g Kong Legislative Council this 18th day of

Clerk to the Legislative Council.

pression has been carefully compared by me
s found by me to be a true and correctly
said bill.

Clerk to the Legislative Council.

HONG KONG

No. 58 OF 1979

I assent.

Acting Governor.

19th July, 1979.

An Ordinance to amend the Mass Transit Railway Corporation Ordinance.

[20th July, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Mass Transit Railway Corporation (Amendment) Ordinance 1979. Short title.

2. The long title of the principal Ordinance is amended by inserting after "*Authority*" the following— Amendment of long title. (Cap. 270.)

"*, to make certain provision as to the safe operation of the said railway, including provision for inspection and the investigation of accidents,*".

3. Section 2(1) of the principal Ordinance is amended by inserting after the definition of "financial year" the following— Amendment of section 2.

" "inspector" means a person appointed as an inspector under section 23A(1);".

4. The principal Ordinance is amended by adding after Part IV the following new Part— Addition of new Part IVA.

"PART IVA

SAFETY OF RAILWAY

Appointment of inspectors.

23A. (1) The Governor may in writing appoint any person to be an inspector for the purposes of this Part.

(2) An inspector who is not a public officer may be paid, as a fee for his services, such amount as the Financial Secretary thinks fit, and that amount shall be paid out of moneys provided for the purpose by the Legislative Council.

(3) The powers conferred by section 23B or by regulations made under section 24 shall be exercised by an inspector only—

(*a*) for the purpose of ensuring the safety of the railway or any part thereof; or

(*b*) when an inspector is directed to do so pursuant to such regulations, for the purpose of investigating an accident on any part of the railway,

after the railway or the part in question has commenced operation for public use.

(4) On the occasion of the exercise of any power, an inspector shall produce evidence of his identity, and of his appointment, to any person who requests him to do so.

(5) An inspector may take with him such persons as he reasonably requires to assist him in the exercise of his powers.

General powers of inspectors.

23B. (1) An inspector may—

(*a*) at all reasonable times enter upon premises to which this subsection applies;

(*b*) carry out on premises to which this subsection applies, or on any machinery, plant or equipment thereon, such tests and inspections as he considers expedient;

(*c*) require any person to whom this subsection applies—

(i) to do anything which the inspector reasonably considers to be necessary for facilitating any test or inspection;

(ii) to provide the inspector with such information relating to the railway or any machinery, plant or equipment connected with the railway as the inspector may specify, and to answer any question or produce for inspection any document which is necessary for that purpose;

(*d*) take copies of any document produced to him pursuant to paragraph (*c*)(ii).

(2) Subsection (1) applies to—

(*a*) the railway premises and the premises of any contractor or subcontractor who is carrying out or has carried out any work on the railway;

(*b*) any employee of the Corporation, any contractor or subcontractor mentioned in paragraph (*a*) and any employee of such a contractor or subcontractor.

(3) Any person who—

(*a*) without lawful excuse, fails to comply with a requirement under subsection (1)(*c*);

(*b*) knowingly furnishes to an inspector acting under subsection (1)(*c*) information that is false or misleading in a material particular;

(*c*) obstructs an inspector in the exercise of his powers under subsection (1),

commits an offence and is liable to a fine of $5 000 and to imprisonment for 6 months.

Chief Secretary may order that defects be remedied.

23C. (1) Where in the opinion of the Chief Secretary—

(*a*) the condition of any part of the railway which has been brought into operation or of any machinery, plant or equipment of such part;

(*b*) the manner in which the railway or any part thereof is being operated,

is such as to cause, or to be likely to cause, a risk of injury to any person, the Chief Secretary may, by order in writing delivered to the office of the Chairman, require the Corporation to carry out such work, or to take such steps, as he may specify in the order to ensure that the condition of the railway, or of the part or the machinery, plant or equipment in question, or the manner of operation will cease to constitute such a risk.

(2) An order under subsection (1) may specify the time before which the Corporation shall commence to carry out the specified work or take the specified steps and the time by which the same shall be completed.

(3) If the Corporation fails without reasonable excuse to comply with an order under this section the Corporation commits an offence and is liable to a fine of $100 000 and to a further fine of $10 000 for each day during which it is proved to the Court that the failure to comply with the order has continued without reasonable excuse.

(4) A copy of a document which purports to be an order signed by the Chief Secretary for the purposes of subsection (1)—

(*a*) shall be admitted in evidence in proceedings for an offence under subsection (3) on its production without further proof; and

(*b*) shall be sufficient evidence of the opinion of the Chief Secretary and of the other matters contained therein.

Offence of negligent act or omission by employee.

23D. (1) An employee of the Corporation commits an offence if, in connexion with his duty, he negligently does or omits to do anything in relation to the condition or operation of any part of the railway after that part has come into public use, and the safety of any person travelling or being upon the railway is thereby endangered, or likely to be endangered.

(2) An employee who commits an offence under subsection (1) is liable to a fine of $5 000 and to imprisonment for 6 months.

(3) For the purposes of subsection (1) negligence is the failure to exercise such care or skill as a reasonable employee in the situation would exercise.

Offence of wilfully endangering safety.

23E. (1) A person commits an offence if he wilfully does or omits to do anything in relation to the railway and the safety of any person travelling or being upon the railway is thereby endangered, or likely to be endangered.

(2) A person who commits an offence under subsection (1) is liable to a fine of $5 000 and to imprisonment for 6 months.".

Amendment of section 24.

5. Section 24 of the principal Ordinance is amended—

(*a*) by being renumbered as subsection (1);

(*b*) by inserting after subsection (1) the following subsection—

"(2) Regulations made under subsection (1) may, in relation to the investigation of accidents—

(*a*) confer powers upon inspectors to compel the giving of information concerning accidents, including power to summon a person to attend before him for the purpose;

(*b*) make provision for the payment of persons so summoned;

(*c*) provide that failure to comply with a summons or requirement made by an inspector, or the obstruction of an inspector, or the giving of false or misleading information shall be an offence and prescribe penalties for such offences not exceeding a fine of $5 000 and imprisonment for 6 months.".

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

I as

Acting

19th Ju

An Ordinance to amend the Merchant Shipping (Rec
Ordinance.

he principal Ordinance is amended—

ıbered as subsection (1);

er subsection (1) the following subsection—

gulations made under subsection (1) may, in the investigation of accidents—

nfer powers upon inspectors to compel the giving information concerning accidents, including wer to summon a person to attend before him the purpose;

ake provision for the payment of persons so nmoned;

ovide that failure to comply with a summons or uirement made by an inspector, or the obstruction an inspector, or the giving of false or misleading ormation shall be an offence and prescribe ıalties for such offences not exceeding a fine of 000 and imprisonment for 6 months.".

ıg Kong Legislative Council this 18th day of

HONG KONG

No. 59 OF 1979

I assent.

Acting Governor.

19th July, 1979.

An Ordinance to amend the Merchant Shipping (Recruiting of Seamen) Ordinance.

[20th July, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Merchant Shipping (Recruiting of Seamen) (Amendment) Ordinance 1979. **Short title.**

2. Section 17A of the principal Ordinance is amended— Amendment of section 17A. (Cap. 135.)

(*a*) by deleting subsection (1) and substituting the following—

"(1) Whenever the Superintendent has reasonable grounds for believing that any seaman has, in Hong Kong or elsewhere—

(*a*) after the commencement of this Ordinance, been convicted of any offence involving the import, export, sale or other dealing in or with, or possession of any dangerous drug;

(*b*) been convicted—

(i) of an offence against section 73(2); or

(ii) of an offence against section 3(2) of the repealed Prevention of Corruption Ordinance or Part II of the Prevention of Bribery Ordinance in respect of any matter or transaction whatsoever,

(Cap. 215, 1964 Ed.)

(Cap. 201.)

actual or proposed, in which the Seamen's Recruiting Office was concerned;

(*c*) deserted his ship;

(*d*) neglected, or refused without reasonable cause, to join his ship or to proceed to sea in his ship;

(*e*) been convicted of any offence of such a nature as to render it desirable that he be suspended temporarily from service with foreign-going ships or should cease to serve on such ships;

(*f*) while engaged in service with foreign-going ships, been guilty of misconduct of such a serious nature as to render it desirable that he be suspended temporarily from service on, or should cease to serve on, such ships, whether or not such misconduct constituted an offence, and, if the misconduct did constitute an offence, whether or not the seaman has been convicted of such offence; or

(*g*) without reasonable excuse, failed to comply with any order, direction, requirement or request made, given or issued under or for the purposes of this Ordinance by the Superintendent or any other public officer,

the Superintendent shall forthwith suspend the seaman's registration.";

(*b*) in subsection (2)—

(i) by deleting "specifying" and substituting the following—

"stating";

(ii) by deleting "and" at the end of paragraph (*a*);

(iii) by deleting the full stop at the end of paragraph (*b*) and substituting the following—

"; and"; and

(iv) by inserting after paragraph (*b*) the following paragraph—

"(*c*) that if the Superintendent fails to exercise any of the powers conferred upon him by section 17(1) or 18(1) or (2) within 3 months after the date of service of the notice on the seaman under this subsection, the seaman shall be entitled to have the case referred to the Authority for a decision if the seaman so requests.";

(*c*) by deleting subsection (4) and substituting the following—

"(4) A suspension of a seaman's registration under subsection (1) shall continue in effect until—

(*a*) the Superintendent exercises in relation to that seaman any of the powers conferred on the Superintendent under section 17(1) or (2) or 18(1) or (2); or

(*b*) the case is determined by a Board of Reference under section 28A,

whichever is the sooner."; and

(*d*) by inserting after subsection (4) the following subsection—

"(5) Whenever the Superintendent fails to exercise any of the powers conferred upon him by section 17(1) or 18(1) or (2) within 3 months after the date of service of a notice

on a seaman under subsection (2), and the seaman requests that the case be referred to the Authority, the Superintendent shall forthwith refer the case to the Authority and serve notice on the seaman that the case has been so referred.".

Repeal of section 19.

3. Section 19 of the principal Ordinance is repealed.

Addition of new section 28A.

4. The principal Ordinance is amended by adding after section 28 the following section—

"Determination of cases referred to the Authority under section 17A(5).

28A. (1) If, on the hearing of a case referred to a Board of Reference by the Authority under section 21 following a reference of the case to the Authority by the Superintendent under section 17A(5), the Board of Reference is unanimously satisfied that the seaman has, in Hong Kong or elsewhere—

(*a*) after the commencement of this Ordinance, been convicted of any offence involving the import, export, sale or other dealing in or with, or possession of any dangerous drug;

(*b*) been convicted—

(i) of an offence against section 73(2); or

(ii) of an offence against section 3(2) of the repealed Prevention of Corruption Ordinance or Part II of the Prevention of Bribery Ordinance in respect of any matter or transaction whatsoever, actual or proposed, in which the Seamen's Recruiting Office was concerned;

(Cap. 215, 1964 Ed.)

(Cap. 201.)

(*c*) deserted his ship;

(*d*) neglected, or refused without reasonable excuse, to join his ship or to proceed to sea in his ship;

(*e*) been convicted of any offence of such a nature as to render it desirable that he be suspended temporarily from service with foreign-going ships or should cease to serve on such ships;

(*f*) while engaged in service with foreign-going ships, been guilty of misconduct of such a serious nature as to render it desirable that he be suspended temporarily from service on, or should cease to serve on, such ships, whether or not such misconduct constituted an offence, and, if the misconduct did constitute an offence, whether or not the seaman has been convicted of such offence; or

(*g*) without reasonable excuse, failed to comply with any order, direction, requirement or request made, given or issued under or for the purposes of this Ordinance by the Superintendent or any other public officer,

the Board of Reference may, subject to section 30, exercise the powers specified in subsection (3).

(2) If, on the hearing of any such case as is referred to in subsection (1), the Board of Reference is not unanimously satisfied as to the relevant ground specified in subsection (1), the Board of Reference shall direct the Superintendent to withdraw the suspension of the seaman's registration.

(3) The powers referred to in subsection (1) are—

(*a*) where the Board of Reference is unanimously satisfied as to any of the grounds specified in subsection (1)(*a*) or (*b*)—

(i) to direct the Superintendent to remove the name of the seaman from the register; or

(ii) to direct the Superintendent to withdraw the suspension of the seaman's registration; and

(*b*) where the Board of Reference is unanimously satisfied as to any of the grounds specified in subsection (1)(*c*), (*d*), (*e*), (*f*) or (*g*)—

(i) to direct the Superintendent to remove the name of the seaman from the register;

(ii) to direct the Superintendent to withdraw the suspension of the seaman's registration;

(iii) to suspend the seaman's registration for such further period, not exceeding 24 months, as it thinks fit; or

(iv) to direct the Superintendent to withdraw the suspension of the seaman's registration and issue him with a caution in writing to be of good behaviour in the future.".

