

“marine fish” means any fish or part thereof, whether fresh or processed, in any manner indigenous in sea water or partly in fresh water and partly in sea water, including any product derived therefrom, but excluding all crustaceans or molluses and fish alive and in water;

“market” means a wholesale marine fish market established under section 11;

“Organization” means the Fish Marketing Organization established under section 9;

“wholesale” means sale for re-sale, which includes the sale of marine fish intended for re-sale as part of a cooked meal.

PART I.

Control of Import, Export Movement and Sale of Marine Fish.

Landing and sale of marine fish restricted.

3. (1) Save with a permit in writing from the Director, or as otherwise provided by regulations, no marine fish may be landed other than at places specified by regulations and no marine fish may be bought or sold wholesale otherwise than at markets established under this Ordinance.

(2) Any person who contravenes the provisions of subsection (1) shall be liable to a fine of one thousand dollars and to imprisonment for six months.

Regulations.

4. (1) The Governor in Council may make regulations for the following purposes—

- (a) for controlling the importation and exportation of marine fish,
- (b) for controlling the landing and transport of marine fish within the Colony,
- (c) for providing for the issue of permits and licences in respect of the matters controlled by this Ordinance,
- (d) for prescribing conditions and restrictions in connexion with the marketing of marine fish wholesale, and
- (e) for carrying into effect the provisions of this Ordinance.

(2) Such regulations may prescribe contraventions thereof which shall constitute offences and may prescribe penalties not exceeding one thousand dollars and imprisonment for six months.

5. (1) The Director, marketing officer or any officer authorized by the Director in that behalf, may grant permission by way of licence or permit in writing to do any act which is made subject to his control under the provisions of this Ordinance. Licences and permits.

(2) The grant or refusal of any permit or licence shall be in the absolute discretion of the officer empowered to grant the same and he may—

- (a) endorse conditions on such permit or licence, and
 - (b) cancel such permit or licence for breaches thereof.
- (3) Any person who—
- (a) contravenes or fails to comply with any condition imposed in connexion with the grant of any permit or licence, or
 - (b) when applying for any permit or licence makes any statement or furnishes any information, whether such statement is verbal or in writing, which is false in any material particular or by reason of the omission of any material particular and which he knows or has reason to believe is false,

shall be liable to a fine of one thousand dollars and imprisonment for six months.

6. (1) The Governor may give directions both generally and in particular matters to the Organization in the discharge of its functions, and without derogating from the generality of such power he may control by such directions— Governor may give directions to the Organization.

- (a) the fees charged other than those specified in by-laws,
- (b) deposits required by way of part-payment for market purchases,
- (c) the keeping of lists of persons authorized to make purchases in markets;

Provided that no such direction shall have effect in any manner as to conflict with the provisions of any regulation or by-law made and in force under this Ordinance.

(2) The Organization shall give effect to directions made under this section.

7. (1) The marketing officer or any officer employed full time by the Crown and authorized by the Director in writing in that behalf either generally or for a particular occasion may where Powers of search, seizure and arrest.

he has reasonable cause to suspect that any offence against this Ordinance or any regulations or by-laws made hereunder has occurred, or in the case of paragraph (a) is about to occur—

- (a) enter and search any place and stop, board, and search any vessel or vehicle which he reasonably suspects of being concerned in such offence;
- (b) seize any marine fish and container thereof which he reasonably suspects of being the subject matter of such offence. Where necessary to effect such seizure, he may require the driver of any vehicle to proceed to a market or a police station and may detain any vessel or vehicle until such time as he shall be able to transfer therefrom the articles seized;
- (c) arrest and take to a police station any person whom he reasonably suspects of being concerned in such offence. On arrival at such police station the facts shall forthwith be reported to the officer in charge thereof who shall take the action prescribed by section 47 of the Police Force Ordinance in like manner as if the person has been arrested by a constable without a warrant on reasonable suspicion of being guilty of an offence.

(Cap. 232).

(2) Any person who resists or obstructs any search, seizure, detention or arrest shall be guilty of an offence and liable upon conviction to a fine of five hundred dollars and imprisonment for three months.

(3) Notification of any officer authorized under subsection (1) shall be published in the *Gazette*.

Sale and forfeiture of goods seized.

8. (1) Any marine fish seized under this or any other enactment may be sold wholesale by the Organization and the market proceeds held pending a determination by a magistrate under this section :

Provided that the Director may in his absolute discretion restore to any person appearing to him to have a right thereto any marine fish or the market proceeds thereof.

(2) On application being made a magistrate shall order to be forfeited to the Crown any marine fish seized in accordance with section 7 or the market proceeds where he is satisfied that an offence against this Ordinance or any regulations or by-laws made there-

under has been committed in respect of such marine fish, whether or not any person has been convicted of such offence and whether or not the owner or other interested party is then before him.

(3) Within one month of the date of any order of forfeiture made under subsection (2), any person claiming and appearing to the magistrate to be the owner or a person otherwise interested in such marine fish, may apply to the magistrate for a review of his order, and the magistrate shall review his order and may rescind his order if he is satisfied that no offence under this Ordinance has been committed in respect of the marine fish.

(4) Where the magistrate makes no order for forfeiture under subsection (2) or rescinds the order for forfeiture under subsection (3), he shall order that the marine fish or the market proceeds shall be returned or paid to the person, as the case may be, who establishes a right thereto.

(5) Where no application for review is made to the magistrate under subsection (3) or where upon review the magistrate confirms the order of forfeiture, the marine fish or the market proceeds shall become the property of the Crown free from all rights of any person, and the same shall be delivered up by the Organization to the Crown.

(6) Notwithstanding the earlier provisions of this section the Governor in Council may in his absolute discretion entertain and give effect to any moral claim to or in respect of any marine fish forfeited thereunder.

(7) For the purposes of this section—

“market proceeds” means the proceeds of sale in a market less any commission or fees payable to the Organization.

PART II.

Establishment of Fish Marketing Organization.

9. (1) There shall be established a corporation which shall be known as the Fish Marketing Organization, and which by that name may sue and be sued in the courts of the Colony.

Establishment of fish marketing Organization.

(2) The Organization shall consist of such officer or persons as the Governor may from time to time appoint.

(3) Where the Organization consists of more than one person the Governor may by order provide for the tenure of office and the remuneration of such persons, the delegation of powers by the Organization and other matters incidental thereto.

Property vested in the Organization.

10. (1) Upon and by virtue of the establishment of the Organization, the rights and obligations under all deeds, contracts, bonds, securities, things in action or moneys vested in or under the control of any person exercising functions analogous to those of the Organization at the time of such person ceasing to hold office, shall be transferred to and vested in the Organization in the same manner as if it had been contracted with instead of such person, and as if its name had been inserted in all such deeds, contracts, bonds or securities instead of the name of such person.

(2) For the purpose of contracts entered into prior to the commencement of this Ordinance by, or on behalf of any person who has been exercising functions analogous to those of the Organization at the time of entering into such contracts, such contracts shall be deemed to have been lawfully entered into by him.

Functions of the Organization.

11. (1) The functions of the Organization shall be to—

- (a) establish, regulate and conduct wholesale fish markets, depots and ancillary establishments, including the making of administrative rules for the same; and
- (b) furnish the Governor with all such information as he may require for the purposes of section 6 (which empowers the Governor to give directions to the Organization).

(2) In addition to the functions specified in subsection (1) the Organization may—

- (a) buy, sell, grade, pack, store, adapt for sale, process, insure, advertise, and transport fishery products;
- (b) buy, sell, hire, or let out for hire, anything required in the production, adaption for sale, or transport of fishery products;
- (c) provide such services as may be deemed necessary for the improvement of the marketing of fishery products and the promotion of co-operative enterprise in the fisheries industry;

- (d) make provisions for the education, health and welfare of persons employed in the fisheries industry and their families and dependants;
- (e) make loans to persons employed in the fisheries industry upon such terms as the Organization shall see fit; and
- (f) engage in such other activities (whether similar to those hereinbefore specified or not) as may be sanctioned by order of the Governor.

12. (1) The Organization shall have a common seal which shall be officially and judicially noticed and shall be authenticated by the signature of such person or persons as the Organization may from time to time appoint.

Seal of Organization and signification of acts.

(2) All deeds, documents and other instruments requiring the seal of the Organization shall be signed by such persons as the Organization may from time to time appoint, and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

(3) Any act of the Organization may be signified by an instrument signed by any servant of the Organization acting in the course of his duties, and any instrument purporting to have been so executed shall, until the contrary is proved, be deemed to have been so executed.

13. For the purpose of this Ordinance the Organization may—

Powers of the Organization.

- (a) acquire, accept leases of, purchase, take, hold and enjoy any lands, places, messuages or tenements of whatever nature or kind and wheresoever situate, also grant, demise, alienate or otherwise dispose of same :

Provided that it shall not acquire any immovable property in the Colony without the prior consent of the Governor in Council in each case;

- (b) enter into any contract;
- (c) employ such officers, agents and servants on such terms as to remuneration or otherwise, as the Organization may determine;
- (d) grant pensions, gratuities and retiring allowances to officers and servants and their dependants;

- (e) delegate, subject to any orders made by the Governor under section 9, such of its powers as the Organization may deem expedient for the due conduct and management of its functions;
- (f) borrow money on such terms as may be approved by the Governor.

Financial control.

14. (1) All moneys received, including any moneys borrowed, by the Organization shall be brought to account and shall be administered by it for the purposes of this Ordinance, and any moneys so brought to account may be left on current or deposit account with any bank or invested in such mortgages, debentures, stocks, funds, shares or other securities as the Governor may approve.

(2) The Organization shall keep proper accounts and shall prepare a statement thereof for every period of twelve months ending on the 31st day of March. The accounts and the statement thereof shall be audited by an auditor appointed by the Governor and such auditor shall certify the statement subject to any report which he may think fit to make. The audited statement together with the auditor's report, if any, shall be laid on the Table of the Legislative Council not later than the 30th day of September next following the end of the period to which such statement relates or so soon thereafter as the Governor may in his discretion allow.

(3) The Organization shall submit to the Governor annual estimates of income and expenditure and shall not incur expenditure beyond that in the approved estimate without the prior consent of the Governor :

Provided that nothing in this subsection shall prevent the Organization incurring and making provision for necessary day to day expenses pending the approval of its annual estimate.

By-laws.

15. (1) The Organization may make by-laws concerning the wholesale marketing of marine fish for the purpose of—

- (a) regulating the landing, transport and storage of marine fish;
- (b) regulating the conduct of markets, depots and ancillary establishments established under section 11;

- (c) providing registers of persons authorized to buy marine fish in markets, the conditions to be observed by such persons and for the removal from registers of the names of persons failing to comply with such conditions;
- (d) requiring persons concerned in the fisheries industry to supply such information as it may require in connexion with such wholesale marketing;
- (e) specifying the forms to be used;
- (f) charging fees, rates of commission and other charges;
- (g) carrying out the functions of the Organization set out in section 11.

(2) Such by-laws may prescribe contraventions thereof which shall constitute offences and may prescribe penalties not exceeding five hundred dollars.

(3) Such by-laws shall be submitted to the Governor, shall be subject to the approval of the Legislative Council and shall take effect subject to any regulations made under section 4.

(4) Copies of such by-laws shall be kept at each market and shall be available for public inspection at such times as the market is open to the public.

16. (1) There shall be a Fish Marketing Advisory Board (hereinafter called "the Board"), which shall be a consultative body for advising the Governor and the Organization upon any matters referred to it by the Governor or by the Organization.

Fish Marketing Advisory Board.

(2) The Board shall consist of the person for the time being occupying the office of Director and not more than six other persons appointed by the Governor.

(3) The person for the time being occupying the office of Director shall be *ex officio* the chairman of the Board, but in the event of his absence from any meeting the members present shall appoint any other of its members as chairman.

(4) A member appointed by the Governor shall hold office for one year and may be reappointed at the pleasure of the Governor.

(5) Three members of the Board shall form a quorum.

(6) The marketing officer shall be *ex officio* secretary to the Board, and shall forward a record of every meeting to the

Organization which shall transmit a copy to the Governor, together with any observations it may wish to make thereon.

Review of
decisions
of the
Organiza-
tion.

17. (1) Any person adversely affected by a decision of the Organization in the exercise of its discretion in respect of any act, matter or thing which is by this Ordinance made subject to the exercise of such discretion may by notice in writing require such decision of the Organization to be reviewed in manner hereinafter provided. Such notice shall specify the reasons requiring such review.

(2) Upon receipt of a notice under subsection (1) the Organization shall refer the decision complained of to the Board established by section 16 and shall furnish the Board with a copy of such notice.

(3) Upon reference under subsection (2) the Board shall hold an inquiry at which there shall be permitted to appear and be heard the person who has required such decision to be referred for review, the representative of the Organization and other persons whom the Board considers are affected by such decision :

Provided that if it appears to the Board that no good cause has been shown why an inquiry should be held, it may refuse to hold such inquiry.

(4) The Board shall submit its advice to the Governor with the reasons therefor, stating whether in its opinion the decision complained of should be confirmed, reversed or varied, or that no review of the decision should be granted. Copies of such advice and reasons shall be sent to the person who has required such decision to be reviewed and to the Organization.

(5) The Governor may by order confirm, reverse or vary the decision complained of, or may refuse to review such decision, and such order shall be final.

