



HONG KONG.

No. 31 OF 1947.

I assent.

Officer Administering the Government.

11th July, 1947.

An Ordinance to provide for the surrender of subjects of China who, during the war period, have, in China, collaborated with the Japanese.

[11th July, 1947.]

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

1. This Ordinance may be cited as the Chinese Collaborators (Surrender) Ordinance, 1947. Short title.

2. In this Ordinance unless the context otherwise requires— Interpretation.

“China” includes any territory which, at the time of the commission of the act in respect of which an order for surrender is made, was, in the opinion of the Governor, recognised by His Majesty’s Government as forming part of the Republic of China.

“Chinese authority” means any person considered by the Governor to represent in the Colony, or in any place within the territory of the Republic of China, the Government recognised by His Majesty’s Government as the lawful Government of the Republic of China, or to represent in any such place aforesaid the Head of such Government.

“Chinese national” means a person having, in the opinion of the Governor, Chinese nationality at the time of the act in respect of which an order for surrender is made but shall not include any person who was at such time or is now a British subject

“Collaborator” means a Chinese national for whose surrender an order has been made under this Ordinance.

“Enemy” means the Japanese State and any person or body of persons or authority acting or purporting to act or to be established under the authority of or in association with such State.

“Territory of the Republic of China” means the territory which, in the opinion of the Governor, is recognised from

time to time by His Majesty's Government as forming part of the Republic of China.

"War" includes the hostilities between the Republic of China and Japan preceding the formal declaration of war by China upon Japan.

"War period" means the period between the 7th of July, 1937, and the 16th of August, 1945.

Power to
make order
for
surrender.

3. It shall be lawful for the Governor in Council upon the application of a Chinese authority, made in such form and accompanied by such documents and certificates as the Governor may from time to time require, to make an order for the surrender to such authority or any delegate recognised by the Governor of any Chinese national who, during the war period, has, in the opinion of the Governor in Council, done in any part of China any act or thing designed or calculated to benefit the enemy or hostile or detrimental to or designed or calculated to defeat, hinder or prejudice the cause of the United Nations of the prosecution of any war in which any of such Nations were engaged.

Warrant for
apprehension
and
detention.

4. (1) The Governor may, whenever it shall appear to him that there are reasonable grounds for inquiry as to whether any person should be surrendered and that the detention of such person is desirable, issue a warrant authorising the arrest of such person and his detention for a period not exceeding fourteen days.

(2) Any person arrested under such warrant may be detained in the custody of any officer referred to in the said warrant, whether by a specific or by a general description, and may be transferred from the custody of such officer to that of any other such officer as often as may be desirable.

(3) The Governor may from time to time by warrant authorise the detention of a person already in custody for a further period of seven days from the date of the expiration of the previous warrant provided that the Governor is satisfied that the said person ought to be detained in order that further inquiry may be made or the arrangements for surrender completed.

(4) Whenever a warrant for detention has been made under this section without specifying in whose custody detention is to be carried out, the person arrested under such warrant may be detained in any place or building or portion of a building set aside for the purpose of a prison under section 2 of the Prisons Ordinance, 1932, and from time to time be moved therefrom and brought to and detained in any place as the Colonial Secretary may by any written or verbal direction direct.

Ordinance
No. 33 of
1932.

Service of
order for
surrender.

5. (1) So soon as conveniently may be after the issue of an order for the surrender of a collaborator, the Commissioner of Police shall cause a copy of such order to be served on such collaborator.

(2) A collaborator shall be deemed to be under lawful arrest until the surrender is effected or until such time as he has been released in accordance with this Ordinance.

(3) The Colonial Secretary may, by the direction of the Governor, by order direct that a collaborator be surrendered to any person, whether specified by name or by the designation of his office, being a person recognised by the

Governor as the delegate of a Chinese authority. Any such order may be endorsed on the order for surrender and shall be sufficient authority to all police officers and to the master and crew of any ship in which the person may be carried to use within the Colony and the waters thereof such force and restraint as may be necessary in order to carry out such order.

6. No steps or proceedings other than those expressly specified in this Ordinance shall be necessary to the validity of any warrant or order made or purporting to have been made under this Ordinance.

Exclusion of
necessity for
steps not
expressly
provided for.

7. (1) The Colonial Secretary, by the direction of the Governor, may order the release of any person detained under the provisions of this Ordinance, including any collaborator detained under section 12, and on the receipt of any such order the person named therein shall be discharged from custody.

Order for
release.

(2) The release of any person under the provisions of sub-section (1) of this section shall not be any bar to any subsequent arrest, detention or proceedings under this Ordinance or to the making of an order for surrender under the provisions of the Chinese Extradition Ordinance, 1889, or to the making of a deportation order under the Deportation of Aliens Ordinance, 1935.

Ordinance
No. 7 of
1889.
Ordinance
No. 39 of
1935.

8. If any action or suit is brought against any person for anything done under or in obedience to any warrant or order issued under the provisions of this Ordinance, the proof of such warrant or order shall be a sufficient answer to such action or suit, and the defendant, on such proof as aforesaid, shall be entitled to a verdict or judgment accordingly and shall also be entitled to all costs of suit.

Protection
of officers.

9. The forms in the Schedule or forms to the like effect, with such variations and additions as the circumstances may, in the opinion of the Governor, require, may be used for the purposes therein indicated and instruments in those forms shall be valid and sufficient.

Forms.
Schedule.

10. In any proceedings whatsoever—

- (1) an order for surrender signed by the Clerk of Councils, or a copy of such order certified by the Clerk of Councils, shall be deemed conclusive evidence that the order was duly and validly made and issued against the person named in such order and that the order was made on the date therein specified;
- (2) a certificate under the hand of the Colonial Secretary shall be conclusive evidence on any question relating to any opinion, discretion, recognition or direction which the Governor or the Colonial Secretary is by this Ordinance authorised to form, exercise or give or as to the due making and validity of any warrant which the Governor is authorised to issue hereunder;
- (3) any document purporting to be any such order as aforesaid or a certified copy thereof or purporting to be such a certificate as aforesaid shall, until the contrary be proved, be deemed respectively to be such order, such certified copy or such certificate.

Evidence.

Decision of
Governor in
Council to
be final.

11. The decision of the Governor in Council as to whether under the provisions of this Ordinance an order for the surrender of any person can lawfully be, or should be, made or as to the surrender of any person shall be final and conclusive for all purposes whatsoever.

Arrest of
returning
collaborator.

12. (1) Any collaborator who, within six months from the day on which the order for the surrender of such collaborator was signed, enters into or is found in the Colony without a permit issued by or on behalf of the Governor authorising his presence in the Colony, may be arrested without warrant by any officer of police and detained in police custody until the Governor's pleasure be known.

(2) The Governor may, if he considers it desirable, make an order for the surrender to a Chinese authority of any collaborator to which this section applies and may in any event order the detention of such collaborator for a period not exceeding twenty-one days (pending further investigation) in such custody as he may specify.

(3) The Governor may from time to time by warrant authorise the detention of a person already in custody for a further period of seven days from the date of the expiration of the previous warrant, provided that the Governor is satisfied that the said person ought to be detained in order that further inquiry may be made or the arrangements for surrender completed.

(4) Any arrest effected under sub-section (1) of this section shall be reported by the Commissioner of Police to the Colonial Secretary not later than 48 hours after such arrest was made.

Saving.

Ordinance
No. 7 of
1889.
Ordinance
No. 39 of
1935.

13. Nothing in this Ordinance shall be construed as derogating from any authority to order the surrender of a fugitive criminal under the provisions of the Chinese Extradition Ordinance, 1889, or to order the deportation of any alien under the provisions of the Deportation of Aliens Ordinance, 1935.

Commence-
ment.
Duration and
Saving.

14. This Ordinance shall be deemed to have come into force on the 1st May, 1947, and shall continue in force until the 31st October, 1947: Provided that the expiration of this Ordinance shall not affect the validity of any warrant or order made hereunder and that any proceedings (including any warrant, order or step authorised to be made, issued or taken hereunder pursuant or subsequent to or consequent upon any such first-mentioned warrant or order) may be instituted continued or enforced in like manner and with the like effect and validity as if this Ordinance had not expired.

Passed the Legislative Council of Hong Kong, this 10th day of July, 1947.

Alastair Todd
Deputy Clerk of Councils.

SCHEDULE

FORM NO. 1

[S. 3] Form No. 1.

The Chinese Collaborators (Surrender) Ordinance, 1947. ORDER FOR SURRENDER

COUNCIL CHAMBER, VICTORIA, in the Colony of HONG KONG the day of, 1947.

WHEREAS the following Chinese authority, namely
.....
has by application to the Governor in Council requested that
.....
should be surrendered under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1947.

AND WHEREAS it appears to the Governor in Council that the said
.....
should be so surrendered:

The Governor in Council doth hereby by virtue of the said Ordinance order that the above named person be surrendered to the above mentioned Chinese authority or to any delegate of such authority recognised by the Governor.

This Order is made under section 3 of the Chinese Collaborators (Surrender) Ordinance, 1947.

.....
Clerk of Councils.

FORM NO. 2

[S. 4 (1)] Form No. 2.

The Chinese Collaborators (Surrender) Ordinance, 1947. WARRANT FOR ARREST AND DETENTION

Hong Kong.

To the Commissioner of Police and to each and all of the police officers of the Colony and to the Superintendent of Prisons.

WHEREAS it has been made to appear to me that there are reasonable grounds for inquiry as to whether
.....
should be surrendered under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1947, and that the detention of the above named person is desirable:

These are therefore to command you to arrest the said
.....
and to detain him for a period of fourteen days from the day on which he is arrested, including the day of arrest.

DATED the day of, 1947.

.....
Governor.

Schedule
contd.
Form No. 3.

FORM NO. 3

[S. 4 (3)]
[S. 12 (3)]

The Chinese Collaborators (Surrender) Ordinance, 1947.

WARRANT FOR FURTHER DETENTION

Hong Kong.

To the Commissioner of Police and to each and all of the police officers of the Colony and to the Superintendent of Prisons.

WHEREAS is detained by you or one of you by virtue of a warrant issued by me under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1947;

AND WHEREAS I am satisfied that the above named person ought to be detained in order that further inquiry may be made or the arrangements for surrender completed:

Now therefore I do hereby order that the aforesaid warrant issued by me shall be of full force and effect for a period of seven days after the date on which it would, save for this warrant, expire.

DATED the day of, 1947.

.....
Governor.

