

the examination thereof when it was cold and after it has been subjected to the hydraulic test where such examination or test is considered necessary.

(3) The following provisions apply to the examination of a boiler for the purposes of section 25—

- (a) the boiler shall first be examined when it is cold and has been prepared for examination in the manner prescribed in paragraphs (a), (c), (d) and (e) of subsection (1) of section 37;
- (b) where an appointed examiner considers it necessary, the boiler shall next be subjected by an appointed examiner to an hydraulic test; and
- (c) save for any economizer or superheater that may be fitted therein, the boiler shall be examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated, such examination being carried out on the first occasion on which steam is again raised in the boiler and after it has been subjected to the hydraulic test where such test is considered necessary.

(4) The following provisions apply to the examination of a boiler for the purposes of section 26—

- (a) the boiler shall first be subjected by an appointed examiner to an hydraulic test; and
- (b) save for any economizer or superheater that may be fitted therein, the boiler shall thereafter be examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated, such examination being carried out on the first occasion on which steam is again raised in the boiler.

39. (1) The following provisions apply to the examination of a steam receiver for the purposes of section 23, 27 or 32—

- (a) the steam receiver shall first be thoroughly examined when it is cold and has been prepared for examination in the manner prescribed in subsection (2) of section 37;
- (b) where, upon the examination in accordance with paragraph (a), the appointed examiner who carried out the same is of opinion that the steam receiver is in need of immediate repairs in order to maintain it in safe working order, he shall in writing notify the owner of the steam receiver of the repairs that he considers necessary;

Procedure  
on, and  
method of,  
examination  
of steam  
receivers.

(c) in each of the following cases, the steam receiver shall next be subjected by an appointed examiner to an hydraulic test—

(i) where any repairs that have been carried out pursuant to a notice given by an appointed examiner in accordance with paragraph (b) are extensive repairs;

(ii) where the size or design of the steam receiver is such that the internal parts thereof cannot be readily examined;

(iii) without prejudice to the provisions of sub-paragraph (i) or (ii), whenever an appointed examiner considers it necessary; and

(d) finally, on the first occasion on which it is again subjected to steam pressure, the steam receiver shall be—

(i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; or

(ii) subjected by an appointed examiner to a pressure accumulation test.

(2) The following provisions apply to the examination of a steam receiver for the purposes of section 24—

(a) where an appointed examiner considers it necessary, the steam receiver shall first be examined when it is cold and has been prepared for examination in the manner prescribed in subsection (2) of section 37;

(b) where an appointed examiner considers it necessary, the steam receiver shall next be subjected by an appointed examiner to an hydraulic test; and

(c) on the first occasion on which the steam receiver is subjected to steam pressure and after the examination thereof when it was cold and after it has been subjected to the hydraulic test where such examination or test is considered necessary, the steam receiver shall be—

(i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; or

(ii) subjected by an appointed examiner to a pressure accumulation test.

(3) The following provisions apply to the examination of a steam receiver for the purposes of section 25—

(a) the steam receiver shall first be examined when it is cold and has been prepared for examination in the manner prescribed in subsection (2) of section 37;

- (b) where an appointed examiner considers it necessary, the steam receiver shall next be subjected to a hydraulic test; and
  - (c) on the first occasion on which it is again subjected to steam pressure and after it has been subjected to the hydraulic test where such test is considered necessary, the steam receiver shall be—
    - (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; or
    - (ii) subjected by an appointed examiner to a pressure accumulation test.
- (4) The following provisions apply to the examination of a steam receiver for the purposes of section 26—
- (a) the steam receiver shall first be subjected by an appointed examiner to a hydraulic test; and
  - (b) the steam receiver shall thereafter, on the first occasion on which it is again subjected to steam pressure, be—
    - (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; or
    - (ii) subjected by an appointed examiner to a pressure accumulation test.

Procedure  
on, and  
method of,  
examination  
of air  
receivers.

40. (1) The following provisions apply to the examination of an air receiver, other than a pressure vessel, for the purposes of section 23, 27 or 32—

- (a) the air receiver shall first be examined when it is not under pressure and has been prepared for examination in the manner prescribed in subsection (2) of section 37;
- (b) where, upon the examination in accordance with paragraph (a), the appointed examiner who carried out the same is of opinion that the air receiver is in need of immediate repairs in order to maintain it in safe working order, he shall notify the owner of the air receiver of the repairs that he considers necessary;
- (c) in each of the following cases, the air receiver shall next be subjected by an appointed examiner to a hydraulic test—
  - (i) where any repairs that have been carried out pursuant to a notice given by an appointed examiner in accordance with paragraph (b) are extensive repairs;
  - (ii) where the size or design of the air receiver is such that the internal parts thereof cannot be readily examined; and

- (iii) without prejudice to the provisions of sub-paragraph (i) or (ii), whenever an appointed examiner considers it necessary; and
  - (d) finally, the air receiver shall be—
    - (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; or
    - (ii) subjected by an appointed examiner to a pressure accumulation test.
- (2) The following provisions apply to the examination of an air receiver, other than a pressure vessel, for the purposes of section 24—
- (a) where an appointed examiner considers it necessary, the air receiver shall first be examined when it is not under pressure and has been prepared for examination in the manner prescribed in subsection (2) of section 37;
  - (b) where an appointed examiner considers it necessary, the air receiver shall next be subjected by an appointed examiner to a hydraulic test; and
  - (c) in every case, the air receiver shall be—
    - (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; or
    - (ii) subjected by an appointed examiner to a pressure accumulation test.
- (3) The following provisions apply to the examination of an air receiver, other than a pressure vessel, for the purposes of section 26—
- (a) the air receiver shall first be subjected by an appointed examiner to a hydraulic test; and
  - (b) the air receiver shall thereafter be—
    - (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; or
    - (ii) subjected by an appointed examiner to a pressure accumulation test.

41. Where a new boiler or steam receiver is being examined for the purposes of subsection (1) of section 24 or a new steam container is being examined for the purposes of subsection (2) of section 28, every pipe that will convey steam or water under pressure to or from the boiler, steam receiver or steam container, as the case may be, shall be subjected by a boiler inspector to a hydraulic test.

Examination  
of pipes of  
new boilers,  
steam recei-  
vers or steam  
containers.

Procedure where, on certain examinations of boiler, etc., appointed examiner is not satisfied as to condition of steam or water pipes.

42. (1) Without prejudice to section 30, where, upon an examination of a boiler or steam receiver for the purposes of section 23, 25, 26, 27 or 32, the appointed examiner who is carrying out the examination or any part thereof is not satisfied as to the condition of any pipe that conveys or may convey steam or water under pressure to or from the boiler or steam receiver or a steam container, he shall notify the Principal Surveyor accordingly.

(2) Upon receipt of a notification under subsection (1), the Principal Surveyor may—

- (a) require the whole of the lagging surrounding the pipe to be removed in order to enable a thorough examination of the pipe to be made; and
- (b) by notice in writing served on the owner of the boiler, steam receiver or steam container for which or in connexion with which the pipe is provided, require him to cause the pipe to be subjected by a boiler inspector to an hydraulic test.

(3) An hydraulic test carried out pursuant to a requirement of the Principal Surveyor made under paragraph (b) of subsection (2) shall be to—

- (a) twice the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure of the boiler or steam receiver for which or in connexion with which the pipe is provided; or
- (b) the appropriate hydraulic test pressure specified in the current British Standard Specification.

Pressure accumulation tests.

43. (1) Every pressure accumulation test to which a steam receiver is subjected for the purposes of this Ordinance shall be carried out at the maximum pressure of steam supply to which, with the stop valve or valves fully opened and any other plant or equipment that normally receives a supply of steam from the pipe or pipes supplying the steam receiver shut down, the steam receiver may be subjected when the boiler to which it is connected is being operated at the pressure that is or will be specified in the certificate of fitness issued in respect thereof as its maximum permissible working pressure.

(2) Every pressure accumulation test to which an air receiver is subjected for the purposes of this Ordinance shall be carried out—

- (a) at the maximum pressure that can be obtained in the compressor to which the air receiver is connected;
- (b) with the reducing valve or valves, or such other appliance as may be used to regulate the supply of compressed air to the air receiver, fully opened; and

- (c) with any other plant or equipment that normally receives a supply of air from the pipe or pipes supplying the air receiver shut down.

44. (1) No hydraulic test of an existing boiler or pressure receiver that is being examined for the purposes of section 23 or of a new boiler or pressure receiver that is being examined for the purposes of section 24 shall be carried out until the maximum permissible working pressure of the boiler or pressure receiver, as the case may be, has been determined in accordance with this Ordinance. Hydraulic tests.

(2) On the completion of an hydraulic test, the boiler, steam receiver or air receiver, as the case may be, shall be further examined by the appointed examiner who carried out the test in order to ascertain the condition of any parts thereof that may have been affected by the hydraulic pressure.

- (3) (a) An hydraulic test of a boiler or steam receiver, other than a new boiler or a new steam receiver that is being examined for the purposes of section 24, shall be to one and one-half times the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure of the boiler or steam receiver.
- (b) An hydraulic test of a new boiler or steam receiver that is being examined for the purposes of section 24 shall be to one and one-half times the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure of the boiler or steam receiver plus fifty pounds per square inch.
- (4) An hydraulic test of an air receiver shall in every case be twice the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure of the air receiver.

(5) An hydraulic test for the purposes of section 30 or 41 of a pipe that conveys or will or may convey steam or water under pressure shall—

- (a) in the case of copper pipes, be to twice the pressure that is or will be specified in the certificate of fitness as the maximum permissible working pressure of the boiler or steam receiver, as the case may be, and, in the case of steel pipes, be to three times that pressure; or
- (b) in the case of copper pipes or steel pipes, be to the appropriate hydraulic test pressure specified in the current British Standard Specification.

Appointed examiner examining boiler, etc. under maximum permissible working pressure to set safety valve.

Transitional provisions as to examination of stop valves of certain existing boilers.

45. Whenever, for the purposes of this Ordinance, an appointed examiner is carrying out an examination of a boiler, steam receiver or air receiver under the pressure that will be specified in the certificate of fitness as its maximum permissible working pressure, he shall, by sealing or some other suitable method, ensure that the safety valve is so adjusted as to prevent the boiler, steam receiver or air receiver, as the case may be, from being operated at a pressure greater than that pressure.

46. (1) Where, for the purposes of this Ordinance, any range of existing boilers, being boilers that are used and operated for the purpose of a process requiring a continuous supply of steam, is being examined, any stop valve on the range that cannot be isolated from steam under pressure need be examined only so far as it is practicable to examine the same without its being so isolated.

(2) The provisions of subsection (1) shall apply to a range of existing boilers only until such time as a reasonable opportunity arises for installing devices to enable the valve to be isolated from steam under pressure.

#### PART VI.

##### INITIAL DETERMINATION OF MAXIMUM PERMISSIBLE WORKING PRESSURE OF BOILERS AND PRESSURE RECEIVERS.

47. (1) Where—

- (a) an existing boiler or pressure receiver is being examined for the purposes of section 23; or
- (b) a new boiler or pressure receiver is being examined for the purposes of section 24,

an appointed examiner shall determine the maximum permissible working pressure at which, in his opinion, the boiler or pressure receiver, as the case may be, may be operated.

(2) Where, in accordance with the provisions of subsection (1), the maximum permissible working pressure of a boiler or pressure receiver has been determined, the appointed examiner who determined the same shall notify the Registrar thereof.

(3) The following provisions apply in relation to the determination under subsection (1) of the maximum permissible working pressure of a boiler or pressure receiver, namely—

- (a) where, in the opinion of the appointed examiner who is determining such pressure, it is necessary for him, in determining the same, to assess such pressure by calculation, the calculation shall be based on the formulae specified in the current British Standard Specification relating to boilers or pressure receivers, as the case may be, of the type or class in question, or, where,

Initial determination of maximum permissible working pressure of boilers and pressure receivers.

in relation to boilers or pressure receivers of the type or class in question, no formulae are so specified, on such formulae as the Principal Surveyor specifies;

- (b) where the maximum permissible working pressure of a boiler or pressure receiver of unknown or uncertain origin or history has been assessed by calculation, the maximum permissible working pressure of the boiler or pressure receiver, when determined by the appointed examiner, shall not be greater than the pressure so assessed less ten per centum; and
- (c) regard shall be had to the age of the boiler or pressure receiver, as the case may be, and to its general condition, its history and the quality of the workmanship used in its construction and in any repairs that have been carried out in respect thereof.

48. (1) (a) The owner of a boiler or pressure receiver who considers himself aggrieved by the decision of an appointed examiner under section 47 as to the maximum permissible working pressure at which the boiler or pressure receiver may be operated may, not later than seven days after he was notified of the decision, appeal to the Principal Surveyor.

(b) Every such appeal shall be in writing.

(2) When, upon such an appeal, the Principal Surveyor has determined the maximum permissible working pressure at which, in his opinion, the boiler or pressure receiver, as the case may be, may be operated, he shall notify thereof the Registrar and the owner of the boiler or pressure receiver and, upon the delivery to him by the owner of the boiler or pressure receiver of the certificate of fitness, if any, issued after the examination, shall, where necessary, amend the certificate so that it indicates the maximum permissible working pressure determined by him.

(3) The determination of the Principal Surveyor upon such an appeal shall be final.

(4) Where such an appeal has been made, the boiler or pressure receiver in question shall not, until the determination of the appeal, be operated at a pressure greater than the maximum permissible working pressure determined by the appointed examiner.

#### PART VII.

##### OFFENCES AND PENALTIES.

49. (1) No boiler or pressure receiver, other than a pressure vessel, shall be used or operated, except for the purposes of this Ordinance by or under the direction of the Principal Surveyor or an appointed examiner, unless the boiler or pressure receiver and its auxiliary equipment has been examined in accordance with this Ordinance and a

Appeals from determination of appointed examiner as to maximum permissible working pressure of boiler or pressure receiver.

Offences in relation to use and operation of boilers or pressure receivers.

certificate of fitness has been issued in respect thereof after that examination.

(2) No pressure vessel shall be used or operated, except for the purposes of this Ordinance by or under the direction of the Principal Surveyor or an appointed examiner unless the pressure vessel has been examined in accordance with this Ordinance and has been certified in the manner provided by this Ordinance to be in safe working order.

(3) No new pressure vessel shall be used or operated unless it has been approved by the Principal Surveyor or is of a type or brand that has been approved by the Principal Surveyor.

(4) No boiler or pressure receiver shall be operated at a greater pressure than the pressure specified in the latest certificate of fitness issued in respect thereof as the maximum permissible working pressure at which the boiler or pressure receiver may be operated.