Amendment of section 32.

5. Section 32 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

"(1) A seaman—

(*a*) whose appeal is referred by the authority under section 20 to a Board of Reference; or

(*b*) whose case is referred by the authority under section 21 to a Board of Reference,

and who is dissatisfied in point of law with a decision of the Board of Reference on the appeal or case may, within 28 days after the service on him of the statement required to be served on him by section 27(1) or 31(1), as the case may be, appeal to a judge of the High Court.".

Consequential amendments. Schedule.

6. The principal Ordinance is amended to the extent specified in the Schedule.

SCHEDULE

[s. 6.]

AMENDMENTS

Section	*Extent of amendment*
Sections 7(5), 10(1)(*a*) and (*b*), 11, 14(1), 30, 31(3) and (4), 34(8), 36(1), 37, 40(1), 56(3) and 74(3)	Before "29(1)" wherever it occurs insert "28A(1) or".
Section 17(1)	Delete "19(1)" and substitute "17A(2)".

Section	*Extent of amendment*
Section 18	(1) In subsection (1) delete "or 19(1)".
	(2) In subsection (1A) delete "or under section 19(1)".
Sections 21 and 22(2)	After "17(3)" wherever it occurs insert ", 17A(5)".
Section 25	After "28" insert ", 28A".
Section 31(5)	After "under section" insert "28A(1) or (2), or".

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

I as

Pach

Acting C

19th Ju

HONG KONG

No. 60 OF 1979

I assent.

Acting Governor.

19th July, 1979.

An Ordinance to amend the Shipping and Port Control Ordinance.

[20th July, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Shipping and Port Control (Amendment) (No. 2) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended in the definition of "authorized officer" by deleting "Station" in paragraph (*b*). Amendment of section 2. (76 of 1978.)

3. Section 59(2) of the principal Ordinance is amended by deleting "Station". Amendment of section 59.

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

2n

An Ordinance to amend the Immigration Ordin

Enacted by the Governor of Hong Kong, wi

Clerk to the Legislative Council.

HONG KONG

No. 61 OF 1979

I assent.

Governor.

2nd August, 1979.

An Ordinance to amend the Immigration Ordinance.

[ ]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

Short title and commencement.

1. This Ordinance may be cited as the Immigration (Amendment) (No. 3) Ordinance 1979 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*, and notices under this section may appoint different dates for different provisions of this Ordinance.

Amendment of section 2. (Cap. 115.)

2. Section 2 of the principal Ordinance is amended by inserting after the definition of "serviceman" the following—

" "ship" includes a barge and every other description of vessel;".

Addition of Part VIIA.

3. The principal Ordinance is amended by adding after Part VII the following Part—

"PART VIIA

UNAUTHORIZED ENTRANTS

Interpretation.

37A. In this Part—

"passage" in relation to an unauthorized entrant includes the travel and transport of the unauthorized entrant by ship, aircraft, vehicle or any other means whatsoever; and

"unauthorized entrant" means a person belonging to a class or description of persons who, by an order made under section 37B, are declared to be unauthorized

entrants, other than a person who under subsection (2) of that section is excepted from the declaration in such order.

Declaration of unauthorized entrants.

37B. (1) The Governor in Council may by order declare any class or description of persons, other than persons who have the right to land in Hong Kong by virtue of section 8(1), to be unauthorized entrants.

(2) A declaration under subsection (1) may be made subject to such exceptions as are specified in the order.

Offence by crew etc., of ship carrying unauthorized entrants.

37C. (1) Subject to subsection (2), if a ship enters Hong Kong with an unauthorized entrant on board—

(*a*) each member of the crew;

(*b*) the owner of the ship and his agent; and

(*c*) any person who participated in making arrangements to enable the voyage on which the unauthorized entrant boarded the ship or was brought to Hong Kong to take place,

commits an offence and is liable—

(i) on conviction on indictment to a fine of $5 000 000 and to imprisonment for life; and

(ii) on summary conviction to a fine of $100 000 and to imprisonment for 3 years.

(2) (*a*) The captain or owner of a ship shall not be convicted of an offence under subsection (1) if he proves that at the time of the entry of the ship into Hong Kong he did not know, had no reason to suspect and could not with reasonable diligence have discovered that there was on board the ship any unauthorized entrant.

(*b*) A person who is a member of the crew of a ship other than the captain shall not be convicted of an offence under subsection (1) if he proves that prior to the commencement of the voyage on which the unauthorized entrant was brought to Hong Kong, he did not know and had no reason to suspect that any unauthorized entrant would be carried on the ship.

(*c*) A person accused of an offence under subsection (1)(*c*) shall not be convicted of such offence if he proves that on the date or dates on which he participated in making any such arrangements as are referred to in that subsection he did not know and had no reason to suspect that any unauthorized entrant would be carried on the ship.

(*d*) A person who is the agent of the owner of a ship shall not be convicted of an offence under subsection (1) if he proves—

(i) that prior to the commencement of the voyage on which any unauthorized entrant was brought to Hong Kong, he did not know and had no reason to suspect that any unauthorized entrant would be carried on the ship; and

(ii) that he informed the Director at the earliest practicable opportunity of the presence on board the ship of unauthorized entrants.

Arranging passage to Hong Kong of unauthorized entrants.

37D. (1) Subject to subsection (2), any person who, on his own behalf or on behalf of any other person, whether or not such other person is in Hong Kong—

(*a*) arranges or assists the passage to, or within, Hong Kong;

(*b*) offers to arrange or assist the passage to, or within, Hong Kong; or

(*c*) does or offers to do an act preparatory to or for the purpose of arranging or assisting the passage to, or within, Hong Kong,

of a person who is, or of a conveyance which carries, an unauthorized entrant, commits an offence and is liable—

(i) on conviction on indictment to a fine of $5 000 000 and to imprisonment for life;

(ii) on summary conviction to a fine of $100 000 and to imprisonment for 3 years.

(2) No person shall be convicted of an offence under subsection (1) if he proves that he did not know, had no reason to suspect and could not with reasonable diligence have discovered—

(*a*) that the person whose carriage on a conveyance or whose passage is the subject of the charge, was an unauthorized entrant; or

(*b*) that the conveyance in relation to which he is charged was carrying, or would carry, any unauthorized entrant,

as the case may be.

(3) In this section "conveyance" means a ship, aircraft, vehicle or any other means whatsoever of travel or transport.

Forfeiture of ships.

37E. (1) Where a ship is used in the commission of an offence under section 37C or 37D, the ship shall be liable to forfeiture whether or not any person is convicted of any such offence.

(2) With the approval in writing of the Attorney General the Director may seize and detain any ship which appears to him to be liable to forfeiture under subsection (1) and within 21 days of any such seizure the Director shall serve notice of the seizure on the owner of the ship:

Provided that where there is more than one owner of a ship it shall be sufficient for the purposes of this subsection to give notice to one of the owners.

(3) A notice under subsection (2) shall be deemed to have been duly served on the owner if—

(*a*) it is delivered to him, or to the person whom the Director believes to be the owner;

(*b*) it is sent by registered post addressed to such person at the place of residence or business of such person, if any, known to the Director; or

(*c*) where in the opinion of the Director it is not practicable to serve the notice in accordance with paragraph (*a*) or (*b*) it is published in accordance with subsection (4).

(4) Within 21 days of the seizure of any ship which appears to the Director to be liable to forfeiture under

subsection (1), notice of the seizure of the ship shall be published—

(*a*) in the *Gazette*; and

(*b*) in 1 newspaper published in Hong Kong in the English language and 1 newspaper so published in the Chinese language.

(5) Any person who has a claim to a ship which has been seized (in this section and in section 37F referred to as the claimant) may, within 30 days of the publication in the *Gazette* of notice of the seizure, give notice in writing to the Director that he claims that the ship is not liable to forfeiture.

(6) A notice under subsection (5) shall state an address within Hong Kong at which the claimant may be served in any proceedings arising out of the claim and in any such proceedings a document addressed to the claimant and sent by post to, or delivered at, that address shall for the purposes of this Part be deemed to be duly served on the claimant.

(7) The Director may at any time prior to the expiration of the period of time specified in subsection (5), terminate the seizure of the ship by serving notice to that effect on the owner in accordance with subsection (3), or in a similar manner on the person in possession of the ship at the time it was seized; and within 14 days of so terminating the seizure of the ship, the Director shall release the ship to the owner or to such person and publish notice of the termination of the seizure in the manner provided in subsection (4).

(8) If, on the expiry of the period of time specified in subsection (5) for the giving of a notice of a claim, no such notice has been given in writing to the Director, the ship shall thereupon be deemed to be duly forfeited to the Crown.

(9) A person has a claim for the purposes of this section and section 37F if—

(*a*) he is the owner of the ship, or of an interest in the ship, or is the agent of the owner; or

(*b*) he was in possession of the ship at the time it was seized.

Determination of application for forfeiture.

37F. (1) Where a notice of claim is given under section 37E(5) and the Director does not terminate the seizure under section 37E(7), the Director shall apply for the forfeiture of the ship.

(2) An application under subsection (1) may be made to a magistrate, the District Court or to the High Court, as the Attorney General thinks fit.

(3) When an application under subsection (1) is made to a magistrate, the magistrate shall issue a summons to the claimant requiring him to appear before a magistrate on the hearing of the application and shall cause a copy of the summons to be served on the Director.

(4) When an application under subsection (1) is made to the District Court or the High Court, it shall be made and proceeded with, and may be withdrawn, in accordance with rules of court, and may be begun by motion.

(5) If on the hearing of an application made under subsection (1)—

(*a*) neither the claimant nor any other person appears before the court to make a claim and the court is satisfied that notice of the date of the hearing was duly served on the claimant; or

(*b*) neither the claimant nor any person satisfies the court that he has a claim,

and the court is satisfied that the ship is liable to forfeiture, the court shall order that the ship be forfeited to the Crown.

(6) If, on the hearing of an application made under subsection (1) and not withdrawn, the court is satisfied that—

(*a*) the ship is liable to forfeiture; and

(*b*) a person has a claim in respect thereof,

it shall order that the ship be forfeited to the Crown unless that person satisfies the court that it is just and equitable in all the circumstances—

(i) that the ship should not be forfeited; or

(ii) that the ship should not be forfeited but that instead a sum under subsection (7) should be paid to the Crown.

(7) Where the court does not order that the ship be forfeited, it shall order that the ship be released to the owner or his agent either without payment to the Director or upon payment to the Director of—

(*a*) such sum, if any, as appears to the court to be sufficient to reimburse the Government for expenditure reasonably incurred or to be incurred by the Government in seizing and detaining the ship and in supplying goods and services to it and to any person on board the ship;

(*b*) such sum, if any, as appears to the court to be just and equitable in lieu of forfeiture of the ship, having regard to all the circumstances including the value of the ship, the degree of blameworthiness of the owner or other claimant and any other relevant factors.

(8) If any sum ordered to be paid under subsection (7) is not paid to the Director within 1 month of the date of the order, then the ship shall thereupon be deemed to be duly forfeited to the Crown without prejudice to any order for the payment of any sum under subsection (7)(*a*), which may be recovered as a civil debt due to the Government.

(9) Where the court orders that the ship be forfeited, it may in addition order the owner or other claimant to pay to the Director the sum specified in subsection (7)(*a*).

(10) On the hearing of an application made under subsection (1), a certified true copy of the record of any proceedings, including the decision of the court, in respect of an offence under section 37C or 37D shall be admissible in evidence, and for the avoidance of doubt it is declared that such application is a civil proceeding.

(11) Subject to the provisions of this Ordinance, an application to a magistrate under subsection (1) may with

the leave of the magistrate be withdrawn at any time prior to the making of an order under subsection (6) or (7), and shall be deemed for the purpose of the Magistrates Ordinance to be a complaint to which section 8 of that Ordinance applies.

(Cap. 227.)

Forfeiture of property.