Form No. 4.

FORM NO. 4

[S. 7 (1)]

The Chinese Collaborators (Surrender) Ordinance, 1947.

ORDER FOR DISCHARGE

Hong Kong.

To the Commissioner of Police and to each and all of the police officers of the Colony and to the Superintendent of Prisons.

WHEREAS is detained by you or one of you by virtue of a warrant issued under the provisions of the Chinese Collaborators (Surrender) Ordinance, 1947:

AND WHEREAS His Excellency the Governor is satisfied that the above named person ought not to be further detained and has given me directions accordingly:

These are therefore to command you to release the said

DATED the day of, 1947.

.....
Colonial Secretary.

FORM NO. 5

[S. 12 (2)]

Schedule
contd.
Form No. 5.

The Chinese Collaborators (Surrender) Ordinance, 1947.

ORDER FOR SURRENDER OF RETURNED COLLABORATOR

Hong Kong.

The day of, 1947.

WHEREAS the surrender of under section 3 of the above mentioned Ordinance was ordered on the day of, 1947.

AND WHEREAS the said *entered the Colony on the day of, 1947. *was found in the

AND WHEREAS I am satisfied that the said should again be surrendered to a Chinese authority, namely

By virtue of the said Ordinance I hereby order that the above named person be surrendered to the above mentioned Chinese authority or to any delegate of such authority recognised by the Governor.

This Order is made under section 12 of the Chinese Collaborators (Surrender) Ordinance, 1947.

.....
Governor.

* Delete words not applicable.

FORM NO. 6

[S. 12 (2)]

Form No. 6.

The Chinese Collaborators (Surrender) Ordinance, 1947.

WARRANT FOR DETENTION OF RETURNED COLLABORATOR

Hong Kong.

WHEREAS the surrender of under section 3 of the above mentioned Ordinance was ordered on the day of, 1947.

AND WHEREAS the said *entered the Colony on the day of, 1947. *was found in the

AND WHEREAS it is desirable that the said be detained until it can be ascertained whether he should be surrendered again to a Chinese authority:

These are therefore to command you to arrest the said and to detain him for a period of twenty-one days from the day on which he is arrested, including the day of arrest.

DATED the day of, 1947.

.....
Governor.

* Delete words not applicable.

Schedule
contd.

Form No. 7.

FORM NO. 7

[S. 5 (3)]

**The Chinese Collaborators (Surrender) Ordinance, 1947.
ORDER FOR SURRENDER TO RECOGNISED DELEGATE**

Hong Kong.

The day of, 1947.

WHEREAS by the Order for Surrender upon which this Order is endorsed it was ordered that should be surrendered to the Chinese authority therein named or to any delegate of such authority recognised by the Governor.

I HEREBY by direction of His Excellency the Governor order that the said be surrendered to* at or about

AND I HEREBY certify that the said* is recognised by the Governor as the delegate of the Chinese authority hereinbefore referred to.

.....
Colonial Secretary.

* Insert name of recognised delegate.

HONG KONG.

No. 32 OF 1947.

I assent.

[Signature]
Officer Administering the Government.

11th July, 1947.

An Ordinance to amend the Trading with the Enemy Ordinance, 1914.

[11th July, 1947.]

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

1. This Ordinance may be cited as the Trading with the Enemy Amendment Ordinance, 1947, and shall be read as one with the Trading with the Enemy Ordinance, 1914, hereinafter referred to as the principal Ordinance.

2. The principal Ordinance is hereby amended by the insertion therein of the following section as section 2A immediately after section 2 thereof :—

“2A. Notwithstanding the provisions of paragraph (e) of sub-section (1) of section 2 of the principal Ordinance, any area which is under the sovereignty of a Power with whom His Majesty is at war shall be treated for all the purposes of this Ordinance (including the purposes of any order made thereunder) as enemy territory :

Provided that in the case of an area which, apart from this section, would not be treated as enemy territory, the Governor may by order direct that for all the said purposes or such of the said purposes as may be specified in the order the area shall, as from such day as may be so specified, be treated as not being enemy territory, and different days may be specified by such orders as aforesaid in relation to different purposes.”

Passed the Legislative Council of Hong Kong, this 10th day of July, 1947.

[Signature]
Deputy Clerk of Councils.

Short title.

Ordinance
No. 25 of
1914.

Addition of
section 2A
to the
principal
Ordinance.

Special
provision
for areas
in the
occupation
of His
Majesty or
of a Power
allied with
His Majesty.



HONG KONG.

No. 33 OF 1947.

I assent.

Officer Administering the Government.

18th July, 1947.

An Ordinance to authorise and provide for the re-construction of the Register of Trade Marks formerly kept under the Trade Marks Ordinance, 1909, and to amend and modify the application of the said Ordinance.

[18th July, 1947.]

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

1. This Ordinance may be cited as the Trade Marks Register (Re-construction) Ordinance, 1947, and shall be construed and take effect as one with the Trade Marks Ordinance, 1909, hereinafter referred to as the "principal Ordinance".

Short title.
Ordinance
No. 40 of
1909.

2. In this Ordinance—

Interpre-
tation.

- (a) "The New Register" means any register kept by the Registrar for the purpose of complying with section 4 of the principal Ordinance, not being a register kept by the Registrar prior to the 25th December, 1941.
- (b) "The Old Register" means the Register of Trade Marks which, prior to the 25th December, 1941, was kept by the Registrar under section 4 of the principal Ordinance.

3. (1) Any person claiming to have been the registered proprietor of a trade mark registered in the Old Register or to have become entitled thereto by assignment, transmission or other operation of law may, within two years from the commencement of this Ordinance, apply in writing to the Registrar in the prescribed manner for the registration of such trade mark and for the appropriate entries to be made to show that he is the registered proprietor thereof. Any such application shall be supported by such evidence as is necessary to substantiate the claim.

Application
for
registration
in New
Register.

(2) In the event of such application being made in the name of the person who was registered as the proprietor of the trade mark in the Old Register it shall be made in Form No. 1 of the First Schedule to this Ordinance. In every other case it shall be made in Form No. 1A of the First

Schedule to this Ordinance. In addition to any other fees prescribed, a fee of twenty dollars shall be payable upon every such application.

(3) If, upon receipt of such application and the evidence in support, the Registrar is satisfied that the applicant is entitled to be registered as the proprietor of a trade mark previously registered in the Old Register, he shall register the trade mark in the New Register and shall make all entries necessary and appropriate to show that the applicant is the registered proprietor thereof.

Procedure where original certificate of registration is produced.

4. If the applicant is in possession of the original certificate of registration he shall produce the same to the Registrar who shall endorse thereon the fact of registration in the New Register in Form No. 2 of the First Schedule to this Ordinance.

Procedure where original certificate of registration is not produced.

5. Where the applicant fails to produce to the Registrar the original certificate of registration the Registrar, if he is satisfied by other evidence that the applicant is entitled to be registered as the registered proprietor of a trade mark, shall prepare a fresh certificate of registration and shall endorse thereon the fact of registration in the New Register in Form No. 3 of the First Schedule to this Ordinance.

Procedure where date of receipt of original application for registration is unknown.

6. Where there is no evidence before the Registrar as to the date of the original application for registration upon which registration in the Old Register was made or where such evidence as there may be is unsatisfactory the Registrar shall register as the date of such application the date of the Gazette Notification by which application for registration of the trade mark was first advertised thereafter, unless and until the actual date of the receipt of the original application shall have been satisfactorily ascertained and entered on the New Register, the date of such Gazette Notification shall for the purposes of this Ordinance and of the principal Ordinance be deemed to be the date of registration.

Effect of failure to register.

7. A trade mark which was registered in the Old Register and is not, within two years of the enactment of this Ordinance, also registered in the New Register shall not be deemed to be a registered trade mark.

Renewals.

8. (1) If the expiration of the last registration of a trade mark has occurred or occurs before the commencement of this Ordinance or will occur after the commencement of this Ordinance and before or within six months after registration has been effected under section 3 hereof, the provisions of the principal Ordinance and of the Trade Marks Rules, 1910, shall apply with the modifications hereinafter appearing.

Regulations of Hong Kong (1937 Edition) Vol. II p.575.

(2) If the expiration of the last registration of a trade mark will occur after the commencement of this Ordinance but before or within six months after registration has been effected under section 3 hereof, then such registration and the renewal thereof shall be effected simultaneously and the Registrar shall refuse to effect registration save upon payment of the prescribed renewal fee.

(3) If the expiration of the last registration of a trade mark has occurred or occurs before the commencement of this Ordinance, then—

(a) if notification has been given in the Gazette that the trade mark has been removed from the Old Register, section 31 of the principal Ordinance shall apply as if the period from the 6th December, 1941, to the commencement of this Ordinance (both inclusive) were excluded from the computation of the period of one year after the date when a trade mark has been removed from the Register referred to in that section; and

(b) if no such notification has been given renewal may be effected within two years after the commencement of this Ordinance: Provided always that in any such case registration under section 3 hereof and the renewal thereof shall be effected simultaneously and the Registrar shall refuse to effect registration save upon payment of the prescribed renewal fee.

(4) Sub-section (3) of this section shall not apply to any trade mark which has been removed from the Register prior to the 6th December, 1941.

(5) If through some mistake or omission contrary to the provisions of this section renewal is not effected simultaneously with registration under section 3 or the prescribed renewal fee has not been paid then notwithstanding anything contained in section 30 of the principal Ordinance or in Rule 58 of the Trade Marks Rules, 1910, the Registrar shall proceed in like manner as if he had duly sent notice in the prescribed manner to the registered proprietor at the prescribed time before the expiration of the last registration of the trade mark and the principal Ordinance and the said Rules shall apply and have effect as if such notice had been duly sent as aforesaid.

9. (1) A fresh application for registration shall be required in the case of any application for registration pending but undisposed of in December, 1941.

Applications pending in 1941.

(2) If such trade mark is subsequently registered section 41 of the principal Ordinance shall, in the case of such trade mark, be read and construed as if for the words "the date of such original registration" contained in line four thereof there had been substituted the words "the commencement of the Trade Marks (Re-construction) Ordinance, 1947".

(3) Notwithstanding the provisions of sub-section (1) of this section registration shall be effected as of the date of receipt of the application pending in December, 1941, or, if such date cannot be satisfactorily ascertained, then the date of the Gazette Notification by which application for registration of the trade mark was first advertised.