(5) No boiler or pressure receiver shall be used or operated otherwise than in accordance with the conditions (if any) specified in the certificate of fitness issued after the last examination thereof for the purposes of this Ordinance.

(6) No boiler or pressure receiver shall be used or operated during the continuance in force of an order in respect thereof made under section 32.

(7) No boiler or steam receiver shall be operated except under the direct supervision of a competent person whose certificate of competency certifies that he is competent to operate all classes or types of boiler and steam receiver or that he is competent to operate boilers or steam receivers of the class or type in question.

(8) In the event of a contravention of subsection (1), (2), (3), (5) or (7), the owner of the boiler or pressure receiver, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine of ten thousand dollars.

(9) In the event of a contravention of subsection (4), the owner of the boiler or pressure receiver, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine of ten thousand dollars unless he shows to the satisfaction of the court that he did not know that the boiler or pressure receiver was being so operated and that he had taken all reasonable steps to prevent its being so operated.

(10) In the event of a contravention of subsection (6), the owner of the boiler or pressure receiver, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine of ten thousand dollars.

50. (1) The owner of a boiler or pressure receiver who, without reasonable excuse, contravenes subsection (1) of section 11, subsection (2) of section 16 or paragraph (a) of subsection (2) of section 34 or section 13, 17, 60, 62 or 63 shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars.

(2) The owner of a steam container who, without reasonable excuse, contravenes section 12, 14 or 62 shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars.

(3) The owner of a pressure vessel who, without reasonable excuse, contravenes section 19 or 21 or subsection (3) of section 20 shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars.

51. (1) In the event of a contravention of section 22, the owner of the boiler, pressure receiver, steam container, fuel burning installation or appliance, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars.

(2) In the event of a contravention of subsection (4) of section 48, the owner of the boiler or pressure receiver shall be guilty of an offence and shall be liable on summary conviction to a fine of ten thousand dollars.

(3) In the event of a contravention of a condition imposed on the grant of an exemption under section 9 or specified in an order made under subsection (1) of section 10, the owner of the boiler or pressure receiver in question shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars.

52. (1) No person shall enter or be in any boiler that is one of a range of two or more boilers unless—

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves or cocks controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more boilers or delivering into a common blow-off vessel or sump, the blow-off valve or cock on each such boiler is so constructed that it can be opened only by a key that cannot be removed until the valve or cock is closed and is the only key in use for that set of blow-off valves or cocks.

(2) In the event of a contravention of subsection (1), the owner of the boiler shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars.

Contravention of certain provisions of Ordinance to be an offence and penalty therefor.

Owner of boiler or pressure receiver to be guilty of offence in event of contravention of certain provisions of Ordinance or of certain conditions.

Persons not to enter or be in certain boilers.

Offences in relation to use and operation of portable gas generators, etc.

53. (1) Save with the permission of the Principal Surveyor granted under section 59, no portable gas generator shall be used or operated.

(2) In the event of a contravention of subsection (1), the owner of the portable gas generator shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars.

(3) In the event of a contravention of a condition imposed on the grant by the Principal Surveyor under section 59 of his permission to use and operate a portable gas generator, the owner of the portable gas generator shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars.

Offences in relation to Boards of Inquiry.

54. Any person who, being duly summoned to attend as a witness any sitting of a Board of Inquiry or to produce any document or thing, refuses or neglects to do so or to answer any question put to him by or with the consent of the Board of Inquiry shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months:

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him before a Board of Inquiry, be entitled to the same privileges as those to which he would have been entitled had he been giving evidence before a court of justice.

Miscellaneous offences and penalties therefor.

55. (1) Any person who—

- (a) forges a certificate of fitness or a certificate of competency or any notice or form delivered or sent to the Registrar or the Principal Surveyor pursuant to, or for the purposes of, this Ordinance or any other document required by, under or for the purposes of this Ordinance;
- (b) makes or causes to be made in a certificate of fitness or in any such notice, form or document any statement or entry that is false in a material particular;
- (c) gives or signs a certificate of fitness or any such notice, form or document knowing it to be false in a material particular;
- (d) utters or makes use of a certificate of fitness or a certificate of competency or any such notice, form or document knowing the same to be forged or to be false in a material particular;
- (e) utters or makes use of as applying to a boiler or pressure receiver a certificate of fitness that to his knowledge does not so apply;
- (f) falsely certifies that he is satisfied that a pressure vessel is in safe working order;

- (g) applies to a pressure vessel a mark that to his knowledge indicates falsely the date on which the pressure vessel was examined in accordance with this Ordinance or that to his knowledge indicates falsely that the pressure vessel has been examined in accordance with this Ordinance;
- (h) utters or makes use of as applying to any person a certificate of competency that to his knowledge does not so apply;
- (i) personates the person named in a certificate of competency; or
- (j) wilfully obstructs or delays the Registrar, the Principal Surveyor, the Commissioner of Labour, any boiler inspector who is a public officer or any labour inspector in the exercise of any power conferred upon him by this Ordinance,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

(2) Any person who, without reasonable excuse, fails to comply with a requirement made by the Registrar, the Principal Surveyor, the Commissioner of Labour, a boiler inspector who is a public officer or a labour inspector in the exercise of a power in that behalf conferred by this Ordinance shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars.

56. (1) Any person who, by himself, or by or in conjunction with any other person, corruptly solicits or receives, or agrees to receive for himself, or for any other person, any gift, loan, fee, reward or advantage whatsoever as an inducement to, or reward for, or otherwise on account of a boiler inspector, an air receiver inspector or a pressure vessel inspector, other than such an inspector who is an officer or servant of a public body within the meaning of the Prevention of Corruption Ordinance, giving a certificate of fitness or forbearing to make any report or notification required to be made by this Ordinance or doing or forbearing to do anything in respect of the giving of any such certificate or the making of any such report or notification, shall be guilty of an offence. (Cap. 215).

(2) Any person who, by himself, or by or in conjunction with any other person, corruptly gives, promises or offers any gift, loan, fee, reward or advantage whatsoever to any person, whether for the benefit of that person or another person, as an inducement to, or reward for, or otherwise on account of a boiler inspector, an air receiver inspector or a pressure vessel inspector, other than such an inspector who is an officer or servant of a public body within the meaning of the Prevention of Corruption Ordinance, giving a certificate of fitness or forbearing to make any report or notification required to be made by this Ordinance or doing or forbearing to do anything in respect of the giving of any such certificate or the making of any such report or notification, shall be guilty of an offence. (Cap. 215).

(3) Any person who is guilty of an offence under subsection (1) or (2) shall be liable—

- (a) on summary conviction, to a fine of five thousand dollars and to imprisonment for two years; and
- (b) on conviction on indictment, to a fine of ten thousand dollars and to imprisonment for five years.

(4) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Attorney General.

Liability of directors, etc. where offence committed by company.

57. Where a person by whom an offence under this Ordinance has been committed is a company and it is proved that the offence was committed with the consent or connivance of a director or other officer concerned in the management of the company, the director or other officer shall be guilty of the like offence.

### PART VIII.

#### SUPPLEMENTARY AND MISCELLANEOUS.

Approval of pressure vessels.

58. (1) Every application to the Principal Surveyor for his approval of a pressure vessel or for his approval of a type or brand of pressure vessel shall be in writing.

(2) For the purpose of his consideration of any such application, the Principal Surveyor may require the person by or on behalf of whom the application was made to supply him with such particulars (including plans and drawings) as he specifies.

(3) The Principal Surveyor may refuse to approve a pressure vessel or a type or brand of pressure vessel if—

- (a) the person by or on behalf of whom the application for approval was made refuses or fails to supply him with any particulars that he has required under subsection (2);
- (b) the pressure vessel does not comply with the current British Standard Specification.

(4) Whenever the Principal Surveyor approves a type or brand of pressure vessel, a notification thereof shall be published in the *Gazette*.

Portable gas generators.

59. (1) The Principal Surveyor may, upon application in writing by any person, permit that person to use and operate a portable gas generator.

(2) The grant by the Principal Surveyor under subsection (1) of his permission to use and operate a portable gas generator shall be subject to such conditions as to the operation, maintenance, inspection or otherwise of the portable gas generator as the Principal Surveyor considers necessary.

(3) In the event of a contravention of any such condition, the Principal Surveyor may revoke his permission to use and operate the portable gas generator.

60. The owner of a boiler or steam receiver shall, not later than the 30th day of April in each year, send to the Registrar a notice in the prescribed form of the names of the competent persons in his employment on the 31st day of March in that year.

Return as to competent persons.

61. Whenever an appointed examiner is about to examine any boiler or pressure receiver, other than a pressure vessel, for the purposes of this Ordinance, the owner of the boiler or pressure receiver shall deliver to such examiner the latest certificate of fitness issued in respect thereof.

Owner of boiler, etc. to deliver latest certificate of fitness to examiner before next examination.

62. Save as otherwise provided—

- (a) the owner of a boiler or pressure receiver, other than a boiler or pressure receiver that is so designed as to be transportable, and is transported, from one place to another, shall keep the latest certificate of fitness issued in respect of the boiler or pressure receiver, or a copy thereof, at the premises or place at which the boiler or pressure receiver is installed; and
- (b) the owner of a steam container shall keep the report made after the last examination of the steam container for the purposes of this Ordinance, or a copy of that report, at the premises or place at which the steam container is installed.

Certificate of fitness to be kept in premises at which boiler or pressure receiver in respect of which it was issued is installed.

63. (1) Where—

- (a) an accident occurs in or to a boiler or pressure receiver or its auxiliary equipment; or
- (b) the owner of a boiler or pressure receiver becomes aware of any defect therein or in its auxiliary equipment that is likely to cause danger to life or damage to property,

Provisions as to notification of accidents and defects in boilers and pressure receivers.

the owner of the boiler or pressure receiver shall forthwith cause the use and operation thereof to be stopped and shall, as soon as practicable and in any event within twenty-four hours, notify the Principal Surveyor of the accident or defect, as the case may be, and, where applicable, shall, at the same time, send to the Principal Surveyor the latest certificate of fitness issued in respect of the boiler or pressure receiver.

(2) Every such notice shall include the following particulars—

- (a) the address or place at which the boiler or pressure receiver is installed;

- (b) a general description of the boiler or pressure receiver;
- (c) the purpose for which the boiler or pressure receiver is or was used;
- (d) where applicable, the name and address of the appointed examiner who issued the latest certificate of fitness in respect of the boiler or pressure receiver;
- (e) in the case of an accident in or to a boiler or pressure receiver—
  - (i) the number of persons killed or injured, if any;
  - (ii) details of the part thereof that failed and the extent of failure generally, if known; and
  - (iii) the pressure at which the same was being operated at the time of the accident; and
- (f) in the case of a defect in a boiler or pressure receiver, details of the nature of the defect.

Limitation of public liability and of personal liability of public officers.

**64.** (1) No liability shall rest upon the Government or upon any public officer by reason of the fact that a boiler or pressure receiver and its auxiliary equipment (if any) is registered or is subject to examination or testing under this Ordinance, or by reason of the carrying out by a boiler inspector, an air receiver inspector or a pressure vessel inspector, other than such an inspector who is a public officer, of an examination or test pursuant to this Ordinance or a requirement of the Principal Surveyor made thereunder, or by reason of the carrying out by any other person of any repairs or other work in respect of a boiler or pressure receiver pursuant to or for the purposes of this Ordinance or by reason of any other matter or thing done, or any certificate or report given or made under this Ordinance, by a boiler inspector, an air receiver inspector or a pressure vessel inspector, other than such an inspector who is a public officer, or by any other person.

(2) No matter or thing done by the Registrar or the Principal Surveyor or the Commissioner of Labour or by a boiler inspector who is a public officer or by a labour inspector or by a public officer acting under the directions of any of them shall, if it was done *bona fide* for the purpose of executing this Ordinance, subject him personally to any action, liability, claim or demand whatsoever.

Regulations.

**65.** (1) The Governor in Council may by regulation prescribe or provide for—

- (a) the design and construction of boilers and pressure receivers and their auxiliary equipment;
- (b) the numbering of boilers and pressure receivers and control of their operation;
- (c) fees.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so provided shall exceed a fine of five thousand dollars and imprisonment for two years.

**66.** (1) The Principal Surveyor and a boiler inspector who is a public officer shall have the following powers—

Powers of Registrar, Principal Surveyor, Commissioner of Labour and inspectors, etc.

- (a) at any time, to enter, and where necessary, in the presence of a police officer, to break into, any premises or place in which he knows or has reason to believe that there is a boiler or pressure receiver for the purpose of ascertaining whether or not the provisions of this Ordinance or any regulations made thereunder are being or have been complied with in respect of the boiler or pressure receiver or its auxiliary equipment;
- (b) at any time, to inspect, examine and test any boiler or pressure receiver and its auxiliary equipment;
- (c) to require the production of any certificate or other document issued, kept or made for the purposes of or in connexion with this Ordinance, and to inspect, examine and make copies of the same; and
- (d) generally, to make such examination and inquiry as may be necessary to ascertain whether or not the provisions of this Ordinance or the regulations made thereunder are being or have been complied with in respect of any boiler or pressure receiver.

(2) The Registrar, the Commissioner of Labour and any labour inspector shall have the following powers—

- (a) at any time, to enter, and where necessary, in the presence of a police officer, to break into, any premises or place for the purpose of ascertaining whether or not there is a boiler or pressure receiver therein or for the purpose of ascertaining whether or not the provisions of this Ordinance or any regulations made thereunder are being or have been complied with in respect of any boiler or pressure receiver or its auxiliary equipment;
- (b) to inspect any boiler or pressure receiver;
- (c) to require the production of any certificate or other document issued, kept or made for the purposes of or in connexion with this Ordinance, and to inspect, examine and make copies of the same; and
- (d) generally, to make such inquiry as may be necessary to ascertain whether or not the provisions of this Ordinance or the

regulations made thereunder are being or have been complied with in respect of any boiler or pressure receiver.

(3) An appointed examiner who is carrying out an examination of a boiler or pressure receiver and its auxiliary equipment for the purposes of this Ordinance may require the production of any certificate or other document issued, kept or made for the purposes of or in connexion with this Ordinance.

(4) A boiler inspector who is carrying out an examination of a pipe that conveys steam or water under pressure to or from a boiler, steam receiver or steam container may require such minimum part of the lagging surrounding the pipe as he considers necessary to be removed.