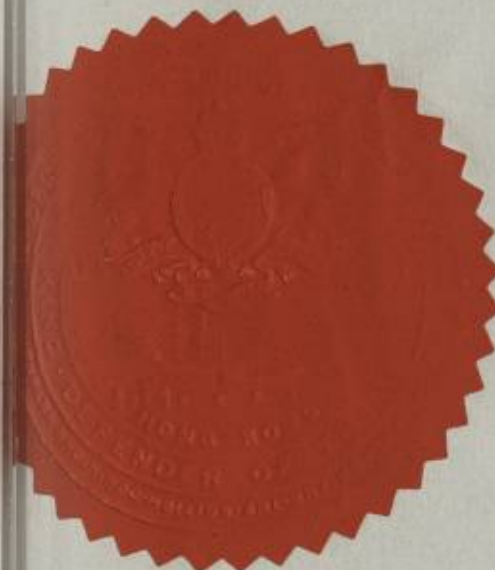
Passed the Legislative Council of Hong Kong, this 23rd day of May, 1956.

Deputy Clerk of Councils.

(Secretariat 70/3231/47)

HONG KONG

No. 29 of 1956.



I assent.

Governor.

24th May, 1956.

An Ordinance to control the user of the Hong Kong Airport.

[25th May, 1956.]

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 Hong Kong Airport Short title. (Regulations) Ordinance, 1956.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
"airport" means the Hong Kong Airport and all that piece or parcel of land known as Kai Tak Airfield together with the buildings and erections thereon in Kowloon within the boundaries delineated on the approved plan;

"approved plan" means the latest plan approved by the Governor under subsection (1) of section 3 incorporating any amendments thereto so approved;

"Director" means the Director of Civil Aviation.

Area of airport to be shown on a plan approved by the Governor.

3. (1) The Governor may approve a plan delineating the area and boundaries of the airport and may from time to time approve a new plan in substitution therefor and amendments to such plan or substituted plan.

(2) The Governor's approval of any plan or amendments thereto under subsection (1) shall be endorsed on the plan under the hand of the Colonial Secretary.

(3) A copy of the approved plan shall be kept in the office of the Director.

Regulations.

4. (1) The Governor in Council may, for the purpose of controlling the user of the airport, by regulation prescribe or provide for—

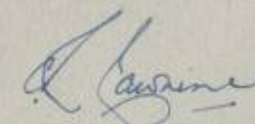
- (a) the preservation of order and property and the prevention of nuisances therein;
- (b) the control within the airport of aircraft on the ground;
- (c) the moving within the airport of aircraft on the ground;
- (d) the control therein or exclusion therefrom of persons, vehicles, animals and articles;
- (e) the moving within the airport of any vehicle, animal or article;
- (f) the restriction of access by the public thereto, and the days and times of admission thereto;
- (g) the control of the sale, advertisement or distribution of any goods, food or drink therein;
- (h) empowering the Director, any person authorized by him in writing for the purposes of this Ordinance or any police officer to give such orders, either orally or in writing, or to do such acts as may be specified for carrying into effect the above matters;
- (i) generally, the purposes of this Ordinance.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations or of any order given under such regulations shall be an offence and may provide penalties for such offence not exceeding a fine of five hundred dollars.

5. In any prosecution for an offence contrary to any regulation made under section 4, a copy of the approved plan certified by the Director to be a copy of such plan shall be conclusive proof of the area and boundaries of the airport. Any such copy purporting to be certified by the Director shall be deemed, until the contrary is proved, to have been certified by him.

Proof of area and boundaries of airport.

Passed the Legislative Council of Hong Kong, this 23rd day of May, 1956.



Deputy Clerk of Councils.

(Secretariat 27/3231/55)

HONG KONG

No. 30 of 1956.



I assent.

Governor.

24th May, 1956.

An Ordinance to amend the Dutiable Commodities Ordinance, Chapter 109.

[25th May, 1956.]

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 Dutiable Com- Short title.
modities (Amendment) Ordinance, 1956.

2. Section 47 of the Dutiable Commodities Ordinance Amendment
(hereinafter referred to as the principal Ordinance) is amended by— of section
47.

(a) the insertion after the definition of "beer" of the following definition— (Cap. 109).

“ “board” means, in relation to—

(a) any part of the Colony other than the New Territories but including New Kowloon, the board of licensing justices constituted under section 48;

(b) the New Territories except New Kowloon, the board of licensing justices constituted under section 48A;” ;

(b) the insertion after the definition of “liquor” of the following definition—

“ “liquor licence” means a licence for the sale or supply of liquor at any premises for consumption on the premises and, unless the context otherwise requires, includes a club liquor licence under section 66A;” ;

(c) the deletion of the definition of “public house”; and

(d) the insertion after the definition of “retail” of the following definition—

“ “secretary” in relation to a club includes any officer of the club or other person performing the duties of a secretary;” .

Repeal and replacement of section 48.

3. Section 48 of the principal Ordinance is repealed and replaced by the following—

“Licensing Board for urban area.

48. (1) There shall be a board of licensing justices (in this section referred to as the Board) for all parts of the Colony other than the New Territories but including New Kowloon.

(2) The Board shall consist of the Secretary for Chinese Affairs who shall be chairman, the Solicitor General who shall be vice-chairman, and five other members who shall hold office for three years. A secretary to the Board shall be appointed by the Governor.

(3) Two of the members of the Board shall be unofficial justices of the peace appointed by the Governor.

(4) Three of the members of the Board shall be elected by the unofficial justices of the peace from among their number :

Provided that if no nomination is received, or if nominations are not received for all the vacancies announced, the Governor may appoint a justice or justices to fill the vacancy or vacancies.

(5) If any licensing justice who was appointed by the Governor under subsection (3) is absent from the Colony, the Governor may appoint another unofficial justice of the peace to act as a member of the Board during the absence of the substantive member.

(6) If any licensing justice who was elected or appointed under subsection (4) is absent from the Colony, the unofficial justices of the peace may elect from among their number a justice to act as a member of the Board during the absence of the substantive member :

Provided that an acting member may be appointed by the Governor if no nomination is received for the acting appointment.

(7) Three members of the Board, one of whom must be the chairman or vice-chairman, shall form a quorum.”.

4. The principal Ordinance is amended by the addition after section 48 of the following new sections—

“Licensing Board for New Territories except New Kowloon.

48A. (1) There shall be a board of licensing justices (in this section referred to as the Board) for the New Territories except New Kowloon.

(2) The Board shall consist of the District Commissioner, New Territories, who shall be chairman, and two other members who shall hold office for three years. A secretary to the Board shall be appointed by the Governor.

(3) The two members of the Board other than the chairman shall be unofficial justices of the peace appointed by the Governor.

(4) If any licensing justice who was appointed by the Governor under subsection (3) is absent from the Colony, the Governor may appoint another justice to act as a member of the Board during the absence of the substantive member.

(5) The chairman and one other member of the Board shall form a quorum.

Addition of new sections 48A and 48B.

Meetings
of the
board.

48B. The board shall meet during each of the following months, namely, March, June, September and December, and at such other times as may be necessary for the transaction of licensing business.”.

Amendment
of section
51.

5. Section 51 of the principal Ordinance is amended by—

(a) the deletion of the words “publicans licence, restaurant adjunct licence or hotel-keepers adjunct” and the substitution therefor of the following—

“liquor”; and

(b) the deletion from the marginal note of the words “publicans and adjunct” and the substitution therefor of the following—

“liquor”.

Amendment
of section
52.

6. Section 52 of the principal Ordinance is amended by the deletion of the words “in the *Gazette* and in one local newspaper” and the substitution therefor of the following—

“in such manner as the board may decide”.

Amendment
of section
53.

7. Section 53 of the principal Ordinance is amended by the deletion of the word “householders” and the substitution therefor of the following—

“persons residing”.

Addition
of new
section
53A.

8. The principal Ordinance is amended by the addition after section 53 of the following new section—

“Only one licence to be granted per person. **53A.** No person may be granted more than one liquor licence which is not a club liquor licence under section 66A”.

Repeal and
replacement
of section
55.

9. Section 55 of the principal Ordinance is repealed and replaced by the following—

“Issue and duration of licences. **55.** (1) As soon as may be after the granting of an application in respect of premises in any part of the Colony other than the New Territories, but including New Kowloon, the board shall notify the Accountant General thereof, whereupon he shall, on payment of the prescribed fee or such proportion thereof as is provided in subsection (4), issue to the applicant a licence in the prescribed form.

(2) Liquor licences in respect of premises in the New Territories except New Kowloon shall, on payment of the prescribed fee or such proportion thereof as is provided in subsection (4), be issued in such manner as the chairman of the board shall direct.

(3) Liquor licences shall be valid for a period of one year, nine months, six months or three months as the board shall determine commencing from whichever of the following dates, namely, the 1st day of January, the 1st day of April, the 1st day of July or the 1st day of October, next follows the date on which it is granted.

(4) Where any liquor licence is granted for any period other than one year, the fee payable for such licence shall be such proportion of the prescribed fee as the period of validity of such licence bears to a period of twelve months. For the purpose of calculating the fee payable under this subsection, any remaining fraction of one dollar shall count as a whole dollar.”.

10. Section 56 of the principal Ordinance is amended by—

Amendment
of section
56.

(a) the deletion of the words “publicans’ and adjunct licences and the substitution of other premises for the premises for which such licences are issued” and the substitution therefor of the following—

“liquor licences”;

(b) the deletion from paragraph (a) of the first proviso of the words “or substitution”;

(c) the deletion from paragraph (c) of the first proviso of the word “householders” and the substitution therefor of the following—

“persons residing”;

(d) the deletion from paragraph (c) of the first proviso of the words “or which it is proposed to substitute for such premises”;

(e) the deletion from the second proviso of the words “publicans or adjunct” and the substitution therefor of the following—

“liquor”.

Amendment of section 57.

11. Section 57 of the principal Ordinance is amended by the repeal of subsection (2) and the substitution therefor of the following—

“(2) This section shall apply to brewery, distillery, dealers’, retailers’ and liquor licences.”.

Amendment of section 58.

12. Section 58 of the principal Ordinance is amended by—

(a) the deletion of the words “Accountant General” and the substitution therefor of the following—

“Commissioner of Police”; and

(b) the deletion of the words “publicans or adjunct” and the substitution therefor of the following—

“liquor”.

Amendment of section 59.

13. Section 59 of the principal Ordinance is amended by the deletion of the first six words and the substitution therefor of the following—

“No person holding a liquor licence”.

Addition of new section 65A.

14. The principal Ordinance is amended by the addition after section 66 of the following new section—

“Clubs required to be licensed for supply of liquor to members.

66A. (1) No liquor shall be supplied at any premises habitually used by any club for the purposes of the club to any member of the club except under and in accordance with a prescribed club liquor licence issued to the secretary of the club.

(2) If, after the 30th day of September, 1956, any liquor is supplied to a member of the club in contravention of the provisions of subsection (1), the secretary of the club shall be deemed to commit an offence against this Ordinance.”.

Validity of certain existing licences.

15. (1) Any publican’s, restaurant adjunct, hotel-keeper’s adjunct, Chinese restaurant or Chinese marine restaurant licence issued under the principal Ordinance and in force at the coming into operation of this Ordinance shall, until the date of expiry thereof, be deemed to be and continue in force, unless revoked, as if it were a liquor licence granted by the appropriate board of licensing justices and issued in accordance with the principal

Ordinance as amended by this Ordinance, but no fee or portion of a fee in respect of any such licence shall be refunded to the holder thereof.

(2) Any publican’s, restaurant adjunct or hotel-keeper’s adjunct licence issued under the principal Ordinance before the coming into operation of this Ordinance and due to expire on the 30th day of November, 1956, shall, unless revoked, continue to be valid after that date until the 31st day of December, 1956, without the payment of any additional fee.

16. (1) Notwithstanding anything contained in the principal Ordinance or regulations made thereunder the chairman of the appropriate board of licensing justices may, in accordance with the provisions of this section and on payment of the fee specified in subsection (5), grant and issue a liquor licence in respect of any premises in respect of which a Chinese restaurant or Chinese marine restaurant licence issued under the principal Ordinance before the coming into operation of this Ordinance is in force:

Power of chairman to issue licences.

Provided that no licence granted under this subsection shall permit a bar to be kept on the premises.

(2) Any licence granted by the chairman of the board under subsection (1) shall be deemed to be granted by the board for the purposes of the principal Ordinance and regulations made thereunder.

(3) Any licence granted by the chairman of the board under subsection (1) shall be in and subject to the conditions contained in the form of liquor licence prescribed under the principal Ordinance with such modifications as may appear expedient to him.

(4) Any licence granted by the chairman of the board under subsection (1) shall have effect from the date of issue thereof and shall be valid until whichever of the following dates, namely, the 30th day of June, 1956, the 30th day of September, 1956, the 31st day of December, 1956, the 31st day of March, 1957, or the 30th day of June, 1957, the chairman of the board shall determine.

(5) The fee payable for any licence granted by the chairman of the board under subsection (1) shall be such proportion of the appropriate fee prescribed under the principal Ordinance for a liquor licence as the period of validity of such licence bears to a period of three hundred and sixty-five days. For the purpose of calculating the fee payable under this subsection, any remaining fraction of one dollar shall count as a whole dollar.

Continuance
in office
of present
board
members.