10. Section 35 of the principal Ordinance is hereby repealed and replaced as follows:—

"35. (1) Any person aggrieved by the non-insertion in or omission from the Register of any entry, or by any entry made in the Register without sufficient cause, or by any entry wrongly remaining on the Register, or by any error or defect in any entry in the Register, may apply in the prescribed manner to the Court or, at the option of the applicant, to the Registrar, and any such tribunal may make such order for making, expunging or varying the entry as such tribunal may think fit.

Rectification of New Register by Registrar.

(2) Such tribunal may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the Register.

(3) In case of fraud in the registration, assignment or transmission of a registered trade mark, the Registrar may himself apply to the Court under the provisions of this section.

(4) Any order of the Court rectifying the Register shall direct that notice of the rectification shall be served in the prescribed manner on the Registrar, and the Registrar shall on receipt of the notice rectify the Register accordingly.

(5) If an action concerning the trade mark is pending, the application must be made to the Court. In any other case if the application is made to the Registrar, he may, at any stage of the proceedings, refer the application to the Court, or he may, after hearing the parties, determine the question between them subject to appeal to the Court."

11. Section 37 of the principal Ordinance shall have effect as if the following proviso had been added thereto:

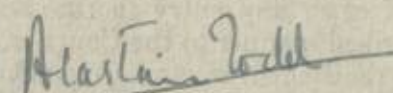
Provided always that no part of the period 8th December, 1941, to the 31st August, 1945, both inclusive, shall in any way be taken into account in computing the said period of five years and that for the purpose of any application made before the 2nd September, 1950, on the ground of non-user during the five years immediately preceding such application, the 1st of September, 1945, shall be deemed to follow immediately the 7th of December, 1941.

12. It shall be lawful for the Governor in Council to make rules for regulating practice and procedure under this Ordinance, without prejudice to the generality of the foregoing power, such rules may prescribe fees and forms and such rules may rescind or amend in any way whatsoever sub-section (2) of section 3 and sections 4, 5 or 8 of this Ordinance.

13. The rules in the Second Schedule to this Ordinance shall be deemed to have been made under the principal Ordinance as amended by section 10 of this Ordinance, and shall continue in force except in so far as rescinded or amended by rules made under the principal Ordinance as amended by section 10 of this Ordinance.

14. This Ordinance shall come into force on such day as the Governor shall notify by Proclamation in the Gazette.

Passed the Legislative Council of Hong Kong, this 17th day of July, 1947.


Deputy Clerk of Councils.

FIRST SCHEDULE.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
FORM NO. 1.

Form No. 1.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
ORDINANCE, 1947.

(Section 3 (2)).

APPLICATION FOR REGISTRATION IN THE NEW REGISTER OF A TRADE
MARK PREVIOUSLY REGISTERED IN THE OLD REGISTER.

One representation identical with the trade mark previously registered in the Old Register to be fixed here. Representations of a large size may be folded but must then be mounted upon linen or strong paper and affixed hereto. Three additional representations are to be sent on separate sheets.

Application is hereby made for the registration in the New Register of the accompanying trade mark previously registered in the name of
in the Old Register as No. of 19 .., in Class
in respect of

This application is made in the name of
.....of (address and description)
.....
who claims to be the proprietor of the said trade mark.

The last registration of the said trade mark *expired
*will expire
on the day of, 19 ..

.....
(Signature)

DATED this day of, 19 ..

TO: The Registrar of Trade Marks,
HONG KONG.

* Delete whichever is not applicable.

Effect of
non-user of
a trade
mark
during the
period
8.12.1941
to 31.8.1945.

Power of
Governor in
Council to
make rules.

Rules in
Second
Schedule to
take
effect under
principal
Ordinance.

Commence-
ment.

First
Schedule
continued.

Form No.
1A.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
FORM NO. 1A.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
ORDINANCE, 1947.

(Section 3 (2)).

APPLICATION FOR REGISTRATION IN THE NEW REGISTER OF A TRADE
MARK PREVIOUSLY REGISTERED IN THE OLD REGISTER.

One representation identical with the trade mark previously registered in the Old Register to be fixed here. Representations of a large size may be folded but must then be mounted upon linen or strong paper and affixed hereto. Three additional representations are to be sent on separate sheets.

Application is hereby made for registration in the New Register of the accompanying trade mark previously registered in the name of
in the Old Register as No. of 19 .., in Class,
in respect of

This application is made in the name of
who claims to be the proprietor of the said trade mark.

STATEMENT OF DEVOLUTION OF TITLE.

(To be completed where application is made by a person who was not registered as the proprietor in the Old Register)

The last registration of the said trade mark *expired
on the day of, 19 ..
*will expire

.....
(Signature)

DATED this day of, 19 ..

TO: The Registrar of Trade Marks,
HONG KONG.

* Delete whichever is not applicable.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
FORM NO. 2.

First
Schedule
continued.

Form No. 2.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
ORDINANCE, 1947.

(Section 4)

Particulars of this trade mark were recorded in the Register
on the day of 19 ..

Registrar of Trade Marks.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
FORM NO. 3.

Form No. 3.

TRADE MARKS REGISTER (RE-CONSTRUCTION)
ORDINANCE, 1947.

(Section 5)

FRESH CERTIFICATE OF REGISTRATION.

(Original stated to have been lost)

Particulars of this trade mark were recorded in the Register
on the day of 19 ..

Registrar of Trade Marks.

SECOND SCHEDULE.

1. These Rules may be cited as the Trade Marks (Amendment) Rules, 1947.

2. The Trade Marks Rules, 1910, are hereby amended by the addition after Rule 76 of the following heading and Rules:—

Application under section 35.

Application to rectify or remove a trade mark from the Register.

76A. An application under section 35 as re-enacted by the Trade Marks (Re-construction) Ordinance, 1947, shall be made in Form No. 20 appearing in the Third Schedule to such lastly mentioned Ordinance and shall be accompanied by a statement setting out fully the nature of the applicant's interest the facts upon which he bases his case and the relief which he seeks. Where the application is made by a person who is not the registered proprietor of the trade mark in question it shall be accompanied by an unstamped copy of the application and a copy of the statement, and these copies will be transmitted forthwith by the Registrar to the registered proprietor.

Further procedure.

76B. Upon such application being made, and copy thereof transmitted to the registered proprietor, if necessary, the provisions of Rules 35 to 43 shall apply *mutatis mutandis* to the further proceedings thereon; but the Registrar shall not rectify the Register or remove the trade mark from the Register merely because the registered proprietor has not filed a counter-statement. In any case of doubt any party may apply to the Registrar for directions.

Intervention by third parties.

76C. Any person other than the registered proprietor alleging interest in a registered trade mark in respect of which an application is made on Form No. 20 may apply to the Registrar on Form No. 21 appearing in the Third Schedule to the Trade Marks (Re-construction) Ordinance, 1947, for leave to intervene, stating thereon the nature of his interest, and the Registrar may refuse or grant such leave, altering (if so required) the parties concerned, upon such conditions and terms as he may deem fit. Before dealing in any way with the application for leave to intervene the Registrar may require the applicant to give an undertaking to pay such costs as in the circumstances he may award to any party.

THIRD SCHEDULE.

TRADE MARKS ORDINANCE, 1909.

Form No. 20.

FORM NO. 20.

APPLICATION TO THE REGISTRAR FOR THE RECTIFICATION OF THE REGISTER OR THE REMOVAL OF A TRADE MARK FROM THE REGISTER.

(To be accompanied by an unstamped copy and a Statement of Case in duplicate).

IN THE MATTER OF Trade Mark No. registered in the name of in Class

I/We (a) (a) Here state full name and address.

hereby apply that the entry in the Register in respect of the above-mentioned trade mark may be removed (b) rectified in the following manner (b) Delete word (or words) not applicable.

The grounds of my/our application are as follows:—

No action concerning the trade mark in question is pending in the Court.

DATED this day of, 19 ..

(Signature)

TO: The Registrar of Trade Marks,
HONG KONG.

Third
Schedule
continued.
Form No.
21.

TRADE MARKS ORDINANCE, 1909.

FORM NO. 21.

APPLICATION TO THE REGISTRAR FOR LEAVE TO INTERVENE IN
PROCEEDINGS RELATING TO THE RECTIFICATION OF THE
REGISTER OR THE REMOVAL OF A TRADE MARK
FROM THE REGISTER.

IN THE MATTER OF Trade
Mark No. registered
in the name of
.....
in Class

(a) Here
state full
name
and
address.

I/We (a)

hereby apply for leave to intervene in the proceedings relating
to the *rectification of the entry in the Register in respect of
*removal
the above-mentioned trade mark.

*Delete
word not
applicable.

My/Our interest in the trade mark is

DATED this day of, 19

.....
(Signature)

TO: The Registrar of Trade Marks,

HONG KONG.

HONG KONG.

No. 34 OF 1947.



I assent.

McChau
Governor.

1st August, 1947.

An Ordinance to authorise the Director of Public Works to
grant permits for the inclosure of verandahs and balconies
over unleased Crown land or streets for certain purposes.

[1st August, 1947.]

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

1. This Ordinance may be cited as the Verandahs and
Balconies (Inclosure for Office Accommodation) Ordinance,
1947. Short title.

2. (1) It shall be lawful for the Director of Public
Works by writing under his hand to authorise any person to
inclose any verandah or balcony over unleased Crown land or
over any street or any part of such verandah or balcony.

Power of
Director
of Public
Works to
grant per-
mits for
inclosure of
verandahs
and bal-
conies for
office accom-
modation.

(2) Any such authorisation shall be given solely for the
purpose of using such verandah or balcony or any part thereof
for use as office accommodation and may be given subject to
such conditions as the Director of Public Works in his
discretion may deem fit to impose.

(3) Every such authorisation shall be valid only until
this Ordinance shall cease to have effect or until such earlier
date (if any) as may be therein specified: Provided always
that if at any time during the validity of such authorisation
the building structure or erection to which it relates is used
for any purpose other than office accommodation or if there
is any breach of any condition imposed by the Director of
Public Works under sub-section 2 hereof then the said
building structure or erection shall be deemed to be a nuisance
within section 126 of the Buildings Ordinance, 1935, and may
be dealt with and punished in such manner as is provided for
in the said Ordinance.



3. Such of the provisions of the following Ordinances as may conflict with the provisions of this Ordinance are suspended during the operation of this Ordinance :

Provisions
of conflicting
Ordinances
suspended.

(a) The Buildings Ordinance, 1935;

Ordinance
No. 18 of
1935.