(5) (a) Where the Principal Surveyor or an appointed examiner is carrying out an examination of a boiler or pressure receiver pursuant to or for the purposes of this Ordinance, he may require—

(i) the removal from the boiler or pressure receiver of stays, tubes, pipes or any other fittings that, in his opinion, prevent or may prevent him from making a thorough examination of the boiler or pressure receiver;

(ii) the removal from the boiler or pressure receiver or its auxiliary equipment of lagging or brickwork or any other material covering any part thereof; and

(iii) in order to enable him to ascertain the thickness or condition of any part of the boiler or pressure receiver, the drilling of test holes in the plates of the boiler or pressure receiver, the cutting of holes or the removal of rivets.

(b) Any part of a boiler or pressure receiver that has been removed, and any holes that have been drilled or cut, pursuant to a requirement of the Principal Surveyor or an appointed examiner under paragraph (a) shall be replaced and repaired, respectively, to the satisfaction of the Principal Surveyor or the appointed examiner, as the case may be.

Power of Registrar to prescribe forms.

67. (1) The Registrar may by order prescribe the form of a certificate of fitness and a certificate of competency and of any other document that is required by this Ordinance to be in the prescribed form.

(2) A notification of any order made under subsection (1) shall be published in the *Gazette*.

Service of orders and notices.

68. Wherever in this Ordinance provision is made for the service upon any person of an order or notice, it shall be sufficient service if a copy of the order or notice is—

(a) delivered to the person upon whom it is to be served;

(b) sent by registered post to the last known place of business or residence of such person;

(c) left with an adult person at the premises at which the boiler or pressure receiver to which it relates is installed; or

(d) left with any person found operating the boiler or pressure receiver to which it relates.

69. (1) Prosecutions for offences under section 49, 50, 51, 52, 53, 54 or 55 may be brought in the name of the Registrar and may be conducted by any officer of the Labour Department or the Marine Department. Provisions as to prosecution of offences.

(2) Save as provided in subsection (1), no prosecution for an offence under this Ordinance, other than an offence under subsection (1) of section 55 or section 56, shall be commenced without the written consent of the Registrar.

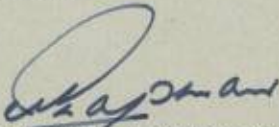
(3) Nothing in this section shall be deemed to derogate from the powers of the Attorney General in relation to the prosecution of criminal offences.

70. This Ordinance shall be in addition to, and not in derogation of, the Prevention of Corruption Ordinance, the Mining Ordinance, 1954, and the Factories and Industrial Undertakings Ordinance, 1955. Saving of certain Ordinances. (Cap. 215). (33 of 1954). (34 of 1955).

71. Any person who is, at the commencement of this Ordinance, an inspector for the purposes of the Steam Boilers Ordinance repealed by section 72 shall be deemed to have been appointed under section 4 to be a boiler inspector. Transitional provisions. (Cap. 56).

72. The Steam Boilers Ordinance is repealed. Repeal. (Cap. 56).

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

  
Deputy Clerk of Councils.

(Secretariat GR26/3231/55)



**HONG KONG**

No. 39 OF 1962.



I assent.

*Governor.*

*11th October, 1962.*

An Ordinance to promote the conservation of fish and other forms of aquatic life within the waters of the Colony and to regulate fishing practices and to prevent activities detrimental to the fishing industry.

[12th October, 1962.]

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 Fisheries Protection Ordinance, 1962. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpreta-  
tion.  
“Commissioner” means the Commissioner for Co-operative Development and Fisheries;  
“fish” includes all forms of aquatic life and turtles;  
“fisheries inspector” means an officer appointed under section 3;  
“fishing” includes the capture of fish;

"research officer" includes any senior research officer or assistant research officer of the Department of Co-operative Development and Fisheries;

Schedule. "toxic substance" means a substance specified in the Schedule;

"vessel" means any vessel used for fishing, and any junk, sampan, native craft or boat.

Appointment of officers. 3. (1) The Governor may appoint in writing by name or office any public officer to be a fisheries inspector.

(2) Appointment made under this section may be made to give effect to the purposes of this Ordinance generally or may be limited to such purposes as may be specified in the appointment.

Regulations. 4. (1) The Governor in Council may by regulation prescribe or provide for—

- (a) the prohibition or restriction of the use of explosives for the purpose of fishing;
- (b) the prohibition or restriction of the use of toxic substances for the purpose of fishing;
- (c) the prohibition or restriction of the taking of any variety of fish, or fish of any size, from the waters of the Colony;
- (d) the prohibition or restriction of the use of any specified kinds of net or of nets having a mesh of any specified size for the purpose of fishing;
- (e) the conservation of oysters and oyster beds;
- (f) the prohibition or restriction of the collection, removal or destruction of any variety of fish spawn or turtle eggs;
- (g) the protection of spawning areas;
- (h) generally for the protection or regulation of fishing.

(2) Regulations made under this Ordinance may provide that contravention of any of the provisions of such regulations shall constitute an offence and may prescribe penalties therefor not exceeding five thousand dollars and imprisonment for six months.

Power of search and seizure. 5. (1) The Commissioner or any fisheries officer, fisheries inspector or police officer may without warrant—

- (a) board and search any vessel or any part thereof;
- (b) seize, remove and retain any fish or other article or thing whether found on board any vessel or in any other place, in respect of which it appears to him that any offence against this Ordinance has been committed or which appears to him to constitute evidence of any such offence having been committed.

(2) The Commissioner or any fisheries officer or any police officer of the rank of inspector and above may enter and search without warrant any premises or place used or reasonably suspected of being used either wholly or in part for the storage of fish in respect of which he has reason to believe an offence against this Ordinance has been committed, or for the storage of any other article or thing capable of being used in the commission of an offence against this Ordinance.

6. (1) Where a magistrate is satisfied that an offence against this Ordinance has been committed in respect of any fish or any other article or thing seized under the provisions of section 5, whether or not any person has been convicted in respect of such offence, the magistrate shall order such fish or other article or thing to be forfeited to the Crown.

Forfeiture of things in respect of which offences are committed.

(2) Notwithstanding anything contained in subsection (1), where any fish is seized under section 5, the Commissioner or any officer authorized by him in writing in that behalf may cause such fish to be sold or otherwise disposed of prior to application being made for the forfeiture thereof, and the proceeds thereof retained in lieu, and if in any such case the magistrate, upon such application for forfeiture being made, is not satisfied that an offence against this Ordinance has been committed in respect thereof, upon application made by any person claiming to be the owner of such fish he shall, if he is satisfied as to the validity of the claim, order such proceeds to be paid to the claimant, but where no claim is made or the magistrate is not satisfied as to the validity of any claim, the proceeds shall be paid into the general revenue of the Colony.

(3) For the purposes of this section—

"proceeds" means sale price less any commission or fee payable in respect of such sale.

7. Whenever it is lawful under this Ordinance for the Commissioner or any fisheries officer, fisheries inspector or police officer to seize and retain any fish or other article or thing, it shall be lawful—

Seizure and forfeiture of things used for the commission of offences.

(a) to seize and retain—

- (i) any receptacle other than a vessel or vehicle in which such fish or other article or thing is contained;
- (ii) any machinery other than the propellant machinery of a vessel or vehicle, implement, utensil, material or substance used for the commission of any offence against this Ordinance; and
- (iii) any books or documents which appear to him to contain evidence that an offence has been or is about to be committed against this Ordinance; and

(b) to direct any vessel or vehicle in which any thing referred to in paragraph (a) is seized to proceed to such port or place as may be convenient for unloading from the vessel or vehicle anything seized thereon and may then detain the vessel or vehicle for such time as may reasonably be required to effect the unloading.

Presump-  
tions.

8. (1) Any explosive or toxic substance found in the possession or control of any person engaged in fishing or in any vessel or in any premises or place used in whole or in part for the storage of fishing equipment or fish, shall be deemed, until the contrary is proved, to be possessed, stored or used for the purpose of fishing.

(2) The master or other person in charge of any vessel or the person in control of any premises or place used in whole or in part for the storage of fishing equipment or fish in which any explosive or toxic substance is found shall be deemed, until the contrary is proved, to be in possession or control of such explosive or toxic substance for the purpose of fishing.

(3) Where any vessel is found to have on board any explosives or toxic substance or any premises or place used in whole or in part for the storage of fishing equipment or fish is found to contain any explosive or toxic substance, any fish found in such vessel, premises or place shall, until the contrary is proved, be deemed to have been captured by means of such explosives or toxic substance.

(4) Where any vessel is found to have on board any fish which has been killed, stupefied or otherwise injured by any explosive or toxic substance, such vessel shall, until the contrary is proved, be deemed to have been used for the capture of such fish by means of explosives or toxic substances.

Proof of  
cause of  
death, injury  
or stupe-  
faction of  
fish.

9. Where in any case the cause of death, injury or stupefaction of any fish is in question, a certificate purporting to be signed by a research officer shall be *prima facie* evidence in any court as to the cause of death, injury or stupefaction of the fish.

Amendment  
of Schedule.

10. The Governor in Council may amend the Schedule by order published in the *Gazette*.

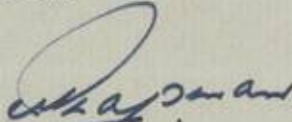
SCHEDULE.

[ss. 2 & 10.]

*Toxic substance.*

1. The residue left after oil has been expressed from tea-seeds, commonly known as *Cha Tsai Peng* (茶仔餅).
2. The root, or any derivative of the root, of the shrub *derris elliptica* and *derris malaccensis*, commonly known as *Yue Tang* (魚藤).

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

  
Deputy Clerk of Councils.

(Secretariat FIN2755/45)



**HONG KONG**

No. 40 OF 1962.



I assent.

*Governor.*

*11th October, 1962.*

An Ordinance to amend the Mental Health Ordinance, 1960.

[12th October, 1962.]

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 Mental Health (Amendment) Ordinance, 1962. Short title.
2. Section 46 of the Mental Health Ordinance, 1960 (hereinafter referred to as the principal Ordinance) is amended by the deletion from subsection (3) of the words "or of subsection (3) of section 54". Amendment of section 46. (35 of 1960).
3. Section 52 of the principal Ordinance is amended by the insertion in subsection (4), after the words "the Commissioner of Prisons", of the following—  
"or the Director of Social Welfare, as the case may be". Amendment of section 52.

Amendment  
of section 54.

4. Section 54 of the principal Ordinance is amended by the insertion in subsection (3), after the words "in accordance with the provisions" where they occur the second time, of the following—  
"of subsections (1) and (2)".

Amendment  
of section 55.

5. Section 55 of the principal Ordinance is amended by the deletion from subsection (1) of the word "seven" and the substitution therefor of the following—  
"fourteen".

Amendment  
of section 57.

6. Section 57 of the principal Ordinance is amended by the insertion, after subsection (3), of the following subsection—

"(4) Nothing contained in this section derogates from the generality of the Governor's powers to declare Her Majesty's pleasure by ordering that a person found guilty but insane be detained in custody in some other manner."

Insertion  
of new  
sections.

7. Part IV of the principal Ordinance is amended by the addition, after section 57, of the following new sections—

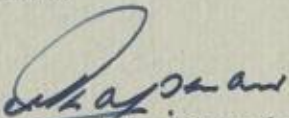
"Temporary transfer for specialist medical treatment of patients concerned in criminal proceedings.

Removal to prison of persons subject to a hospital order or in custody during Her Majesty's pleasure.

**57A.** The provisions of section 38 shall apply to persons who are detained in a mental hospital under this Part of the Ordinance.

**57B.** If the Governor is satisfied from the report of a medical superintendent that a person, who was transferred and detained by a hospital order or who was transferred and detained by an order made under section 57, no longer requires treatment for mental disorder, the Governor may by order direct that the person be transferred to and detained in prison in the custody of the Commissioner of Prisons for any period not extending beyond the expiration of the period specified in the hospital order or until Her Majesty's pleasure be further declared as the case may be."

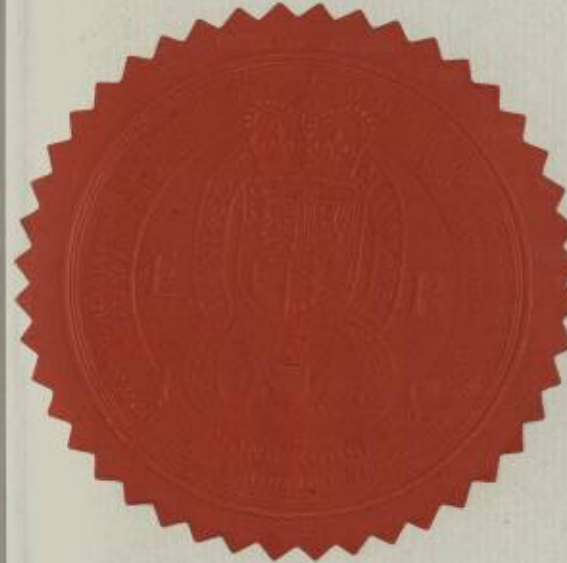
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

  
Deputy Clerk of Councils.

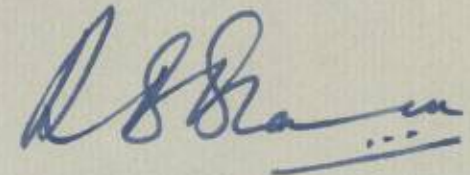
(Secretariat GR11/3231/52II)

**HONG KONG**

No. 41 OF 1962.



I assent.



Governor.

11th October, 1962.

An Ordinance to provide for the management of the Yan Chai Hospital and for the incorporation of the Board of Directors of the Hospital.

[12th October, 1962.]

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 Yan Chai Hospital Ordinance, 1962. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"Board of Directors" means the Board of Directors for the time being of the hospital;

"constitution" means the constitution of the hospital;

"hospital" means the Yan Chai Hospital.

3. (1) There shall be established a Board of Directors of the hospital, which shall consist of such persons, not being less than fifteen nor more than forty in number, as may be nominated by the District Commissioner, New Territories. Establishment of Board of Directors and approval of constitution.

(2) The District Commissioner, New Territories, may at any time remove from office any person nominated under subsection (1), and may nominate some other person to fill the vacancy caused by the removal of such person from office.

(3) So soon as may be after the nomination under subsection (1) of the members of the Board of Directors, the District Commissioner, New Territories, shall approve a constitution, which shall thereafter govern, subject to the provisions of this Ordinance, all matters concerning the appointment, resignation or removal of members of the Board of Directors and all other matters concerning the financing, construction and management of the hospital.

(4) So soon as may be after the approval of the constitution, a copy thereof, signed by the chairman of the Board of Directors, shall be filed with the Registrar of Companies.

Permanent advisers.

4. (1) The District Commissioner, New Territories, may appoint four persons to be permanent advisers to the hospital and may revoke any such appointment at any time.

(2) A permanent adviser shall hold office until he dies or resigns or his appointment is revoked.