37G. An application may at any time be made by the Attorney General to a magistrate in the prescribed form, or in accordance with rules of court to the District Court or the High Court by motion, for forfeiture under this section and if upon hearing such application or, where no such application is made, in the course of a prosecution for an offence under section 37C or 37D, it appears to the court that any property other than a ship—

(*a*) has been, is being or is intended to be used in the commission or to procure or facilitate the commission of an offence under section 37C or 37D; or

(*b*) is the proceeds or represents the proceeds, directly or indirectly (as being the result of any disposal or realization of the whole or part of the proceeds) of any such offence,

the court shall, whether or not any person is convicted of any such offence, order the forfeiture of such property unless it is satisfied that it would not be just to do so or that there is other good reason why it should not do so.

Compensation for seizure of ship or property.

37H. (1) Where any ship or other property is seized under this Part and subsequently released to the owner, whether on the order of a court or otherwise, the owner or person in lawful possession may within 6 months of such release apply to the District Court or the High Court for compensation for any loss arising out of the seizure, which shall be recoverable as a civil debt due from the Government, and such application may be begun by motion.

(2) An award of compensation under subsection (1) shall be an award of such sum, if any, as is just and equitable in all the circumstances of the case, including the conduct and comparative blameworthiness of—

(*a*) the owner of the ship or other property;

(*b*) the person in charge or control of the ship or other property at the time it was seized;

(*c*) the agents of the persons specified in paragraphs (*a*) and (*b*); and

(*d*) public officers and any other persons concerned.

Entry of ships with unauthorized entrants may be permitted in certain circumstances.

37I. (1) Notwithstanding anything in this Part, no offence is committed, and no ship shall be liable to forfeiture, under this Part in respect of the presence of an unauthorized entrant on board a ship—

(*a*) which the Governor has in his discretion on special grounds granted permission to enter Hong Kong; or

(*b*) whose first port of call is Hong Kong, if the unauthorized entrant was taken on board without reward pursuant to a legal obligation to go to his assistance.

(2) In any proceedings for an offence under this Part or for forfeiture arising out of such an offence, until it is

proved that an unauthorized entrant was taken on board a ship—

(*a*) without reward;

(*b*) pursuant to a legal obligation to go to the assistance of the unauthorized entrant; and

(*c*) whose first port of call was Hong Kong,

the contrary shall be presumed.

(3) For the purposes of this section "legal obligation" means an obligation imposed upon the state where the ship is registered, pursuant to—

(*a*) an International Covention for the Safety of Life at Sea which has been acceded to by the United Kingdom and extended to Hong Kong;

(*b*) any other international convention acceded to by the United Kingdom and extended to Hong Kong; or

(*c*) customary international law.

(4) For the purposes of this section Hong Kong is the first port of call of a ship if—

(*a*) (i) immediately before the ship first went to the assistance of any unauthorized entrants it was in the course of a business or commercial voyage and the next port of call at which the ship was due to call was Hong Kong; and

(ii) immediately after going to the assistance of the unauthorized entrants the ship proceeded directly to Hong Kong; or

(*b*) (i) it is necessary for the ship to enter Hong Kong as a port of refuge because there is a risk to the ship's safety arising from weather conditions or from the carriage of hazardous cargoes together with unauthorized entrants or because the lives of the crew or other persons on board the ship are in danger;

(ii) the captain, owner or agent informs the Director of Marine at the earliest practicable opportunity of such of the circumstances specified in sub-paragraph (i) as apply to the ship; and

(iii) the Secretary for Security in his discretion grants permission for the ship to enter Hong Kong.

Prosecution for acts outside Hong Kong.

37J. Without prejudice to any law or enactment to the like or a similar effect as that of this section, where any person is in Hong Kong, he may be charged and convicted in respect of anything which was done or which occurred wholly or partly outside Hong Kong that would have been an offence under this Part if it had been done or had occurred within Hong Kong.

Proof.

37K. (1) A person who in any proceedings under this Part is alleged to be an unauthorized entrant shall be presumed to be such until the contrary is proved.

(2) Where a person is charged with an offence under this Part as being the owner of a ship, or the agent of the owner, or as being a member of the crew of a ship, a certificate purporting to be signed by a police officer of the

rank of Superintendent or above and certifying that the person charged is in the honest belief of that officer—

(*a*) the owner of the ship; or

(*b*) the agent of the owner; or

(*c*) the captain or other member of the ship's crew,

shall be admitted in evidence on its production without further proof and until the contrary is proved it shall be presumed that—

(i) the certificate was signed by the person by whom it purports to have been signed;

(ii) the person who signed the certificate was a police officer of the rank stated in the certificate; and

(iii) the person charged was, at the date on which the offence is alleged to have taken place, the owner of the ship, the agent of the owner or, as the case may be, the captain or other member of the ship's crew.

Attorney General to consent to prosecution.

37L. No prosecution shall be brought under this Part without the consent of the Attorney General.

Expiry of this Part.

37M. This Part shall expire on 31 December 1980 unless the Legislative Council by resolution otherwise determines.".

Addition of Part VIIB.

4. The principal Ordinance is amended by adding immediately before Part VIII the following Part—

"PART VIIB

SPECIAL PROVISIONS

Interpretation.

37N. In this Part—

"passage" in relation to an unauthorized entrant includes the travel and transport of the unauthorized entrant by ship, aircraft, vehicle or any other means whatsoever; and

"unauthorized entrant" means a person belonging to a class or description of persons who, by an order made under section 37B, are declared to be unauthorized entrants, other than a person who under subsection (2) of that section is excepted from the declaration in such order.

Offence by crew etc., of ship carrying unauthorized entrants.

37O. (1) Subject to subsection (2), if a ship is in waters outside the waters of the Colony with unauthorized entrants on board, or assisting unauthorized entrants, in such circumstances that any of them is likely to enter, or to seek to enter, or to be brought into Hong Kong—

(*a*) each member of the crew;

(*b*) the owner of the ship and his agent; and

(*c*) any person who participated in making arrangements to enable the voyage on which any of the unauthorized entrants boarded or were assisted by the ship or were brought to such waters, to take place, or to enable such assistance to be provided,

commits an offence and is liable—

(i) on conviction on indictment to a fine of $5 000 000 and to imprisonment for life; and

(ii) on summary conviction to a fine of $100 000 and to imprisonment for 3 years.

(2) (*a*) The captain or owner of a ship shall not be convicted of an offence under subsection (1) if he proves that at the date of the alleged offence he did not know, had no reason to suspect and could not with reasonable diligence have discovered that there was on board the ship any unauthorized entrant.

(*b*) A person who is a member of the crew of a ship other than the captain shall not be convicted of an offence under subsection (1) if he proves that prior to the commencement of the voyage on which the offence is alleged to have been committed, he did not know and had no reason to suspect that any unauthorized entrant would be carried on the ship or be assisted by it in the circumstances specified in subsection (1).

(*c*) A person accused of an offence under subsection (1)(*c*) shall not be convicted of such offence if he proves that on the date or dates on which the offence is alleged to have been committed he did not know and had no reason to suspect that any unauthorized entrant would be carried on the ship or be assisted by it in the circumstances specified in subsection (1).

(*d*) A person who is the agent of the owner of a ship shall not be convicted of an offence under subsection (1) if he proves—

(i) that prior to the commencement of the voyage on which the offence is alleged to have been committed, he did not know and had no reason to suspect that any unauthorized entrant would be carried on the ship or be assisted by it in the circumstances specified in subsection (1); and

(ii) that where there were unauthorized entrants on board the ship he informed the Director at the earliest practicable opportunity of that fact.

Arranging passage of unauthorized entrants.

37P. (1) Subject to subsection (2), any person who, on his own behalf or on behalf of any other person, whether or not such other person is in Hong Kong—

(*a*) arranges or assists the passage to, or through, waters outside the waters of the Colony;

(*b*) offers to arrange or assist the passage to, or through, such waters; or

(*c*) does or offers to do an act preparatory to or for the purpose of arranging or assisting the passage to, or through, such waters,

of a person who is, or of a ship which carries, an unauthorized entrant in such circumstances that the unauthorized entrant is likely to enter, or to seek to enter, or to be brought into, Hong Kong commits an offence and is liable—

(i) on conviction on indictment to a fine of $5 000 000 and to imprisonment for life;

(ii) on summary conviction to a fine of $100 000 and to imprisonment for 3 years.

(2) No person shall be convicted of an offence under subsection (1) if he proves that he did not know, had no reason to suspect and could not with reasonable diligence have discovered—

(*a*) that the person whose passage or whose carriage on a ship is the subject of the charge, was an unauthorized entrant; or

(*b*) that the ship in relation to which he is charged was carrying, or would carry, any unauthorized entrant,

as the case may be.

Forfeiture of ships.

37Q. (1) Where a ship is used in the commission of an offence under section 37O or 37P, the ship shall be liable to forfeiture whether or not any person is convicted in respect of any such offence.

(2) Sections 37E and 37F shall apply in relation to a ship which is liable to forfeiture under subsection (1) as they apply to a ship which is liable to forfeiture under section 37E(1), and accordingly in section 37F(10) the references to sections 37C and 37D shall, for the purposes of this section, be construed as if they were references to sections 37O and 37P respectively.

Application to this Part of provisions of Part VIIA.

37R. (1) Subject to subsection (2), sections 37G, 37H, 37I, 37J, 37K and 37L shall apply and have effect for the purposes of this Part as if they were contained in this Part.

(2) For the purposes of construing section 37G in its application to this Part in accordance with subsection (1), the references in that section to sections 37C and 37D shall be deemed to be references to sections 37O and 37P respectively.

Additional powers and saving.

37S. (1) Any power under this Ordinance that may be exercised within the waters of the Colony may, for the purposes of preventing the commission of any offence under this Ordinance, or of preventing the entry to Hong Kong of unauthorized entrants, be exercised in waters outside the waters of the Colony.

(2) No action shall lie for anything done or purported to be done under the provisions of this Ordinance in waters outside the waters of the Colony which would not be actionable if done within the waters of the Colony.

Expiry of this Part.

37T. This Part shall expire on 31 December 1980 unless the Legislative Council by resolution otherwise determines.".

Addition of new section 46A.

5. The principal Ordinance is amended by adding after section 46 the following sections—

"Forfeiture of property other than a ship or vehicle.

46A. (1) An application may at any time be made by the Attorney General to a magistrate in the prescribed form, or in accordance with rules of court to the District Court or the High Court by motion, for forfeiture under subsection (2) of any property other than a ship or vehicle.

(Cap. 221.)

(2) If in the course of a prosecution for an offence under section 38(1) or under section 90(1) of the Criminal Procedure Ordinance where the arrestable offence which a person has committed is an offence under section 38(1), or of the hearing of an application made under subsection (1) by the Attorney General for forfeiture under this section, it appears to the court that any property other than a ship or vehicle—

(*a*) has been, is being or is intended to be used in the commission or to procure or facilitate the commission of such an offence; or

(*b*) is the proceeds or represents the proceeds directly or indirectly (as being the result of any disposal or realization of the whole or part of the proceeds) of any such offence,

the court shall, whether or not any person is convicted of any such offence, order the forfeiture of such property unless it is satisfied that it would not be just to do so or that there is other good reason why it should not do so.

(3) Where it appears to a court which is considering making an order for forfeiture under this section that a person who is not before the court may claim ownership of, or an interest in, the property which may be forfeited, it shall give that person an opportunity to make representations to the court as to why such an order should not be made.

Power to restrain disposal of property.

46B. (1) A court, in the course of a prosecution under this Ordinance, or of the hearing of any application by the Attorney General for forfeiture under this Ordinance, may of its own motion or upon application by the Attorney General, by written notice to any person in possession or control of money or property that may be forfeited, direct that such person shall not dispose of or otherwise deal with the property specified in the notice without the consent of the court.

(2) A person who disposes of, or otherwise deals with property specified in a notice under subsection (1) other than in accordance with the consent of the court shall be guilty of an offence and liable to a fine of $50 000 or the value of the property disposed of or otherwise dealt with, whichever is the greater, and to imprisonment for 3 years.".

Amendment of section 58.

6. Section 58(2) of the principal Ordinance is amended—

(*a*) by inserting after "38(1)" the following—

"or, while it is in force, Part VIIA or Part VIIB";

(*b*) by deleting "and" at the end of paragraph (*a*); and

(*c*) by inserting after paragraph (*a*) the following—

"(*aa*) tow or otherwise move the ship; and".

Addition of new section 58A.

7. The principal Ordinance is amended by adding after section 58 the following section—

"Powers of persons in charge of authorized vessels.

58A. (1) For the purposes of this Ordinance, the captain or person in charge of any vessel, or any vessel belonging to a class or description of vessels authorized by the Governor for the purposes of this section, and any

person under the command of such captain or person may exercise respectively the powers conferred by section 58 on an officer in command of any of Her Majesty's ships of war and on any person under the command of such officer.