(b) The Public Health (Sanitation) Ordinance, 1935.

Ordinance
No. 15 of
1935.

4. This Ordinance shall cease to have effect on the 31st December, 1951.

Duration.

Passed the Legislative Council of Hong Kong, this 31st day of July, 1947.

Alastair Rodd

Deputy Clerk of Councils.

HONG KONG.

No. 35 OF 1947.



I assent.

McChau
Governor.

1st August, 1947.

An Ordinance to amend the Larceny Ordinance, 1935.

[1st August, 1947.]

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

1. This Ordinance may be cited as the Larceny Amendment Ordinance, 1947, and shall be read as one with the Larceny Ordinance, 1935, hereinafter referred to as the principal Ordinance.

Short title.

Ordinance
No. 32 of
1935.

2. Section 46 of the principal Ordinance is hereby amended by the insertion of the following sub-section as sub-section (1A) immediately after sub-section (1) thereof:—

Amendment
of section 46
of the
principal
Ordinance.

“(1A) Notwithstanding anything contained in section 5 of the Misdemeanours Punishment Ordinance, 1898, any person who—

Ordinance
No. 1 of
1898.

(i) conspires, confederates or agrees to commit an offence punishable by virtue of sub-section (1) of this section; or

(ii) attempts to commit an offence punishable by virtue of sub-section (1) of this section;

shall be guilty of felony and on conviction thereof liable to imprisonment for any term not exceeding ten years.”

3. The principal Ordinance is hereby amended by the insertion of the following section as section 46A after section 46 thereof :—

Addition of
section 46A
to the
principal
Ordinance.

"Possession
of letter
or writing
demanding
money with
menaces.

46A. Every person who has in his possession or under his control any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property or valuable thing, shall be guilty of felony and on conviction thereof liable to imprisonment for any term not exceeding ten years : Provided that if any such person shall prove that he had such letter or writing in his possession or control otherwise than with intent to utter such letter or writing he shall not be guilty of an offence under this section."

Passed the Legislative Council of Hong Kong, this 31st day of July, 1947.

Alastair Todd

Deputy Clerk of Councils.

HONG KONG.

No. 36 OF 1947.



I assent.

Alban Lawrence
Governor.

1st August, 1947.

An Ordinance to amend the Magistrates Ordinance, 1932.

[1st August, 1947.]

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

1. This Ordinance may be cited as the Magistrates Amendment Ordinance, 1947, and shall be read as one with the Magistrates Ordinance, 1932, hereinafter referred to as the principal Ordinance.

Short title.

Ord. No. 41
of 1932.

2. Section 89 of the principal Ordinance is hereby repealed and replaced as follows:—

Repeal and
replacement
of s. 89 of
the principal
Ordinance.

<sup>"Flogging.
Ord. No. 32
of 1935."</sup> **89.** Whenever any male offender is convicted by a Magistrate under section 26 of the Larceny Ordinance, 1935, of stealing any ornament or other chattel from the person of any woman or child, the Magistrate may, in addition to the punishment awarded for such offence, direct that the offender be flogged."

Passed the Legislative Council of Hong Kong, this 31st day of July, 1947.

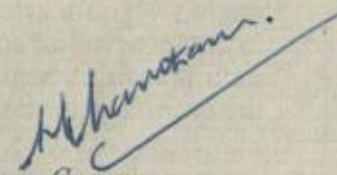
Alastair Todd
Deputy Clerk of Councils.



HONG KONG.

No. 37 OF 1947.

I assent.


Governor.

1st August, 1947.

An Ordinance to amend the Jury Ordinance, 1887.

[1st August, 1947.]

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

1. This Ordinance may be cited as the Jury Amendment Ordinance, 1947, and shall be read as one with the Jury Ordinance, 1887, hereinafter referred to as the principal Ordinance.

Short title.

Ordinance
No. 6 of
1887.

2. Section 2 of the principal Ordinance is hereby amended by the deletion of the word "men" appearing therein and by the substitution therefor of the word "persons".

Amendment
of section
2 of the
principal
Ordinance.

3. Section 3 of the principal Ordinance is hereby amended as follows:—

Amendment
of section
3 of the
principal
Ordinance.

(a) by the deletion of the word "male" appearing in the first line thereof; and

(b) by the deletion of the words "is not ignorant" appearing in the fourth and fifth lines thereof and by the substitution therefor of the words "who, to the satisfaction of the Court, has a sufficient knowledge".

4. Section 4 of the principal Ordinance is hereby amended by the insertion therein of the following sub-section as sub-section (11A) after sub-section (11):—

Amendment
of section
4 of the
principal
Ordinance.

"(11A) Pilots of passenger or mail or commercial aircraft."

5. Sub-section (1) of section 8 of the principal Ordinance is hereby repealed and replaced as follows:—

Amendment
of section
8 of the
principal
Ordinance.

"(1) The two lists, when finally settled by the Governor in Council, shall be returned to the Registrar who shall cause them to be published in the Gazette. The lists shall be brought into use on the 1st day of March next following, or on such day as may be ordered by the Governor".

Addition
of section
8A to the
principal
Ordinance.

6. The principal Ordinance is hereby amended by the insertion therein after section 8 of the following section as section 8A :—

"Power to
add to
settled
Jury
Lists.

8A. (1) If any person becomes liable for inclusion in the list of special jurors or in the list of common jurors at a date subsequent to the settlement of any such list in manner provided in section 7 and section 8, the Registrar shall, subject to the provisions of this section, cause the name of such person to be posted for fourteen days at one of the entrances to the Courts of Justice.

(2) Any person may within the said fourteen days apply by notice in writing to the Registrar requiring that his name or the name of some other person may be posted or removed, upon cause duly assigned in such notice, and the Registrar shall, in his discretion, post or remove such name as he thinks fit.

(3) As soon as possible after the expiration of the said period of fourteen days, the Registrar shall make a list of the names so posted and forward it to the Clerk of Councils together with any notices served on him under the provisions of subsection (2).

(4) The said list and notices shall thereupon be considered by the Governor in Council, who may strike off any name from the list, and who shall accordingly finally settle the said list.

(5) The list when finally settled by the Governor in Council shall be returned to the Registrar, who shall cause necessary addition to be made to the lists settled in manner provided by section 8. Such additions shall, from time to time, be published in the Gazette.

(6) Any such person whose name has been so added shall, for all purposes, be deemed to be a juror whose name appeared in the lists settled in manner provided by section 8."

Repeal and
replacement
of section
16 of the
principal
Ordinance.

7. Section 16 of the principal Ordinance is hereby repealed and replaced as follows :—

"16. In any information or indictment for a criminal offence, it shall be lawful for the Attorney General by written notice to the Registrar, or for any judge, at his own instance or on the application of any private prosecutor or of the person accused, to order a special jury to be summoned for the trial of the case and the Registrar shall forthwith form a panel of such jurors, and summon them in manner hereinbefore provided."

8. The principal Ordinance is hereby amended by the insertion therein after section 16 of the following section as section 16A :—

Addition of
section 16A
to the
principal
Ordinance.

"Special
powers
of judge
as to
composi-
tion of
Jury.

16A. It shall be lawful for any judge before whom a case is or may be heard, in his discretion—

(a) on an application made by or on behalf of the parties (including in criminal cases the prosecution and the accused) or any of them, or at his own instance, to make an order that the jury shall be composed of men only or of women only, as the case may require;

(b) on an application made by a woman to be exempted from service on a jury in respect of any case by reason of the nature of the evidence to be given or the issues to be tried, to grant such exemption."

9. The principal Ordinance is hereby amended by the addition thereto of the following section as section 36 :—

Addition of
section 36
to the
principal
Ordinance.

"Rules.

36. (1) The Chief Justice may make rules for carrying this Ordinance into effect. Without prejudice to the generality of the foregoing power such rules may prescribe—

(a) forms and summonses;

(b) the manner in which and the time within which application may be made for exemption from service as a juror;

(c) liability, upon summary conviction, to a fine not exceeding one hundred dollars, upon any person who fails to furnish in the prescribed manner particulars demanded by the Registrar under section 6.

(2) Any such rules shall be laid as soon as may be before the Legislative Council and if that Council disapproves of such rules, or any of them, the rules so disapproved of shall henceforth be void, but without prejudice to the validity of anything done thereunder."

Passed the Legislative Council of Hong Kong, this 31st day of July, 1947.

Alastair Todd
Deputy Clerk of Councils.

HONG KONG.

No. 38 OF 1947.



I assent.

[Signature]
Governor.

5th September, 1947.

An Ordinance to amend further the Stamp Ordinance, 1921.

[5th September, 1947.]

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

1. This Ordinance may be cited as the Stamp (Amendment) Ordinance, 1947, and shall be read as one with the Stamp Ordinance, 1921, (hereinafter referred to as the principal Ordinance).

Short title.

2. Section 2 of the principal Ordinance is hereby repealed and replaced as follows :—

Repeal and replacement of section 2 of the principal Ordinance.

“Collector and Assistant Collectors.”

2. (1) The Governor may appoint a Collector and such Assistant Collectors as he may deem necessary for the purposes of this Ordinance.

(2) An Assistant Collector shall have the same rights and powers as the Collector.”

3. Sub-section 1 of section 26 of the principal Ordinance is hereby repealed and the following sub-section (1) is substituted therefor :—

Amendment of section 26 of the principal Ordinance.

“(1) Every person who effects any sale or purchase of any shares or marketable securities as a broker or agent or as a principal shall forthwith make and execute a contract note and transmit the note to his principal or to the vendor or purchaser of the shares or marketable securities as the case may be.”



4. The Schedule to the principal Ordinance is hereby amended by the deletion of Heading No. 40 and by the substitution therefor, as Heading No. 40 of the Schedule to this Ordinance:—

Amendment
of the
Schedule
to the
principal
Ordinance.

SCHEDULE.

No. of Heading.	Instrument.	Duty.	Nature of Stamp.	Point of time before which, or period within which, the instrument must be stamped.	Person liable for stamping.
40	Shares (1) Contract note, on every bought note and every sold note. (2) Transfer <i>Exemptions.</i> (a) Transfers of shares on share registers which are not required by law to be kept within the Colony. (b) Transfers of share warrants to bearer. (3) Share warrant to bearer, issued in the Colony.	10 cents for every \$100 or part thereof of the amount or value of the consideration. \$5. \$1 for \$100 or part thereof of the nominal value of the share.	Over-embossed or Adhesive. Over-embossed. Over-embossed.	Before delivery. Before execution. Before issue.	The broker or agent or where no broker the principal delivering the note. The transferor and the transferee. The company issuing.