(3) A permanent adviser may be concurrently a member of the Board of Directors.

Incorporation.

5. The Board of Directors (hereinafter referred to as the corporation) shall be a body corporate subject to the constitution and shall have perpetual succession in the name of "the Yan Chai Hospital" and in that name may sue and be sued and shall have and may use a common seal.

Powers of the corporation. (23 of 1958).

6. (1) Subject to the Charities (Land Acquisition) Ordinance, 1958, the corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate in the Colony, and also to invest money on mortgage of any lands, buildings, debentures, stocks, funds, shares or securities of any corporation or company carrying on business or having an office in the Colony and also to purchase and acquire all goods and chattels of what nature or kind soever.

(2) The corporation shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages or tenements, mortgages, debentures, stocks, shares, securities, goods or chattels vested in the corporation on such terms as to the corporation may deem fit.

(3) The powers conferred by this section shall only be exercised for the purpose of endowing, supporting, maintaining, carrying on or otherwise promoting or furthering the work of the corporation as specified in the articles of the constitution.

7. (1) The corporation may from time to time amend the constitution by resolution passed by a majority of not less than three quarters of the directors for the time being: Amendment of constitution.

Provided that the consent in writing of the District Commissioner, New Territories, shall be obtained prior to the introduction of any such resolution.

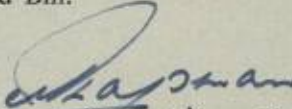
(2) A copy, signed by the chairman of the Board of Directors, of every such amendment shall within seven days after the passing of the resolution effecting the same be filed with the Registrar of Companies.

8. The constitution shall make provision for the appointment of an executive committee, which shall be responsible for the day to day administration of the hospital; and the corporation shall be deemed to have delegated to such executive committee upon appointment in accordance with the constitution such of its powers and functions as are necessary to enable such committee to carry on efficiently such day to day administration and may in addition thereto delegate to such committee such other of its powers and functions as it may consider appropriate. Executive committee.

9. Any deed, document or other instrument requiring the seal of the corporation shall be sealed with its common seal in the presence of two members of the Board of Directors and shall also be signed by them and such signing shall be taken as sufficient *prima facie* evidence of the due sealing of such deed, document or other instrument. Use of common seal.

10. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs or Successors, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them. Saving.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

  
Deputy Clerk of Councils.

(Secretariat GR1/3882/60)

**HONG KONG**

No. 42 OF 1962.



I assent.

*Governor.*

*25th October, 1962.*

An Ordinance to amend the Stamp Ordinance, Chapter 117.

[1st November, 1962.]

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, 1962, and shall come into operation on the 1st day of November, 1962. Short title and commencement.

2. Subsection (2) of section 14 of the Stamp Ordinance (hereinafter referred to as the principal Ordinance) is amended in paragraph (c) by the deletion of the words "of one dollar" and the substitution therefor of the following— Amendment of section 14. (Cap. 117).

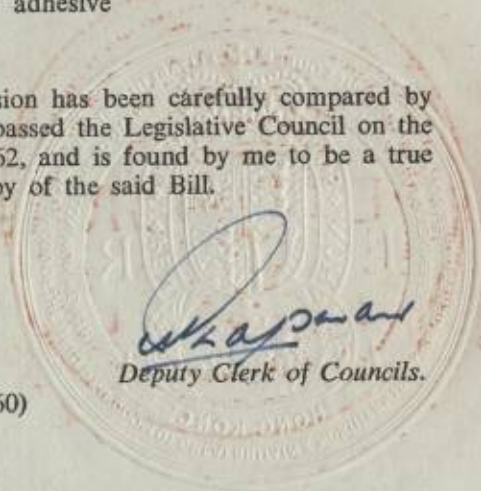
"to the value of two dollars".

Amendment  
of Schedule:  
head 33.

3. The Schedule to the principal Ordinance is amended by the deletion of head 33 and the substitution therefor of the following—

“33. IMPORT OR EXPORT (a) \$2.  
DECLARATION lodged at the (b) Before lodgement.  
Department of Commerce and (c) The person lodging.”  
Industry. May be an adhesive  
stamp.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 24th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.



(Secretariat FIN8/3231/60)

**HONG KONG**

No. 43 OF 1962.



I assent.

Governor.

25th October, 1962.

An Ordinance to amend the Grant Schools Provident Fund Rules, 1952, and to validate the crediting of certain sums to the reserve fund of the grant schools provident fund.

[1st September, 1960.]

WHEREAS—

Preamble.

- (a) section 44 of the Education Ordinance, 1952, and the Grant Schools Provident Fund Rules, 1952, (hereinafter referred to as the principal rules) provide for the control and management of the grant schools provident fund;
- (b) rule 11 of the principal rules constituted a reserve fund with effect from the year ended the 31st day of August, 1953;
- (c) the Grant Schools Provident Fund (Amendment) Rules, 1961, (hereinafter referred to as the amending rules) came into operation on the 29th day of September, 1961;
- (d) rule 10 of the amending rules purported to revoke and replace rule 11 of the principal rules, and thereby to revise the method of crediting and debiting of sums to the reserve fund;

- (e) the new rule 11 inserted in the principal rules by the amending rules was wrongly though in good faith construed as having valid retrospective effect from the year ended the 31st day of August, 1953;
- (f) in the preparation of the accounts of the provident fund for the year ended the 31st day of August, 1961—
- (i) the revised method of crediting and debiting of sums to the reserve fund was adopted, and
- (ii) certain adjustments were made in order to give retrospective effect to the revised method from the year ended the 31st day of August, 1953, without reopening the accounts for the intervening years;
- (g) it is now desired to give valid retrospective effect to the revised method of crediting and debiting of sums to the reserve fund from the 1st day of September, 1960, and to validate the said adjustments made in the accounts of the provident fund for the year ended the 31st day of August, 1961:

NOW, THEREFORE, 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 Grant Schools Provident Fund Rules (Amendment and Validation) Ordinance, 1962, and shall be deemed to have had effect as from the 1st day of September, 1960.

2. Rule 11 of the Grant Schools Provident Fund Rules, 1952, is revoked and replaced by the following—

11. (1) A reserve fund shall be maintained, to which shall be—

(a) credited each year—

(i) the proceeds of any realization upon sale or maturity of any security during the year in so far as such proceeds exceed the cost price to the fund of such security;

(ii) the net amount of any donation, including any dividend earned thereby, standing to the credit of any contributor to whom such donation is not payable in accordance with the provisions of rule 13;

(iii) such proportion of the income derived from investments and deposits as the board may think fit; and

Short title and commencement.

Revocation and replacement of rule 11. (33 of 1952, 1958 Reprint, Third Schedule).

"Reserve fund.

(b) debited each year—

(i) any loss incurred upon sale or maturity during the year of any security having regard to the cost price to the fund of such security; and

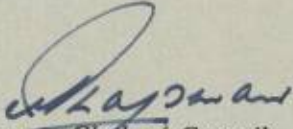
(ii) such outgoings or losses incurred by the fund as the Governor may in special circumstances authorize or direct in writing.

(2) To the extent that the reserve fund may in any year be insufficient to meet any item specified in sub-rule (1), such item shall be debited to the income of the fund, and any excess shall be debited to contributors' accounts in accordance with rule 12.

(3) To the extent that the reserve fund shall in any year, after crediting and debiting the items referred to in sub-rule (1), exceed a sum equal to five *per cent* of the total credit balance of contributors' accounts for that year, any excess may, in the discretion of the board, be credited to contributors' accounts in accordance with rule 12.

(4) There shall be credited to the reserve fund for the year ended the 31st day of August, 1961, an amount equal to the difference between the cost price to the fund of the securities held by the fund on the 1st day of September, 1960, and the market value of such securities at the close of business on the 31st day of August, 1960."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 24th day of October, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

  
Deputy Clerk of Councils.

(Secretariat GR1/1686/46III)

**HONG KONG**

No. 44 of 1962.



I assent.

*Governor.*

*20th December, 1962.*

An Ordinance to further amend the Magistrates Ordinance, Chapter 227.

[21st December, 1962.]

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, 1962. Short title.

2. Section 21 of the Magistrates Ordinance is amended by the deletion in subsection (1) of— Amendment of section 21. (Cap. 227).

(a) the words "the oath of"; and

(b) the words and comma "and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of the complaint or information as aforesaid,".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of December, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

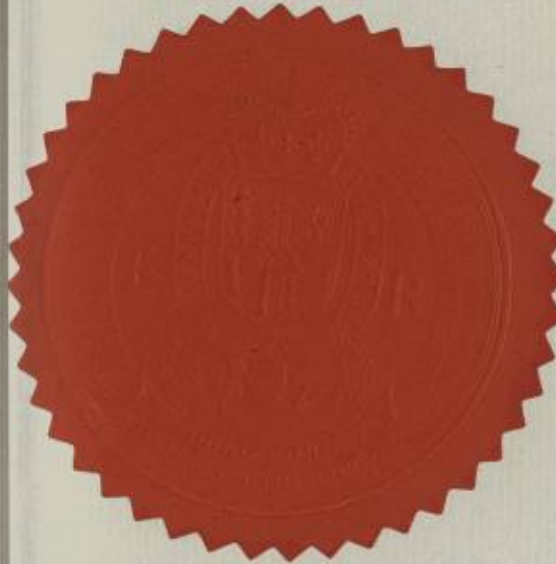
(Secretariat GR9/3231/53)



*[Signature]*  
Clerk of Councils.

**HONG KONG**

No. 45 OF 1962.



I assent.

*[Signature]*

Governor.

20th December, 1962.

An Ordinance further to amend the Legal Practitioners Ordinance, Chapter 159.

[1st January, 1963.]

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 Legal Practitioners (Amendment) (No. 2) Ordinance, 1962 and shall come into operation on the 1st day of January, 1963.

Short title  
and com-  
mencement.

**PART I.**

**AMENDMENTS.**

2. Section 2 of the Legal Practitioners Ordinance (hereinafter referred to as the principal Ordinance) is amended by the insertion, in the appropriate place in the alphabetical order having regard to the initial letter of each of them, of the following definitions—

Amendment  
of section 2.  
(Cap. 159).

“English Law Society” means the Law Society of England and Wales;”;

“intermediate examination” means the examination of that name set by the English Law Society, and held in two parts namely the law portion and the trust accounts and bookkeeping portion, whether held in the Colony or in England;”;

“Part I examination” and “Part II examination” means respectively Parts I and II of the qualifying examination;”;

“preliminary examination” means in reference to preliminary examinations held after the 1st day of January, 1963, the examination of that name set by the English Law Society, under the provisions of the Students Regulations, 1962, whether held in the Colony or in England;”;

“qualifying examination” means the examination of that name set by the English Law Society under the provisions of the Students Regulations, 1962, and held in two parts, whether held in the Colony or in England;”;

“Students Regulations, 1962” means the regulations of that name made by the English Law Society;”.

Repeal and replacement of section 3.

3. Section 3 of the principal Ordinance is repealed and replaced by the following new section—

“Enrolment of students.

3. (1) Save as provided by section 20, no person shall present himself for the qualifying examination or either part thereof or enter into articles unless he has enrolled as a student in accordance with the provisions of this section.

(2) A person desiring to enrol as a student shall give to the Society six weeks notice in writing of such his desire.

(3) If the Society are satisfied, on such reasonable evidence thereof as shall be furnished to them, that the person concerned has attained the requisite standard of general education laid down by this section and as to his character and fitness and suitability to be an articulated clerk they shall issue him with their written consent to his enrolment as a student.

(4) (a) The registrar shall, on written application being made to him accompanied by the Society’s consent to enrolment, enrol the person concerned as a student.

(b) The registrar shall on enrolling any person as aforesaid issue the said person with a certificate of enrolment and give notice of such enrolment to the Society.

(5) (a) A person shall be deemed to have attained the requisite standard of education if he has attained the standard laid down by regulation 6 of the Students Regulations, 1962, or if he has passed the matriculation examination of the University of Hong Kong or such examination as would permit him to enter the University without further examination or has obtained from the Chief Justice an order entitling him to be treated as though he had attained the requisite standard of general education.

(b) No person shall be entitled to sit for the preliminary examination until he has attained the age of twenty-eight years.”

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

Repeal and replacement of section 4.

“Formalities on registration of articles.

4. (1) All articles and every assignment thereof shall be produced to the registrar for registration within one month after the same have been executed.

(2) On production of the articles or assignment there shall be lodged with the registrar—

(a) a statutory declaration by the solicitor to whom the articulated clerk is bound of his having been duly admitted and that he satisfies the requirements of section 7 and subsections (1) and (2) of section 8;

(b) a statutory declaration or the due execution of the articles or assignment; and

(c) a certificate by the Society issued under the provisions of subsection (3) of section 9.

(3) The registrar shall refuse to register any articles produced to him for registration unless the articulated clerk to whom the articles relate has first been enrolled in accordance with subsection (1) of section 3.

(4) The term of service under articles or any assignment shall begin upon the date of execution thereof or upon such later date as may be specified therein:

Provided that if any articles or assignment are not produced to the registrar for registration within the time specified by subsection (1) service thereunder shall, unless the Society otherwise directs, be reckoned as commencing

upon the date of the production of such articles or assignment and a note to that effect shall be endorsed thereon by the registrar.”.

Repeal and replacement of section 5.

5. Section 5 of the principal Ordinance is repealed and replaced by the following new section—

“Registration of articles.

5. (1) The registrar shall, not later than one month after the production of any articles or assignment to him for registration and on being satisfied as to the correctness thereof and of the other documents lodged therewith, register the articles or assignment, and shall endorse thereon a memorandum of the day on which the same were registered.

(2) The registrar shall immediately upon such registration as aforesaid give notice thereof to the Society.

(3) Service by a clerk under articles of which registration has been refused shall not be deemed to be good service.”.

Repeal and replacement of section 9.

6. Section 9 of the principal Ordinance is repealed and replaced by the following new section—

“Notice of articles.

9. (1) Not less than six weeks before any person becomes bound by articles or assignment he shall give notice to the Society of his intention so to do:

Provided that in the case of assignments of articles or further articles the Society may reduce the said period of notice as is reasonable in the circumstances.

(2) The Notice shall state the intended term of the articles or assignment and in the event of the term being for less than five years there shall be furnished to the Society such evidence as the Society shall reasonably require showing why the term should be less than five years.

(3) If the Society are satisfied with the lengths of the intended term they shall issue to the person giving notice as aforesaid a certificate stating the Society’s agreement with the length of the intended term.”.

Amendment of section 10.

7. Section 10 of the principal Ordinance is amended by the deletion of the words “this Part” and the substitution therefor of the following—

“section 17”.

