Ordinance shall make application for registration in accordance with section 5 within thirty days of such date. Transitional provision.

(2) Notwithstanding section 9 no such society (not being a Triad Society) shall be deemed to be an unlawful society until such period of thirty days has elapsed and such society has failed to obtain an order for registration or exemption from registration.

26. (1) The Governor in Council may from time to time make rules for the purposes following or any of them:— Rules.

(a) to prescribe the manner of exemption and registration of societies under this Ordinance;

(b) to regulate or restrict changes of the name or objects of exempted or registered societies;

(c) to regulate or restrict changes of the place of business or place of meetings of registered societies or of exempted societies;

(d) to prescribe the forms which may be used for carrying out the provisions of this Ordinance;

(e) to prescribe information to be furnished to the Registrar;

(f) generally for carrying into effect the provisions of this Ordinance in relation to any matters, whether similar or not to those in this sub-section mentioned, as to which it may be expedient to make rules.

(2) A contravention of any rule made under this Ordinance shall be an offence and a person guilty thereof shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding six months unless a lesser penalty is prescribed by rule.

(3) The rules in the Schedule to this Ordinance shall be in force except so far as they may be rescinded or amended by rules made under this section.

27. This Ordinance shall continue in force until and including the 31st December, 1950: Provided that it shall be lawful for the Legislative Council from time to time by resolution to extend the duration of this Ordinance for such term, not exceeding one year at a time, as may be specified in such resolution. Duration.

28. The Societies Ordinance, 1920, is hereby repealed.

Repeal.
Ordinance
No. 8 of
1920.

SCHEDULE

THE SOCIETIES ORDINANCE, 1949

(Section 26)

RULES

- Citation. **1.** These rules may be cited as the Societies (Registration) Rules, 1949.
- Application forms. **2.** Every application for the registration of any local society shall be made in Form I of the Schedule to these rules, which form shall be supplied by the Registrar of Societies. Such application shall be signed by the three principal office-bearers of such society.
- Decision of Registrar upon application. **3.** The decision of the Registrar upon every application made in manner specified in rule 2 shall be communicated in Form II of the Schedule to these rules.
- Changes of declared objects of society. **4.** No alteration in the declared objects of any registered society shall be operative without the prior permission in writing of the Registrar obtained upon application to him made in writing and signed by the principal office-bearer.
- Change of name of society. **5.** No registered or exempted society shall change its name without the prior permission in writing of the Registrar obtained on application to him made in writing and signed by the principal office-bearer.

SCHEDULE

Form I

THE SOCIETIES (REGISTRATION) RULES, 1949

(Rule 2)

Application is hereby made for the registration of a society of which the name and other description are as follows:—

Name

Address

Objects

.....

Description of persons to whom membership is restricted.

.....

Number of membership permitted by rule of society.

Titles of office-bearers.

Names, addresses and occupations of office-bearers at date of application.

Signed

.....

.....

.....

Office-bearers.

Form II

THE SOCIETIES (REGISTRATION) RULES, 1949
 (Rule 3)

In accordance with the provisions of section 5 of the Societies Ordinance, 1949, I hereby order that the society named

.....

shall be * { registered
 { exempted from registration } under the said Ordinance.

Thisday of, 19 .. .

.....
Registrar of Societies.

* Delete whichever inapplicable.

Passed the Legislative Council of Hong Kong, this 25th day of May, 1949.

ALASTAIR TODD,
Deputy Clerk of Councils.