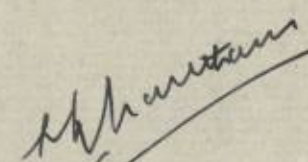
Passed the Legislative Council of Hong Kong, this
4th day of September, 1947.

Alastair Todd
Deputy Clerk of Councils.

HONG KONG.

No. 39 OF 1947.

I assent.


Governor.

5th September, 1947.

An Ordinance to amend the Education Ordinance, 1913.

[5th September, 1947.]

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

1. This Ordinance may be cited as the Education Amendment Ordinance, 1947, and shall be read as one with the Education Ordinance, 1913, hereinafter referred to as the principal Ordinance.

Short title.

Ordinance
No. 26 of
1913.

2. Sub-section (2) of Section 9 of the principal Ordinance is hereby amended by the deletion of the figure, word and letters "10 (a), (b) and (c)" appearing in the seventh and eighth lines thereof and by the substitution therefor of the figure, word and letters "10 (a) and (b)".

Amendment
of section 9
of the
principal
Ordinance.

3. Section 10 of the principal Ordinance is hereby repealed and replaced as follows:—

Repeal and
replacement
of section 10
of the
principal
Ordinance.

<sup>Regula-
tions.</sup>

10. It shall be lawful for the Governor in Council to make regulations in respect of the following matters:—

(a) the hygienic character and proper sanitation of school buildings and the taking of precautions against fire or other peril likely to endanger the lives or health of the pupils or other persons frequenting the school or school buildings;

(b) the methods of enforcement of discipline in schools;

(c) the prohibition in schools of the use of any book which appears undesirable;

(d) the proper keeping and the production or delivery for inspection of school registers and books of account of schools;



(e) the control of fees and other charges made by schools;

(f) any other matters regarding the proper conduct and efficiency of schools;

(g) the amending of the forms in the Schedule to this Ordinance or for substituting new forms;

(h) in general the carrying of this Ordinance into effect."

4. Section 20 of the principal Ordinance is hereby amended by the deletion of the words "two hundred and fifty dollars" and "ten dollars" appearing in the sixth and seventh lines thereof and by the substitution therefor respectively of the words "one thousand dollars" and "fifty dollars".

Amendment
of section 20
of the
principal
Ordinance.

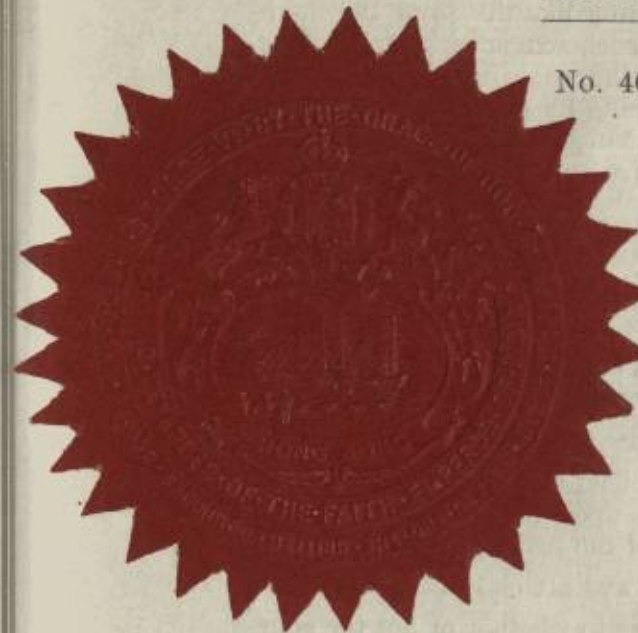
Passed the Legislative Council of Hong Kong, this
4th day of September, 1947.

Alfred W. W. W.

Deputy Clerk of Councils.

HONG KONG.

No. 40 of 1947.



I assent.

[Signature]
Governor.

5th September, 1947.

An Ordinance to relieve companies (other than China companies) against their inability or failure since the 8th of December, 1941, to comply with the Companies Ordinance, 1932, to provide for the making of necessary returns by such companies, to provide a means whereby companies can remedy the loss of registers, records and documents and for other connected matters.

[5th September, 1947.]

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

1. This Ordinance may be cited as the Companies (Re-construction of Records) Ordinance, 1947. Short title.

2. This Ordinance shall be construed and take effect as one with the Companies Ordinance, 1932, (which Ordinance is hereinafter referred to as the "principal Ordinance"), and any amendment thereof for the time being in force. Construction.
Ordinance
No. 39 of
1932.

PART I.

3. (1) This Part of this Ordinance shall apply to every company incorporated prior to the 25th of December, 1941, under the principal Ordinance or under any former enactment relating to companies repealed by the principal Ordinance or by the Companies Ordinance, 1911, and which was not on such date registered with the registrar of companies at Shanghai. Application
of Part I.

(2) The provisions of sections 12 to 22 (both inclusive), but save and except section 15, shall also apply to any company which, having been registered with the registrar of companies at Shanghai, is registered or registers with the registrar of companies under Proclamation No. 27—Emergency Registration of China Companies—or any enactment amending or repealing the same.

H.K.
(B.M.A.)
Gazette
Extra-
ordinary
Vol. 2
No. 13
page 201.

Certain particulars to be furnished to the registrar of companies.

4. (1) Every company to which this Part of this Ordinance applies shall within three months from the commencement of this Ordinance or such extended period as the registrar of companies may, in the case of any particular company or as regards the furnishing by any company of any particular or document, allow, furnish the registrar of companies with the following particulars and documents—

- (A) Name of the company;
- (B) Whether the company is registered as a public or private company;
- (C) Names of persons acting as directors of the company;
- (D) Name of person acting as secretary of the company;
- (E) A declaration that the company has resumed its business or other activities as the case may be;
- (F) Notice of the situation of its present registered office in the same manner as upon first incorporation as provided in section 92 of the principal Ordinance;
- (G) Copies of memorandum and articles of association;
- (H) A statement in writing as to whether or not the company is in possession of or able to obtain its register of members or any copy thereof and, in the event of the company not being in possession of or able to obtain such register or any copy thereof, a further statement as to whether or not the company intends to apply for leave to re-construct its register of members in accordance with section 12 of this Ordinance;
- (I) Copies of—
 - (i) special resolutions;
 - (ii) extraordinary resolutions;
 - (iii) resolutions which have been agreed to by all the members of the company, but which, if not so agreed to would not have been effective for their purpose unless, as the case may be, they had been passed as special resolutions or as extraordinary resolutions;
 - (iv) resolutions or agreements which have been agreed to by all the members of some class of shareholders, but which, if not so agreed to, would not have been effective for their purpose unless they had been passed by some particular majority or otherwise in some particular manner, and all resolutions or agreements which effectively bind all the members of any class of shareholders though not agreed to by all those members.

(2) Particulars of all existing charges required to be registered under section 79 of the principal Ordinance and which were not so registered on the 8th of December, 1941.

(3) Nothing in this section shall impose any liability on any company to furnish any particulars or documents already filed with the registrar of companies since the 15th of August, 1945, or which such company shall satisfy the registrar, by any evidence which he shall deem sufficient, cannot reasonably be expected to furnish prior to the expiration of the said period of three months or such extended period as the registrar may, in any particular case, allow.

(4) Notwithstanding the provisions of the principal Ordinance and save in so far as the contrary hereinafter appears, no company which has complied with this section shall be liable to a fine, and no director, manager or officer of such a company shall be liable to any fine or imprisonment in respect of any omission to file or supply during the period from the 8th of December, 1941, to the commencement of this Ordinance, any document or particular required by the principal Ordinance to be filed or supplied.

5. (1) Where any document filed with a registrar of companies under any former enactment has been lost, destroyed or damaged in consequence of the invasion and occupation of the Colony by the enemy, the registrar may give notice to the company to file, within a reasonable time to be specified in such notice, a duly authenticated copy of such document, and the company, if able so to do, shall comply with such notice. No fee shall be payable on filing any such copy.

Replacement of registrar's records.

(2) If default is made in complying with the provisions of any such notice by a company able to comply therewith, the company and every director, manager or officer thereof shall be liable to a fine of ten dollars for every day during which the default continues.

Penalty.

6. It shall be lawful for the registrar, whether or not he has given notice under section 5 of this Ordinance to receive and cause to be filed a duly authenticated copy of any document, the original or a copy of which had already, prior to the 25th of December, 1941, been filed with him and for the purposes of compliance with the requirements of the principal Ordinance such copy so filed shall be deemed for all purposes to be the equivalent of the document so originally filed.

Registrar to receive copies of documents filed before 25th December, 1941.

7. (1) Any memorandum of association filed pursuant to the provisions of the foregoing sections shall be verified by statutory declaration of a director or the secretary of the company or other person who satisfies the registrar that he makes such declaration from his own personal knowledge, as a true copy of such memorandum as existing at the date of such verification, and such declaration shall be filed with the copy so verified.

Authentication of documents filed.

(2) Any copy of any other document filed pursuant to the provisions of the foregoing sections shall be certified by a director or the secretary of the company or other person, having personal knowledge of the facts, as a true copy of such document as existing at the date of such certification.

8. Where it is shown to the satisfaction of the registrar that the common seal of a company has been lost, damaged or destroyed or is otherwise not available, the registrar may authorise the company to use, in place of its common seal, a stamp with the name of the company inscribed thereon in legible English characters, for such period as may be specified in such authorisation, and may, from time to time, extend such period as he thinks fit. Such stamp may, thereupon, be used for all purposes for which, and in the same manner as, the common seal of the company could be used pursuant to the principal Ordinance and the articles of association of the company.

Companies' seal.

Provision
where copy
of memoran-
dum of
association
unobtainable.