Amendment of section 14.

8. Section 14 of the principal Ordinance is amended by the deletion of the words in brackets and the substitution therefor of the following—

“otherwise than under the provisions of section 17”.

9. Section 16 of the principal Ordinance is amended—

Amendment of section 16.

(a) in the first sentence by being renumbered subsection (1) thereof;

(b) by the deletion of the words “any provision of this Ordinance” and the substitution therefor of the following—  
“sections 20 and 26”;

(c) in the second sentence by being renumbered subsection (2) thereof; and

(d) by the insertion after the words “in the Colony be served” of the following—  
“under articles”.

10. Section 17 of the principal Ordinance is repealed and replaced by the following new section—

Repeal and replacement of section 17.

“Permitted absence.

17. The following periods of absence from the principal’s office shall be reckoned as if they were periods of employment for the purposes of section 10—

(a) where the term of articles is five years—

(i) not more than twelve months during the first two and a half years of the term to prepare for the Part I examination; and

(ii) not more than twelve months during the last twelve months of the term to prepare for the Part II examination;

(b) where the term of articles is three or four years, not more than twelve months during the last twelve months of the term to prepare for the Part II examination;

(c) where the term of articles is two and a half years, not more than six months during the last six months of the term to prepare for the Part II examination.”.

11. Section 18 of the principal Ordinance is repealed and replaced by the following new section—

Repeal and replacement of section 18.

“Qualification for admission, notice of intention to sit examinations and time for passing Part I examination.

18. (1) Save as provided by sections 20 and 26 no person shall be qualified for admission unless—

(a) he has served his articles for the term provided by section 16 in accordance with the provisions of section 10; and

(b) he has passed either the final examination or the Part II examination.

(2) A candidate for either part of the qualifying examination shall give notice to the Society and the registrar of his intention to sit pursuant to the rules made hereunder.

(3) Save as provided by section 20, no person shall be entitled to sit for the Part II examination unless he has passed either the law portion of the intermediate examination or the Part I examination or been exempted from such law portion or Part I examination by the Society.

(4) The Society may exempt any person from sitting the Part I examination or any head or heads thereof in any case where such person would be entitled to exemption in virtue of regulation 44 of the Students Regulations, 1962, if he were a person to whom those regulations applied.

(5) A person seeking exemption under subsection (4) shall make application to the Society and lodge therewith a certificate from the Registrar of the appropriate University or other appropriate official as to the examination and the heads in which the applicant has passed in the examination on which he relies together with such further evidence as the Society may require.

(6) Where a person has entered into articles for five years and more than two and a half years of the term of articles has expired before he passes the Part I examination, or is granted total exemption therefrom then, unless the Society otherwise directs, no service under articles by that person after the expiry of the said two and a half years will be reckoned as good service under articles until such time as he shall have passed the Part I examination or has been granted total exemption therefrom."

Amendment  
of section 20.

12. Section 20 of the principal Ordinance is amended—

(a) in subsection (1), by the deletion of the words "such part of the final examination as relates to articles and service thereunder" and the substitution therefor of the following—

"the Part I examination and shall not be required to enrol as a student with the registrar"; and

(b) in subsection (2)—

(i) by the deletion of the words "prescribed notice" and the substitution therefor of the following—

"notice required by section 18"; and

(ii) by the deletion of the words "prescribed final" and the substitution therefor of the following—

"Part II".

13. Section 21 of the principal Ordinance is amended—

Amendment  
of section 21.

(a) by the deletion of the word "section" and the substitution therefor of the following—

"sections"; and

(b) by the insertion, after the figure "18", of the following—

"and 20".

14. Section 22 of the principal Ordinance is amended—

Amendment  
of section 22.

(a) by the insertion, after the words "admission and who", of the following—

", by virtue of subsection (2) of section 16,"; and

(b) by the deletion of the words and commas "and swear, or duly cause to be made and sworn, such affidavits" and the substitution therefor of the following—

"or cause to be made such statutory declarations".

15. Section 23 of the principal Ordinance is amended—

Amendment  
of section 23.

(a) in subsection (1), by the deletion of the words "an affidavit or affidavits" and the substitution therefor of the following—

"a statutory declaration or declarations"; and

(b) in subsection (2), by the deletion of the word "affidavit" and the substitution therefor of the following—

"statutory declaration".

16. Section 25 of the principal Ordinance is repealed and replaced by the following new section—

Repeal and  
replacement  
of section 25.

"Power of  
the court to  
admit and  
enrol  
solicitors  
qualified  
under this  
Ordinance.

25. (1) The court shall have power to approve, admit and enrol as a solicitor any person, being a British subject, who qualifies for admission by virtue of section 18 or 20.

(2) Persons qualifying for admission by virtue of section 18 shall file in court a certificate by the Society that—

(a) he has passed the requisite examinations;

(b) he has served the requisite term of articles; and

(c) is in other respects fit to be an officer of the court.

(3) Persons qualifying for admission by virtue of section 20 shall file in court—

(a) the certificate by two benchers referred to in subsection (1) of section 20; and

(b) a certificate from the Society that he has passed the requisite examinations."

Repeal and replacement of section 65.

17. Section 65 of the principal Ordinance is repealed and replaced by the following new section—

"Rules by the Chief Justice.

65. The Chief Justice may make rules prescribing or providing for—

- (a) the duties of the registrar;
- (b) the form of the roll of solicitors, the register of articles and the roll of students, the mode in which they shall be kept and the contents thereof;
- (c) any certificate, form or other document required under this Ordinance;
- (d) the procedure to be followed in applying to the court for admission;
- (e) the better carrying into effect the provisions of this Ordinance."

Amendment of section 74.

18. Section 74 of the principal Ordinance is amended by the insertion, after subsection (2) of the following new subsection—

"(3) The Governor in Council may by order amend, add to or vary the fees specified in the Third and Fourth Schedules."

Deletion and substitution of First Schedule.

19. The principal Ordinance is amended by the deletion of the First Schedule and the substitution therefor of the following—

"FIRST SCHEDULE. [s. 16.]

TERM OF ARTICLES.

1. In the case of a person who, before entering into articles, has, with the consent of the Society, presented himself for and has passed the Part II examination, the term shall be two years.

2. In the case of a person who, before entering into articles, has taken a degree, not being an honorary degree, at any University specified in the Second Schedule, or is in a position to supplicate for such degree and who has passed the Part I examination or has been granted total exemption therefrom, the term shall be two and a half years.

3. Save as provided by section 20, in the case of a person who has been called to the Bar in England, and who ceases to be a barrister, and who has passed the Part I examination or who has been granted total exemption therefrom before entering into articles, the term shall be two and a half years.

4. In the case of a person who, since attaining the age of eighteen years and before entering into articles, has been for ten years either—

- (a) a *bona fide* clerk to a solicitor and has during that term been *bona fide* engaged in the transaction and performance under the direction and supervision of a solicitor of such matters of business as are usually transacted and performed by solicitors; or
- (b) employed in the Judiciary or any one or more of the legal or Registrar General's departments of the Government of Hong Kong and has during

that time been *bona fide* engaged in the transaction and performance of such matters and business as come within the normal scope of the Judiciary or of those departments,

and who, in either case, produces to the Society satisfactory evidence that he has served faithfully, honestly and diligently as such and who has passed the Part I examination or has been granted total exemption therefrom, the term shall be three years.

5. In the case of a person not falling within paragraphs 1 to 4 hereof, who, before entering into articles, has passed the Part I examination, the term shall be four years.

6. In the case of any other person, the term shall be five years."

20. The Second Schedule to the principal Ordinance is amended— Amendment of Second Schedule.

(a) by the deletion of the reference "s. 3(2)." in square brackets and the substitution therefor of the following—

"1st Schedule."; and

(b) by the deletion of item 1 and the substitution therefor of the following—

"1. The Universities specified in the Second Schedule to the Students Regulations, 1962."

21. The Third Schedule to the principal Ordinance is amended in item 1 by the insertion after the words "an affidavit" of the following— Amendment of Third Schedule.

"or statutory declaration".

22. The Fourth Schedule to the principal Ordinance is amended by the deletion of item 4 and the substitution therefor of the following— Amendment of Fourth Schedule.

"4. On application to sit for either part of the qualifying examination ..... \$250.00 together with such fees as are charged by the English Law Society."

23. The Legal Practitioners Regulations, 1952, are revoked. Revocation. (G.N.A. 12/52).

PART II.

TRANSITIONAL PROVISIONS.

24. Notwithstanding the repeal of sections 3, 4 and 9 of the principal Ordinance the provisions thereof shall continue to apply to persons who enter into articles before the 1st day of January, 1963, in place of the provisions substituted respectively by sections 3, 4 and 6 of this Ordinance. Saving in respect to sections 3, 4 and 9 of the principal Ordinance.

Special modifications in respect to section 17 of the principal Ordinance.

25. (1) The following provisions shall apply to persons who entered into articles before the 1st day of January, 1963, in place of the provisions of section 17 of the principal Ordinance as amended by section 10 of this Ordinance.

(2) Two periods of absence each of not more than twelve months duration will be allowed to prepare respectively for the Part I and the Part II examinations:

Provided that—

- (a) at least two years is *bona fide* spent in the principal's office and any deficit in such period of two years will have to be served under further articles before the service thereunder will be deemed to be good service; and
- (b) any period of absence which before the 1st day of January, 1963, has been taken under the provisions of section 17 of the principal Ordinance before the amendment thereof by section 9 of this Ordinance shall be deducted from the first or only, as the case may be, period of twelve months permitted by this subsection.

Special modification in respect to section 18 of the principal Ordinance.

26. (1) Notwithstanding the provisions of subsection (1) of section 18 of the principal Ordinance as amended by section 11 of this Ordinance, if any person who entered into articles before the 1st day of January, 1963, has passed the trust accounts and bookkeeping portion of the intermediate examination it shall not be necessary for him to pass the accounts head of the Part II examination in order to pass the Part II examination.

(2) Subsection (6) of section 18 of the principal Ordinance as amended by section 11 of this Ordinance shall not apply to any person whose articles are due to expire on or before the 1st day of March, 1966.

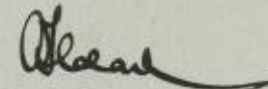
Saving in respect to the First Schedule to the principal Ordinance.

27. Notwithstanding the deletion of the First Schedule to the principal Ordinance the provisions thereof shall continue to apply to persons who enter into articles before the 1st day of January, 1963, in place of the provisions substituted by section 19 of this Ordinance.

Modification of orders made under section 3(3) of the principal Ordinance.

28. Where, before the 1st day of January, 1963, an order has been made by the Chief Justice under subsection (3) of section 3 of the principal Ordinance exempting the person to whom the order relates from the preliminary examination upon terms that such person passes the intermediate examination such terms shall be deemed to have been satisfied if such person passes the law portion of the intermediate examination or Part I of the qualifying examination.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of December, 1962, and is found by me to be a true and correctly printed copy of the said Bill.



Clerk of Councils.

(Secretariat CR1/67/3231/47)

**HONG KONG**

No. 46 OF 1962.



I assent.

A handwritten signature in black ink, appearing to be 'R. S. Ho', written over a horizontal line. The signature is located to the right of the red seal.

Governor.

20th December, 1962.

An Ordinance to repeal and replace the Telecommunication Ordinance, Chapter 106 and to make better provision for the licensing and control of telecommunications, telecommunication services and telecommunication apparatus and equipment.

[1st January, 1963.]

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

**PART I.**

**PRELIMINARY.**

1. This Ordinance may be cited as the Telecommunication Ordinance, 1962, and shall come into operation on the 1st day of January, 1963.

Short title  
and com-  
mencement.

Interpretation.

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

“Authority” means the Telecommunications Authority appointed under section 5;

“licensee” means the holder of a licence for the time being in force under this Ordinance;

“message” means any communication sent or received or made by telecommunication or given to a telecommunications officer to be sent by telecommunication or to be delivered;

“radiocommunication” means communication by radio waves;

“telecommunication” means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by visual means or by wire or radio waves or any other electromagnetic system;

“telecommunication installation” means any apparatus or equipment maintained for or in connexion with a telecommunication service;

“telecommunication officer” means any person employed in connexion with a telecommunication service;

“telecommunication service” means the provision of facilities for use by members of the public or by any person for the transmission or reception of messages or the provision on loan, lease or hire to members of the public or to any person of apparatus for telecommunication either within the Colony or with any place outside the Colony.

Application to Crown.

3. Save as otherwise expressly provided, this Ordinance does not bind the Crown or apply to any means of telecommunication established or maintained by the Crown or to any apparatus for telecommunication possessed or used by the Crown for the purpose of or in connexion with any such means of telecommunication.

Saving of Crown rights.

4. Nothing in this Ordinance shall prevent the Crown from establishing and maintaining any means of telecommunication to the exclusion of all other persons.

## PART II.

### APPOINTMENT OF TELECOMMUNICATIONS AUTHORITY.

Appointment of Telecommunications Authority.

5. The Governor may appoint such public officer as he thinks fit to be the Telecommunications Authority for the purposes of this Ordinance.

6. The Authority may, in writing, delegate to any public officer, either generally or for any particular occasion and either by name or by reference to a public office, such of his powers and functions under this Ordinance as he considers necessary: Delegation of powers.

Provided that no delegation made hereunder shall preclude the Authority from exercising or performing at any time any of the powers or functions so delegated.

## PART III.

### CONTROL OF TELECOMMUNICATIONS.

7. The Governor in Council and, subject to regulations made under section 37, the Authority may, in accordance with this Ordinance, grant to such persons as they think fit licences to establish and maintain any means of telecommunication and to possess and use apparatus for radiocommunication or any apparatus of any kind that generates and emits radio waves. Power of Governor in Council to grant licences.

8. (1) Save under and in accordance with a licence granted by the Governor in Council or with the appropriate licence granted by the Authority, no person shall in the Colony or on board any British ship or aircraft that is registered in the Colony—

- (a) establish or maintain any means of telecommunication; or
- (b) possess or use any apparatus for radiocommunication or any apparatus of any kind that generates and emits radio waves notwithstanding that the apparatus is not intended for radiocommunication;
- (c) deal in the course of trade or business in apparatus or material for radiocommunication or in any component part of any such apparatus or in apparatus of any kind that generates and emits radio waves whether or not the apparatus is intended, or capable of being used, for radiocommunication; or
- (d) demonstrate, with a view to sale in the course of trade or business, any apparatus or material for radiocommunication.

Prohibition of establishment and maintenance of means of telecommunication, etc., except under licence.