17. (1) The unofficial justices of the peace appointed or elected under subsection (3) or subsection (4) of section 48 of the principal Ordinance before the coming into operation of this Ordinance and holding office immediately before the coming into operation of this Ordinance shall be members of the board of licensing justices established under section 48 of the principal Ordinance as amended by this Ordinance, and shall be deemed to have been appointed or elected under subsection (3) or subsection (4) as the case may be of section 48 of the principal Ordinance as amended by this Ordinance.

(2) Any such member shall hold office until the expiration of three years from the date on which such member was last so appointed or elected.

Passed the Legislative Council of Hong Kong, this 23rd day of May, 1956.

Deputy Clerk of Councils.

(Secretariat 2/3311/54)

HONG KONG

No. 31 of 1956.



I assent.

Governor.

24th May, 1956.

An Ordinance to amend the Peak Tramway Ordinance, Chapter 304.

[25th May, 1956.]

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 Peak Tramway (Amendment) Ordinance, 1956.
2. The Peak Tramway Ordinance is amended by the addition after section 20 of the following new section—

"Permit fee.

20A. (1) As from the 1st of April, 1956, the company shall pay to the Government in manner hereinafter provided a permit fee for the use of the Crown land over which the tramway is constructed.

Addition
of new
section
20A.
(Cap. 304).

(2) The permit fee payable in respect of each year ending on the 31st of March shall be a percentage of the tolls paid to the company during such year in accordance with section 21 calculated at the following rate—

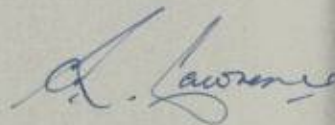
- (a) on the first \$700,000 of such tolls—5%;
- (b) on the tolls in excess of \$700,000—10%.

and shall be paid by the company to the Government within one month of such date.

(3) For the purpose of ascertaining the correct amount of permit fee payable in respect of any year the company shall permit the Financial Secretary and any person authorized by him to have reasonable access at all reasonable times to all books of account, statements, receipts, invoices and other relevant papers of the company.

(4) In the event of any dispute arising between the Government and the company as to the correct amount of the permit fee payable under subsection (1) in respect of any year the decision of the Governor in Council in respect of such amount shall be final."

Passed the Legislative Council of Hong Kong, this 23rd day of May, 1956.



Deputy Clerk of Councils.

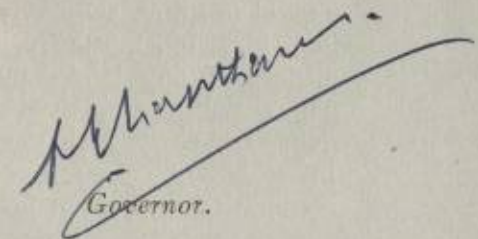
(Secretariat 1/5611/51)

HONG KONG

No. 32 of 1956.



I assent.


Governor.

7th June, 1956.

An Ordinance to provide for the incorporation of the President in Hong Kong of the Tsung Tsin Mission of Hong Kong.

[8th June, 1956.]

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 Tsung Tsin Mission Short title of Hong Kong Incorporation Ordinance, 1956.

2. The President for the time being in Hong Kong of the Tsung Tsin Mission of Hong Kong shall be a corporation sole, hereinafter referred to as the corporation, and shall have the name of "The President in Hong Kong of the Tsung Tsin Mission of Hong Kong Incorporated" and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal.

Powers of corporation.

3. (1) 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 where-soever situate, and also to invest monies upon mortgage of any lands, buildings, messuages or tenements or upon the mortgages, debentures, stocks, funds, shares or securities of any government, municipality, corporation, or company and also to purchase, acquire, and possess goods and chattels of what nature and kind soever.

(2) Notwithstanding the provisions of subsection (1), the corporation shall not acquire any immovable property in the Colony unless it shall have previously obtained the special consent of the Governor in Council in each case.

(3) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or other goods and chattels whatsoever, which are for the time being vested in or belonging to the corporation, upon such terms as the corporation may deem fit.

Transfer of property.

4. The legal estate in any property whatsoever, transferred to the corporation in any manner whatsoever, shall in the event of death of the President for the time being in Hong Kong of the Tsung Tsin Mission of Hong Kong, or in the event of his ceasing to hold office as such President, pass to his successor in such office when appointed.

Execution of deeds.

5. All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the person who is for the time being President in Hong Kong of the Tsung Tsin Mission of Hong Kong or of his attorney, duly authorized, and such deeds and instruments and all other documents, instruments and writings requiring the signature of the corporation shall be signed by such President or his attorney.

Appointment of President.

6. (1) Whenever any person is appointed to the office of President in Hong Kong of the Tsung Tsin Mission of Hong Kong, that person shall within three weeks after his appointment or within such further time as may be allowed by the Governor furnish to the Governor satisfactory evidence of his appointment.

(2) A notification in the *Gazette* under the hand of the Colonial Secretary that such evidence has been furnished to the Governor by such person shall be conclusive evidence of such appointment.

(3) The appointment of a new President, in the event of death or for any other reason, shall be made by the majority vote at a general meeting of members of the Tsung Tsin Mission of Hong Kong.

7. (1) Notwithstanding the provisions of subsection (2) of section 3, all those pieces or parcels of ground specified in the Schedule, together with all rights, easements and appurtenances belonging or appertaining thereto or therewith usually held occupied and enjoyed, are hereby transferred to and vested in the corporation for the respective residues of the term or terms of years created by the respective Crown Leases thereof, subject to the payment of the rents and the performance of the covenants and conditions reserved by and contained in the Crown Leases of the same, and subject to such mortgages, charges, leases, tenancies and other agreements and upon such trusts and conditions as may be subsisting in respect thereof upon the commencement of this Ordinance.

Vesting of certain properties.

(2) On the coming into operation of this Ordinance all moneys, securities for money, goods, chattels, and effects whatsoever belonging to the Tsung Tsin Mission of Hong Kong are hereby transferred to and vested in the corporation and the corporation shall become liable to the debts and liabilities of the said Tsung Tsin Mission of Hong Kong.

8. 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.

SCHEDULE.

1. The Remaining Portion of Subsection 3 of Section C of Inland Lot No. 681 and The Remaining Portion of Section D of Inland Lot No. 681.
2. Section A and The Remaining Portion of Subsection 5 of Section B of Inland Lot No. 681.
3. Inland Lot No. 829.

4. The Remaining Portion of Inland Lot No. 681 and Subsection 1 of Section D of Inland Lot No. 681.
5. Inland Lot No. 1060.
6. Sowkewan Lot No. 138.
7. New Kowloon Inland Lot No. 1.
8. New Kowloon Inland Lot No. 1386.
9. Lot No. 749 in Demarcation District No. 214.
10. Lot No. 208 in Demarcation District No. 257.
11. Lots Nos. 1676(I), 1694(A), 1676(D), 1676(A/2) and 1676(E/1) in Demarcation District No. 83.
12. Lot No. 1721 in Demarcation District No. 221.
13. Lots Nos. 1642, 1576A, 1576B and 1700 in Demarcation District No. 221.
14. Section A of Inland Lot No. 1059.

Passed the Legislative Council of Hong Kong, this 6th day of June, 1956.



Deputy Clerk of Councils.

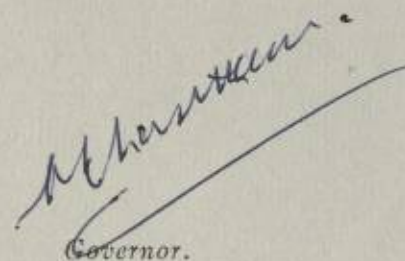
(Secretariat 16/3231/56)

HONG KONG.

No. 33 OF 1956.



I assent.



Governor.

21st June, 1956.

An Ordinance to amend the Fire Brigade Ordinance, 1954.

[22nd June, 1956.]

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 Fire Brigade Short title. (Amendment) Ordinance, 1956.

2. Section 9 of the Fire Brigade Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is amended by the deletion of the word "punished" and the substitution therefor of the following—

"dealt with".

Amend-
ment of
section 9.
(Ordinance
No. 32 of
1954).

Amend-
ment of
section 11.

3. Subsection (1) of section 11 of the principal Ordinance is amended by the substitution of a colon for the full stop at the end of paragraph (b) and the addition thereafter of the following proviso—

“Provided that where the Governor is the appropriate authority he may, if the proceedings disclose grounds for so doing, in lieu of awarding a punishment, without further proceedings require the person against whom the proceedings have been taken to retire in the public interest in accordance with Colonial Regulations.”.

Amend-
ment of
section 13.

4. Section 13 of the principal Ordinance is amended—

(a) by the substitution of a semi-colon for the full stop at the end of paragraph (c);

(b) by the addition after paragraph (c) of the following new paragraph—

“(d) nothing in this Part shall be construed to preclude the termination of the employment in accordance with Colonial Regulations of a member on the ground that, having regard to the conditions of the public service, the usefulness of the member thereto and all the other circumstances of the case, such termination is desirable in the public interest.”.

Amend-
ment of
section 14.

5. Paragraph (b) of section 14 of the principal Ordinance is amended by the insertion after the figures “19” of the following—

“and for the use of equipment furnished therefor”.

Amend-
ment of
section 19.

6. Section 19 of the principal Ordinance is amended—

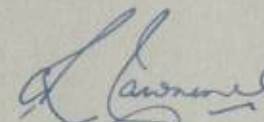
(a) in subsection (1), by the insertion after the word “applicant” of the following—

“and for the purpose furnish such equipment as he may deem necessary”;

(b) in subsection (2), by the insertion after the word “detailed” of the following—

“and for the use of equipment so furnished”.

Passed the Legislative Council of Hong Kong, this 20th day of June, 1956.



Deputy Clerk of Councils.

(Secretariat 22/3231/52)

HONG KONG

No. 34 OF 1956.



I assent.

McDonnell
Governor.

21st June, 1956.

An Ordinance to provide for the collection and realization of German enemy property and for the distribution of the proceeds thereof; and for purposes connected with the matters aforesaid.

[]

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 Distribution of German Enemy Property Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor by proclamation in the *Gazette*.

Short title
and com-
mencement.

Inter-pretation.

2. (1) In this Ordinance—

“Administrator” means the Administrator of German Enemy Property appointed under the provisions of section 3;

“German company” means a body incorporated in, or under the laws of, Germany;

“German enemy debt” means—

(a) any sum due at the coming into operation of this Ordinance in respect of an obligation incurred before the 3rd day of September, 1939, which on that date was an obligation of—

- (i) the German State;
- (ii) any individual who on that day was a German national resident in Germany; or
- (iii) any body of persons (whether corporate or unincorporate) which on that day was a body incorporated or constituted in or under the laws of Germany;

to any of the following persons—

- (i) the Government of Hong Kong; or
- (ii) a Hong Kong person;

Provided that where any Hong Kong person carried on business on that date both in and outside Hong Kong any sum attributable to the business carried on outside Hong Kong shall be excluded;

(b) any sum, not included in paragraph (a), being—

- (i) a sum due at the coming into operation of this Ordinance in respect of any bond of any of the issues described in the First Schedule;
- (ii) a sum due at the coming into operation of this Ordinance in respect of any bond of any of the issues described in the Second Schedule being a bond enfacéd in accordance with the supplementary agreement for the execution of article 2 of the Anglo-German Agreement of the first day of July, 1939;
- (iii) a sum due on the seventh day of May, 1945, in respect of any bond of any of the issues described in the Third Schedule;

First Schedule.

Second Schedule.

Third Schedule.

“German enemy property” means property which at the coming into operation of this Ordinance is or at any time thereafter becomes—

- (a) the proceeds realized by any winding up carried out under the Alien Enemies (Winding up) Ordinance, 1914, (28 of 1914) and paid into a bank approved by the Governor under subsection (10) of section 5 of that Ordinance; or
- (b) subject to control under section 22 of the Trading with the Enemy Ordinance; (Cap. 188).

being property or the proceeds or income of property which on or at any time after the 3rd day of September, 1939, belonged to or was held or managed on behalf of—

- (i) the German State;
- (ii) a German person;
- (iii) any person who was a German national on or at any time after the said day and was included among the persons specified in any order made under subsection (2) of section 4 of the Trading with the Enemy Ordinance, or was a person whose property became subject to control under section 22 of that Ordinance at a time when he was not an enemy within the meaning of that Ordinance;
- (iv) any body of persons (whether corporate or unincorporate) which on or at any time after the said day was controlled by a German person;

“German national” does not include any person who acquired German nationality by reason of the inclusion in the German State after the 1st day of March, 1938, of any territory not comprised therein on that day;

“German person” means in relation to any date—

- (a) any individual who on that day was a German national resident in Germany or in any territory under the sovereignty of a State which on or at any time of the said day was at war with Her Majesty;
- (b) any body of persons (whether corporate or unincorporate) which on that day was a body incorporated or constituted in or under the laws of Germany;

“Germany” means territory comprised in the German State on the 1st day of March, 1938;

“Hong Kong company” means a body incorporated in, or under the laws of, Hong Kong;

“Hong Kong person” means in relation to any date—

- (a) any British subject or British protected persons resident or carrying on business on that day in Hong Kong;
- (b) any body of persons (whether corporate or unincorporate) which on that day was a body incorporated or constituted under the laws in force in Hong Kong.