9. (1) If a company has lost or is unable to secure a verified copy of its memorandum of association and shall have satisfied the registrar of companies by statutory declaration as to such loss or other circumstances rendering it impossible to file a verified copy thereof, it shall be competent for the company to act in manner following:—

- (a) A new memorandum shall be prepared incorporating as far as is known or can be recollected or ascertained the same provisions as were contained in the original memorandum of association and such memorandum shall be approved by a special resolution of the company as being in accordance with the provisions of sub-section (4) of this section and as being suitable for adoption as the memorandum of association of the company in place of such original.
- (b) A copy of the proposed new memorandum shall be sent with every notice convening the meeting at which such special resolution is intended to be proposed.
- (c) A copy of such proposed new memorandum of association shall, as from the date of sending out the notices convening the meeting at which such special resolution is intended to be proposed, be available at the registered office of the company for inspection by any member or creditor of the company during usual business hours and a copy thereof shall, not later than the day on which such notices are sent out, be filed with the registrar of companies together with a statutory declaration by a director or secretary of the company that after diligent investigation and enquiry, such director or secretary is satisfied that such new proposed memorandum has been drawn up strictly in accordance with the provisions of sub-section (4) of this section.
- (d) The company shall cause an advertisement to be inserted three times in such newspaper or newspapers as the registrar shall prescribe (which three insertions may be in one or more newspapers circulating either within or outside the Colony) stating that the company has lost its memorandum or as the case may be and that it is proposed to adopt a new memorandum and stating the place where such proposed new memorandum may be inspected. The advertisement shall further state that objections to such proposed new memorandum the nature of which objections to be stated briefly in writing should be filed with the registrar with an address for service within the Colony of such person objecting within the period (to be fixed by the registrar) mentioned in such advertisement.
- (e) The manner of advertising and the requirements to be therein set out mentioned in paragraph (d) shall be prescribed by the registrar who shall have the power to vary or extend the provisions of paragraph (d) as he shall think fit having regard to the circumstances.
- (f) If, within the time limited, no objections are filed the registrar shall register such new memorandum as the memorandum of association of the company but

with power for him, if he thinks fit, to refer the matter, by way of summary application, to a judge in chambers.

- (g) If any objections are filed, the company shall, unless the registrar shall direct that all the objections filed are without substance, apply by petition to the court to approve the said new proposed memorandum and shall join all persons filing objections as parties to such proceedings.

(2) The court upon any such application may give such directions and may make such order and on such terms and conditions as it shall, in the circumstances, think fit, and any memorandum approved by the court, with or without modifications pursuant to this sub-section, shall be forthwith registered by the registrar.

(3) Any memorandum of association registered by the registrar pursuant to the provisions of this section shall have effect as the memorandum of association of the company, in place of the memorandum of the company as originally registered with such amendments thereof as have, from time to time, been lawfully made, but without prejudice to the rights of any person or member to proceed by action for damages in respect of any loss or damage suffered by him by reason of any variance between the memorandum of the company as existing prior to the registration of the new memorandum and the new memorandum provided such person or member shall satisfy the court that he had no knowledge of the proposal to adopt a new memorandum, and that any proceedings in respect of such loss shall be commenced within two years of the registration of the new memorandum of association.

(4) In any case coming within the provisions of this section regard shall always be had to the form and content of the former memorandum of association of the company in so far as the same are known or can be ascertained. Accordingly no matter or provisions shall be included in the proposed memorandum which are known not to have been included in the original memorandum and such proposed new memorandum shall, as far as possible, contain a full and exact reproduction of all those matters and provisions contained in the original memorandum of association.

(5) In any case in which the registrar or the court is satisfied that insufficient data is available as to the matters contained in the original memorandum so as to render it inexpedient, having regard to the circumstances, to allow the adoption of a new memorandum it shall be competent for the registrar or the court to refuse to register or approve such new memorandum of association.

10. A company, which satisfies the registrar that by reason of having fully adopted Table A in the First Schedule to the principal Ordinance it never had any articles of association whatsoever, shall be exempt from the obligation to file a copy of its articles of association.

Articles of
association.

11. (1) A company shall be exempt from the obligation imposed upon it by section 4 of this Ordinance to supply the registrar with a copy of its articles of association if it satisfies the registrar by statutory declaration that such articles of association and all copies thereof have been lost.

Procedure
where
articles of
association
and all
copies
thereof have
been lost.

(2) Any company exempt by virtue of this sub-section shall, within six months from the commencement of this Ordinance, adopt new articles of association in place of the articles which have been lost.

(3) Nothing herein contained shall be deemed to authorise any alteration of articles of association not authorised by section 12 of the principal Ordinance and section 117 of the principal Ordinance shall apply to any special resolution by which any such alteration is effected.

Register of members.

12. (1) If a company is not in possession of or is unable to obtain its register of members or a copy thereof, it shall, within three months from the commencement of this Ordinance, apply to the registrar for leave to re-construct its register of members. Any such application shall be supported by a statutory declaration of a director or secretary, which statutory declaration shall contain so far as may be possible particulars of—

- (a) the persons who were the registered shareholders of the company at the date of its last annual return;
- (b) of persons who in the opinion of the company have since become entitled to be registered as shareholders; and
- (c) the evidence upon which the company has relied in giving such particulars.

(2) Upon any such application the registrar shall forthwith direct the company to insert and the company shall insert in such newspapers (whether circulating in the Colony or not) as he shall specify an advertisement in three successive calendar weeks stating—

- (a) that application has been made under this section;
- (b) that the statutory declaration in support and the exhibits thereto can be inspected, on payment of such fees as may be prescribed, in the office of the registrar of companies; and
- (c) calling upon all persons who claim to be entitled to be registered as shareholders of the company to notify the company of their full names and addresses, their claim and the evidence upon which it is based within three months from the expiration of the calendar week in which the first advertisement in a newspaper circulating in the Colony appears.

(3) At any time after the expiration of the lastly mentioned period of three months the registrar shall, on being satisfied that the company has complied with any direction given by him under the foregoing sub-section, grant the company leave to re-construct its register.

(4) Where a company has been granted leave under this section to re-construct its register such register shall be re-constructed in such manner as may be prescribed by regulation and in default of regulation it shall be competent for the registrar to give directions as to re-construction.

(5) Any company to which this section applies and which has obtained leave to re-construct its register shall not be deemed to be in default, in compliance with section 95 of the principal Ordinance, so long as it complies with any regulations as to re-construction made under this Ordinance or

with any direction given by the registrar under sub-section (4) of this section: Provided always that if at any time after the expiration of six months from the date when leave was granted the registrar is of opinion that the re-constructed register is so defective or is likely to be so inaccurate as to make it undesirable that the company should carry on business, he may, by notice under his hand, revoke the grant of such leave.

(6) Any such revocation shall have the same effect as an order by the court to wind up the company: Provided always that upon appeal to a judge in chambers such revocation may be varied by the grant of leave to the company to continue to re-construct its register of members for such extended period and upon such terms as to the court may deem fit.

(7) (a) Any company which has obtained leave to re-construct its register may apply to the court by petition for leave to substitute its re-constructed register for its original register.

(b) Upon any such application the court may—

- (i) settle any dispute as to the ownership of shares in the company which in the opinion of the court may conveniently be determined in such proceedings; and
- (ii) make an order substituting the re-constructed register for the original register;
- (iii) if it considers that the register is so defective or is or is likely to be so inaccurate as to make it desirable that the company should cease to carry on business, make an order for the winding up of such company.

(c) Where there are no conflicting claims outstanding an order substituting the re-constructed register for the original register may be made by the registrar.

(d) Any register substituted under sub-paragraphs (b) (ii) or (c) of this sub-section or which is being re-constructed by leave of the court shall be *prima facie* evidence of all matters directed or authorised by the principal Ordinance to be inserted in the register and any substituted register shall be sufficient authority to the company to issue new share certificates to any person registered therein as a shareholder at the date of the order of substitution in respect of the shares of which he is then shown to be the registered holder and to cancel any previously issued share certificates relating to such shares.

13. (1) A company shall not be deemed to have been or to be in default for not having held a general meeting in any of the years 1941, 1942, 1943, 1944, 1945 and 1946, if it either has held a general meeting in the year 1946 or shall hold such meeting in the case of a company having its register of members before the 31st of December, 1947, and in the case of a company which has obtained leave to re-construct its register before the 30th of June, 1948.

General meetings.

(2) Until the 1st of July, 1948, if there are no directors, a general meeting may be validly convened if convened by the *de facto* directors of a company for all or any of the purposes hereinafter specified.

(3) The purposes aforesaid are the election of auditors to hold office until the next annual general meeting, the validation, ratification and confirmation of the acts of *de facto* directors and the taking of all steps necessary for the purpose of rectifying omissions and irregularities arising during the period of the occupation of the Colony by the enemy, for complying with the law (including this Ordinance) for regularising the position of the company and for complying with the requirements of the memorandum and articles of association.

(4) A general meeting convened by *de facto* directors for any of the aforementioned purposes at any time between the 15th of August, 1945, and the commencement of this Ordinance shall have the same validity as if convened by the lawfully appointed directors of the company.

(5) In this section the expression "*de facto* directors" of a company means the persons who were last validly appointed directors of the company, and the survivors or last survivor of them, notwithstanding that by reason of the occupation of the Colony by the enemy, such persons may not have complied with any provision of the law or of the articles of association of the company relating to the retirement or rotation of directors or may otherwise by reason of such occupation have ceased, in law, to be directors of the company.

Issue of new share certificate where original is lost.

14. (1) Any person who is the registered proprietor of any shares in any company to which this Part applies or claims to have become entitled to be registered in the register of members as the proprietor thereof and who is not in possession of the share certificate relating thereto may, within three months from the commencement of this Ordinance, apply in writing to the secretary of the company for the issue of a new share certificate under the provisions of this section.

Form No. 1.

(2) Such application shall be made in the manner specified in Form No. 1 of the Schedule to this Ordinance and shall be accompanied by a statutory declaration which, in the case of the application being made by a person other than the registered proprietor, shall verify the claim and shall in all cases state—

- (a) when the share certificate was last in the applicant's possession and how he lost possession thereof;
- (b) whether the applicant has executed any transfer in respect thereof, whether in blank or otherwise; and
- (c) that no other person is entitled to be registered as the proprietor of the said shares.

Form No. 2.

(3) If the company has not received notice of any conflicting claim, it shall, after compliance with the provisions of sub-sections (4) and (5) of this section, advertise in the Gazette in three successive months in the manner specified in Form No. 2 of the Schedule to this Ordinance its intention to issue a new certificate in respect of all or any of the shares to which the application relates.

(4) If such application is made by the registered proprietor or the registered proprietor joins in the application the company may insert the first advertisement under the sub-section immediately preceding as soon as the secretary of the Hong Kong Stock Exchange Limited has certified to the company in writing at the foot of a copy of the proposed

advertisement that a copy thereof has been exhibited by him in accordance with the provisions of sub-section (6) of this section.

(5) If such application is made otherwise than as aforesaid the company may insert such advertisement only if no objection is received from the registered proprietor within ninety days after a copy of such proposed notification has been served upon him by the company by sending the same by registered post to his last registered address.