(2) For the avoidance of doubt, it is hereby declared that the fact that the person from whom any apparatus for telecommunication is loaned, leased or hired, or the person maintaining a means of telecommunication of which other apparatus forms part or with which

other apparatus is connected, is the holder of a licence granted under this Ordinance, does not exempt the person to whom the apparatus is loaned, leased or hired, or the person maintaining, possessing or using the apparatus forming part of, or connected with, such means of telecommunication, as the case may be, from the necessity to obtain such licence or licences as may be required under this Ordinance.

(18 of 1951). (3) Nothing in this section shall affect any public telephonic communication by wire supplied and operated under the Telephone Ordinance, 1951.

Control of import and export of radiocommunication transmitting apparatus.

9. Save under and in accordance with a permit granted by the Authority, no person shall import into the Colony or export therefrom any apparatus or any component part of any apparatus for transmission by radio waves unless he is the holder of a licence authorizing him to deal in the course of trade or business in such apparatus.

Control of use of radiocommunication apparatus on vessel in Colony waters.

10. (1) Save as otherwise provided in this section, no radiocommunication apparatus on board a vessel (other than a ship of war) shall be used while the vessel is in the waters of the Colony notwithstanding that a licence, whether granted under this Ordinance or under the law of any other territory, is in force in respect of such apparatus.

(2) When a vessel is proceeding through the waters of the Colony, radiocommunication apparatus on board the vessel may be used to communicate on minimum power with the nearest coast station, or, if communication with the nearest coast station is impracticable and the safe navigation of the vessel so requires, with a more distant coast station or another vessel.

(3) Radiocommunication apparatus on board a vessel that is in the waters of the Colony may be used, for the purpose of summoning assistance on an occasion of danger to the life of any person or to the vessel, to communicate with the nearest coast station or, if communication with the nearest coast station is impracticable, with a more distant coast station or another vessel.

(4) Subject to the conditions of the licence issued in respect of the radiocommunication apparatus on board the vessel, communication may be made from a vessel in the waters of the Colony in the Very High Frequency Mobile Service.

(5) With the permission in writing of the Authority, radiocommunication apparatus on board a vessel that is in the waters of the Colony may be used in the carrying out of experimental tests.

(6) The Authority may permit the use, on such occasions or for such a period as he specifies, of radiocommunication apparatus on board a vessel that is in the waters of the Colony.

11. (1) Save as otherwise provided in this section, no radiocommunication apparatus on board an aircraft shall be used while the aircraft is at any aerodrome in the Colony, except for the purposes of air traffic control and air navigation or for testing prior to flight of the apparatus used for air traffic control and air navigation purposes, notwithstanding that a licence, whether granted under this Ordinance or the law of any other territory, is in force in respect of such apparatus.

Control of use of radiocommunication apparatus on aircraft in Colony.

(2) With the permission in writing of the Authority, radiocommunication apparatus on board an aircraft that is at an aerodrome in the Colony may be used in the carrying out of experimental tests.

(3) The Authority may permit the use, on such occasions or for such period as he specifies, of radiocommunication apparatus on board an aircraft that is at an aerodrome in the Colony.

12. Where radiocommunication apparatus on board a vessel is used pursuant to subsection (4) of section 10 or with the permission of the Authority under subsection (5) or (6) of section 10 or radiocommunication apparatus on board an aircraft is used with the permission of the Authority under subsection (2) or (3) of section 11, no interference shall be caused to any other means of telecommunication within the Colony.

No interference to telecommunication when apparatus on board vessel or aircraft is used.

13. (1) Where, in the opinion of the Governor, an emergency has arisen in which it is expedient for the public service that the Government should have control over telecommunication stations, the Governor, by warrant under his hand, may direct or cause such telecommunication stations as are specified in the warrant to be taken possession of and to be used for the service of the Government, and, subject thereto, for such ordinary service as may seem fit; or may direct and authorize such persons as he thinks fit to assume control of such telecommunication stations as he may specify and in such manner as he may direct.

Possession of telecommunication stations taken by Government in emergencies.

(2) Any such warrant shall not have effect for a longer time than one week from the issuing thereof, but the Governor may issue successive warrants from week to week as long as, in his opinion, such emergency continues.

(3) The Government shall pay to the owner of any telecommunication station taken possession of under this section, as compensation for any loss of profit sustained by the company by reason of the exercise of the powers conferred by this section such sum as may be agreed between the Government and the owner by agreement or in case of difference, by arbitration.

#### PART IV.

##### USE OF LAND FOR TELECOMMUNICATION LINES, ETC.

**14.** (1) The Authority, and any licensee authorized by the Authority either generally or for any particular occasion, may place and maintain a telecommunication line, and such posts as may be necessary, in, over or upon any land, subject—

- (a) in the case of unleased Crown land, to the consent in writing of the Director of Public Works or an officer of the Public Works Department appointed by him for the purposes of this section; and
- (b) in the case of land vested in or occupied by Her Majesty's naval, military or airforce services, to the consent in writing of the Commander, British Forces, or such officer as he appoints to be his representative for the purposes of this section.

(2) In exercising the powers conferred by subsection (1), the Authority or the licensee, as the case may be, shall do as little damage as possible and full compensation shall be paid by the Authority, or the licensee, as the case may be, to any person having a lawful interest in the land, or being lawfully thereon, who suffers damage as a result of the exercise of those powers.

(3) So far as may be necessary for the due exercise of the powers conferred by subsection (1), the Authority or the licensee, as the case may be, may alter the position of any pipe or wire, other than a water, gas or electric main, if—

- (a) reasonable notice has been given to the owner of the pipe or wire or the person in control thereof; and
- (b) in the case of a pipe or wire in or over or upon unleased Crown land, the consent in writing of the Director of Public Works or an officer of the Public Works Department appointed by him for the purposes of this section has been obtained; and
- (c) in the case of a pipe or wire in, over or upon land vested in or occupied by Her Majesty's naval, military or airforce services, the consent in writing of the Commander, British Forces, or such officer as he appoints to be his representative for the purposes of this section has been obtained.

Power to place and maintain telecommunication lines, etc., on land.

**15.** (1) Where any dispute arises as to—

- (a) whether compensation is payable under subsection (2) of section 14;
- (b) the amount of any such compensation; or
- (c) the person to whom it is payable,

Disputes as to compensation.

the dispute shall be referred to and determined by the District Court.

(2) For the purposes of this section, a dispute shall be deemed to have arisen where a claimant or the Authority or the licensee, as the case may be, has served notice of intention to refer the dispute to the District Court upon all other parties to the dispute, and the party who has served notice as aforesaid shall, within two months thereafter, refer the dispute to the District Court by notice served upon a deputy registrar of the Court giving particulars of the matter in dispute between the parties, and a copy of the last-mentioned notice shall, within the said period, be served upon all other parties.

(3) The District Court may order that the costs incurred by any party in proceedings before it under this section shall be paid by any other party, and may tax or settle the amount of any costs to be paid under any such order, or may direct the manner in which they are to be taxed.

(4) The Chief Justice may, subject to this Ordinance, make rules for regulating proceedings before the District Court under this section.

**16.** (1) Where any person desires to use land in a way that makes it necessary to remove to another part of the land a telecommunication line or a post maintained by the Authority or a licensee in, over or upon the land under section 14 or to alter such telecommunication line or post in any way, he may by notice in writing served upon the Authority or the licensee, as the case may be, require the removal or alteration of the line or post.

Removal, etc., of line or post where necessary by reason of use of land.

(2) Any expenses incurred by the Authority or the licensee in complying with a requirement under subsection (1) may be recovered from the person who made the requirement.

**17.** (1) If a tree standing or lying near a telecommunication line interrupts, or is likely to interrupt telecommunication, a magistrate may, upon application by the Authority or the licensee concerned, as the case may be, order the tree to be removed or otherwise dealt with in such a way as to prevent the interruption, or the likelihood of the interruption, of telecommunication and, if the tree was in existence at the time the telecommunication line was placed in, over or upon the land, may order the Authority or the licensee, as the case may be, to pay to the owner of the tree such sum by way of compensation as he thinks reasonable.

Trees interrupting telecommunication.

(2) Any order of a magistrate in proceedings under subsection (1) shall be final.

Work affecting telecommunication line.

**18.** (1) Any person who proposes to carry out on any land work that may affect a telecommunication line maintained by the Authority or a licensee in, over, upon or near the land shall give to the Authority or the licensee, as the case may be, notice in writing of his intention to carry out the work.

(2) All reasonable precautions shall be taken in the carrying out of such work to prevent damage to any telecommunication line in, over, upon, or near the land, and the Authority or the licensee, as the case may be, may recover from the person on whose behalf the work is carried out any expenses incurred in making good any damage to a telecommunication line caused by a failure to take such precautions.

(3) In any proceedings under subsection (2) for the recovery of the expenses incurred by the Authority or the licensee, it shall be presumed, until the contrary is proved, that the work was carried out on behalf of the owner of the land.

Power to enter on land to inspect, repair, etc., telecommunication lines.

**19.** The Authority and a licensee may at such times as may be necessary enter upon any land, in, over or upon which he maintains a telecommunication line or a post for the purpose of inspecting, repairing, removing or altering such line or post.

## PART V.

### OFFENCES AND PENALTIES.

Contravention of section 8 an offence.

**20.** (1) Save as provided in subsection (2), any person who contravenes subsection (1) of section 8 shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine of five thousand dollars and to imprisonment for two years; and
- (b) on conviction on indictment, to a fine of ten thousand dollars and to imprisonment for five years.

(2) Any person who contravenes subsection (1) of section 8 in respect of a broadcast receiver shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Contravention of section 9 an offence.

**21.** Any person who contravenes section 9 shall be guilty of an offence and shall be liable on summary conviction to a fine of three thousand dollars and to imprisonment for twelve months.

**22.** In the event of a contravention of subsection (1) of section 10 or subsection (1) of section 11 or section 12, the master of the vessel or the captain of the aircraft, as the case may be, or the person at whose direction the radiocommunication apparatus was used, shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars.

Penalty in event of contravention of section 10, 11 or 12.

**23.** Any person who, knowing or having reason to believe that a means of telecommunication is being maintained in contravention of this Ordinance, transmits or receives any message by such means of telecommunication or performs any service incidental to the transmission or reception of any such message or delivers any message for transmission by such means of telecommunication or takes delivery of any message sent thereby shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars.

Transmitting or receiving messages, etc. by unlicensed means of telecommunication.

**24.** A telecommunication officer, or any person who, though not a telecommunication officer, has official duties in connexion with a telecommunication service, who—

Offences by telecommunication officer, etc.

- (a) wilfully destroys, secretes or alters any message that he has received for transmission or delivery;
- (b) forges any message or utters any message that he knows to be forged or altered;
- (c) wilfully abstains from transmitting any message or wilfully intercepts or detains or delays any message;
- (d) otherwise than in pursuance of his duty or as directed by a court, copies any message or discloses any message or the purport of any message to any person other than the person to whom the message is addressed,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for two years.

**25.** Any person, not being a telecommunication officer, or a person who, though not a telecommunication officer, has official duties in connexion with a telecommunication service, who—

Destruction, etc. of messages by persons other than telecommunication officers.

- (a) wilfully destroys, secretes, detains or delays a message intended for delivery to some other person; or
- (b) having been required by a telecommunication officer to deliver up to him a message in the possession of that person and intended for delivery to some other person, refuses or neglects to do so,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

Transmission by telecommunication officer of message not paid for.

26. A telecommunication officer who, with intent to defraud, transmits by telecommunication a message in respect of which the charge prescribed by or under this Ordinance has not been paid shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for two years.

Damaging telecommunication installation with intent.

27. Any person who damages, removes or interferes in any way whatsoever with a telecommunication installation with intent to—

- (a) prevent or obstruct the transmission or delivery of a message; or
- (b) intercept or discover the contents of a message,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for two years.

Transmission of false messages.

28. Any person who transmits, or causes to be transmitted, by telecommunication a message that he knows to be false shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for two years.

Entry on certain land without permission.

29. Any person who, without lawful authority or excuse, enters or remains on any land in the occupation of a person who provides a telecommunication service shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars.

Penalty for contravention of order under section 33.

30. Any person who fails to comply with an order under section 33 shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

Obstruction of Authority, etc.

31. Any person who wilfully obstructs the Authority or any public officer in the exercise of any power conferred upon him by this Ordinance shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Liability of directors, etc. where offence committed by corporation.

32. Where a person by whom an offence under this Ordinance is committed is a corporation and it is proved that the offence was committed with the consent or connivance of a director or other officer concerned in the management of the corporation, the director or other officer shall be guilty of the like offence.

## PART VI.

### SUPPLEMENTARY AND MISCELLANEOUS.

Power of Governor to prohibit transmission of messages, etc.

33. Whenever he considers that the public interest so requires, the Governor, or any public officer authorized in that behalf by the Governor either generally or for any particular occasion, may order that any message or any class of messages brought for transmission by telecommunication shall not be transmitted or that any message or any

class of messages brought for transmission, or transmitted or received or being transmitted, by telecommunication shall be intercepted or detained or disclosed to the Government or to the public officer specified in the order.

34. (1) A licence granted under this Ordinance by the Governor in Council shall be valid for such period, and shall be subject to the payment of such fee, royalty or other charge whatsoever, annually or otherwise, as is specified therein, and shall be subject to such conditions as the Governor in Council may, from time to time, specify and, where the Governor in Council considers it desirable in the public interest, may confer on the person to whom it is granted an exclusive right to maintain any service to the public in connexion with which the licence is granted.

General provisions as to licences, etc.

(2) Every licence granted under this Ordinance by the Authority shall be valid for the period or until the day prescribed by the regulations, but, save as otherwise provided by the regulations, may be renewed for a period of one year at a time.

(3) Any licence, permit, permission or consent granted under this Ordinance by the Authority shall be subject to the conditions (if any) prescribed by or under the regulations and to such other conditions as the Authority specifies on the grant or renewal thereof, being conditions that the Authority considers necessary for the purpose of carrying out the objects of this Ordinance.

(4) Any licence, permit, permission or consent granted under this Ordinance may at any time be cancelled or withdrawn by the authority by whom it was granted, or suspended by such authority for such period, not exceeding twelve months, as the authority specifies, in the event of any contravention by the licensee or the person to whom the permit, permission or consent was granted, as the case may be, of this Ordinance or of any condition to which the licence, permit, permission or consent is subject, and any such licence may be cancelled or suspended at any time by the Governor in Council if he considers that the public interest so requires.

(5) Where any licence, permit, permission or consent granted under this Ordinance is cancelled, withdrawn or suspended, no part of any fee or other sum paid in respect thereof or thereunder shall be refunded.

35. (1) The Authority, or any public officer authorized in writing in that behalf by the Authority, may—

Power of Authority.