(2) For the purposes of this Ordinance, a person who at any time was resident in Germany shall be deemed to have been a German national at that time unless it is proved to the satisfaction of the Administrator, within such time and in such manner as may be prescribed by regulations made by the Governor in Council under section 4 of this Ordinance, that he was not a German national at that time.

(3) For the purposes of this Ordinance, property which, or the right to transfer which, is vested in the Custodian of Enemy Property appointed under section 17 of the Trading with the Enemy Ordinance and property which, by virtue of any order made under that section, cannot be dealt with without the consent of the Governor shall be deemed to be subject to control under that section.

(Cap. 188).

Appoint-
ment of
Adminis-
trator.

3. (1) The Governor may appoint an Administrator of German Enemy Property and the occupant of the office for the time being shall be a corporation sole and by that name shall have perpetual succession with capacity to acquire and hold in that name lands, Government securities, shares in any public company, debentures, stocks, funds, securities for money and real and personal property of any description, to sue and be sued, to grant, sell, convey, assign, surrender, exchange, partition, yield up, demise, reconvey, re-assign, transfer or otherwise dealt with and dispose of any property of any nature whatsoever, to execute deeds, using an official seal, to enter into engagements binding on himself and his successors in office and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

(2) Notification of the appointment of an Administrator shall be published in the *Gazette*.

4. (1) The Governor in Council may by regulations prescribe or provide for the collection and realization of German enemy property and for the distribution of the proceeds thereof, to such extent as may be prescribed by the regulations, to persons who establish claims in respect of German enemy debts.

Collection,
realization
and distri-
bution of
German
enemy
property.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision for the following matters—

- (a) the conferring and imposing on the Administrator of such powers and duties as may be necessary for the fulfilment of the provisions of this Ordinance;
- (b) the transfer and vesting of German enemy property to and in the Administrator, and the discharge of any person specified in the regulations from liability in respect of things done or omitted to be done in relation to property transferred from him to the Administrator;
- (c) the manner and time in which claims in respect of German enemy debts are to be put forward, and the furnishing and verification of information in connexion with any such claims, including the production of books and documents;
- (d) the determination, as regards any such claim, of the question whether the claim is established for the purposes of the regulations and of the amount of the claim;
- (e) the distribution from time to time of the proceeds of the realization of German enemy property to persons whose claims in respect of German enemy debts have been established for the purpose of the regulations;
- (f) the charging of fees to persons making claims in respect of German enemy debts, and the recovery of those fees by deduction from the amounts to be distributed as aforesaid or otherwise;
- (g) the disposal of the surplus of any German enemy property or the proceeds of sale or income thereof which remains in the hands of the Administrator or under his control after payment or satisfaction of all payments,

(12, 13 & 14 Geo. VI, c. 85).

requirements or stipulations required or provided for under this Ordinance or any regulations made thereunder for the purposes of the Distribution of German Enemy Property Act, 1949;

(h) the disposal of sums in the Administrator's hands which, by reason of a failure to discover the whereabouts of persons to whom the sums ought to be distributed, or for any other reason, it is not practicable to distribute.

(3) Without prejudice to the generality of the preceding provisions of this section, regulations made under this section may—

- (a) exclude from the application of the regulations such classes of claims as may be prescribed by the regulations;
- (b) differentiate between different classes of claims, as respects the priority in which payments are to be made and the extent of the payments;
- (c) make provision for enabling proceeds of German enemy property which belonged to or was held or managed on behalf of, a particular person or body of persons to be distributed to persons establishing claims in respect of debts due from that person or body.

Power of Governor to direct transfer of property.

(28 of 1914). (Cap. 188).

5. (1) Notwithstanding the provisions of section 4 the Governor may direct the Administrator to transfer to or for the benefit of any person specified in the direction any German enemy property, to which that person would have been entitled but for the operation of the Alien Enemies (Winding up) Ordinance, 1914, or of the Trading with the Enemy Ordinance or any order made thereunder, and the Administrator shall comply with such direction.

(Cap. 188).

(2) Where any German enemy property, on or at any time after the 3rd day of September, 1939, belonging to, or was held or managed on behalf of, a German company, and it appears to the Governor that the company was on that day controlled, directly or indirectly, by a Hong Kong company, the Governor may treat that property for the purposes of subsection (1), to such extent as he shall think fit having regard to the extent of the interest of the Hong Kong company in the German company, as property to which the Hong Kong company would have been entitled but for the operation of the Trading with the Enemy Ordinance or any order made thereunder.

6. Where arrangements have been made by or on behalf of the Government of Hong Kong with the Government of any country outside Hong Kong or any person acting on their behalf for the resolution of conflicting claims to German enemy property and corresponding property under the control of the Government of that country—

Arrangements for the resolution of conflicting claims to German property.

- (a) the Governor may, for the purpose of giving effect to those arrangements, direct the Administrator to transfer to such person as may be specified in the direction such German enemy property or proceeds thereof as may be so specified, and the Administrator shall comply with any such direction; and
- (b) any property transferred in pursuance of those arrangements to any person acting on behalf of the Government of Hong Kong shall be transferred to the Administrator and shall be dealt with in like manner as German enemy property.

7. All fees recovered under this Ordinance and any sums paid by the Administrator to any person acting on behalf of the Government of Hong Kong shall be paid into the general revenue of the Colony and all expenses of the Administrator shall be defrayed out of the general revenue of the Colony.

Receipts and expenses.

8. (1) Any person who—

Offences.

- (a) is prohibited by or under regulations made under section 4 from dealing with any German property otherwise than with the consent of the Administrator; or
- (b) is required by or under such regulations to transfer German enemy property to the Administrator or otherwise to deal with that property in accordance with the directions of the Administrator,

contravenes or fails to comply with the prohibition or requirements, shall be guilty of an offence.

(2) Any person who—

- (a) without reasonable excuse, fails to comply with any requirement made by or under any such regulations to furnish information or to produce books or documents; or

- (b) in giving information for the purpose of any such regulation knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence.

(3) Any person who is guilty of an offence under this section shall be liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.

(4) Where any offence under this section has been committed by a body corporate every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and all the circumstances.

Stamp duty. 9. The exemption from stamp duty contained in paragraph (a) of section 41 of the Stamp Ordinance shall not apply to any instrument made or executed by or on behalf of the Administrator.

FIRST SCHEDULE.

[s. 2(1).]

1. Potash Syndicate of Germany 25 year Sinking Fund Gold Loan.
2. City of Berlin 6 per cent Sterling Loan, 1927.
3. City of Cologne 6 per cent Sterling Loan, 1928.
4. City of Dresden 5½ per cent Sterling Loan of 1927.
5. City of Munich 6 per cent Sterling Bonds.
6. State of Hamburg 6 per cent Sterling Loan of 1926.
7. Hamburg Waterworks 6 per cent Sterling Loan.
8. The Free State of Saxony 6 per cent 25 year Sterling Bonds of 1927.
9. Province of Westphalia 7 per cent Sterling Loan.
10. Prussian Electric Company 6 per cent 25 year Sterling Bonds.
11. Konversionskasse 4 per cent Sterling Bonds.

SECOND SCHEDULE.

[s. 2(1).]

1. German External Loan 1924.
2. German Government International 5½ per cent Loan, 1930.
3. City of Saarbrucken 6 per cent Sterling Loan, 1928.

THIRD SCHEDULE.

[s. 2(1).]

1. Austrian Government International Loan, 1930 or Austrian Government Credit Anstalt Bonds, 1936, being a bond enfaced in accordance with the Supplementary Agreement for the execution of Article 2 of the Anglo-German Transfer Agreement of the first day of July, 1938.
2. Austrian Government International Guaranteed Loan 1933-53, or Austrian Government Guaranteed Conversion Loan, 1934-59, being a bond which was in the beneficial ownership of a British holder within the meaning of Article 4 of the Anglo-German Transfer Agreement of the 1st day of July, 1938, on that day.

Passed the Legislative Council of Hong Kong, this 20th day of June, 1956.



Deputy Clerk of Councils.

(Secretariat 97/812/46)

HONG KONG

No. 35 OF 1956.



I assent.

M. H. H. H.
Governor.

21st June, 1956.

An Ordinance to make provision in respect of things done in relation to enemy property or property treated as enemy property in excess of the powers conferred by the law relating thereto.

[]

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 Enemy Property Ordinance, 1956, and shall come into operation on a day to be appointed by the Governor by proclamation in the *Gazette*.

Short title
and com-
mencement.

2. In this Ordinance, unless the context otherwise requires—
“Administrator” means the Administrator of German Enemy Property appointed by the Governor under section 3 of the Distribution of German Enemy Property Ordinance, 1956;

Inter-
pretation.

(Cap. 188). "custodian" means a person appointed by the Governor under section 17 of the Trading with the Enemy Ordinance to be Custodian of Enemy Property;

(28 of 1914). "liquidator" means a person appointed by the Governor under section 5 of the Alien Enemies (Winding up) Ordinance, 1914.

Making and withholding of payment.

(28 of 1914). (Cap. 188).

3. (1) Where at any time after the 3rd day of September, 1939, a payment—

- (a) was made to a custodian or to a liquidator or was withheld from any person (whether by way of refusal or of omission to make the payment), by or on behalf of any person in good faith and in purported compliance with a restriction or obligation imposed by or under the Alien Enemies (Winding up) Ordinance, 1914, or the Trading with the Enemy Ordinance, or any regulations made thereunder or in pursuance of a direction made by a custodian or by a liquidator acting in good faith and in purported compliance with the provisions of any of the said enactments; or
- (b) was made by a custodian or by a liquidator acting in good faith and purporting to act under the provisions of any of the said enactments to or for the benefit of any person who, but for the provisions of any of the said enactments, would have been entitled thereto,

then the making or withholding of the payment shall be deemed to have been authorized by the said enactments notwithstanding that apart from this section it was not so authorized and the making of any such payment shall be deemed to have operated, so far as the amount thereof extended, as a release of the person by or on whose behalf it was made.

(2) Nothing in the provisions of this section shall be construed to prevent a custodian or a liquidator or the Administrator—

- (a) from repaying the amount or any part of the amount of any payment made to him to or for the benefit of any person to or for whose benefit the amount or part thereof could lawfully have been paid apart from this section; or
- (b) from exercising any right of recovery in respect of a payment made by him, being a right exercisable apart from this section.

4. (1) Where any property was dealt with in any way other than by the making or withholding of a payment as provided in section 3 and, whether by reason that property was not enemy property as defined either in the Alien Enemies (Winding up) Ordinance, 1914, or the Trading with the Enemy Ordinance at that time or for any other reason, the person who so dealt with the property was not empowered, as against all persons interested in the property, to deal with it in any way, then, if the property was so dealt with in good faith and in purported compliance with the Alien Enemies (Winding up) Ordinance, 1914, or with the Trading with the Enemy Ordinance or with any regulations made thereunder or with any restriction or obligation imposed under any of the said enactments, the person who so dealt with it shall be deemed, as against all persons interested therein, to have been empowered by the said enactments to deal with it in any way subject to the provisions of subsections (2) and (3).

Property wrongly dealt with as enemy property. (28 of 1914). (Cap. 188).

(2) If the dealing in question purported to be a transfer of the property on a sale thereof, the property shall be deemed to have vested in the transferee in accordance with the terms of the purported transfer, subject however to any incumbrances to which it would have been subject in his hands if it had then been lawfully transferred to him in those terms on a sale by the person entitled to the property.

(3) If the dealing purported to be a transfer of the property by a custodian or by a liquidator or by the Administrator to or for the benefit of a person who but for the operation of any of the said enactments would have been entitled thereto the property shall be deemed to have vested in the transferee as mentioned in subsection (2) provided that nothing in this subsection shall affect any right of recovery from the transferee or from a personal representative of the transferee of property remaining vested in him, or of recovery from the transferee or his personal representatives of damages in respect of any dealing with the property, being a right which would be exercisable apart from this section; and if immediately before the dealing there subsisted in respect of the property a trust of which the person to or for whose benefit the transfer purported to be made was a trustee, nothing in subsection (1) or in this subsection shall be construed as affecting that trust or any right of interest thereunder.

(28 of 1914).

(4) If at the time of the dealing the property was not enemy property as defined by the Alien Enemies (Winding up) Ordinance, 1914, or the Trading with the Enemy Ordinance, nothing in this section shall be construed to prevent a person from recovering the property or any proceeds thereof from a custodian or from the Administrator who for the time being has the property or proceeds in his possession or under his control.

Burden of proof of good faith.

(28 of 1914).

(Cap. 188).

5. For the purpose of this Ordinance anything done by a custodian or by a liquidator or by any person in purported compliance with the provisions of the Alien Enemies (Winding up) Ordinance, 1914, or the Trading with the Enemy Ordinance or any regulations made thereunder or in pursuance of a restriction or obligation imposed by or under any of the said enactments or in pursuance of a direction or request of a custodian or a liquidator, shall be deemed to have been done in good faith unless the contrary is proved.

Income from moneys invested by custodian.

6. (1) Subject to the provisions of this section, any income received by the custodian from the investment of moneys coming into his hands in his capacity as custodian, being income received by way of discount on the purchase by him of Treasury Bills or by way of interest on other loans made by him to the Government of Hong Kong or on moneys placed by him in his name on deposit or current account at a bank, shall belong to the Crown and be paid into the general revenue of the Colony.