(6) The Hong Kong Stock Exchange Limited shall set aside a conspicuous place in the Stock Exchange Building for the posting and exhibition of copies of proposed advertisements under sub-section (5) of this section and shall, at the request of the secretary of any company to which this Part applies, exhibit in such place any copy of a proposed advertisement required by sub-section (3) hereof supplied to the said Stock Exchange by such secretary.

(7) Upon the expiration of three months from the first insertion in the Gazette of the prescribed advertisement, if the company has not received notice of any claim, whether given before or after the commencement of this Ordinance, conflicting with the application for a new share certificate it may issue a new share certificate to the applicant notwithstanding the non-production of the certificate granted to the person appearing in the register as the registered proprietor and shall in such event cancel such lastly mentioned certificate.

(8) The issue of a new share certificate and the cancellation of the previous certificate provided for by the preceding sub-section shall be notified in the Gazette in the manner specified in Form No. 3 of the Schedule to this Ordinance and a copy thereof shall be sent by the company to the said Stock Exchange.

Form No. 3

(9) Where a share certificate has been cancelled in accordance with the provisions of sub-section (7) the following provisions shall apply:—

- (a) Rectification of the register may still be made in favour of a person claiming under such share certificate as against the person to whom a new share certificate has been granted but shall not be made as against a *bona fide* purchaser for value without notice from the person to whom such new share certificate has been granted or against any person claiming under such *bona fide* purchaser.
- (b) In the event of an order for rectification being made under the preceding paragraph the company shall not be or be made liable in any way whatsoever for having issued and acted on the new certificate.
- (c) In any case in which, but for the provisions of this section, a person claiming under a share certificate which has been cancelled by the company under the provisions of this section, would have been entitled to have his name placed on the register of members as proprietor of the shares to which such certificate relates the company shall not be or be made liable to such person for such cancellation or for having issued a new certificate or because the person to whom such cancelled certificate was issued was

registered in the register of members as the proprietor of the shares in respect of which such certificate was granted but the person to whom a new certificate was granted shall in such event be liable in damages to the person claiming under the cancelled share certificate for the value of the shares as at the time of their transfer to a *bona fide* purchaser for value without notice.

(10) All expenses relating to the issue of a new certificate and the cancellation of a previous certificate under this section shall be borne by the applicant and it shall be lawful for the company notwithstanding the mandatory provisions of this section to refuse to comply therewith until provision for the payment of such expenses has been made to its satisfaction.

Lost documents subsequently found.

15. Where any memorandum register or other return or document (other than a share certificate) of or relating to any company has been lost or mislaid and another has been substituted pursuant to the provisions of this Ordinance and such memorandum register or other return or document is subsequently found, the company shall forthwith report such finding to the registrar and cause a copy thereof verified or certified as required by this Ordinance to be filed within twenty-eight days for the purposes of record. In the case of such document being the memorandum or articles of association the company shall within three months of such document having been found by special resolution resolve either to retain the substituted document or to adopt the document which has been found but save as aforesaid the finding or filing of such document shall not affect the validity of any substitution authorised by this Ordinance.

Profit and loss accounts during occupation period.

16. (1) If the directors of a company have laid or shall lay before the company in general meeting the accounts and balance sheets required by section 122 of the principal Ordinance at the first general meeting of the company held since the 15th of August, 1945, then so far as concerns any account that should have been laid before the company in general meeting in the years subsequent to 1940 preceding the holding of such general meeting, no default shall be deemed to have occurred by reason of such accounts not having been laid before the company at the times prescribed by section 122 of the principal Ordinance.

(2) Notwithstanding the provisions of section 122 of the principal Ordinance or of the articles of association or regulations affecting any company the accounts referred to in the preceding sub-section may, with the approval of the company in general meeting, which may be given at the general meeting before which such accounts are laid, be either one account for the whole period since the last account prior to the 25th of December, 1941, or if no such account has been rendered then since the incorporation of the company, or may be accounts made up for periods which together correspond to such aforementioned period and balance sheets may be made up accordingly.

(3) The approval of the company in general meeting shall be deemed to have been given if accounts, which could have been laid before the company in general meeting under the provisions of this section had it then been in force, have been passed by the company in general meeting.

(4) Nothing in this section shall be construed so as to deprive any creditor or shareholder or any other person of any rights to which he would have been entitled had this section not been enacted, not being merely a right to accounts and balance sheets in accordance with section 122 of the principal Ordinance or in accordance with the articles of association or regulations affecting the company, and if it be necessary in order to give effect to such rights that the accounts or balance sheets of the company for the period affected or for any part thereof be made up in some other way other than that approved by the company under this section, then nothing in this section shall authorise a refusal to make out and furnish such accounts and balance sheets.

(5) If it is made to appear to a judge in chambers that in order that it may be determined whether a creditor or shareholder or other person has any such right as is mentioned in sub-section (4) it is necessary that accounts and balance sheets be prepared in the manner directed by section 122 of the principal Ordinance or in the manner directed by the articles of association and if in all the circumstances of the case (including acquiescence on the part of the applicant, lapse of time and the possibility of furnishing the accounts) it appears to him that it is just and equitable so to do he may, notwithstanding any approval given by the company in general meeting under sub-section (2) of this section, order that accounts and balance sheets be prepared accordingly.

(6) Any application under sub-section (5) shall be made by summons supported by affidavit and shall be served on the company and such other parties as the judge may direct.

17. (1) Every company other than a company which has been granted leave to re-construct its register shall make a return in the form of an annual return as on the day of the first ordinary general meeting of the company held after the 1st of September, 1945, and shall forward the same to the registrar of companies on or before the 31st of December, 1947, or on or before such later date as the registrar may in the case of any particular company specify.

Exemption in respect of annual returns during occupation period.

(2) A company which complies with the provisions of the preceding section or which files a return in accordance with section 18 of this Ordinance shall not be deemed to have been in default for failing to have filed an annual return in respect of any of the calendar years 1942, 1943, 1944, 1945, 1946 or 1947.

18. (1) Where a company has been granted leave to re-construct its register it shall file a return in the form of an annual return in respect of the period from the 1st of December, 1941, to three months after such re-constructed register has been substituted for its original register or to the 30th of June, 1948, whichever shall be the later date.

Annual returns where register of members incomplete.

(2) Any such company shall in place of an annual return in the years 1947 and 1948 file such particulars and documents as in the opinion of the registrar it reasonably can.

19. Any return required by the provisions of this Ordinance to be filed in the form of an annual return shall be, in the case of a private company, accompanied by the certificates required by section 110 of the principal Ordinance.

Private companies to provide certificate under section 110 of the principal Ordinance.

Obligation
of liquidators.

20. (1) Every liquidator appointed in respect of a liquidation pending on the 25th of December, 1941, shall, before such date as the Governor shall specify for the purpose by notice in the Gazette, file with the registrar of companies a statutory declaration giving all relevant particulars in respect of such liquidation as he is able to furnish and setting out what records and account books (if any) relating to the company are in his possession or can be made available to him.

(2) Any liquidator who is in default in complying with the provisions of this section shall be liable to a fine not exceeding fifty dollars for every day during which the default continues.

Provisions
as to time.

21. In respect of any liquidation which was pending on the 25th of December, 1941, the period from the 25th of December, 1941, to the expiration of three months from the commencement of this Ordinance shall not be reckoned in calculating any period of time for the purposes of the principal Ordinance and of anything prescribed thereunder. This provision shall not, however, affect the validity of any act or notice *bona fide* done or given in any such liquidation after the 25th of December, 1941, and before the commencement of this Ordinance.

Application
to court by
liquidator
for directions.

22. A liquidator appointed in respect of any liquidation pending on the 25th of December, 1941, or any person interested in such liquidation may apply to the court by summons returnable before a judge in chambers for directions as to the continuation of such liquidation and upon such application the court may make such order and give such directions as it deems fit, including the extension of any time limited by or prescribed under the principal Ordinance as extended by section 21 of this Ordinance. The court may, on any such application order that any steps taken, returns made, accounts taken, or acts of whatsoever nature done in the liquidation shall be taken, made or done *de novo*.

PART II.

Application
of Part II.

23. This Part of this Ordinance shall apply to every company which, prior to the 25th of December, 1941, had complied with section 319 of the principal Ordinance.

Foreign
companies
to register
particulars.

24. Every company to which this Part of this Ordinance applies and which, after the 25th of December, 1941, shall have continued to maintain a place of business within the Colony or which on or about such date shall have discontinued such business and subsequently re-established the same, shall, within three months of this Ordinance coming into force, comply with Part XI of the principal Ordinance notwithstanding that the documents required to be registered by such Part thereof have already been delivered to the registrar of companies. This requirement shall not apply to any company which, since the 1st of September, 1945, and prior to the coming into force of this Ordinance, shall have already delivered to the registrar of companies the documents and particulars required by section 319 of the principal Ordinance.

Foreign
companies
to supply
particulars
of charges.

25. It shall be the duty of every company to which this Part applies, within three months from the coming into force of this Ordinance, or such extended period as the registrar

may, in any particular case, allow to send to the registrar particulars of all existing charges required to be registered under section 90 of the principal Ordinance and which were not so registered on the 8th of December, 1941.

PART III.

Appeals.

26. Any decision of the registrar pursuant to the provisions of this Ordinance shall be subject to appeal by way of summary application to a judge in chambers and any decision of a judge or of the court other than a decision by way of appeal from the registrar shall be subject to appeal to the Full Court.

27. All matters required by this Ordinance and the principal Ordinance to be dealt with by statutory declaration may, if thought desirable, be included in the same statutory declaration.

Provisions
in regard
to statutory
declarations.

28. (1) If a company fails to comply with the provisions of this Ordinance the company and every officer of the company who is in default shall be liable to a default fine.

Liability to
default fine
for failure
to comply
with this
Ordinance.

(2) No company or officer thereof shall be liable for any default fine under this section if it is proved to the satisfaction of the court or magistrate that the company has not carried on business since the 1st of September, 1945, and has no place of business within the Colony.

29. Without prejudice to any provision imposing penalties:

Enforcement
of duty of
company
to make
return.

(1) If a company, having made default in complying with any provision of this Ordinance which requires it to file with, deliver or send to the registrar of companies any return, account or other document, or to give notice to him of any matter, fails to make good the default within fourteen days after the service of a notice on the company requiring it to do so, the court may, on an application made to the court by any member or creditor of the company or by the registrar of companies, make an order directing the company and any officer thereof to make good the default within such time as may be specified in the order.