(2) Without prejudice to section 51, the Governor may give directions to any person with respect to the exercise of any powers under this section, either generally or in any particular case.

(3) A person shall, in the exercise of any powers under this section, comply with any directions given by the Governor under subsection (2).".

Amendment of section 63A.

8. Section 63A of the principal Ordinance is amended—

(*a*) by inserting after "a person is charged with" the following—

"an offence under section 38(4) or section 39 or with"; and

(*b*) by inserting after "certifying that that" the following—

"or any".

Passed by the Hong Kong Legislative Council this 1st day of August 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

2

An Ordinance to amend the Marriage Reform

HONG KONG

No. 62 OF 1979

I assent.

Governor.

2nd August, 1979.

An Ordinance to amend the Marriage Reform Ordinance.

[3rd August, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Marriage Reform (Amendment) Ordinance 1979. Short title.

2. Section 4 of the principal Ordinance is amended by deleting "on and after" and substituting the following— Amendment of section 4. (Cap. 178.)

"on or after".

3. Section 9 of the principal Ordinance is amended by deleting subsection (3) and substituting the following— Amendment of section 9.

"(3) The District Court shall have jurisdiction to hear and determine an application by a person claiming to be a party to a customary marriage or a validated marriage for a declaration that a customary marriage or validated marriage, as the case may be, subsists between that person and the other party to such marriage where—

(*a*) the other party disputes the existence of the marriage;

(*b*) the other party is unwilling to join in the application for the registration of the marriage under this section; or

(*c*) the whereabouts of the other party cannot after careful and reasonable inquiry be ascertained or it is for any other reason impracticable for such other party to be apprised of the application for the registration of the marriage under this section.".

Repeal and replacement of section 15.

4. Section 15 of the principal Ordinance is repealed and replaced by the following new section—

"Dissolution of certain marriages on and after the appointed day.

15. A customary marriage or a validated marriage subsisting on the appointed day and registered in accordance with Part IV may where at least one party to the marriage has a substantial connexion with Hong Kong be dissolved on or after the day upon which such marriage has been so registered—

(Cap. 179.)

(*a*) in accordance with the Matrimonial Causes Ordinance; or

(*b*) in accordance with this Part.".

Passed by the Hong Kong Legislative Council this 1st day of August 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

I a

Gov

2nd Aug

An Ordinance to amend the Matrimonial Causes Ord

principal Ordinance is repealed and replaced
ion—

customary marriage or a validated marriage
the appointed day and registered in accordance
may where at least one party to the marriage
ntial connexion with Hong Kong be dissolved
the day upon which such marriage has been so

ccordance with the Matrimonial Causes Ordin-
; or

ccordance with this Part.".

Kong Legislative Council this 1st day of

Clerk to the Legislative Council.

ession has been carefully compared by me
found by me to be a true and correctly
aid bill.

HONG KONG

No. 63 OF 1979

I assent.

Governor.

2nd August, 1979.

An Ordinance to amend the Matrimonial Causes Ordinance.

[3rd August, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Matrimonial Causes (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended by inserting before the definition of "court" the following definition— Amendment of section 2. (Cap. 179.)

"'adultery" does not include sexual intercourse of a man who is a party to a customary marriage celebrated in accordance with section 7 of the Marriage Reform Ordinance with a concubine (*tsip*) lawfully taken by him;". (Cap. 178.)

3. Section 7A of the principal Ordinance is amended— Amendment of section 7A.

(*a*) in subsection (1) by deleting ", and in the case of section 36 a magistrate's court,"; and

(*b*) by deleting subsection (2) and substituting the following—

"(2) Where the parties to a marriage which is dissolved in accordance with Part V of the Marriage Reform Ordinance have agreed as to the amount of maintenance to be payable by one of (Cap. 178.)

the parties to the other after the dissolution of the marriage and have recorded the terms of that agreement as part of the agreement or memorandum dissolving the marriage, subsection (1) shall not have effect to confer jurisdiction at any time on any court in respect of maintenance for either of the parties to the former marriage.".

Repeal and replacement of section 9.

4. Section 9 of the principal Ordinance is repealed and replaced by the following—

"Power to grant relief limited to certain marriages.

9. Nothing in this Ordinance shall authorize the court to pronounce a decree of divorce, nullity, judicial separation or presumption of death and dissolution of marriage or to make any other order unless the marriage to or in respect of which the decree or order relates was a customary marriage celebrated in accordance with section 7 of the Marriage Reform Ordinance and registered in accordance with Part IV of that Ordinance or was a monogamous marriage.".

(Cap. 178.)

Passed by the Hong Kong Legislative Council this 1st day of August 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

2nd

spect of maintenance for either of the parties to the riage.".

f the principal Ordinance is repealed and replaced by

Nothing in this Ordinance shall authorize the court nounce a decree of divorce, nullity, judicial separation sumption of death and dissolution of marriage or to any other order unless the marriage to or in respect ich the decree or order relates was a customary ge celebrated in accordance with section 7 of the ge Reform Ordinance and registered in accordance Part IV of that Ordinance or was a monogamous ge.".

Hong Kong Legislative Council this 1st day of

Clerk to the Legislative Council.

l impression has been carefully compared by me nd is found by me to be a true and correctly the said bill.

HONG KONG

No. 64 OF 1979

I assent.

Governor.

2nd August, 1979.

An Ordinance to amend the Matrimonial Proceedings and Property Ordinance.

[3rd August, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Matrimonial Proceedings and Property (Amendment) Ordinance 1979. Short title.

2. The principal Ordinance is amended in Part III by adding before section 30 the following section— Addition of new section 29A. (Cap. 192.)

"Power of court hearing petition to terminate subsisting maintenance order made by another court. 1960 c. 48, s. 7(3).

29A. (1) If, at the time of the presentation of a petition for divorce, nullity of marriage or judicial separation, there is subsisting an order, made by a court in previous proceedings between the same persons as are parties to the petition, requiring financial provision to be made for the maintenance by one of the parties of the other, or for the maintenance by either or both of the parties of a child of the family, the court hearing the petition may, if it thinks fit, direct that the said order shall cease to have effect on such date as may be specified in the direction.

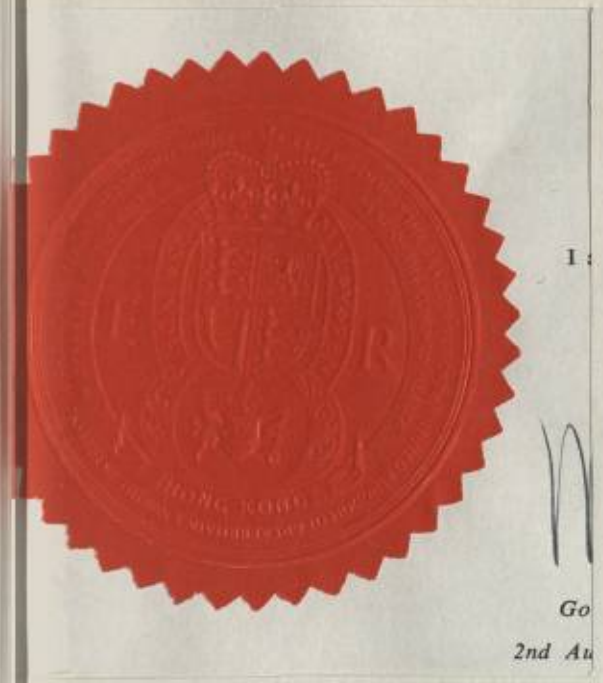
(2) For the purpose of this section "parties to the petition" means the petitioner and the respondent.".

Passed by the Hong Kong Legislative Council this 1st day of August 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.



1 :

Go

2nd Au

Clerk to the Legislative Council.

ression has been carefully compared by me found by me to be a true and correctly said bill.

Clerk to the Legislative Council.

HONG KONG

No. 65 OF 1979

I assent.

Governor.

2nd August, 1979.

An Ordinance to amend the Urban Council Ordinance.

[3rd August, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Urban Council (Amendment) Ordinance 1979. Short title and commencement.

(2) Section 10 shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

2. Section 36 of the principal Ordinance is amended— Amendment of section 36. (Cap. 101.)

(*a*) in subsection (4)—

(i) by deleting paragraph (*a*) and substituting the following—

"(*a*) to approve the annual list of works or estimates of revenue or expenditure of the Council, or any revision thereof made under section 39A;

(*aa*) to incur expenditure in excess of that provided for in the estimates of expenditure (whether as originally approved or as from time to time revised under section 39A);";

(ii) in paragraph (*c*), by deleting "revenue and expenditure" and substituting the following—

"receipts and payments"; and

(iii) in paragraph (*e*), by inserting after "account" the following—

"or a fixed deposit account"; and

(*b*) by inserting after subsection (4) the following subsection—

"(5) Nothing in paragraph (*a*) or (*aa*) of subsection (4) shall affect the authority of the Council to delegate its powers in by-laws made in accordance with section 37.".

Amendment of section 37.

3. Section 37 of the principal Ordinance is amended by deleting subsections (2) and (3) and substituting the following—

"(2) Subject to subsections (1) and (3), the Council may make by-laws for the regulation and control of its finances, including provisions as to the following—

(*a*) limitations on expenditure by any committee or person to whom the Council may delegate powers to authorize expenditure;

(*b*) the establishment of reserves for particular purposes and the procedure to be adopted by the Council in making transfers thereto or therefrom; and

(*c*) the establishment of a tender board for the procurement of such goods and services as may be determined by the Council.

(3) By-laws made under subsection (2) may contain delegations of the powers mentioned in paragraphs (*a*) and (*aa*) of section 36(4) but not in excess of the following—

(*a*) a delegation to the standing committee of the Council's powers—

(i) to revise from time to time in any way that part of the estimates of expenditure referred to in section 39(1) which relates to capital works;

(ii) to revise from time to time, by adding any sub-head or item, any part of the estimates of expenditure or of the list of works referred to in section 39(1);

(iii) to revise any part of the said estimates of expenditure or list of works by authorizing expenditure in respect of any sub-head or item in excess of the amount provided therefor (whether originally or as a result of a revision thereof);

(*b*) a delegation to any member of the Council or to any committee, other than the standing committee, or to any member of any committee or any public officer of the Council's powers—

(i) to revise from time to time that part of the said estimates which relate to capital works by increasing or reducing the amount of the estimated total cost of any capital work or the amount of the expenditure thereon during the year to which the estimates relate;

(ii) to revise any part of the said estimates of expenditure or list of works by authorizing expenditure in respect of any sub-head or item in excess of the amount provided therefor in the said estimates or list of works (whether originally or as a result of a revision thereof),

but limited, where sub-paragraph (i) applies, to an increase or reduction of the amount of the estimated total cost of any capital work by not more than 30 *per cent* of the amount originally provided, and, where sub-paragraph (ii) applies, to excess expenditure of not more than $15 000 where the amount originally provided for a sub-head or item is less than $50 000 and of not more than 30 *per cent* of the amount originally provided for a sub-head or item in any other case;

(*c*) a delegation to any member of the Council or to any committee or any member of any committee or any public officer of the Council's powers to transfer amounts appearing in a head or sub-head of the said estimates (whether originally or as a result of a revision thereof) to another head or sub-head thereof.

(4) Every delegation referred to in subsection (3) shall be made in terms which require the person or committee within the period specified in the by-laws to lay before the Council particulars of the exercise of the delegated powers.".

Amendment of section 38.

4. Section 38 of the principal Ordinance is amended by deleting "revenue and expenditure" and substituting the following—

"receipts and payments".

Amendment of section 39.

5. Section 39 of the principal Ordinance is amended by deleting subsection (4) and renumbering the subsection immediately preceding it as subsection (4).

Addition of new section 39A and transitional provision.

6. (1) The principal Ordinance is amended by adding, after section 39, the following section—

"Council may revise estimates and list of works.

39A. (1) The Council may from time to time revise the estimates and list of works furnished by it under section 39(1).

(2) The Council shall, in respect of each period of 3 months commencing on the 1st days of January, April, July and October in each year, prepare and furnish to the Governor details of any estimates or list of works revised under subsection (1) during that period; and in so doing shall comply with such of the requirements of subsections (2) and (4) of section 39 as are applicable.

(3) The details mentioned in subsection (2) shall be furnished to the Governor within a period of 2 months after the expiration of the quarter to which they relate or within such further period as the Governor may allow.".