(2) Where a custodian, whether after or before the passing of this Ordinance, pays or has paid to any person a capital sum on the footing that—

- (a) it represents or represented money which was paid to the custodian as being money due to an enemy, but which was not in fact money due to an enemy, or
- (b) it represents or represented the proceeds of property which was transferred to the custodian as being enemy property, but which was not in fact enemy property,

the person to whom the capital sum is or was paid shall be entitled to receive from the custodian interest thereon at the rate of three-quarters of one per cent. per annum from the date on which the custodian received the money referred to in paragraph (a) of this subsection or the proceeds referred to in paragraph (b) thereof, as the case may be, to the date of payment of the capital sum :

Provided that—

- (i) where the payment of the capital sum was made before the coming into force of this Ordinance, the right to interest thereon under this subsection shall not arise unless a claim for it in writing is made to the custodian within one year from the date of coming into force of this Ordinance and there is produced to the custodian such evidence in support of the claim as the custodian may reasonably require ; and
- (ii) where in such a case the person to whom the capital sum was paid has since died, or any other event has occurred whereby the right to the interest, if vested in him immediately before that event, would thereupon have vested in some other person, the right to claim the interest shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that event, as the case may be, and, if the right is duly exercised, the interest shall be paid to the persons claiming under him accordingly.

(3) For the purpose of making payments of interest under subsection (2) a custodian who at the coming into force of this Ordinance has in his hands, or thereafter receives, any income such as is mentioned in subsection (1) of this section shall set aside out of that income such sums as the Governor may from time to time direct ; and out of any sums so set aside the custodian shall pay any interest becoming payable by him under subsection (2) and shall pay the balance thereof (if any) into the general revenue of the Colony.

(4) In this section the expression "money due to an enemy" means money which would, but for the existence of a state of war, have been payable to or for the benefit of a person who was an enemy within the meaning of the Alien Enemies (Winding up) Ordinance, 1914, or the Trading with the Enemy Ordinance.

(28 of 1914).

(Cap. 188).

Passed the Legislative Council of Hong Kong, this 20th day of June, 1956.

Deputy Clerk of Councils.

(Secretariat 97/812/46)

HONG KONG

No. 36 OF 1956.



I assent.

McArthur
Governor.

21st June, 1956.

An Ordinance to amend the Brewin Trust Fund Ordinance, 1955.

[4th March, 1955.]

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 Brewin Trust Fund (Amendment) Ordinance, 1956, and shall be deemed to have had effect from the date of the coming into force of the Brewin Trust Fund Ordinance, 1955, (hereinafter referred to as the principal Ordinance). Short title and commencement. (9 of 1955).

2. Section 10 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 10.

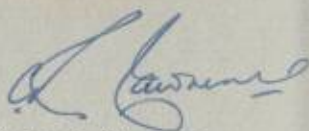
"Accounts. **10.** (1) The trustee shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared for the period from the vesting

day to the 30th day of June, 1956, and thereafter for every period of twelve months ending on the 30th day of June in each year, a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet.

(2) The accounts of the fund and the statement of the accounts shall be audited by an auditor appointed by the Governor and the auditor shall certify the statement subject to such report, if any, as he may think fit.

(3) The audited statement of accounts together with the auditor's report, if any, and a copy of the report by the committee on the administration of the fund during the period covered by the audited accounts shall be laid on the Table of the Legislative Council not later than the 31st December next following the end of such period, or so soon thereafter as the Governor may in his absolute discretion allow."

Passed the Legislative Council of Hong Kong, this 20th day of June, 1956.



Deputy Clerk of Councils.

(Secretariat 2/2321/52)

HONG KONG

No. 37 OF 1956.



I assent.



Officer Administering the Government.

26th July, 1956.

An Ordinance further to amend the Vehicle and Road Traffic Ordinance, Chapter 220.

[27th July, 1956.]

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 Vehicle and Road Traffic (Amendment) Ordinance, 1956. Short title.

2. The long title to the Vehicle and Road Traffic Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment of long title. (Cap. 220).

(a) by the deletion of the word "and" and the substitution therefor of a comma; and

(b) by the deletion of the full stop at the end thereof and the addition thereto of the following—

"and the user of roads and for other purposes connected therewith."

Repeal and
replace-
ment of
section 2.

3. Section 2 of the principal Ordinance is repealed and replaced by the following—

“Interpre-
tation.

2. (1) In this Ordinance—

- “car” means any motor vehicle constructed or adapted only for the carriage of not more than nine passengers and their effects;
- “driver” means, in relation to any vehicle, any person who is in charge of or assisting in the control of such vehicle and includes any person pulling a ricksha or bearing a chair and “drive” in relation to a vehicle includes pull and bear;
- “driving licence” means a licence issued in accordance with the provisions of regulations made under section 3B;
- “goods vehicle” means any motor vehicle constructed or adapted for use for the carriage of goods or equipment or for any other purpose except the carriage of the driver and passengers, or a trailer so constructed or adapted;
- “motor vehicle” means any mechanically propelled vehicle;
- “omnibus” means any motor vehicle constructed or adapted only for the carriage of more than nine passengers and their effects;
- “owner” includes the person in whose name a vehicle is registered and the person by whom the vehicle is kept and used and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement;
- “passenger” includes any person carried on an omnibus except one driver, not more than two conductors such gate boys as are necessary and one ticket inspector and any person carried in a car except one driver;
- “public” in relation to any vehicle means standing or plying for hire or available and intended for hire and carrying goods or passengers for hire or reward;

“registration mark” means the registration mark assigned or deemed to be assigned to a motor vehicle in accordance with the provisions of regulations made under section 3A;

“road” includes every highway, thoroughfare, street, lane, alley, court, square, archway, passage, path, way and place to which the public have access, either continuously or intermittently and either of right or by licence, whether the same be the property of the Crown or otherwise;

“standing or plying for hire” means, in respect of any vehicle, being on any road in motion or stopped and exhibiting any sign or signal or having a driver who is exhibiting any sign or signal indicating that it or any portion of it is available for hire whether on a pre-determined route or otherwise;

“taximeter” means any appliance for measuring the time or distance for which a taxi is used, or for measuring both time and distance, or for recording the fare by time or distance or by a combination of time and distance, which is for the time being approved for the purpose by or on behalf of the Commissioner of Police;

“use” means use on a road;

“vehicle” means any vehicle whether mechanically propelled or otherwise intended or adapted for use on roads and includes a ricksha and a chair but does not include a perambulator or any conveyance for use solely on railways or tramways;

“vehicle licence” means a licence issued under the provisions of regulations made under section 3A.

(2) For the purpose of this Ordinance, motor vehicles shall be divided into the following classes—

- (a) private goods vehicles, that is to say goods vehicles which are not public goods vehicles and are not used for the carriage of goods for hire or reward;

- (b) public goods vehicles, that is to say goods vehicles which stand or ply for hire, or are from time to time let out for hire or intended to be let out for hire but excluding any vehicles the plying for hire of which is prohibited by this Ordinance;
- (c) taxis, that is to say any cars which stand or ply for hire and in which the passengers are carried for hire or reward under a contract expressed or implied for the use of the vehicles as a whole at a rate indicated by the taximeters;
- (d) public cars, that is to say any cars which are not taxis and which carry or are intended to carry passengers for hire and reward under a contract expressed or implied for the use of vehicles as a whole at or for a fixed or agreed rate or sum;
- (e) private cars, that is to say any cars which are not public cars or taxis and are not used to carry passengers for hire or reward;
- (f) public omnibuses, that is to say omnibuses which stand or ply for hire and are used to carry passengers at separate and distinct fares within the Colony on a recognized and pre-determined route;
- (g) hire omnibuses, that is to say omnibuses which carry or are available to carry passengers for hire and reward under a contract expressed or implied for the use of vehicles as a whole at or for a fixed or agreed rate or sum;
- (h) private omnibuses, that is to say omnibuses which are not public omnibuses or hire omnibuses and are not used to carry passengers for hire or reward;
- (i) motor cycles, that is to say two wheeled vehicles of unladen weights not exceeding 6 cwt. and propelled by mechanical power, with or without sidecars attached thereto;

- (j) motor tricycle, that is to say three wheeled vehicles of unladen weights not exceeding 6 cwt. and propelled by mechanical power, but do not include a motor cycle with a sidecar attached;
- (k) invalid carriages, that is to say motor vehicles especially designed and constructed for the use of persons suffering from physical defects or disabilities and used solely by such persons. ”.

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

“Regulations.

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

- (a) controlling and restricting traffic, whether vehicular or pedestrian;
- (b) controlling the use of vehicles, their equipment and apparatus;
- (c) controlling the conduct of persons using vehicles and drivers, conductors and passengers on vehicles;
- (d) the apprehension of persons who commit offences under this Ordinance;
- (e) controlling the user of roads and in particular prohibiting either absolutely or during specified hours the driving of any specified type of vehicle on any road on which the driving of such type of vehicle would, in the opinion of the Commissioner of Police, be dangerous or unsafe;
- (f) the fares which may be charged for the hire of any public vehicle;
- (g) granting exclusive rights of maintaining services of public motor vehicles, enforcing the obligations of any persons to whom such rights may be granted, requiring security from such persons and realizing such security, the amendment or cancellation of such rights

Repeal and replacement of section 3.

when granted, the fees to be paid in respect of such rights and for the effective control and protection of such services;

- (h) the designation by the Commissioner of Police of car parks for the use of vehicles of any description or any particular type or class, the granting of exclusive rights of occupation of car parks designated solely for the use of taxis or public goods vehicles and enforcing the obligation of any person to whom such rights may be granted, requiring security from such person and realizing such security, the amendment or cancellation of such rights when granted, the fees to be paid in respect of such rights and for the effective control and protection of such occupation;
- (i) generally carrying into effect the provisions of this Ordinance.

(2) Any regulations made under this section may empower the Commissioner of Police or any person authorized by him to do any of the things or exercise any of the functions specified in subsection (1).

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

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

"Registration and licensing of vehicles.

3A. (1) The Governor in Council may by regulation prescribe or provide for—

- (a) the registration and licensing of motor vehicles within the classes stipulated in subsection (2) of section 2 or any sub-division of any such class;
- (b) the registration and licensing of any other vehicles;
- (c) the exemption from registration and licensing of any vehicle or any class of vehicle;

Addition of new sections 3A, 3B and 3C.

- (d) the fees to be charged for registration and licensing of vehicles;
- (e) the display on vehicles of registration marks and of licences;
- (f) generally carrying into effect the provisions of this section.

(2) Any regulation made under this section may empower the Commissioner of Police or any person authorized by him to do any of the things or exercise any of the functions specified in subsection (1).

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

(4) Except as otherwise provided by this Ordinance or by regulations made thereunder, any person who drives or, as owner, permits to be driven any motor vehicle in respect of which a vehicle licence is required under this Ordinance or under any regulation made thereunder, when a vehicle licence is not in force for such vehicle shall be guilty of an offence and on conviction shall be liable to a fine of one thousand dollars and imprisonment for three months and in the case of a second or subsequent conviction to a fine of one thousand dollars and imprisonment for six months.

Licensing of drivers.

3B. (1) The Governor in Council may by regulation prescribe or provide for—

- (a) the licensing of drivers of vehicles;
- (b) the fees to be charged in respect of any licence granted to any person to drive a vehicle of a particular class;
- (c) the testing of persons applying for driving licences;
- (d) the exemption from payment of fees of any persons;
- (e) generally carrying into effect the provisions of this section.

(2) Any regulation made under this section may empower the Commissioner of Police or any person authorized by him to do any of the things or exercise any of the functions specified in subsection (1).

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

(4) Except as otherwise provided by this Ordinance or by regulations made thereunder, no person shall drive a vehicle on a road unless he is the holder of a driving licence in respect of vehicles of the same class as the vehicle which he is driving.

(5) No person shall, as owner, permit a vehicle to be driven by a person who is not in possession of a driving licence applicable to such vehicle except as otherwise provided by this Ordinance or by regulations made thereunder :

Provided that in any proceedings under this subsection it shall not be necessary to allege or to prove guilty knowledge on the part of the owner and it shall be no defence to prove absence of guilty knowledge.

(6) Any person who contravenes the provisions of subsection (4) or (5) shall be guilty of an offence and upon conviction shall be liable to a fine of one thousand dollars and imprisonment for three months, and in the case of a second or subsequent conviction to a fine of one thousand dollars and imprisonment for six months.

3C. (1) The Governor may cause to be prepared a code (in this section referred to as "the highway code") comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof shall as soon as approved by the

Issue by Governor in Council of the highway code. [cf. 20 & 21 Geo. 5, c. 43, s. 45].

Governor in Council be laid before the Legislative Council and the code or revised code as the case may be shall not be promulgated until the code has or the proposed alterations have been approved by the Legislative Council.

(3) Subject to the foregoing provisions of this section the Governor in Council may cause the code and every revised edition of the code to be printed and issued to the public either without charge or at such price as he thinks fit and may take such other steps as he thinks fit for securing that the provisions of the code shall be brought to the notice of the public.

(4) A failure on the part of any person to observe any provisions of the highway code shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings whether civil or criminal and including proceedings for an offence under this Ordinance be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings."

6. The principal Ordinance is amended by the insertion after section 8 of the following new sections—

Addition of new sections 8A and 8B.

"Duty to stop in case of accident. [20 & 21 Geo. 5, c. 43, s. 22].