(2) Any such order may provide that all costs of an incidental to the application shall be borne by the company or by any officer of the company responsible for the default.

Passed the Legislative Council of Hong Kong, this 4th day of September, 1947.

Alastair Todd
Deputy Clerk of Councils.

Schedule.

SCHEDULE.

Form No. 1.

COMPANIES (RE-CONSTRUCTION OF RECORDS)

FORM NO. 1.

COMPANIES (RE-CONSTRUCTION OF RECORDS)
ORDINANCE, 1947.

(Section 14 (2))

APPLICATION FOR THE ISSUE OF A NEW SHARE CERTIFICATE.

To the Secretary of the Company, Ltd.

This application is made by
of

who claims *as the registered proprietor
*as transferee from the registered proprietor of.....

*Ordinary
*Preference Shares in the Company.
*Deferred

The distinguishing numbers of the shares are

Separate certificates numbered and
respectively were issued in respect of Nos. to
..... and Nos. to

DATED this day of, 19 ..

.....
(Signature of Applicant)

* Delete whichever is not applicable.

COMPANIES (RE-CONSTRUCTION OF RECORDS)
FORM NO. 2.

Schedule
continued.
Form No. 2.

COMPANIES (RE-CONSTRUCTION OF RECORDS)
ORDINANCE, 1947.

(Section 14 (3))

NOTICE OF INTENTION TO ISSUE NEW SHARE CERTIFICATE.

*First
*Second Notice.
*Third

The Company, Ltd.

*Ordinary
*Preference Shares.
*Deferred

NOTICE is hereby given that application has been received
from of
for the issue of *a new certificate
*new certificates in respect of

*Ordinary
*Preference Shares in the above-mentioned Company.
*Deferred

Distinguishing Nos.

Certificate Nos. and

AND TAKE NOTICE that in default of claims by other
persons to be registered as proprietors of the said shares being
received by the Secretary of the above-mentioned Company within
three months from the first publication of this notice in the
Gazette the Company may issue *a new certificate
*new certificates in respect of
the said shares.

DATED this day of, 19 ..

.....
Secretary,

The Company, Ltd.

I hereby certify that a copy of the above advertisement has
been exhibited by me in the Stock Exchange.

.....
Secretary,

Hong Kong Stock Exchange Limited.

* Delete whichever is not applicable.

Schedule
continued.
Form No. 3.

COMPANIES (RE-CONSTRUCTION OF RECORDS)
FORM NO. 3.

COMPANIES (RE-CONSTRUCTION OF RECORDS)
ORDINANCE, 1947.
(Section 14 (8))

NOTICE OF CANCELLATION OF PREVIOUS SHARE CERTIFICATE AND
ISSUE OF NEW CERTIFICATE.

The Company, Ltd.

*Ordinary
*Preference Shares.
*Deferred

To all whom it may concern:

NOTICE is hereby given that pursuant to the provisions of
Section 14 of the above-mentioned Ordinance, the Company has
cancelled the *Certificate numbered
*Certificates numbered and
distinguishing numbers issued to

.....in respect of
.....*Ordinary
*Preference Shares
*Deferred
in the above-mentioned Company.

*Certificate No. having been
*Certificates Nos. and
cancelled *a new Certificate numbered
*new Certificates numbered and
distinguishing numbers has
to have been issued

A copy of this notice has been sent to the Hong Kong Stock
Exchange Limited.

DATED this day of, 19 ..

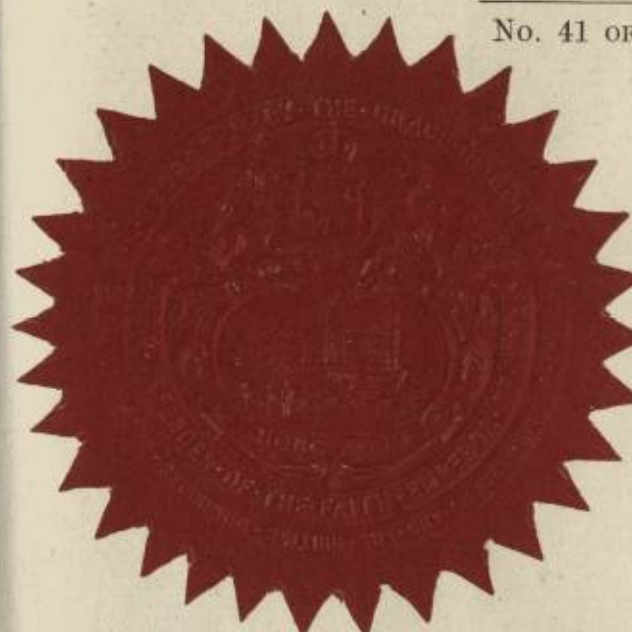
.....
Secretary,

The Company, Ltd.

* Delete whichever is not applicable.

HONG KONG.

No. 41 OF 1947.



Heathcote
I assent.

Governor.

19th September, 1947.

An Ordinance to amend the Asiatic Emigration Ordinance,
1915.

[19th September, 1947.]

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

1. This Ordinance may be cited as the Asiatic Emigra- Short title.
tion Amendment Ordinance, 1947, and shall be read as one
with the Asiatic Emigration Ordinance, 1915, hereinafter
referred to as the principal Ordinance. Ordinance
No. 30 of
1915.

2. Section 33 of the principal Ordinance is hereby
amended by the substitution of the word "four" for the word
"two" appearing in the second line thereof. Amendment
of section
33 of the
principal
Ordinance.

Passed the Legislative Council of Hong Kong, this
18th day of September, 1947.

Spencer
Deputy Clerk of Councils.



HONG KONG.

No. 42 of 1947.



I assent.

Governor's Deputy.

3rd October, 1947.

An Ordinance further to amend the Miscellaneous Licences Ordinance, 1933.

[3rd October, 1947.]

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

1. This Ordinance may be cited as the Miscellaneous Licences Amendment Ordinance, 1947, and shall be read as one with the Miscellaneous Licences Ordinance, 1933, hereinafter referred to as the principal Ordinance.

Short title.

Ordinance
No. 25 of
1933.

2. Section 2 of the principal Ordinance is hereby amended by the addition of the following paragraphs after paragraph (g) thereof:—

Amendment
of section 2
of the
principal
Ordinance.

(h) "Public bowling-alley" means any place opened, kept or used for the purpose of playing the game of skittles to which the general public are admitted with or without payment for admission.

(i) "Public skating rink" means any place opened, kept or used for the purpose of skating to which the general public are admitted with or without payment for admission unless such place be a place of public entertainment licensed as such under the Places of Public Entertainment Regulation Ordinance, 1919.

Ordinance
No. 22 of
1919.

3. The First Schedule to the principal Ordinance is hereby amended by the addition at the end thereof of the following items—

Amendment
of First
Schedule
to the
principal
Ordinance.

"Public bowling-alley."

"Public skating rink."

Amendment
of Part I
of Second
Schedule
to the
principal
Ordinance.

4. The Table in Part I of the Second Schedule to the principal Ordinance is hereby amended as follows:—

Licence.	Period of Licence.	Fee.	Officer authorised to issue the licence.
(a) By the deletion therefrom of the item— Auctioneer.	Weekly	\$25	Inspector General of Police.
(b) by the deletion therefrom of the item— Money-changer in the New Territories (except New Kowloon). and the substitution therefor of the item— Money-changer in the New Territories (except New Kowloon).	Annual	\$25	Northern District— District Officer; Southern District— Inspector General of Police.
(c) By the insertion therein immediately after the item of the Table which refers to "Timber stores" of the items— Public bowling-alley.	Annual	\$300	Commissioner of Police.
Public skating rink.	Annual	\$300	Commissioner of Police.

Amendment
of Part II
of Second
Schedule
to the
principal
Ordinance.

5. Part II of the Second Schedule to the principal Ordinance is hereby amended by the deletion of regulations 2 and 3 thereof.

Amendment
of Second
Schedule
to principal
Ordinance
by addition
of Parts X
and XI.

6. The Second Schedule to the principal Ordinance is hereby amended by the addition at the end thereof of the following regulations under the headings "Part X—Public Bowling-alley" and "Part XI—Public Skating Rink":—

"PART X—PUBLIC BOWLING-ALLEY.

Form. Appendix. 1. The form of a bowling-alley licence shall be that in Form No. 9 in the Appendix to these regulations.

Outdoor sign. 2. Every person licensed to keep a bowling-alley shall exhibit and keep exhibited the words "Licensed bowling-alley" in English and in Chinese the characters 特許戶內滾球場 in some conspicuous place near the door and on the outside of the premises to the satisfaction of the licensing authority.

Good
order
in premises.

3. Every person licensed to keep a bowling-alley shall maintain good order in the premises and shall not suffer or permit therein—

- (i) any drunkenness or other disorderly conduct;
- (ii) any unlawful game; or
- (iii) any persons of notoriously bad character to assemble and meet together.

Sale or
consump-
tion of
liquors.

4. No person licensed to keep a bowling-alley shall allow any intoxicating liquors to be sold or consumed on the premises, except under and in accordance with the terms of a valid licence in that behalf granted to him in respect of such premises.

Production
of licence.

5. Every person holding a licence to keep a bowling-alley shall produce and show such licence at the premises to any police officer on demand.

Conditions.

6. Every person holding a licence to keep a bowling-alley shall observe the following conditions, and such special conditions as the licensing authority may, in his discretion, impose, which shall appear on the face of the licence:—

(1) Except with the written permission of the licensing authority endorsed on the licence, the licensee shall not transfer, lend or hire his licence to any person.

(2) Permit the licensed premises to be used as a bowling-alley except between the hours of 10 a.m. and 12 midnight.

PART XI—PUBLIC SKATING RINK.

Form.
Appendix.

1. The form of a public skating rink licence shall be that in Form No. 10 in the Appendix to these regulations.

Outdoor
sign.

2. Every person licensed to keep a public skating rink shall exhibit and keep exhibited the words "Licensed for skating" in English and in Chinese the characters 特許溜冰場 in some conspicuous place near the door and on the outside of the premises to the satisfaction of the licensing authority.

Only
approved
assistant
to be
employed.

3. Every person licensed to keep a public skating rink shall employ in the premises only such assistants as the licensing authority may approve.

Exclusion
of public.

4. Except during the hours prescribed in the conditions of licence, the public shall be excluded from the premises.