(2) The obligation imposed on the Council by subsections (2) and (3) of section 39A (as inserted by subsection (1) of this section) shall commence with the details of estimates and the list of works revised during the quarter beginning on 1 July 1979.

Amendment of section 40.

7. Section 40 of the principal Ordinance is amended in subsections (1)(*a*) and (3)(*b*)(ii) by deleting "revenue and expenditure" and substituting the following—

"receipts and payments".

Addition of new sections 41A and 41B.

8. The principal Ordinance is amended by adding, after section 41, the following sections—

"Fees for official signatures etc.

41A. (1) The Council may make by-laws prescribing fees, for a public officer's attending to the matters mentioned in subsection (2), to be paid to the Council in cases where—

(*a*) by any enactment the Council is constituted as an authority for the purposes of that enactment;

(*b*) any such matter is required or authorized by law and it is the function of a public officer on behalf of the Council to attend to it; and

(*c*) no fee therefor is otherwise payable to the Council and the enactment does not disallow the charging of a fee therefor.

(2) The matters referred to in subsection (1) are—

(*a*) the signing of any certificate, authorization, consent, licence, permit or exemption, or any alteration, transfer or renewal thereof, addition thereto or endorsement thereon, or any copy of the same;

(*b*) the alteration, transfer, endorsement or addition to any certificate, authorization, consent, licence, permit or exemption;

(*c*) the certification of an extract of a document, book, record or instrument as a true extract thereof;

(*d*) the issue of a duplicate of a document, as provided for in subsection (3).

(3) Where an enactment requires or authorizes the issue of a document by a public officer on behalf of the Council such officer may issue a duplicate thereof.

Reduction etc. of fees and charges.

41B. (1) Without limiting any particular power of the Council in that behalf, any fee or charge payable to the Council under any enactment may be, in any particular case and on any special ground—

(*a*) reduced by the Council or varied by it (but not so as to cause the fee or charge as varied to exceed the original figure);

(*b*) remitted or refunded in whole or in part.

(Cap. 116.)

(2) The power in subsection (1) shall not be exercised in respect of Urban Council rates payable under the Rating Ordinance.".

Amendment of section 49.

9. Section 49 of the principal Ordinance is amended by inserting after paragraph (*a*) the following paragraph—

"(*aa*) any revised estimates and list of works of the Council furnished under section 39A(2);".

Consequential amendment of Interpretation and General Clauses Ordinance.

(Cap. 1.)

10. Section 97 of the Interpretation and General Clauses Ordinance is amended by adding after subsection (4) the following subsection—

"(5) No fee shall be payable under this section for anything done by a public officer on behalf of the Urban Council.".

Passed by the Hong Kong Legislative Council this 1st day of August 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

HONG KONG

No. 66 OF 1979

I assent.

Governor.

2nd August, 1979.

An Ordinance to amend the Hong Kong War Memorial Fund Ordinance.

[3rd August, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Hong Kong War Memorial Fund (Amendment) Ordinance 1979. Short title.

2. Section 4(1) of the principal Ordinance is amended— Amendment of section 4. (Cap. 1026.)

(*a*) in paragraph (*a*)—

(i) in sub-paragraph (iv) by deleting "as the result of injuries or hardships sustained while in captivity" and substituting the following—

"having at any time after such release and prior to his death been incapacitated from earning a living";

(ii) in sub-paragraph (vi) by deleting "or captivity" in both places where it occurs and adding at the end after the semicolon the following—

"or";

(iii) by inserting after sub-paragraph (vi) the following sub-paragraph—

"(vii) was captured and held in captivity by the enemy and is temporarily or permanently either wholly or partially incapacitated from earning a living;";

(*b*) in paragraph (*b*) by deleting "or captivity" in both places where it occurs; and

(*c*) by inserting after paragraph (*b*) the following paragraph—

"(*ba*) to provide assistance to any officer or member of the organizations specified in paragraph (*a*) who served therein between the aforesaid dates, was captured and held in captivity by the enemy and is temporarily or permanently either wholly or partially incapacitated from earning his living;".

Amendment of First Schedule.

3. The First Schedule to the principal Ordinance is amended—

(*a*) in item 6 by inserting after "Auxiliary Medical Corps." the following—

"Auxiliary Nursing Service.";

(*b*) in item 7 by deleting ", including uniformed personnel attached thereto" and substituting the following—

"and the Royal Naval Yard Police, including uniformed personnel attached to such Forces and Police"; and

(*c*) by adding the following item—

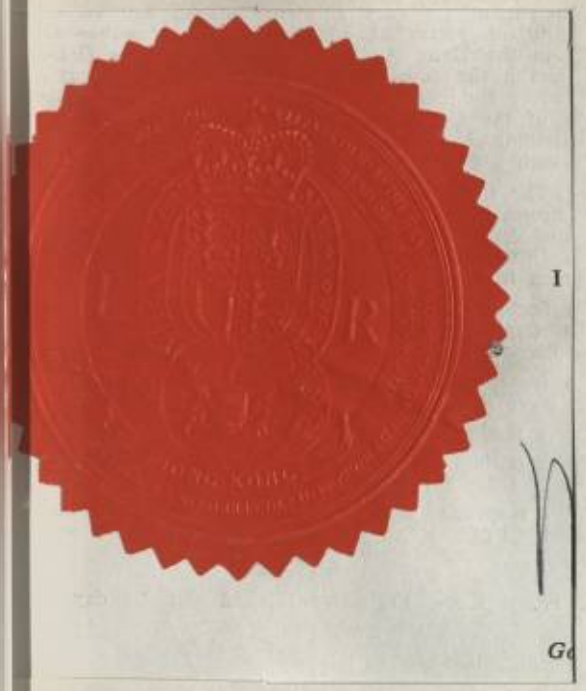
"8. The St. John Ambulance Brigade.".

Passed by the Hong Kong Legislative Council this 1st day of August 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.



paragraph (*b*) the following paragraph—

assistance to any officer or member of the ons specified in paragraph (*a*) who served tween the aforesaid dates, was captured and aptivity by the enemy and is temporarily or ly either wholly or partially incapacitated from is living;".

to the principal Ordinance is amended—

erting after "Auxiliary Medical Corps." the

iliary Nursing Service.";

ing ", including uniformed personnel attached ituting the following—

val Naval Yard Police, including uniformed ched to such Forces and Police"; and

lowing item—

St. John Ambulance Brigade.".

Kong Legislative Council this 1st day of

HONG KONG

No. 67 OF 1979

I assent.

Governor.

2nd August, 1979.

An Ordinance to amend the Dangerous Drugs Ordinance.

[3rd August, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Dangerous Drugs (Amendment) Ordinance 1979. Short title.

2. Section 8(2) of the principal Ordinance is amended by inserting, after "of $10,000 and", the following— Amendment of section 8. (Cap. 134.)

", subject to section 54A,".

3. Section 36(2) of the principal Ordinance is amended by inserting, after "of $10,000 and", the following— Amendment of section 36.

", subject to section 54A,".

4. The principal Ordinance is amended by adding, after section 54, the following section— Addition of new section 54A.

"Court to consider report of the Commissioner of Prisons in the case of certain drug offences.
(Cap. 244.)

54A. (1) No sentence, other than a non-custodial sentence, shall be imposed on a person for an offence against section 8 or 36 unless the court has first considered a report of the Commissioner of Prisons on the suitability of such person for cure and rehabilitation and on the availability of places at addiction treatment centres (as defined in the Drug Addiction Treatment Centres Ordinance), and if the court has not received such a report it shall, before the person is sentenced, remand him in the custody of the Commissioner of Prisons for such period, not exceeding 3 weeks, as the court thinks necessary to enable such a report to be made.

(2) The Commissioner of Prisons shall, in his report under subsection (1), inform the court whether or not a detention order under the Drug Addiction Treatment Centres Ordinance has previously been made in respect of the person to whom the report relates.

(3) Section 4(3) of the Drug Addiction Treatment Centres Ordinance shall not apply where a report is obtained under this section.

(4) In this section "non-custodial sentence" means one or more of the following sentences—

(*a*) a fine;

(Cap. 298.) (*b*) a probation order under section 3 of the Probation of Offenders Ordinance;

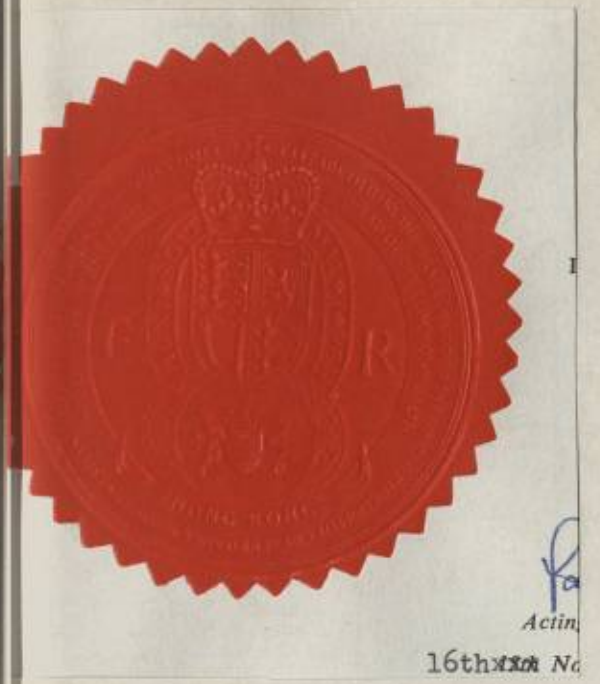
(Cap. 221.) (*c*) a suspended sentence of imprisonment under section 109B of the Criminal Procedure Ordinance.".

Passed by the Hong Kong Legislative Council this 1st day of August 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.



Actin

16th ~~12th~~ *No*

ility of places at addiction treatment centres (as in the Drug Addiction Treatment Centres Ordin- and if the court has not received such a report it before the person is sentenced, remand him in the of the Commissioner of Prisons for such period, ceeding 3 weeks, as the court thinks necessary to such a report to be made.

The Commissioner of Prisons shall, in his report subsection (1), inform the court whether or not a on order under the Drug Addiction Treatment Ordinance has previously been made in respect of rson to whom the report relates.

Section 4(3) of the Drug Addiction Treatment Ordinance shall not apply where a report is d under this section.

In this section "non-custodial sentence" means more of the following sentences—

a fine;

a probation order under section 3 of the Probation of Offenders Ordinance;

a suspended sentence of imprisonment under section 109B of the Criminal Procedure Ordinance.".

Hong Kong Legislative Council this 1st day of

HONG KONG

No. 68 OF 1979

I assent.

Acting Governor.

16th ~~15th~~ *November, 1979.*

An Ordinance to amend the Inland Revenue Ordinance.

[21st August, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Inland Revenue (Amendment) (No. 7) Ordinance 1979 and shall be deemed to have come into operation on 21 August 1979. Short title and commencement.

2. Section 28(1) of the principal Ordinance is amended in paragraph (*a*) of the proviso by deleting "7½" and substituting the following— Amendment of section 28. (Cap. 112.)

"9½".

Passed by the Hong Kong Legislative Council this 15th day of November, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

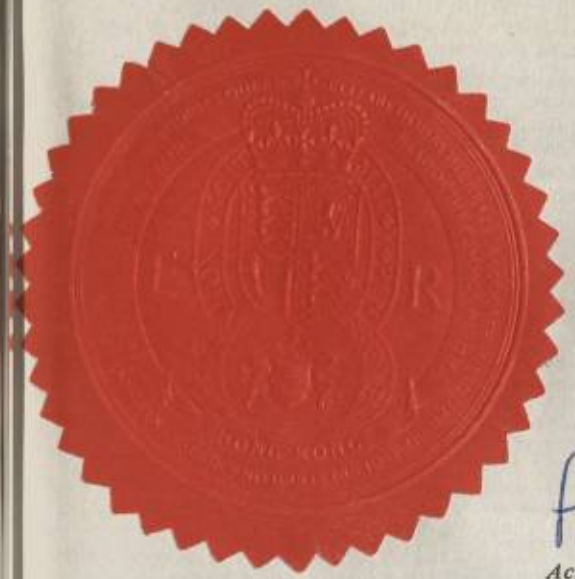
Act

16th

Clerk to the Legislative Council.

HONG KONG

No. 69 OF 1979



I assent.

Acting Governor.

16th ~~SIX~~ *November, 1979.*

An Ordinance to amend the Companies Ordinance and to make consequential amendments to the Companies (Reconstruction of Records) Ordinance.