8A. (1) If in any case owing to the presence of a vehicle on a road an accident occurs whereby damage or injury is caused to any person, vehicle, animal or thing, the driver of the vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and, in the case of a motor vehicle, the registration mark thereof.

(2) If in the case of any such accident as aforesaid the driver of the vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) If in any case owing to the presence of a vehicle on a road an accident occurs whereby damage or injury is caused to any person, vehicle, animal or thing, the driver of such vehicle shall render such assistance as may be reasonably required by any police officer or in the absence of any police officer such assistance as it may reasonably be in the power of such driver to render.

(4) In this section "animal" means any horse, cattle, ass, mule, sheep, pig, goat, cat or dog.

(5) Any person who contravenes any provision of this section shall be guilty of an offence and on summary conviction shall be liable to a fine of five hundred dollars and to imprisonment for three months.

Preservation of evidence of serious accidents.

8B. If owing to the presence of a vehicle on a road an accident occurs in consequence of which any person is killed or seriously injured or serious damage is caused to any vehicle or thing, no person, except under the authority of a police officer, shall move or otherwise interfere with any vehicle involved in the accident or any part of such vehicle or do any other act so as to destroy or alter any evidence of the accident :

Provided that—

- (i) a vehicle or any part thereof may be moved so far as may be necessary to extricate persons or animals involved, to remove mails, to prevent fire or to prevent damage or obstruction to the public; and
- (ii) goods or passengers' baggage may be removed from a vehicle under the supervision of a police officer; and
- (iii) this section shall not apply where it is urgently necessary to remove any seriously injured person to hospital and no suitable means of conveyance other than a vehicle involved in the accident is available."

7. Section 10 of the principal Ordinance is amended by the addition in subsection (1) thereof after the figure "6" of the following— Amendment of section 10.

"or subsection (4) of section 3A or subsection (4) or subsection (5) of section 3B".

8. The principal Ordinance is amended by the addition after section 12 of the following new section— Addition of new section 12A.

"Forgery, etc. of licences, etc. [20 & 21 Geo. 5, c. 43, s. 112.] (Cap. 209).

12A. (1) Any person who—

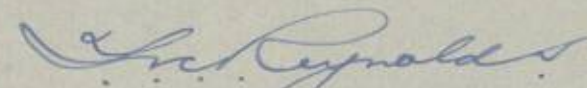
- (a) forges within the meaning of the Forgery Ordinance, or alters or uses or lends to or allows to be used by any other person any licence, permit, certificate or other document issued under the provisions of this Ordinance or of any regulations made thereunder; or
- (b) makes or has in his possession any document so closely resembling such a licence, permit, certificate or other document as to be calculated to deceive,

shall be guilty of an offence.

(2) Any person who, for the purpose of obtaining the issue of any driving licence, vehicle licence, permit, certificate or other document, under the provisions of this Ordinance or of any regulations made thereunder, to himself or to any other person or a variation of any such document, or for the purpose of preventing the issue or variation of any such document or preventing the imposition of any addition or limitation in relation to any such document, knowingly makes any false statement, shall be guilty of an offence.

(3) Any person who is guilty of any offence under this section shall be liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months."

Passed the Legislative Council of Hong Kong, this 25th day of July, 1956.

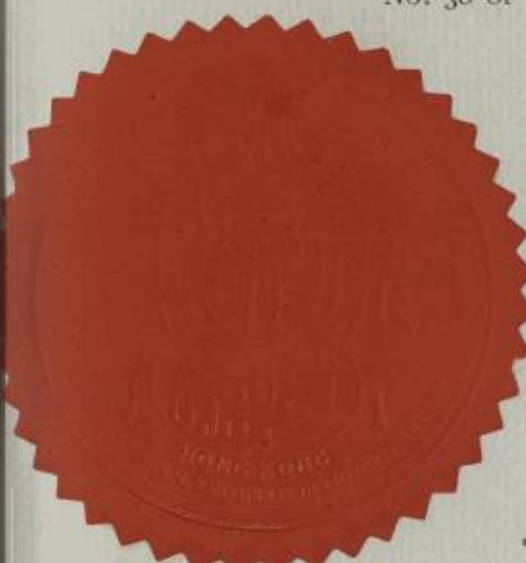

Deputy Clerk of Councils.

(Secretariat 49/3231/55)

HONG KONG

No. 38 OF 1956.

I assent.


W. D. L.
Officer Administering the Government.

26th July, 1956.

An Ordinance to consolidate and amend the law relating to dangerous goods.

[27th July, 1956.]

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 Dangerous Goods Short title Ordinance, 1956.

2. In this Ordinance, unless the context otherwise requires—
“carrier” includes all persons carrying goods or passengers for hire by land or water;
“dangerous goods” means any of the goods or substances to which this Ordinance applies under section 3;
“explosive” includes any substance used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

Interpretation.

“licensed premises” means any premises in which dangerous goods are permitted to be manufactured or stored by virtue of a licence issued under this Ordinance;

“occupier” includes any number of persons and a body corporate and, in the case of any manufacture, includes any person carrying on such manufacture;

“owner” in respect of any vessel includes a charterer and any person acting as agent for the owner;

“owner” in respect of dangerous goods includes any person acting as agent for the owner;

“petroleum” includes crude petroleum, oil made from petroleum or from coal, shale, peat or other bituminous substance, and other products of petroleum or of any of the above-mentioned oils, and mixtures containing petroleum or any of the above-mentioned oils;

“this Ordinance” includes regulations made under section 4;

“vessel” includes any ship or boat or junk or any other description of vessel used in navigation;

“warehouse owner” includes any person owning or managing any warehouse, store, quay, pier or other premises in which goods are deposited.

Application. **3.** This Ordinance shall apply to all explosives, compressed gases, petroleum and other substances giving off inflammable vapours, substances giving off poisonous gas or vapour, corrosive substances, substances which become dangerous by interaction with water or air, substances liable to spontaneous combustion or of a readily combustible nature, radioactive material and to such substances to which it is applied by the Governor in Council under section 4:

Provided that this Ordinance shall not apply—

- (a) to any dangerous goods carried in Her Majesty's ships of war, or in the ships of war of any foreign nation; or
- (b) to any dangerous goods in the possession and control of the Crown.

Regulations.

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

- (a) the application of this Ordinance to any substances and articles whatsoever;

- (b) the exemption of any substance or article to which this Ordinance applies or any quantity thereof from the operation of this Ordinance or any part thereof;
- (c) the control of and the safety precautions which shall be taken in relation to the manufacture, possession, landing, shipment, transshipment, storage, movement, sale and use of dangerous goods;
- (d) the label to be attached to any drum, tin, case or other package containing dangerous goods and the notices to be affixed to any premises containing dangerous goods and other methods of marking such goods or premises;
- (e) the tests to be applied for any purpose whatsoever to any dangerous goods or to any receptacle which has contained dangerous goods;
- (f) the manner in which any dangerous goods shall be packed;
- (g) requiring information to be furnished to such public officers as may be specified in respect of dangerous goods carried or to be loaded on any vessel or vehicle, and the nature of such information;
- (h) requiring such dangerous goods signals as may be prescribed to be exhibited on any vessel or vehicle carrying or about to load dangerous goods;
- (i) requiring such port fire alarm signals as may be prescribed to be exhibited or made on an outbreak of fire on any vessel carrying dangerous goods;
- (j) the control of the blasting of stone, earth or other material, the precautions to be taken while such blasting takes place and the times during which such blasting may take place;
- (k) the use of any cinematograph or similar apparatus upon any premises which is not a place of public entertainment within the meaning of the Places of Public Entertainment Ordinance; (Cap. 172).
- (l) the apprehension without a warrant of any person found committing any such dangerous offence as may be specified on licensed premises, for the purpose of conveying such person before a magistrate;

- (m) the form and conditions of any licence issued under this Ordinance, the public officers who may issue such licence, the fees therefor, and the period for which such licence shall be valid;
 - (n) forms generally; and
 - (o) the better carrying out of the purposes of this Ordinance.
- (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 eight thousand dollars and imprisonment for six months.

Licence required for manufacture, possession, etc. of dangerous goods.

5. (1) Save in respect of dangerous goods carried as cargo in vessels or in vehicles, or being loaded, discharged or moved on vessels under and in accordance with a licence issued under this Ordinance, or as may be provided by regulations made under section 4, no person shall have in his possession, custody or control, or in the possession, custody or control of any servant, agent or warehouse owner, any dangerous goods except under and in accordance with a licence issued under this Ordinance.

(2) Save as may be provided by regulations made under section 4, no person shall manufacture or cause to be manufactured any dangerous goods except under and in accordance with a licence issued under this Ordinance.

Licence required for supplying labour etc. for handling dangerous goods on vessels.

6. No person shall hire out or supply labour, vessels or equipment for loading, discharging or moving dangerous goods on vessels except under and in accordance with a licence issued under this Ordinance.

Grant and revocation of licences.

7. (1) Subject to the provisions of subsection (3) the grant or renewal of any licence issued or to be issued under this Ordinance shall be in the absolute discretion of the officer authorized to issue such licence, and any such licence shall be subject to such terms and conditions endorsed thereon as such officer may determine.

(2) Such officer may revoke any licence issued under this Ordinance on proof to his satisfaction of an offence against this Ordinance or a breach of any condition of such licence by the holder thereof.

(3) An appeal by an applicant for or holder of a licence shall lie by way of petition to the Governor in Council from any refusal to grant or renew, or from any revocation of, the licence under the provisions of subsection (1) or (2) within one month of notice being given of such refusal or revocation.

(4) A petition to the Governor in Council under the provisions of subsection (3) shall be lodged with the Clerk of Councils.

(5) On consideration of the petition, the Governor in Council may make such order as he thinks proper and such order shall be final.

(6) In the event of the revocation of any licence under the provisions of subsection (2), neither the licence fee nor any part thereof shall be returned unless the Governor in Council so directs.

8. No person shall deliver to any warehouse owner or carrier, or send or carry or cause to be sent or carried to or from any part of the Colony by land or water, or sell or expose for sale, or store any dangerous goods, or deposit any dangerous goods in or on any warehouse, wharf or quay unless—

Marking of dangerous goods and giving of notice of their character.

(a) the true name or description of such goods is distinctly written, printed or marked in English and Chinese on the outside of the drum, tin, case or other package containing such goods; and

(b) the prescribed label, if any, is attached to the outside of the drum, tin, case or other package containing such goods; and

(c) in the case of delivery to any warehouse owner or carrier, notice in writing has been given to such warehouse owner or carrier of the true name or description of such goods and the dangerous nature thereof.

9. Where any dangerous goods are possessed, landed, shipped, transhipped, stored or are otherwise dealt with, or where any vessel, carrying any dangerous goods is berthed or has anchored or stopped contrary to any regulations made under section 4, the Commissioner of Police, the Director of Marine or the Chief Officer of the Fire Brigade, or any other person acting under the orders of any of those officers, may cause such dangerous goods, or such vessel to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said regulations, and all expenses incurred in such removal may be

Removal of dangerous goods in contravention of regulations.

recovered from the owner thereof in like manner, in all respects, as a sum of money due or payable to the Crown in respect of a fee is recoverable.

Power of entry, etc.

10. (1) Any police officer not below the rank of sub-inspector, and any officer of the Fire Brigade authorized in that behalf by the Chief Officer of the Fire Brigade may—

- (a) enter, inspect and examine any place or building in which dangerous goods are manufactured, stored or used and every part thereof, at all times by day and by night, but so as not unnecessarily to impede or obstruct the work in such place or building, and may make inquiries as to the observance of this Ordinance and all matters and things relating to the safety of the public or of the persons employed in or about such place or building;
 - (b) require the occupier of any place or building which he is entitled under this section to enter, or a person employed by such occupier therein, to give him samples of any substance therein;
 - (c) enter and search any place or building in which such officer may have reasonable grounds for suspecting that there may be anything which, under paragraph (e), is liable to seizure;
 - (d) stop, board and search any vessel, vehicle or aircraft in which such officer may have reasonable grounds for suspecting that there may be anything which, under paragraph (e), is liable to seizure; and
 - (e) seize, remove and detain—
 - (i) anything with respect to which such officer may have reasonable grounds for suspecting that any offence against this Ordinance has been committed; or
 - (ii) any other thing, which may appear to such officer likely to be, or to contain, evidence of any such offence.
- (2) Any such officer may—
- (a) break open any outer or inner door of any place or building which he is empowered to enter and search;
 - (b) forcibly enter any vessel, vehicle or aircraft which he is empowered to stop, board and search and every part thereof;

- (c) remove by force any material obstruction to, or any persons obstructing any arrest, detention, search, inspection, seizure or removal which he is empowered to make;
- (d) detain any person found in any place or building which he is empowered to enter and search until such place or building has been searched, and
- (e) detain any vessel, vehicle or aircraft which he is empowered to stop, board and search and any person on board such vessel or vehicle and prevent any person from approaching or boarding such vessel or vehicle until such vessel or vehicle has been searched.

(3) Any authority given by the Chief Officer of the Fire Brigade under subsection (1) may be given to an individual or to a class and may be—

- (a) general, so as to embrace all the powers referred to in this section; or
- (b) limited, so as to embrace only a portion of those powers; or
- (c) particular, for a particular occasion.