- (a) arrest any person whom he reasonably suspects of being guilty of an offence under this Ordinance;
- (b) subject to subsection (2), enter and search any place, or board and search any vessel (other than a ship of war) or any aircraft

(other than a military aircraft) or search any vehicle, in which he reasonably suspects that there is anything liable to seizure under paragraph (c);

(c) seize, remove and detain—

(i) anything in respect of which he reasonably suspects that an offence under this Ordinance has been committed;

(ii) anything that appears to him to be or to be likely to be, or to contain, evidence of an offence under this Ordinance;

(d) enter and inspect the premises at or from which any person manufactures, sells or otherwise deals in apparatus that may be used for telecommunication and require the production to him of any books or documents relating to such apparatus.

(2) Where he is satisfied by information on oath that there is reasonable ground for suspecting that there is in any premises used for dwelling purposes anything that is liable to seizure under paragraph (c) of subsection (1), a magistrate may issue his warrant authorizing such premises to be entered and searched by the Authority or any other public officer, and no premises used for dwelling purposes shall be entered or searched under this Ordinance except pursuant to the warrant of a magistrate issued under this subsection.

(3) The Authority or any public officer may—

(a) break open any outer or inner door of any place that he is empowered or authorized by or under this Ordinance to enter and search;

(b) forcibly board any vessel, aircraft or vehicle that he is empowered by this Ordinance to board and search;

(c) remove by force any person or thing obstructing any arrest, detention, search, inspection, seizure or removal that he is empowered by this Ordinance to make;

(d) detain any person found in any place that he is empowered or authorized by or under this Ordinance to search until such place has been searched;

(e) detain any vessel or aircraft that he is empowered by this Ordinance to board and search, and prevent any person from approaching or boarding such vessel or aircraft, until it has been searched;

(f) detain any vehicle that he is empowered by the Ordinance to search until it has been searched.

Forfeiture.

36. A magistrate or the court may, upon application by or on behalf of the Authority or by any public officer, order that any apparatus in respect of which there has been a contravention or attempted

contravention of this Ordinance shall be forfeited to the Crown, whether or not proceedings have been taken against any person in respect of the contravention or attempted contravention.

37. (1) The Governor in Council may by regulation prescribe or Regulations. provide for—

(a) the control and conduct of means of telecommunication;

(b) the operation and use of apparatus for telecommunication or apparatus that generates and emits radio waves;

(c) the prohibition and control of electrical or radiated interference with the working of apparatus for telecommunication;

(d) the conditions and restrictions subject to which messages may be transmitted or received;

(e) the period for which, and the conditions subject to which, messages and other documents connected with a telecommunication service shall be preserved;

(f) fees for searching for messages or other documents connected with a telecommunication service;

(g) the licences and permits that may be granted by the Authority and the fees payable on the grant or renewal of any such licences or permits;

(h) the examination of persons in connexion with the operation of apparatus for radiocommunication and the grant and endorsement of certificates of competency in the operation of such apparatus and the fees payable in respect of any such examination;

(i) the issue of certificates of competency in radiocommunication and authorities to operate authorizing persons to hold positions in radiocommunication stations and the cancellation or suspension of any such authority.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so provided shall exceed a fine of two thousand dollars and imprisonment for twelve months.

38. The Governor may by order prescribe the charges that apply in respect of messages exchanged in either direction between the Colony and any ship or aircraft.

Power of Governor to prescribe charges for certain messages.

39. The Governor in Council may by order exempt any person or any class of persons from this Ordinance or from such of the provisions thereof as he thinks fit.

Exemption.

Transitional provisions.  
(Cap. 106).

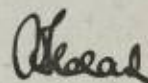
40. (1) Any licence granted under the repealed Telecommunication Ordinance by the Governor in Council that is in force at the commencement of this Ordinance shall be deemed to have been granted by the Governor in Council under and in accordance with this Ordinance.

(2) Any telecommunication line or post lawfully placed and maintained in, over or upon any land under the repealed Telecommunication Ordinance at the commencement of this Ordinance shall be deemed to be placed and maintained in, over or upon the said land under and in accordance with this Ordinance.

Repeal.  
(Cap. 106).

41. The Telecommunication Ordinance is repealed.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of December, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

  
Clerk of Councils.

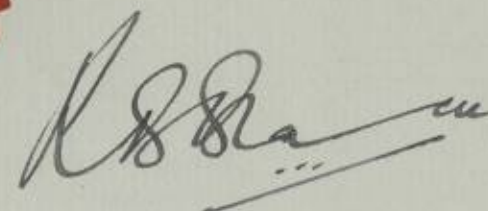
(Secretariat GR32/2961/46)

**HONG KONG**

No. 47 OF 1962.



I assent.



Governor.

20th December, 1962.

An Ordinance to amend the Estate Duty Ordinance, Chapter 111.

[1st January, 1963.]

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 Estate Duty (Amendment) Ordinance, 1962, and shall come into operation on the 1st day of January, 1963. Short title and commencement.

2. Section 3 of the Estate Duty Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion in the definition "applicable Schedule", at the end thereof, of the words "means the Sixth Schedule to this Ordinance" and the substitution therefor of the following— Amendment of section 3. (Cap. 111, 1959 Reprint).

"but before the 1st day of January, 1963, means the Sixth Schedule, and in the case of persons dying on or after the 1st day of January, 1963, means the Seventh Schedule".

Amendment  
of section 5.

3. Section 5 of the principal Ordinance is amended by the deletion therefrom of the word "stamp".

Amendment  
of section 7.

4. Section 7 of the principal Ordinance is amended by the deletion of paragraph (d) and the substitution therefor of the following new paragraph—

"(d) property situated in the New Territories, other than New Kowloon, where the principal value of the estate does not exceed two thousand dollars or the minimum principal value for which a rate for the payment of estate duty has been provided under the applicable Schedule, whichever is the greater; and property situated elsewhere in the Colony, where the principal value of the estate does not exceed the minimum principal value for which a rate for the payment of estate duty has been provided under the applicable Schedule;"

Amendment  
of section 9.

5. Section 9 of the principal Ordinance is amended by—

(a) the deletion from subsection (2) of the words and comma "by stamps affixed thereon,";

(b) the deletion from subsection (4) of the words "by stamps affixed to" and the substitution therefor of the following—  
"on";

(c) the deletion from subsection (6) of the words and commas "Interest at the rate of four per cent per annum on the estate duty shall be paid from the date of the death up to the date of the delivery of the affidavit or account, or the expiration of six months after the death, whichever first happens, and subject as aforesaid interest at the rate of eight per cent per annum for the period during which it remains unpaid shall accrue on the estate duty payable" and the substitution therefor of the following—

"In addition to any estate duty payable, interest shall accrue and be payable on such duty while it remains unpaid at the rate of four per cent per annum from the date of the death of the deceased until the expiration of six months from the death and at the rate of eight per cent per annum thereafter";

(d) the deletion from paragraph (b) of subsection (6) of the words "referred to in the second and fourth lines of this subsection" and the substitution therefor of the following—

"for the purposes of this subsection";

(e) the deletion from subsection (7A) of the words and comma "with interest at the rate of eight per cent per annum from the date at which the first instalment is due,"; and

(f) the deletion of subsection (8).

6. Section 10 of the principal Ordinance is amended by the insertion in subsection (1) thereof, after the word "dollars", of the following—

Amendment  
of section 10.

"in the case of persons dying before the 1st day of January, 1963, or two thousand dollars in the case of persons dying on or after the 1st day of January, 1963."

7. Section 11 of the principal Ordinance is amended by—

Amendment  
of section 11.

(a) the deletion of subsection (1) and the substitution therefor of the following—

"(1) All duty, interest and penalties payable under this Ordinance shall be recoverable by the Commissioner by action in the District Court, notwithstanding that the amount is in excess of the sum of five thousand dollars:

Provided that nothing in this section shall affect any other remedy for the recovery of duty, interest or penalties payable under this Ordinance.

(1A) In proceedings in the District Court under this section the production of a certificate signed by the Commissioner stating the name and last known postal address of the person sued and the particulars of the duty, interest or penalty claimed from him shall be *prima facie* evidence of the facts stated therein.

(1B) In proceedings in the District Court under this section, the Commissioner may appear in person or may be represented either by a legal officer within the meaning of the Legal Officers Ordinance or by any other person authorized by him in writing."; and

(Cap. 87).

(b) the insertion in subsection (10), at the end thereof, of the following—

"together with interest on any excess paid at the rate provided by subsection (6) of section 9".

8. Section 13 of the principal Ordinance is amended by—

Amendment  
of section 13.

(a) the deletion in subsection (1) of all the words and commas preceding the first colon, and the substitution therefor of the following—

"In every case where any account is delivered after the lapse of twelve months from the death, the estate duty shall, without prejudice to the exercise of the Commissioner's discretion under section 24, be charged at twice the rates set out in the applicable Schedule, unless the person accountable for the estate duty satisfies the Commissioner that there is a reasonable excuse for the delay in the delivery of the account"; and

(b) the insertion of the following new subsection—

“(3) For the purposes of this section interest shall be charged only on the duty which would have been payable if the duty had been charged at the rate set out in the applicable Schedule.”.

Amendment of section 19.

9. Section 19 of the principal Ordinance is amended by the deletion from subsection (1), at the end thereof, of the words “Supreme Court in its summary jurisdiction”, and the substitution therefor of the following—

“District Court”.

Amendment of section 24.

10. Section 24 of the principal Ordinance is amended by the insertion, after the word “penalty”, of the following—

“or the interest on any duty”.

Amendment of section 32.

11. Section 32 of the principal Ordinance is amended by the deletion in subsection (4) of the word “Seventh” and the substitution therefor of the following—

“Eighth”.

Amendment of Sixth Schedule.

12. The Sixth Schedule to the principal Ordinance is amended by the deletion of the words “until this Schedule is superceded” and the substitution therefor of the following—

“before the 1st day of January, 1963.”.

Addition of new Schedule.

13. The principal Ordinance is amended by the addition, after the Sixth Schedule thereto, of the following new Schedule—

“SEVENTH SCHEDULE.

[ss. 3, 5, 11, 13, 14, 20, 21 and 24.]

*Persons dying on or after the 1st day of January, 1963, and until this Schedule is superceded.*

Where the principal value of the estate		Estate duty shall be payable at the rate per cent of
\$	\$	
Exceeds 100,000 and does not exceed	200,000	3
“ 200,000 “ “ “ “	300,000	5
“ 300,000 “ “ “ “	350,000	7
“ 350,000 “ “ “ “	400,000	8
“ 400,000 “ “ “ “	450,000	9
“ 450,000 “ “ “ “	500,000	10
“ 500,000 “ “ “ “	550,000	11
“ 550,000 “ “ “ “	600,000	12
“ 600,000 “ “ “ “	700,000	14

Where the principal value of the estate		Estate duty shall be payable at the rate per cent of
\$	\$	
Exceeds 700,000 “ “ “ “	800,000	15
“ 800,000 “ “ “ “	900,000	16
“ 900,000 “ “ “ “	1,000,000	17
“ 1,000,000 “ “ “ “	1,500,000	18
“ 1,500,000 “ “ “ “	2,000,000	19
“ 2,000,000 “ “ “ “	3,000,000	20
“ 3,000,000 “ “ “ “	4,000,000	23
“ 4,000,000 “ “ “ “	5,000,000	27
“ 5,000,000 “ “ “ “	7,000,000	30
“ 7,000,000 “ “ “ “	10,000,000	33
“ 10,000,000 “ “ “ “	15,000,000	35
“ 15,000,000		40

14. The Seventh Schedule to the principal Ordinance is amended by being renumbered the Eighth Schedule thereto.

Amendment of Seventh Schedule.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of December, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

Clerk of Councils.

(Secretariat CR10/2524/45)

**HONG KONG**

No. 48 OF 1962.



I assent.

*Governor.*

*20th December, 1962.*

An Ordinance to amend the Tramway Ordinance, Chapter 107.

[21st December, 1962.]

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

1. (1) This Ordinance may be cited as the Tramway (Amendment) Ordinance, 1962.

Short title  
and com-  
mencement.

(2) Section 20 shall come into operation on the 1st day of April, 1963.

2. Section 3 of the Tramway Ordinance (hereinafter referred to as the principal Ordinance) is amended—

Amendment  
of section 3.  
(Cap. 107).

(a) in subsection (2), by the deletion of the full stop at the end thereof and the substitution of the following—

“or section 13A or such other plan or set of plans as may be approved by the Governor in Council and deposited with the Director similarly signed.”; and

(b) by the deletion of subsection (5).

Addition  
of new  
section 5A.

3. The principal Ordinance is amended by the addition, after section 5, of the following new section—

"Attachment.

5A. (1) The company may with the consent of the owner of any house or building attach thereto such brackets, rosettes, wires and apparatus as may be required for the efficient working of the tramway.

(2) Where the company is unable to obtain such consent and is of the opinion that such consent is being unreasonably withheld, the company may apply to the Director, on notice to the owner, for a certificate that the attachment is essential to the efficient working of the tramway and the Director, if he is satisfied that the attachment is so essential, shall issue to the company a certificate under his hand to that effect.

(3) The company may serve on the owner a copy of such certificate and a copy of this section and, on the expiry of one month from the date of such service, if there shall be no appeal in accordance with the provisions of subsection (4), the company may enter upon the premises at any reasonable time, during the hours of daylight and make such attachment, subject nevertheless to the payment to the owner of such compensation as may be agreed between the company and the owner, or, in default of agreement, such compensation as may be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII,  
p. 44).

(4) If an owner is aggrieved by the issue of a certificate in accordance with the provisions of subsection (2), he may, at any time during such period of one month as is referred to in subsection (3) on notice to the company, appeal by petition to the Governor in Council and on such appeal, the Governor in Council, after hearing the Director, may confirm or revoke such certificate.

(5) No consent of an owner, decision of the Director or compensation payable in accordance with the provisions of subsection (3) shall have effect after that owner ceases

to be the owner of the house or building in question but no attachments fixed under the provisions of this section shall be removed other than by or with the consent of the company until the expiration of three months after any subsequent owner has given to the company notice in writing requiring the attachments to be removed and where such notice is given the provisions of subsections (3) and (4) shall apply as if such owner has unreasonably withheld his consent in the first instance.

(6) An owner may require the company to remove temporarily the attachments where necessary during any reconstruction or repair to his house or building.

(7) For the purpose of this section, "owner" means the person whose name is registered in the Land Office as the owner or holder of the land on which the house or building in question is built and any registered mortgagee of such land."

4. Section 9 of the principal Ordinance is amended by the deletion of the semi-colon at the end of paragraph (a) and the substitution therefor of a colon and the addition after paragraph (a) of the following—

Amendment  
of section 9.