[ ]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Companies (Amendment) Ordinance 1979 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. The principal Ordinance is amended by adding after section 71 the following new section— Addition of new section 71A. (Cap. 32.)

"Procedure for replacement of lost certificate.

71A. (1) Any person who is a registered holder of shares in a company or who claims to be entitled to have his name entered in the register of members of a company in respect of shares in that company may, if it appears that the certificate (in this section referred to as the "original certificate") relating to the shares is lost, apply to the company in the prescribed form for a new certificate in respect of such shares (in this section referred to as the "relevant shares").

(2) An application to a company under this section for a new certificate shall be accompanied by a statutory

declaration made by the applicant stating the grounds upon which the application is made and, in particular—

(*a*) when the original certificate was last in the applicant's possession and how he ceased to have possession thereof;

(*b*) whether the applicant has executed any transfer in respect of the relevant shares, in blank or otherwise;

(*c*) that no other person is entitled to have his name entered in the register of members of the company in respect of the relevant shares; and

(*d*) such other particulars as the case may require in order to verify the grounds upon which the application is made.

(3) Subject to subsection (4), where an application is made to a company under this section for a new certificate, the company shall, if it intends to issue such certificate under this section, publish a notice in the prescribed form advertising its intention to do so, as follows—

(*a*) if the application is made by the registered holder of the relevant shares or by a person other than the registered holder with his consent and in either case the latest value of the relevant shares does not exceed $20 000, the notice shall be published once in, respectively, an English language newspaper and a Chinese language newspaper specified in a list of newspapers issued for the purposes of this section by the Secretary for Home Affairs and published in the *Gazette;*

(*b*) if the application is made by a person other than the registered holder of the relevant shares without his consent or the latest value of the relevant shares exceeds $20 000, the notice shall be published in the *Gazette* once in each of 3 consecutive months,

and for the purposes of this subsection "latest value", in relation to the relevant shares, means the value thereof calculated at the last recorded price paid for shares in the company of the same class, prior to the application, at a recognized stock exchange.

(4) A notice which it is proposed to publish under subsection (3) shall not be published until, and any publication thereof shall not be valid for the purposes of this section unless, the following requirements are first complied with—

(*a*) the company has delivered a copy of the notice to each recognized stock exchange and an authorized officer thereof has certified to the company in writing that such copy is being exhibited in accordance with subsection (5);

(*b*) where the notice relates to an application made by a persons other than the registered holder of the relevant shares without the consent of the registered holder—

(i) the company has served a copy of the notice on the registered holder by sending it by registered post to his last address appearing in the register of members of the company; and

(ii) a period of 3 months has expired since the date of service of such copy.

(5) Every recognized stock exchange shall set aside a conspicuous place therein for posting and exhibiting all copies of notices delivered to the exchange under subsection (4)(*a*), and shall keep every such copy exhibited in such place for a period of not less than—

(*a*) in the case of an application referred to in subsection (3)(*a*), 1 month;

(*b*) in the case of an application referred to in subsection (3)(*b*), 3 months.

(6) A company shall not issue a new certificate under this section unless—

(*a*) the company has published a notice under subsection (3) advertising its intention to do so and—

(i) in the case of a notice published under subsection (3)(*a*), a period of not less than 1 month from the latest valid publication thereof has expired; or

(ii) in the case of a notice published under subsection (3)(*b*), a period of not less than 3 months from the first valid publication thereof has expired; and

(*b*) the company has not received notice of any other claim in respect of the relevant shares; and

(*c*) where the applicant for the new certificate is a person other than the registered holder of the relevant shares—

(i) an instrument of transfer in respect of the relevant shares is delivered to the company under section 66; or

(ii) if, in the case of an application made without the consent of the registered holder, such instrument has not been delivered, and the applicant is unable to procure its delivery, to the company under section 66, the company has caused an instrument of transfer in respect of the relevant shares to be executed on behalf of the registered holder by any person appointed by the company and on his own behalf by the applicant.

(7) Where a company issues a new certificate under this section, it shall forthwith cancel the original certificate and make such entry in the register of members of the company as the case may require in order to record such issue and cancellation and, where the new certificate is issued to a person other than the registered holder of the relevant shares, any instrument of transfer caused to be executed by the company under subsection (6)(*c*)(ii) shall, for the purpose of registering the relevant shares in the name of that person, be deemed to be an instrument of transfer duly delivered to the company under section 66.

(8) Every company which issues a new certificate under this section shall, not later than 14 days from the date of issue of the new certificate, give public notice of the issue thereof and of the cancellation of the original certificate by publishing a notice in the *Gazette* in the prescribed form

and the company shall deliver a copy of the notice to each recognized stock exchange.

(9) Where a company fails to publish a notice as required by subsection (8), the company and every officer of the company who is in default shall be liable to a default fine of $20.

(10) Where a new certificate is issued by a company under this section, the following shall apply—

(*a*) save as otherwise provided in this subsection, nothing in this section shall affect the power of the court to make an order under section 100 in favour of any person claiming to be entitled to the relevant shares as against the person to whom the new certificate is issued or any person whose name is subsequently entered in the register of members of the company in respect of the relevant shares, but no such order shall be made as against a *bona fide* purchaser;

(*b*) in any case where the court makes an order under section 100 as against the person to whom the new certificate is issued or any person whose name is subsequently entered in the register of members of the company in respect of the relevant shares, the court shall not order the payment of damages by the company and the company shall not otherwise be liable for any damage sustained by reason of the issue of the new certificate or the cancellation of the original certificate;

(*c*) where any person (in this paragraph referred to as "the claimant") would have been entitled but for this subsection to have his name entered in the register of members of the company in respect of the relevant shares or any of them—

(i) except where the company is shown to have acted deceitfully, the company shall not be liable for any damage sustained by the claimant by reason of the issue of the new certificate or the cancellation of the original certificate;

(ii) the person to whom the new certificate is issued shall, where the relevant shares or any of them are purchased from him by a *bona fide* purchaser, be liable in damages to the claimant for the value of the shares so purchased as at the date of purchase;

(iii) the person to whom the new certificate is issued and any other person (other than a *bona fide* purchaser) whose name is subsequently entered in the register of members of the company in respect of the relevant shares or any of them shall, where the relevant shares or any of them are purchased from such other person by a *bona fide* purchaser, be jointly and severally liable in damages to the claimant for the value of the shares so purchased as at the date of purchase.

(11) All expenses relating to an application under this section for the issue of a new certificate or the cancellation of an original certificate by any company shall be borne by the applicant, and the company may refuse to take any

step in respect of the application until it is satisfied that reasonable provision for the payment of such expenses has been made.

(12) In this section—

"*bona fide* purchaser", in relation to any relevant shares, means any of the following—

(*a*) a person who purchases such shares in good faith for value and without notice of any defect in the title of the seller;

(*b*) a person who becomes entitled to such shares at any time after the purchase thereof by any other person in good faith for value and without notice of any defect in the title of the seller;

"company" means a company in the case of which shares are listed on a recognized stock exchange;

"new certificate" means a certificate issued under this section in replacement of an original certificate;

"registered holder", in relation to shares in a company, means any person whose name is entered in the register of members of that company in respect of such shares.".

Amendment of section 100.

3. Section 100 of the principal Ordinance is amended—

(*a*) in subsection (2) by deleting "may order" and substituting the following—

"may, subject to section 71A, order";

(*b*) in subsection (3) by deleting "On" and substituting the following—

"Subject to section 71A, on".

Addition of new section 179A.

4. The principal Ordinance is amended by adding after section 179 the following—

"Appearance of Official Receiver.

179A. On the hearing of a winding-up petition by the court, the Official Receiver may appear and call, examine and cross-examine any witness and, if he so thinks fit, support or oppose the making of a winding-up order.".

Amendment of Companies (Reconstruction of Records) Ordinance and saving. (Cap. 249.)

5. (1) The Companies (Reconstruction of Records) Ordinance is amended—

(*a*) by repealing section 14 (in this section referred to as "the repealed section");

(*b*) by deleting the Schedule thereto.

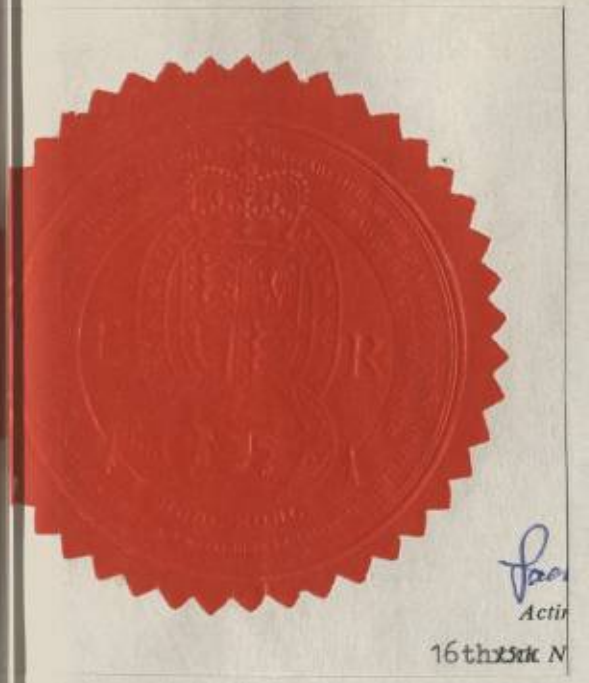
(2) Nothing in this section shall invalidate any proceeding commenced or act done or step taken under the repealed section before the commencement of this Ordinance, and any proceeding so commenced or act done or step taken under and in conformity with the repealed section but not completed or disposed of at the commencement of this Ordinance may be continued and completed thereafter as if this Ordinance had not been enacted; but where, by virtue of this subsection, any new certificate is issued under the repealed section in respect of shares in a company after the commencement of this Ordinance, this Ordinance shall apply in relation to such new certificate as if it had been issued under the principal Ordinance as amended by this Ordinance.

Passed by the Hong Kong Legislative Council this 15th day of November, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.



Actin

16th ~~15th~~ N

Clerk to the Legislative Council.

impression has been carefully compared by me
d is found by me to be a true and correctly
he said bill.

Clerk to the Legislative Council.

HONG KONG

No. 70 OF 1979

I assent.

Acting Governor.

16th ~~15th~~ *November, 1979.*

An Ordinance to amend the Hong Kong Productivity Council Ordinance.

[16th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Hong Kong Productivity Council (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended, in the definition of "Executive Committee", by deleting "elected under" and substituting the following— Amendment of section 2. (Cap. 1116.)

"referred to in".

3. The principal Ordinance is amended by adding after section 5 the following section— Addition of new section 5A.

"Governor in Council may give directions.

5A. (1) The Governor in Council may, if he considers the public interest so requires, give directions in writing to the Council with respect to the exercise of its powers and the performance of its duties under this Ordinance, and the Council shall comply with those directions.

(2) No such direction shall be inconsistent with any provision of this Ordinance.".

Amendment of section 15.

4. Section 15 of the principal Ordinance is amended—

(*a*) by deleting subsection (1) and substituting the following—

"(1) The Productivity Centre shall be managed by an Executive Committee."; and

(*b*) in subsection (3), by deleting "9 members" and substituting the following—

"the Executive Director and 9 other members who shall be appointed by the Council from amongst its members".

Passed by the Hong Kong Legislative Council this 15th day of November, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

Actin

16th ~~15th~~ No

An Ordinance to amend the Hong Kong Tourist A

Committee."; and

(3), by deleting "9 members" and substituting the

utive Director and 9 other members who shall be by the Council from amongst its members".

ong Kong Legislative Council this 15th day of

Clerk to the Legislative Council.

mpression has been carefully compared by me is found by me to be a true and correctly e said bill.

Clerk to the Legislative Council.

HONG KONG

No. 71 OF 1979

I assent.

Acting Governor.

16th ~~15th~~ *November, 1979.*

An Ordinance to amend the Hong Kong Tourist Association Ordinance.

[16th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Hong Kong Tourist Association (Amendment) Ordinance 1979. Short title.

2. Section 8 of the principal Ordinance is amended— Amendment of section 8. (Cap. 302.)

(*a*) in subsection (1) by deleting "(hereinafter referred to as the Director)" and substituting the following—

"and a deputy executive director (hereinafter referred to as the Director and Deputy Director respectively)";

(*b*) in subsection (2)—

(i) by inserting after "Director" where it first appears the following—

", Deputy Director"; and

(ii) by deleting "any assistant director" in the proviso and substituting the following—

"Deputy Director, and their remuneration and terms of appointment,".