11. Whenever there occurs any accident by explosion or fire in or about or in connexion with any licensed premises, the occupier of such premises shall forthwith report such accident, and any loss of life or personal injury occasioned thereby, to the Commissioner of Police and to the Chief Officer of the Fire Brigade.

Report of accident by explosion or fire.

12. (1) Any person who contravenes any of the provisions of section 5, 6 or 8 shall be guilty of an offence and liable to a fine of eight thousand dollars and imprisonment for six months:

Offences and penalties.

Provided that any person accused of having contravened any of the provisions of section 8 shall not be liable to be convicted thereof if he shows, to the satisfaction of the magistrate before whom he is tried, that he did not know the nature of the goods to which the information relates, and that he could not, with reasonable diligence, have obtained such knowledge.

(2) The occupier of any premises who fails to report an accident in contravention of the provisions of section 11 shall be guilty of an offence and liable to a fine of one thousand dollars.

- (3) Any person who—
- (a) obstructs or delays any officer in the exercise of any of the powers conferred upon him by this Ordinance; or
 - (b) wilfully or recklessly gives false information, or withholds information, as to any of the matters in respect of which information is required to be given under this Ordinance,

shall be guilty of an offence and liable to a fine of two thousand dollars and imprisonment for six months.

Liability of licence holder for offences committed by his employees and agents.

13. Whenever it is proved to the satisfaction of any court having jurisdiction that an offence against this Ordinance has been committed by any employee or agent of any person holding a licence issued under this Ordinance, such person shall be held to be liable for such offence and to the penalty provided therefor, unless he proves that the offence was committed without his knowledge or consent and that he had exercised all due diligence to prevent the commission of the offence:

Provided that—

- (a) no such person shall be sentenced to imprisonment (except in default of payment of a fine) for any offence under this section; and
- (b) nothing in this section shall be deemed to exempt the employee or agent from the penalties provided for the offence committed by him.

Cancellation of licence on conviction.

14. On the conviction of any person for an offence against this Ordinance, the magistrate may, in addition to any other penalty, order that any licence issued under this Ordinance held by such person shall be cancelled and any licence in respect whereof any such order is made shall be forthwith delivered by the holder thereof to the appropriate licensing authority for cancellation.

Forfeiture.

15. A magistrate may order to be forfeited to the Crown any dangerous goods and any container thereof with respect to which any offence against this Ordinance has been committed, whether any person has been charged with such offence or not.

Saving for other enactments.

16. The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other enactment relating to dangerous goods, except so far as those provisions are expressly repealed by this Ordinance.

17. Any licence or any renewal thereof issued under any enactment repealed by section 18 and in force when such repeal takes effect shall be deemed to be and shall continue in force unless sooner revoked or cancelled until the expiration of the period for which it was issued as if it had been issued under this Ordinance.

Validity of licences issued under repealed enactments.

18. (1) The Dangerous Goods Ordinance, 1873, is repealed.

Repeal (1 of 1873).

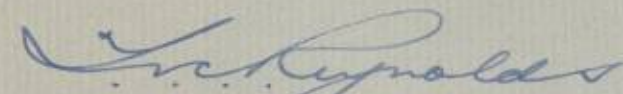
(2) The Gunpowder and Fireworks Ordinance, 1901, and the Celluloid and Cinematograph Film Ordinance, 1923, are repealed.

(14 of 1901).
(23 of 1923).

19. Subsection (2) of section 5 and subsection (2) of section 18 shall not come into operation until such date as the Governor in Council may specify by order published in the *Gazette*.

Commencement of sections 5(2) and 18(2).

Passed the Legislative Council of Hong Kong, this 25th day of July, 1956.

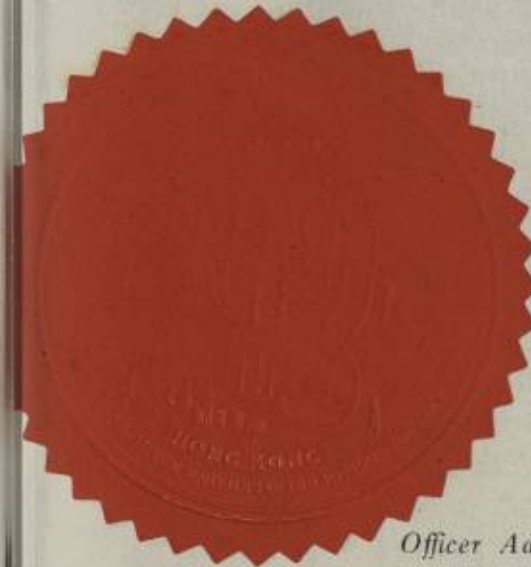

Deputy Clerk of Councils.

(Secretariat H/3231/51)

HONG KONG.

No. 39 OF 1956.

I assent.



[Signature]
Officer Administering the Government.

26th July, 1956.

An Ordinance further to amend the Magistrates (Coroners Powers) Ordinance, Chapter 14.

[27th July, 1956.]

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 Short title. (Coroners Powers) (Amendment) Ordinance, 1956.

2. Subsection (2) of section 7 of the Magistrates (Coroners Powers) Ordinance (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following—

Repeal and replacement of subsection (2) of section 7. (Cap. 14).

“(2) Whenever—

(a) any person dies whilst in police custody; or

(b) any prisoner dies in prison,

[cf. 50 & 51 Viet. c. 71, s. 3]. the magistrate shall, with a jury of three persons as hereinafter provided, as soon as practicable inquire into the cause of death.”.

Amendment of subsection (4) of section 9. 3. Subsection (4) of section 9 of the principal Ordinance is amended by the insertion between the words “no” and “officer” of the following—

“police officer, or”.

Repeal and replacement of subsection (2) of section 11. 4. Subsection (2) of section 11 of the principal Ordinance is repealed and replaced by the following—

“(2) In any case under section 7 it shall be the duty of the magistrate to furnish to—

- (a) the Commissioner of Police in respect of persons dying whilst in police custody; and
- (b) the Commissioner of Prisons in respect of prisoners dying in prison,

a copy of the finding of the jury, signed by him.”.

Passed the Legislative Council of Hong Kong, this 25th day of July, 1956.



Deputy Clerk of Councils.

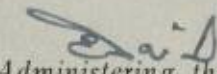
(Secretariat 4/2731/53)

HONG KONG

No. 40 of 1956.



I assent.


Officer Administering the Government.

9th August, 1956.

An Ordinance to amend the Telecommunication Ordinance, Chapter 106, and to limit the rights conferred by existing licences issued thereunder.

[10th August, 1956.]

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 Telecommunication Short title. (Amendment) Ordinance, 1956.

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

Amendment of section 2. (Cap. 106).

(a) the insertion in the definition of “telecommunication” after the word “facsimiles” of the following—

“, visual images”;

(b) the addition after the definition of "telegraph line" of the following new definition—

" "television" means any telegraphic communication of transient visual images by wire or wireless;".

Previous licences deemed not to authorize distribution of visual images. (Vol. IX, p. 216).

3. Nothing contained in any licence granted under the principal Ordinance before the coming into operation of this Ordinance other than an experimental station licence granted under regulation 2 of the Radiocommunication Regulations shall be deemed to authorize or to have authorized the holder of such licence to distribute visual images by means of wires connected to the premises of persons in the Colony.

Passed the Legislative Council of Hong Kong, this 8th day of August, 1956.


Deputy Clerk of Councils.


(Secretariat 5/1036/53)

HONG KONG

No. 41 of 1956.



I assent.


Officer Administering the Government.

9th August, 1956.

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

[10th August, 1956.]

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, 1956. Short title.

2. Section 37 of the Magistrates Ordinance (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following— Repeal and replacement of section 37. (Cap. 227).

“Applica-
tion of
money
found on
defaulter
37. (i) Where a defendant is fined and the same is not forthwith paid, the magistrate may order the defendant to be searched.”

to satisfy
sum
adjudged.
15 & 16
Geo. 6 and
1 Eliz. 2,
c. 55, s. 68.

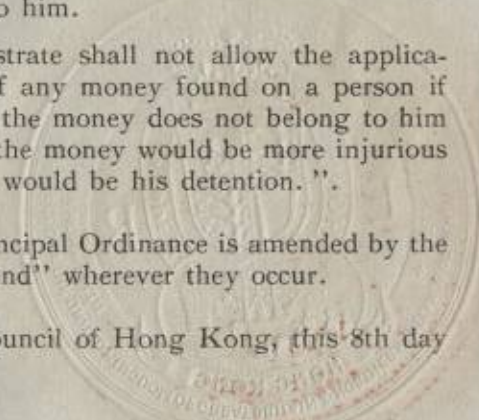
(2) Any money found on the arrest of a person adjudged to pay a fine, or on a search as aforesaid, or on his being taken to prison or other place of detention in default of payment of such a fine, may, unless the magistrate otherwise directs, be applied towards payment of the fine; and the balance, if any, shall be returned to him.

(3) The magistrate shall not allow the application as aforesaid of any money found on a person if he is satisfied that the money does not belong to him or that the loss of the money would be more injurious to his family than would be his detention."

Amend-
ment of
section 109.

3. Section 109 of the principal Ordinance is amended by the deletion of the words "or amend" wherever they occur.

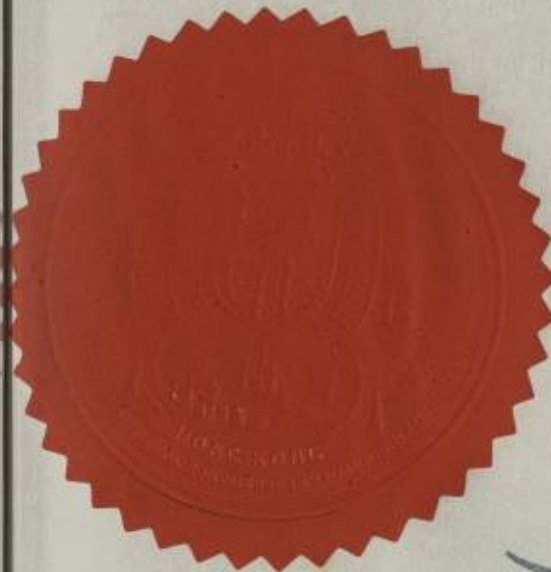
Passed the Legislative Council of Hong Kong, this 8th day of August, 1956.


John Reynolds
Deputy Clerk of Councils.

(Secretariat 48/2961/4611)

HONG KONG

No. 42 of 1956.



I assent.

David
Officer Administering the Government.

9th August, 1956.

An Ordinance to amend the Merchant Shipping Ordinance, 1953.

[10th August, 1956.]

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 Merchant Shipping Short title. (Amendment) Ordinance, 1956.

2. Subsection (1) of section 50 of the Merchant Shipping Ordinance, 1953, (hereinafter referred to as the principal Ordinance) is amended by the insertion after the number "51" of the following—

“(whether a preliminary inquiry under section 49A has been held or not)”.

Amendment
of
section 50.
(14 of 1953).

Amendment
of
section 51.

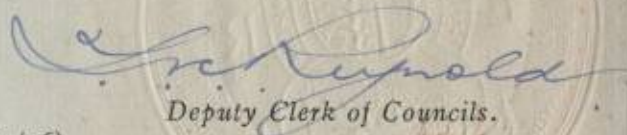
3. Subsection (3) of section 51 of the principal Ordinance is amended by the insertion after the word "inquiry" in the second place where it occurs of the following—

"other than a preliminary inquiry under section 49A".

Retrospec-
tive effect.
(44 of 1954).

4. This Ordinance shall be deemed to have had effect from the coming into operation of the Merchant Shipping (Amendment) Ordinance, 1954.

Passed the Legislative Council of Hong Kong, this 8th day of August, 1956.

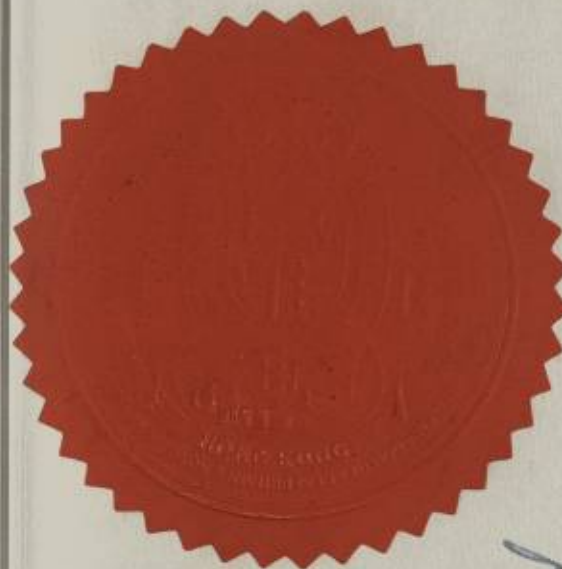


Deputy Clerk of Councils.

(Secretariat 2/5061/56)

HONG KONG

No. 43 of 1956.



I assent.

David
Officer Administering the Government.

9th August, 1956.

An Ordinance to make provision for the establishment of a trust fund to be known as the Hong Kong Tramways Educational Trust Fund, for the incorporation of the Chairman of the Management Committee to act as Trustee of the said fund, for the due administration thereof and for purposes connected with the matters aforesaid.

[10th August, 1956.]