"Provided that the Director, if he is satisfied that it is not practical owing to the urgency of the work for the company to give such notice, may permit the company to give such lesser period of notice as he may consider practicable;"

5. Section 10 of the principal Ordinance is amended by—

Amendment  
of section 10.

- (a) the deletion of the words "one hundred" and the substitution therefor of the words "one thousand";
- (b) the deletion of the word "twenty-five" and the substitution therefor of the words "two hundred and fifty".

6. Section 11 of the principal Ordinance is amended by—

Amendment  
of section 11.

- (a) the deletion of the figures "10" and the substitution therefor of the following—  
"9";
- (b) the insertion immediately after the word "Director" in the second place where it occurs of the following—  
", if so required by him;"

- (c) the deletion of the words "such cross section and statement" and the substitution therefor of the following—  
"the required cross section and statement, if any.";
- (d) the deletion of the words "in writing";
- (e) the deletion of the words beginning with "in accordance with such approved cross section and statement" to the end of the section and the full stop appearing at the end thereof and the substitution therefor of the following—  
"under the superintendence and to the satisfaction of the Director, and where there are an approved cross section and statement in accordance therewith."

Amendment  
of section 12.

7. Section 12 of the principal Ordinance is amended by—
- (a) the deletion of the word "four" and the substitution therefor of the word "five";
  - (b) the deletion of the words "beyond the rails" and the substitution therefor of the following—  
"from the running edge of the table of each rail".

Amendment  
of section 13.

8. Section 13 of the principal Ordinance is amended—
- (a) by the deletion of the semi-colon after the words "same rest" and the substitution therefor of a full stop; and
  - (b) by the deletion of the remainder of the section.

Addition  
of new  
sections 13A  
and 13B.

9. The principal Ordinance is amended by the addition, after section 13, of the following new sections—

"Alteration  
of track.

13A. (1) If the Director is of the opinion that it is necessary or desirable, to enable him to carry out any works in any road or for the better regulation of traffic in any road, including any road over which no tramway passes, that the company should alter or move its track on any road, he may serve on the company not less than one month's notice in writing of his intention to apply to the Governor in Council for an order under this section.

(2) A notice served in accordance with the provisions of this section shall specify—

- (a) the work which the Director considers necessary or desirable; and

- (b) the time by which such work should be carried out.
- (3) If the company—
  - (a) objects to such application;
  - (b) is of the opinion that the cost of carrying out such work would exceed the amount which, in accordance with the provisions of section 14, would be wholly payable by the company; or
  - (c) is of the opinion that it would not be practicable to carry out such work within the time stipulated in the notice,

the company may, within such period of one month, give to the Director notice of such objection or opinion together with, in the case of a submission in accordance with the provisions of paragraph (b), an estimate of the cost of carrying out such work.

(4) The Governor in Council shall consider every application under this section and every objection thereto or other submission thereon made by the company and shall afford the company an opportunity of being heard by an authorized officer of the company or by counsel or solicitor.

(5) The Governor in Council, after considering such application and every objection thereto and submission thereon by the company, may order that the company shall carry out such work as is described in the notice, within such period as is stipulated in such order.

(6) If the company fails to comply with the provisions of any such order within such period as is stipulated therein or such greater period as may be allowed by the Governor in Council the company shall be guilty of an offence and, on summary conviction, shall be liable to a fine of one thousand dollars and to a continuing penalty of two hundred and fifty dollars for every day, after the date of expiry of such period as was stipulated in the order or such greater period as may have been allowed by the Governor in Council, during which the company has not complied with the provisions of such order.

(7) Notwithstanding the provisions of this section the Director may authorize the company to carry out such alterations to the level or line of any track as the Director may consider to be necessary or desirable and to be minor alterations or realignments, emergency measures or temporary provision.

Payment for works.

**13B.** (1) When the company has carried out, to the satisfaction of the Director, such work as is the subject of an order made in accordance with the provisions of subsection (5) of section 13A or a notice given in accordance with the provisions of section 14, the company, subject to the provisions of this section, shall be entitled to be paid, out of the general revenue of the Colony, the reasonable cost of carrying out such work.

(2) If—

- (a) the work includes the renewal or replacement of apparatus of the company so that the company derives a benefit from the life of new apparatus being longer than the life of the apparatus so renewed or replaced; or
- (b) by reason of the carrying out of such work the company has received or will receive any other benefit by way of greater efficiency of the running of the tramway system, reduction of wear on cars or tram rails or any other part of the apparatus of the company or by any other way,

the amount to be paid to the company shall be reduced by the amount or value of any such benefit.

(3) If by reason of the carrying out of such work the company has been or will be put to any greater expense or loss by way of lesser efficiency of the running of the tramway system or increase of wear on cars or tram rails or any other part of the apparatus of the company, the amount to be paid to the company shall be increased by the amount or value of any such additional expense or loss.

(4) The amount to be paid to the company shall be such amount as may be agreed between the Director and the company as the reasonable cost of the carrying out of such work, after deduction therefrom and addition thereto

of such amounts as may be so agreed as representing the amount or value of such benefits and expenses and losses as are referred to respectively in subsections (2) and (3), or in default of agreement such amount as shall be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII,  
p. 44).

(5) The Director may make payments on account whilst any such work is in progress but such payments on account shall not exceed in total four-fifths of the Director's estimate of the value of work done to the date of each such payment."

**10.** Section 14 of the principal Ordinance is amended—

Amendment  
of section 14.

(a) by the deletion of the words "fourteen days" and the substitution therefor of the following—

"one month's"; and

(b) by the deletion of the words beginning with "and the road on which such temporary tramway" to the end of the section and the full stop appearing at the end thereof and the substitution therefor of the following—

"and the provisions of section 12 shall apply until the removal of the temporary tramway."

**11.** Section 22 of the principal Ordinance is amended by the insertion after the word "officer" of the following—

Amendment  
of section 22.

", who must either be a civil or electrical or mechanical engineer,".

**12.** Section 26 of the principal Ordinance is amended by the deletion of the figures "26" appearing at the end thereof and the substitution therefor of the figures "25".

Amendment  
of section 26.

**13.** Section 28 of the principal Ordinance is amended by the insertion after the word "animal" of the following—

Amendment  
of section 28.

", mechanical or other".

**14.** Section 30 of the principal Ordinance is amended by the insertion after the word "officer" of the following—

Amendment  
of section 30.

", who must either be a civil or electrical or mechanical engineer,".

**15.** Section 31 of the principal Ordinance is amended by—

Amendment  
of section 31.

(a) the deletion of the word "twenty-five" and the substitution therefor of the words "two hundred and fifty";

(b) the deletion of the word "ten" and the substitution therefor of the words "one hundred".

Addition of  
new sections  
31A, 31B  
and 31C.

16. The principal Ordinance is amended by the addition, after section 31, of the following new sections—

"Dangerous  
driving and  
causing death  
and injury  
thereby.

31A. (1) Any person who drives dangerously shall be guilty of an offence and shall be liable—

- (a) on summary conviction in the case of a first conviction, to a fine of one thousand dollars and to imprisonment for six months and, in the case of a second or subsequent conviction, to a fine of two thousand dollars and to imprisonment for six months; or
- (b) on conviction on indictment, to a fine of five thousand dollars and to imprisonment for two years.

(2) A person drives dangerously within the meaning of this section if he drives a car on a road at a speed or in a manner which is dangerous to the public, having regard to all the circumstances at the time, including the nature, condition and use of the road, and the amount of traffic which is, or might reasonably be accepted to be, then on the road.

(3) Without prejudice to the provisions of subsection (1), any person who drives dangerously and thereby causes the death or grievous bodily injury to another person shall be guilty of an offence and shall be liable, on summary conviction, to a fine of two thousand dollars and to imprisonment for twelve months and, on conviction on indictment, to a fine of five thousand dollars and to imprisonment for five years.

(4) If on the trial of any person for an offence under subsection (3), the court or jury is satisfied that he drove dangerously but is not satisfied that he thereby caused the death of, or grievous bodily injury to, another person, the court or jury shall acquit him of the offence under subsection (3) and shall find him guilty of an offence under subsection (1).

(5) On the trial of any person for manslaughter arising out of his dangerous driving the jury may acquit him of manslaughter and may find him guilty of an offence under subsection (1) or subsection (3).

(6) On the trial of any person for an offence under subsection (1) or (3), the court or magistrate may acquit him of that offence and may find him guilty of an offence under section 31B (which relates to careless driving).

Careless  
driving.

31B. (1) Any person who drives carelessly shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and, in the case of a first conviction, to imprisonment for three months and, in the case of a second or subsequent conviction, to imprisonment for six months.

(2) A person drives carelessly within the meaning of this section if he drives a car on a road without due care and attention or without reasonable consideration of other persons using the road.

Driving under  
influence of  
drink or  
drugs.

31C. Any person who drives or attempts to drive or is in charge of a car on a road while he is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the car shall be guilty of an offence and shall be liable—

- (a) on summary conviction in the case of a first conviction, to a fine of one thousand dollars and to imprisonment for six months and, in the case of a second or subsequent conviction, to a fine of two thousand dollars and to imprisonment for twelve months; or
- (b) on conviction on indictment, to a fine of five thousand dollars and to imprisonment for two years."

17. Section 32 of the principal Ordinance is repealed and replaced by the following—

Repeal and  
replacement  
of section 32.

"Regulations  
made by the  
Governor  
in Council.

32. (1) The Governor in Council may by regulation prescribe or provide for—

- (a) the construction of new cars and other apparatus of the tramway and the maintenance and cleanliness of cars and apparatus of the tramway used in connexion with its public service;
- (b) the safety of passengers and of other persons travelling on cars;
- (c) the speed at which a car may be driven;
- (d) the use of warning apparatus on cars;
- (e) the licensing of drivers and conductors of cars;
- (f) the use of electric power on the tramway;
- (g) the provision of stopping places for cars;
- (h) the issue of a certificate in accordance with the provisions of section 5A and any appeal against such issue;

(39 of 1957).

- (i) the application to cars and to drivers of cars and to the company and to any other person, with such modification as may be necessary, of any regulations made in accordance with the provisions of the Road Traffic Ordinance, 1957, other than regulations relating to the construction and maintenance of vehicles.
- (j) the general control of the use of cars on a road and the carrying of passengers and other persons therein.

(2) Any regulation made under this section may provide that a contravention thereof shall be an offence and may prescribe punishment and penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months and a continuing penalty not exceeding one hundred dollars for every day during which the offence continues.”.

Repeal and  
replacement  
of section 33.

18. Section 33 of the principal Ordinance is repealed and replaced by the following—

“Rules made  
by the  
company.

33. (1) The company, with the approval of the Governor in Council, may by rules prescribe and provide for—

- (a) preventing the commission of any nuisance in or upon any car or in or against any premises belonging to the company;
- (b) the control of the conduct of passengers on a car and persons attempting to board or leave a car;
- (c) the issue of tickets, including season tickets, their inspection on a car and the general control thereof;
- (d) the disposal of lost property found on a car or on any premises of the company;
- (e) any other matter, relating to the running of the tramway, which is necessary to be prescribed or provided for.

(2) Any rule made under this section may provide that a contravention thereof shall be an offence and may prescribe punishment and penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months.”.

Amendment  
of section 34.

19. Section 34 of the principal Ordinance is amended by—

- (a) the deletion of the full stop at the end thereof;

- (b) the addition after the word “width” at the end thereof of the following—  
“exclusive of any driver’s observation mirror.”.

20. Section 43 of the principal Ordinance is repealed and replaced by the following—

Repeal and  
replacement  
of section 43.

“Royalty.

43. (1) On or before the 15th day of April, 1963 and on or before the 1st day of April of every subsequent year during which the company continues to exercise its rights, powers and functions under this Ordinance, the company shall pay to the Government a royalty of twenty-three and one-eighth per cent of the net profit of the company for the previous calendar year, ascertained for the purpose of Part IV of the Inland Revenue Ordinance:

(Cap. 112).

Provided that—

- (a) in making the deductions set forth in section 16 of that Ordinance due regard shall be had to the current level of prices and costs, so that any deduction shall be not greater than such sum as the Financial Secretary may decide is reasonable and so that any allowance of any sum by way of depreciation of a capital asset shall be not greater than an amount which represents that allowed under Part VI of that Ordinance on what the Financial Secretary may decide is the reasonable price for such asset at the time of acquisition; and
- (b) in ascertaining the net profit as aforesaid—

(i) there shall be excluded from the taxable profits of the company any bank interest, interest and dividends on investments, profit and losses on sales of investments and on redemption of investments and profit and losses on sales of capital assets of the Tramway undertaking, but not any balancing charge or balancing allowance which may be allowed under Part VI of that Ordinance in respect of any such capital assets; and

(ii) no deduction shall be made in respect of any sum which may be payable as royalty by the company to Government or in respect of any interest on money borrowed by the company except such part of any such interest as, in any year, is in excess of the total dividends and interest received by the company from any investments of the company.

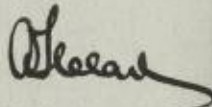
(2) The Financial Secretary and any person authorized by him in writing shall, for the purpose of ascertaining the net profit of the company, be an authorized representative of the company for the purposes of section 4 of the Inland Revenue Ordinance to the intent that the Commissioner of Inland Revenue and any assessor and any person appointed to carry out duties under that Ordinance shall on demand of the Financial Secretary or such authorized person disclose all such matters relating to the affairs of the company as the Financial Secretary or such authorized person may require and such disclosure shall not be deemed to be a breach of the duties imposed upon the person making it by the said section."

Amendment of section 46. 21. Section 46 of the principal Ordinance is amended by the deletion of the word "Chinese".

Adjustment of previous royalty payments. 22. (1) On or before the 1st day of July, 1963, or such later date as the Governor, upon such conditions as he may consider necessary, may allow, the company shall pay to the Government such sum as represents the difference between the royalty payable in respect of the period from the 1st day of January, 1958, to the 31st day of December, 1961, both days inclusive, calculated in accordance with the provisions of section 43 of the principal Ordinance as it was before the coming into operation of section 20 and the royalty which would have been payable by the company to the Government in respect of that period if that section had come into operation on the 1st day of January, 1958.

(2) For the purposes of ascertaining the amount payable by the company to the Government in accordance with the provisions of subsection (1) the Financial Secretary and any person authorized by him may exercise the powers and authority conferred on them by subsection (2) of section 43 of the principal Ordinance as if section 20 had come into operation on the 1st day of January, 1958.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of December, 1962, and is found by me to be a true and correctly printed copy of the said Bill.



*Clerk of Councils.*

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