Amendment of section 16.

3. Section 16 of the principal Ordinance is amended—

(*a*) in paragraph (*d*) by inserting after "Director" the following—

", Deputy Director"; and

(*b*) by inserting after paragraph (*d*) the following—

"(*da*) with the approval of the Financial Secretary, invest moneys not immediately required for the purposes of the Association;".

Addition of new section 16A.

4. The principal Ordinance is amended by adding after section 16 the following section—

"Governor in Council may give directions.

16A. (1) The Governor in Council may, if he considers the public interest so requires, give directions in writing to the Board with respect to the exercise of its powers and the performance of its duties under this Ordinance, and the Board shall comply with those directions.

(2) No such direction shall be inconsistent with any provision of this Ordinance.".

Passed by the Hong Kong Legislative Council this 15th day of November, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

16th

An Ordinance to amend the Hong Kong Tra
Ordinance.

[

fter paragraph (*d*) the following—

the approval of the Financial Secretary, invest ys not immediately required for the purposes of the iation;".

Ordinance is amended by adding after section 16

(1) The Governor in Council may, if he con- e public interest so requires, give directions in o the Board with respect to the exercise of its nd the performance of its duties under this Ordin- l the Board shall comply with those directions.

No such direction shall be inconsistent with any of this Ordinance.".

ong Kong Legislative Council this 15th day of

Clerk to the Legislative Council.

mpression has been carefully compared by me is found by me to be a true and correctly

HONG KONG

No. 72 OF 1979

I assent.

Acting Governor.

16th ~~15th~~ *November, 1979.*

An Ordinance to amend the Hong Kong Trade Development Council Ordinance.

[16th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Hong Kong Trade Development Council (Amendment) Ordinance 1979. Short title.

2. The principal Ordinance is amended by adding after section 5 the following section— Addition of new section 5A. (Cap. 1114.)

"Governor in Council may give directions.

5A. (1) The Governor in Council may, if he considers the public interest so requires, give directions in writing to the Council with respect to the exercise of its powers and the performance of its duties under this Ordinance, and the Council shall comply with those directions.

(2) No such direction shall be inconsistent with any provision of this Ordinance.".

Passed by the Hong Kong Legislative Council this 15th day of November, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

I a

Acting

16th ~~15th~~ *Nov*

An Ordinance to amend the Pensions Ordinance.

[16th N

Clerk to the Legislative Council.

HONG KONG

No. 73 OF 1979

I assent.

Acting Governor.

16th ~~15th~~ *November, 1979.*

An Ordinance to amend the Pensions Ordinance.

[16th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance 1979. Short title.

2. The principal Ordinance is amended by adding, after section 2A, the following section— Addition of new section 2B. (Cap. 89.)

"Delegation of powers by the Governor.

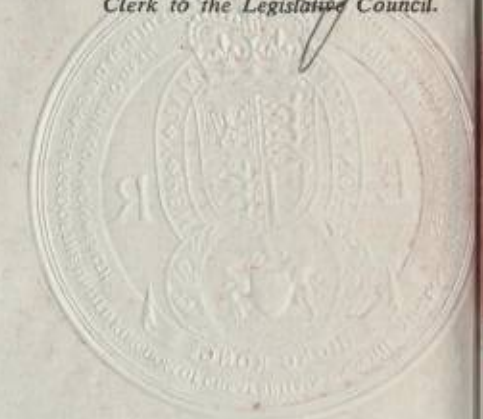
2B. The Governor may delegate the Secretary for the Civil Service or a Deputy Secretary for the Civil Service to exercise the power to make orders in respect of a pensionable office conferred on him by the definition of "pensionable office" in section 2; and thereupon, or from the date specified by the Governor, the person delegated shall have and may exercise such power.".

Passed by the Hong Kong Legislative Council this 15th day of November, 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.



Acti

29th M

An Ordinance to amend the Banking Ordinance.

Clerk to the Legislative Council.

HONG KONG

No. 74 OF 1979

I assent.

Acting Governor.

29th November, 1979.

An Ordinance to amend the Banking Ordinance.

[30th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Banking (Amendment) (No. 2) Ordinance 1979. Short title and commencement.

(2) Sections 2, 4 and 5 shall come into operation on the commencement of section 9 of the Deposit-taking Companies (Amendment) Ordinance 1978. (74 of 1978.)

2. Section 2(1) of the principal Ordinance is amended by inserting in the appropriate alphabetical order the following definitions— Amendment of section 2. (Cap. 155.)

" "certificate of deposit" means a document relating to money, in any currency, which has been deposited with the issuer or some other person, being a document which recognizes an obligation to pay a stated amount to bearer or to order, with or without interest, and being a document by the delivery of which, with or without endorsement, the right to receive that stated amount, with or without interest, is transferable;

"registered deposit-taking company" means a company registered as a deposit-taking company under the Deposit-taking Companies Ordinance;". (Cap. 328.)

Amendment of section 3.

3. Section 3(2) of the principal Ordinance is amended by deleting "10" and substituting the following—

"12".

Amendment of section 18.

4. Section 18 of the principal Ordinance is amended—

(*a*) by deleting subsection (2A) and substituting the following—

"(2A) For the purpose of subsection (2), the specified liquid assets of a bank shall be the specified liquid assets of that bank within the meaning of subsection (6) reduced by an amount equivalent to such bank's total liabilities in respect of—

(*a*) balances payable on demand;

(*b*) money at call due; and

(*c*) money at short notice due,

to other banks or any registered deposit-taking company in Hong Kong.

(2B) Where the liabilities of a bank during any month do not include any deposit liabilities, the minimum holding of specified liquid assets to be maintained in that month by the bank shall be not less than an amount equivalent to the bank's liabilities during that month in respect of—

(*a*) balances payable on demand;

(*b*) money at call due; and

(*c*) money at short notice due,

to other banks or any registered deposit-taking company in Hong Kong; and in respect of amounts referred to in paragraphs (*a*) and (*b*), such specified liquid assets shall be held in any form set out in paragraphs (*a*), (*aa*), (*b*), (*c*), (*d*), (*da*), (*db*) and (*e*) of subsection (6).";

(*b*) in subsection (3) by inserting after "(*d*)", wherever it occurs, the following—

", (*da*), (*db*)";

(*c*) by deleting subsection (4) and substituting the following—

"(4) For the purposes of subsections (2), (2A), (2B) and (3), the assets and liabilities of a bank shall be the arithmetical means of, respectively, the amounts of the assets held by, and the liabilities of, the bank according to the bank's books at the close of business on every such weekday during the month as the Commissioner may specify:

Provided that if any such specified weekday is a public holiday the assets and liabilities as at the close of business on the last working day preceding that specified weekday shall be taken for the purposes of such calculation.";

(*d*) in subsection (5)(*a*) by inserting after "banks" the following—

"or any registered deposit-taking company";

(*e*) in subsection (6)—

(i) by deleting paragraph (*c*) and substituting the following—

"(*c*) the total balance of money payable on demand at, and money at call with, other banks or any registered deposit-taking company in Hong Kong;";

(ii) by inserting after paragraph (*d*) the following—

"(*da*) certificates of deposit which are—

(i) issued outside Hong Kong by any bank approved by the Commissioner for the purposes of this section in any foreign currency freely remittable to the bank in Hong Kong; and

(ii) marketable in a manner satisfactory to the Commissioner;

(*db*) such money market instruments as the Financial Secretary may specify by notice in the *Gazette*;";

(iii) by deleting paragraphs (*ee*) and (*eee*) and substituting the following—

"(*ea*) money at short notice at other banks or any registered deposit-taking company in Hong Kong;

(*eb*) money at short notice at any bank outside Hong Kong, which is freely remittable to the bank in Hong Kong and held in a form approved by the Commissioner;

(*ec*) such money market instruments, other than an instrument specified under paragraph (*db*), as the Financial Secretary may specify by notice in the *Gazette*;";

(iv) in paragraph (*f*) by inserting after "exchange" the following—

"payable at usance outside Hong Kong and"; and

(v) by deleting paragraph (*g*) and substituting the following—

"(*g*) bills of exchange payable after sight outside Hong Kong in a currency freely remittable to the bank in Hong Kong;"; and

(*f*) by deleting subsection (10) and substituting the following—

"(10) For the purposes of this section, the value of any specified liquid asset shall be not more than the market value of such asset.".

Substitution of "Hong Kong" for "the Colony" in Cap. 155.

5. The principal Ordinance is amended by deleting "the Colony", wherever it occurs, and substituting the following—

"Hong Kong".

Passed by the Hong Kong Legislative Council this 28th day of November 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

Act

29th 1

An Ordinance to amend the Deposit-taking Comp

HONG KONG

No. 75 OF 1979

I assent.

Acting Governor.

29th November, 1979.

An Ordinance to amend the Deposit-taking Companies Ordinance.

[ ]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Deposit-taking Companies (Amendment) (No. 2) Ordinance 1979 and shall come into operation on the commencement of section 9 of the Deposit-taking Companies (Amendment) Ordinance 1978. Short title and commencement. (74 of 1978.)

2. Section 2(1) of the principal Ordinance is amended by inserting after the definition of "auditor" the following— Amendment of section 2. (Cap. 328.)

" "certificate of deposit" means a document relating to money, in any currency, which has been deposited with the issuer or some other person, being a document which recognizes an obligation to pay a stated amount to bearer or to order, with or without interest, and being a document by the delivery of which, with or without endorsement, the right to receive that stated amount, with or without interest, is transferable;".

3. Section 24A of the principal Ordinance is amended— Amendment of section 24A.

(*a*) by deleting subsection (2) and substituting the following—

"(2) The minimum holding of specified liquid assets to be maintained by a registered deposit-taking company in any

calendar month shall be not less than an amount equivalent to the aggregate of the following—

(*a*) such percentage as the Financial Secretary may specify by notice in the *Gazette* of the deposit liabilities of the company during that month in respect of deposits repayable within 7 days or at 7 days' notice or less, and time deposits in respect of which the depositor may, whether by virtue of any written or oral agreement or by custom, obtain repayment before maturity; and

(*b*) such percentage as the Financial Secretary may so specify of its deposit liabilities during that month in respect of time deposits other than those referred to in paragraph (*a*).";

(*b*) by inserting after subsection (3) the following—

"(3A) Where the liabilities of a registered deposit-taking company during any month do not include any deposit liabilities, the minimum holding of specified liquid assets to be maintained in that month by the company shall be not less than an amount equivalent to the company's liabilities during that month in respect of—

(*a*) balances payable on demand;

(*b*) money at call due; and

(*c*) money at short notice due,

to any licensed bank or other registered deposit-taking company in Hong Kong; and in respect of amounts referred to in paragraphs (*a*) and (*b*), such specified liquid assets shall be held in any form set out in paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*ea*), (*eb*) and (*f*) of subsection (7).";

(*c*) in subsection (4)—

(i) by deleting "the deposit liabilities of the company", wherever it occurs, and substituting the following—

"such holding";

(ii) by inserting after "(*e*)", wherever it occurs, the following—

", (*ea*), (*eb*)";

(*d*) by deleting subsection (5) and substituting the following—

"(5) For the purposes of subsections (2), (3), (3A) and (4), the assets and liabilities of a registered deposit-taking company shall be the arithmetical means of, respectively, the amounts of the assets held by, and the liabilities of, the company according to the company's books at the close of business on every such weekday during the month as the Commissioner may specify:

Provided that if any such specified weekday is a public holiday the assets and liabilities as at the close of business on the last working day preceding that specified weekday shall be taken for the purposes of such calculation.";

(*e*) in subsection (7)—

(i) by inserting after paragraph (*e*) the following—

"(*ea*) certificates of deposit which are—

(i) issued outside Hong Kong by any bank approved by the Commissioner for the purposes of this section in

any foreign currency freely remittable to the registered deposit-taking company in Hong Kong; and

(ii) marketable in a manner satisfactory to the Commissioner;

(*eb*) such money market instruments as the Financial Secretary may specify under section 18(6)(*db*) of the Banking Ordinance;"; (Cap. 155.)

(ii) by inserting after paragraph (*h*) the following—

"(*ha*) such money market instruments as the Financial Secretary may specify under section 18(6)(*ec*) of the Banking Ordinance;"; (Cap. 155.)

(iii) in paragraph (*i*) by inserting after "exchange" the following—

"payable at usance outside Hong Kong and"; and

(iv) by deleting paragraph (*j*) and substituting the following—

"(*j*) bills of exchange payable after sight outside Hong Kong in a currency freely remittable to the registered deposit-taking company in Hong Kong;"; and

(*f*) by deleting subsection (9) and substituting the following—

"(9) For the purposes of this section, the value of any specified liquid asset shall be not more than the market value of such asset.".

Passed by the Hong Kong Legislative Council this 28th day of November 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

Ac

29th

An Ordinance to amend the Probation of Offende

HONG KONG

No. 76 OF 1979

I assent.

Acting Governor.

29th November, 1979.

An Ordinance to amend the Probation of Offenders Ordinance.

[30th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Probation of Offenders (Amendment) Ordinance 1979. Short title.

2. Section 4 of the principal Ordinance is amended by deleting subsections (4) and (5). Amendment of section 4. (Cap. 298.)

3. Section 5(2) of the principal Ordinance is amended by deleting "$100" and substituting the following— Amendment of section 5.

"$500".

4. Section 6 of the principal Ordinance is amended— Amendment of section 6.

(*a*) by deleting subsection (4) and substituting the following—

"(4) If a person in whose case a probation order or an order for conditional discharge has been made by the High Court or the District Court is convicted by a magistrate's court in respect of an offence committed during the probation

period or during the period of conditional discharge, the magistrate's court may order that he be brought or appear before the court by which the order was made if the magistrate considers it expedient to do so, and for this purpose may commit him to custody or release him on bail (with or without sureties); and if the magistrate's court makes such an order, it shall send to the High Court or the District Court, as the case may be, a copy of the minute or memorandum of the conviction entered in the register, signed by the magistrate.";

(*b*) in subsection (5) by deleting "and dealt with" and substituting the following—

"and, except in the case of an order under subsection (4), dealt with"; and

(*c*) by inserting after subsection (5) the following—

"(5A) Where a person has been ordered to be brought or appear before the High Court or District Court under subsection (4), that court, after dealing with him under subsection (5) in respect of the original offence, may deal with such person in respect of the offence referred to in subsection (4) in any manner in which he could be dealt with by a magistrate's court for that offence, or order that he be brought or appear before the magistrate's court to be dealt with in respect of that offence and for such purpose may commit him to custody or release him on bail (with or without sureties); and if the High Court or District Court makes such an order it shall send to the magistrate's court a copy of every order or sentence made or imposed, signed by the judge.".

Passed by the Hong Kong Legislative Council this 28th day of November 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

Ac

29th

: him to custody or release him on bail (with or
eties); and if the magistrate's court makes such
: shall send to the High Court or the District
ie case may be, a copy of the minute or mem-
the conviction entered in the register, signed by
ite.";

5) by deleting "and dealt with" and substituting

it in the case of an order under subsection (4),
and

er subsection (5) the following—

Where a person has been ordered to be brought or
ore the High Court or District Court under sub-
that court, after dealing with him under subsection
ect of the original offence, may deal with such
respect of the offence referred to in subsection
manner in which he could be dealt with by a
court for that offence, or order that he be
appear before the magistrate's court to be dealt
pect of that offence and for such purpose may
to custody or release him on bail (with or with-
); and if the High Court or District Court makes
der it shall send to the magistrate's court a copy
der or sentence made or imposed, signed by the

ng Kong Legislative Council this 28th day of

HONG KONG

No. 77 OF 1979

I assent.

Acting Governor.

29th November, 1979.

An Ordinance to repeal the Hawker Control Force Ordinance and to make consequential provisions.

[30th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Hawker Control Force (Repeal) Ordinance 1979. Short title.

2. The Hawker Control Force Ordinance is repealed. Repeal of Hawker Control Force Ordinance. (Cap. 325.)

3. Notwithstanding section 2— Transfer of Hawker Control Force Welfare Fund. (Cap. 325, sub. leg.)

(*a*) the assets of the fund known as the Hawker Control Force Welfare Fund and set up under the Hawker Control Force (Welfare Fund) Regulations are vested in and transferred to the general revenue of the Colony; and

(*b*) any outstanding loan or instalments of any outstanding loan advanced out of the Hawker Control Force Welfare Fund shall be payable, when due, to the Director of Accounting Services and may be recovered as a civil debt owed to the Government.

Consequential amendments. Schedule.

4. The enactments specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column of that Schedule.

SCHEDULE [s. 4.]

CONSEQUENTIAL AMENDMENTS

(Cap. 132.)	Public Health and Urban Services Ordinance.	1. Section 2 is amended by deleting the definition of "Force". 2. Section 85(1) is amended by deleting "or to the nearest Force duty room". 3. Section 85(3) is deleted.
(Cap. 132, sub. leg.)	Hawker By-laws.	1. By-law 2 is amended by deleting the definition of "Hawker Control Force". 2. By-law 16(*b*) is deleted. 3. By-law 34(4)(*b*) is deleted.
(Cap. 227.)	Magistrates Ordinance.	1. The Fourth Schedule is amended by deleting, under the heading "*Urban Services Department*" in the second place where it occurs, the following— "Commandant, Hawker Control Force Deputy Commandant, Hawker Control Force Senior Inspector, Hawker Control Force Inspector, Hawker Control Force Sub-Inspector, Hawker Control Force Senior Sergeant, Hawker Control Force Sergeant, Hawker Control Force".

Passed by the Hong Kong Legislative Council this 28th day of November 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

Actin

29th N

An Ordinance to amend the Import and Export Ordin

[30th

SCHEDULE [s. 4.]

CONSEQUENTIAL AMENDMENTS

1. Section 2 is amended by deleting the definition of "Force".

2. Section 85(1) is amended by deleting "or to the nearest Force duty room".

3. Section 85(3) is deleted.

1. By-law 2 is amended by deleting the definition of "Hawker Control Force".

2. By-law 16(*b*) is deleted.

3. By-law 34(4)(*b*) is deleted.

1. The Fourth Schedule is amended by deleting, under the heading "*Urban Services Department*" in the second place where it occurs, the following—

"Commandant, Hawker Control Force
Deputy Commandant, Hawker Control Force
Senior Inspector, Hawker Control Force
Inspector, Hawker Control Force
Sub-Inspector, Hawker Control Force
Senior Sergeant, Hawker Control Force
Sergeant, Hawker Control Force".

Passed by the Hong Kong Legislative Council this 28th day of

HONG KONG

No. 78 OF 1979

I assent.

Acting Governor.

29th November, 1979.

An Ordinance to amend the Import and Export Ordinance.

[30th November, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Import and Export (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended in the definition of "cargo"— Amendment of section 2. (Cap. 60.)

(*a*) by deleting "and" at the end of paragraph (*c*);

(*b*) by inserting "and" after the semicolon at the end of paragraph (*d*)(ii);

(*c*) by inserting, after paragraph (*d*), the following paragraph—

"(*e*) articles imported or exported by a passenger of such vessel, aircraft or vehicle, in his personal baggage or carried by him;".

Passed by the Hong Kong Legislative Council this 28th day of November 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

Act

13th

An Ordinance to amend certain Ordinances.

Clerk to the Legislative Council.

HONG KONG

No. 79 OF 1979

I assent.

Acting Governor.

13th December, 1979.

An Ordinance to amend certain Ordinances.

[14th December, 1979]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Law Revision (Miscellaneous Amendments) Ordinance 1979. Short title.

2. The Ordinances specified in the Schedule are amended in the manner specified therein. Amendments. Schedule.

SCHEDULE [s. 2.]

Item	*Ordinance*	*Amendment*
1.	Jury Ordinance.	Section 5 is amended by deleting paragraph (*o*) and substituting the following— (Cap. 3.) "(*o*) the wife of— (i) the Chief Justice; (ii) a Justice of Appeal; and (iii) a judge of the High Court;".

	Item	Ordinance	Amendment
(Cap. 4.)	2.	Supreme Court Ordinance.	1. Section 31(1) is amended by deleting "specially endorsed writ." and substituting the following— "writ endorsed with a statement of claim.". 2. Section 49 is amended by deleting "prescribed by rules of court" and substituting the following— "determined by the Chief Justice by order".
(Cap. 37, sub. leg.)	3.	Limited Partnerships Rules.	The Appendix is amended— (*a*) in Form 1— (i) under the heading "THE PARTNERSHIP IS LIMITED", by deleting the asterisk before "Amount contributed by each limited partner, and whether paid in cash, or how otherwise."; (ii) by deleting the asterisk and footnote at the end thereof; (*b*) in Form 2, by deleting division (*f*) and the Note thereto and substituting the following— "(*f*) Change in the sum contributed by any limited partner or total amount contributed by any new limited partner. (If otherwise than in cash, that fact, with particulars, must be stated.)". (*c*) by deleting Forms 3 and 4.
(Cap. 112.)	4.	Inland Revenue Ordinance.	Section 2(1) is amended by deleting the definition of "mortgage" and substituting the following— "1891 c. 39, s. 86. "mortgage" means a security by way of mortgage or equitable mortgage for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable, or for the repayment of money thereafter to be lent, advanced or paid, or which may become due upon an account current, together with any sum already advanced or due, or without, as the case may be, and includes— (*a*) conditional surrender by way of mortgage, or further charge, of or affecting any property whatsoever; and (*b*) any conveyance of any property whatsoever in trust to be sold or otherwise converted into money, intended only as a security, and redeemable before the sale or other disposal thereof,

Item	Ordinance	Amendment
		either by express stipulation or otherwise; and (*c*) any instrument for defeating or making redeemable, or explaining or qualifying any conveyance, transfer or disposition of any property whatsoever, apparently absolute, but intended only as a security; and (*d*) any instrument relating to the deposit of any title deeds or instruments constituting or being evidence of the title to any property whatsoever or creating a charge on any property whatsoever; and (*e*) any mortgage by an equitable owner of his equitable rights; and (*f*) any warrant of attorney to enter up judgment;".
5.	Public Cleansing and Prevention of Nuisances By-laws.	By-law 3 is amended, in the definition of "registered owner", by deleting "under the Road Traffic (Registration and Licensing of Vehicles) Regulations;" and substituting the following— (Cap. 132, sub. leg.) "in accordance with the Road Traffic Ordinance;".
6.	Public Cleansing and Prevention of Nuisances (New Territories) Regulations.	Regulation 3 is amended, in the definition of "registered owner", by deleting "under the Road Traffic (Registration and Licensing of Vehicles) Regulations;" and substituting the following— (Cap. 132, sub. leg.) "in accordance with the Road Traffic Ordinance;".
7.	Road Traffic Ordinance.	Section 2(1) is amended by deleting the following definition— (Cap. 220.) " "vehicle licence" means a licence issued under the provisions of regulations made under section 4;".
8.	Traffic Accident Victims (Assistance Fund) Ordinance.	1. Section 2 is amended— (Cap. 229.) (*a*) in the definition of "registered owner", by deleting "under regulations made under" and substituting the following— "in accordance with"; (*b*) by deleting the definition of "vehicle licence" and substituting the following— " "vehicle licence" means a licence issued in respect of a motor vehicle under the Road Traffic Ordinance.".

	Item	*Ordinance*	*Amendment*
			2. Section 5(1)(*a*) is amended by deleting "under regulations made under" and substituting the following— "in accordance with".
(Cap. 237.)	9.	Fixed Penalty (Traffic Contraventions) Ordinance.	Section 2 is amended, in paragraph (*a*) of the definition of "registered owner", by deleting "under the Road Traffic (Registration and Licensing of Vehicles) Regulations;" and substituting the following— "in accordance with the Road Traffic Ordinance;".
(Cap. 240.)	10.	Fixed Penalty (Criminal Proceedings) Ordinance.	Section 2(1) is amended, in paragraph (*a*) of the definition of "registered owner", by deleting "under regulations made under" and substituting the following— "in accordance with".
(Cap. 283.)	11.	Housing Ordinance.	Section 25C(1) is amended by deleting "(as defined in the Road Traffic (Registration and Licensing of Vehicles) Regulations)" and substituting the following— "(as defined in the Road Traffic Ordinance)".
(Cap. 330.)	12.	Motor Vehicles (First Registration Tax) Ordinance.	Section 2 is amended, in the definition of "first registration", by deleting "Road Traffic (Registration and Licensing of Vehicles) Regulations;" and substituting the following— "Road Traffic Ordinance;".
(Cap. 1059.)	13.	Hong Kong Housing Society Incorporation Ordinance.	1. Section 7 is amended by deleting "secretary" and substituting the following— "Executive Director". 2. Section 10 is amended by deleting "secretary" and substituting the following— "Executive Director".

Passed by the Hong Kong Legislative Council this 12th day of December 1979.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.