WHEREAS—

(1) Hong Kong Tramways Limited (hereinafter called the Founders) marked the fiftieth anniversary of the running of the first tramcar in Hong Kong by allocating funds for the establishment of a trust in 1954 and have made a further allocation of funds for the same purpose in 1955 which said funds are held in cash together with interest accrued thereon or have been used to purchase shares as indicated in the Schedule hereto:

(2) The Founders have dedicated the fund as hereinafter defined and accretions thereto in perpetuity for the promotion and encouragement of education of selected children of employees and ex-employees of the Founders :

(3) It is desirable to incorporate the Chairman of the Committee set up under section 6 to act as Trustee of the trust fund as hereinafter defined :

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

Short title. 1. This Ordinance may be cited as the Hong Kong Tramways Educational Trust Fund Ordinance, 1956.

Inter-pretation. 2. In this Ordinance, unless the context otherwise requires—
“Committee” means the Committee established under section 6;
“employee of the Founders” includes a former employee of the Founders;
“Founders” means Hong Kong Tramways Limited.

Establish-ment of trust fund. 3. (1) There is hereby established a trust fund to be known as the Hong Kong Tramways Educational Trust Fund (hereinafter referred to as the Fund).

Schedule. (2) The Fund shall consist of the cash and shares listed in the Schedule together with any sums accumulated by way of dividends or interest thereon, bonus issues of shares and such other moneys and assets as may from time to time be given to the Fund, and such moneys or investments as shall from time to time represent the same.

Incorporation of the trustee. 4. (1) The Chairman of the Committee shall be the Trustee of the Fund (hereinafter referred to as the Trustee), and shall be a body corporate and shall have the name “The Trustee of the Hong Kong Tramways Educational Trust Fund”, and in that name shall have perpetual succession, and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal, and may from time to time break, change, alter and make anew the said seal.

(2) The Trustee shall be empowered to act as Trustee and whilst so acting shall have power to acquire, accept leases of, purchase, take, hold and enjoy, any lands, buildings, messuages or tenements of whatsoever nature or kind and wheresoever situated, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements or upon the mortgage debentures, stocks, funds, shares or securities of any Government, municipality, corporation, or company and also to purchase, acquire and possess goods and chattels of whatsoever nature and kind.

(3) The Trustee 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, tenements, mortgages, debentures, stocks, funds, shares or securities or other goods and chattels whatsoever which are for the time being vested in the Trustee upon such terms as to the Trustee may seem fit.

(4) Notwithstanding the provisions of subsection (2) the Trustee shall not acquire any immovable property in the Colony unless he shall have previously obtained the special consent of the Governor in Council in each case.

(5) All deeds and other instruments requiring the seal of the Trustee shall be sealed in the presence of the occupant of the Trustee for the time being and shall also be signed by him and such deeds and instruments, and all other documents, instruments and/or writings requiring a signature on behalf of the Trustee shall be signed by such occupant.

5. The Trustee shall hold the Fund upon the trusts, and with and subject to the powers and provisions, hereinafter in this Ordinance contained. Fund to be held upon trusts.

6. (1) There shall be a Committee who shall have the management of the Fund. Committee of management.

(2) The Committee shall consist of—

(a) the Chairman of the Founders who shall be Chairman of the Committee;

(b) a Director of the Founders appointed by resolution of the Board of Directors of the Founders;

- (c) the Manager of the Founders;
- (d) such other members not exceeding three as may be appointed by resolution of the Board of Directors of the Founders.

(3) The persons named in paragraphs (a) and (c) of subsection (2) shall whilst holding their respective offices be *ex-officio* members of the Committee.

(4) Every member appointed pursuant to paragraphs (b) and (d) of subsection (2) shall hold office for a fixed period of three years or until such time as his appointment is revoked and a new member appointed in his place by resolution of the Board of Directors of the Founders. Upon expiry of any such term of office a member may be re-appointed for a further similar term or a new member may be appointed in his place.

Trusts.

7. The Trustee shall apply the Fund including the capital and the income thereof in such manner as the Committee may direct for the promotion and encouragement of education and, in particular, for the education of such children of employees of the Founders as the Committee shall consider to be worthy of receiving the benefits of this trust, having regard to the intelligence, character and conduct of such children (as may appear to the Committee by observation, report or otherwise) and to the character and length and quality of service of their fathers and mothers as employees of the Founders.

Intervals and terms and conditions of awards.

8. Scholarships, maintenance grants and payments to cover text books and for such other purposes including the award of prizes directly or indirectly connected with the primary purposes of the trusts as set out in section 7 as the Committee shall deem appropriate shall be awarded at such intervals, and shall be held and enjoyed for such period, and subject to such terms and conditions, as shall from time to time be prescribed by regulations made by the Committee, and in default of such regulations then as the Committee shall determine, whether retrospectively or not; and the Committee may at any time alter or revoke regulations made under this section and make new regulations in place thereof.

Investments.

9. The Trustee may invest the Fund and keep the same invested whether or not any such investment is permitted for the investment of trust funds, as the Committee may direct, and in like manner such investments may at any time be varied.

10. (1) The Trustee shall cause proper accounts to be kept of all income and expenditure of the Fund and such accounts shall be audited at least once in every year by an auditor or auditors appointed from time to time by the Board of Directors of the Founders. Accounts and audit.

(2) A copy of such accounts together with a copy of a report by the Committee upon the administration of the Fund during the previous academic year shall be submitted by the Committee to the Board of Directors of the Founders not later than the 31st day of December in every year.

(3) The Committee may frame standing orders for the publication of such accounts and report in such manner as the Committee shall think fit and may alter revoke or replace such standing orders from time to time.

11. (1) The Committee may appoint upon such salary and upon such terms as it may think proper such servants as it may think necessary for the purpose of carrying out the provisions of this Ordinance and may employ any professional persons to advise it on any matter arising out of or in connexion with such provisions. Servants and advisers.

(2) All salaries and fees of any persons so appointed or employed shall be paid by the Trustee out of the Fund.

12. The costs of administering the Fund shall be paid out of the Fund. Costs of Administration.

13. In the event either of the Founders going into liquidation or of the Founders ceasing to be direct employers of employees in Hong Kong, the Fund shall form part of and shall be deemed to have been given to the Grantham Scholarships Fund established by the Grantham Scholarships Fund Ordinance, 1955, freed from all trusts subsisting in respect thereof at the time of such event, and thereafter the provisions of this Ordinance shall cease to be applicable to the Fund. Fund to form part of Grantham Scholarships Fund in certain events. (8 of 1955).

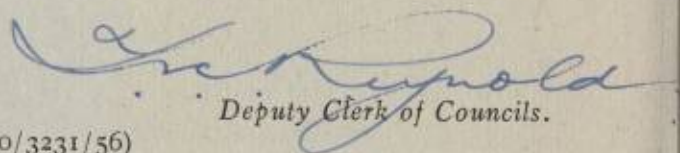
14. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs or Successors, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them. Savings clause.

SCHEDULE.

THE FUND.

5,000 shares in Hong Kong Tramways Limited
65 shares in Hongkong and Shanghai Banking Corporation
\$16,006.28 cash in the Bank.

Passed the Legislative Council of Hong Kong, this 8th day
of August, 1956.


Deputy Clerk of Councils.

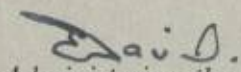
(Secretariat 10/3231/56)

HONG KONG

No. 44 OF 1956.



I assent.


Officer Administering the Government.

11th August, 1956.

An Ordinance to amend the Divorce Ordinance, Chapter 179.

[]

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 Divorce (Amendment) Ordinance, 1956, and shall come into operation upon a day to be appointed by the Governor by proclamation in the *Gazette*. Short title and commencement.
2. Section 2 of the Divorce Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definition of "desertion". Amendment of section 2. (Cap. 179).
3. The principal Ordinance is amended by the addition after the heading "Dissolution of Marriage" of the following new section— Addition of new section 4A.

“Restriction on petitions for divorce during the first three years after marriage.

4A. (1) No petition for dissolution of marriage shall be presented to the court unless at the date of the presentation of the petition three years have passed since the date of the marriage :

Provided that the court may, upon application being made in accordance with the provisions of this Ordinance and of rules made under section 48, allow a petition to be presented before three years have passed on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition, that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree nisi do so subject to the condition that no application to make the decree absolute shall be made until after the expiration of three years from the date of the marriage, or may dismiss the petition, without prejudice to any petition which may be brought after the expiration of the said three years upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In determining any application under this section for leave to present a petition before the expiration of three years from the date of the marriage, the court shall have regard to the interests of any children of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said three years.

(3) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which have occurred before the expiration of three years from the date of the marriage.”.

Repeal and replacement of section 5.

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

“Grounds for divorce.

5. (1) Subject to the provisions of section 4A, a petition for the dissolution of a marriage may be

presented to the court either by the husband or the wife on the ground that the respondent—

- (a) has since the solemnization thereof been guilty of adultery ; or
- (b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition ; or
- (c) has since the solemnization of the marriage treated the petitioner with cruelty ; or
- (d) is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition ;

and by the wife on the ground that her husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality.

(2) For the purposes of this section, a person of unsound mind shall be deemed to be under care and treatment—

(Cap. 136).
(Cap. 221).

- (a) while he is detained in pursuance of any order made or warrant issued under the Mental Hospitals Ordinance or of any order made under section 78 of the Criminal Procedure Ordinance or of any order made under subsection (2) of section 8 of the Supreme Court Ordinance ; or

(Cap. 4).

- (b) while he is receiving treatment as a voluntary patient under section 9 of the Mental Hospitals Ordinance, being treatment which follows without any interval a period of such detention as aforesaid ;

and not otherwise.”.

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

Repeal and replacement of section 6.

“Provision as to making adulterer co-respondent.

6. (1) On a petition for dissolution of marriage presented by the husband on the ground of adultery or in the answer of a husband praying for dissolution of marriage on the said ground, the petitioner or respondent, as the case may be, shall make the alleged

adulterer a co-respondent unless he is excused by the court on special grounds from so doing.

(2) On a petition for dissolution of marriage presented by the wife on the ground of adultery the court may, if it thinks fit, direct that the person with whom the husband is alleged to have committed adultery be made a respondent."

Repeal and replacement of section 7.

6. Section 7 of the principal Ordinance is repealed and replaced by the following section—

"Duty of court on presentation of petition for divorce.

7. (1) On a petition for dissolution of marriage it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties, and also to inquire into any counter-charge which is made against the petitioner.

- (2) If the court is satisfied on the evidence that—
 - (a) the case for the petition has been proved; and
 - (b) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned, the adultery, or, where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty; and
 - (c) the petition is not presented or prosecuted in collusion with the respondent or either of the respondents;

the court shall pronounce a decree of dissolution of marriage, but if the court is not satisfied with respect to any of the aforesaid matters, it shall dismiss the petition :

Provided that the court shall not be bound to pronounce a decree of dissolution of marriage and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery or if, in the opinion of the court, the petitioner has been guilty—

- (i) of unreasonable delay in presenting or prosecuting the petition; or

- (ii) of cruelty towards the other party to the marriage; or
- (iii) where the ground of the petition is adultery or cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery or cruelty complained of; or
- (iv) where the ground of the petition is adultery or unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion."

7. Sections 8, 9 and 10 of the principal Ordinance are repealed. Repeal of sections 8, 9 and 10.

8. Section 11 of the principal Ordinance is repealed and replaced by the following section— Repeal and replacement of section 11.

"Relief to respondent on petition for dissolution of marriage.

11. If in any proceedings for dissolution of marriage the respondent opposes the relief sought on the ground of the petitioner's adultery, cruelty or desertion, the court may give to the respondent the same relief to which he or she would have been entitled if he or she had presented a petition seeking such relief."

9. The principal Ordinance is amended by the addition, after section 11, of the following new sections— Addition of new sections 11A and 11B.

"Divorce proceedings after grant of judicial separation.

(Cap. 16).

11A. (1) A person shall not be prevented from presenting a petition for dissolution of marriage, or the court from pronouncing a decree of dissolution of marriage, by reason only that the petitioner has at any time been granted a judicial separation or an order under the Separation and Maintenance Orders Ordinance upon the same or substantially the same facts as those proved in support of the petition for dissolution of marriage.

(2) On any such petition for dissolution of marriage, the court may treat the decree of judicial

separation or the said order as sufficient proof of the adultery, desertion, or other ground on which it was granted, but the court shall not pronounce a decree of dissolution of marriage without receiving evidence from the petitioner.

(3) For the purposes of any such petition for dissolution of marriage, a period of desertion immediately preceding the institution of proceedings for a decree of judicial separation or an order under the said Ordinance having the effect of such a decree shall, if the parties have not resumed cohabitation and the decree has been continuously in force since the granting thereof, be deemed immediately to precede the presentation of the petition for dissolution of marriage.

Proceedings for decree nisi of presumption of death and dissolution of marriage.

11B. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may, if he is domiciled in the Colony, present a petition to the court to have it presumed that the other party is dead and to have the marriage dissolved, and the court, if satisfied that such reasonable grounds exist, may make a decree nisi of presumption of death and of dissolution of the marriage.

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner, and the petitioner has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead until the contrary is proved.

(3) Sections 16 and 44 of this Ordinance shall apply to a petition and a decree under this section as they apply to a petition for dissolution of marriage and a decree of dissolution of marriage respectively.

(4) In determining for the purposes of this section whether a woman is domiciled in the Colony, her husband shall be treated as having died immediately after the last occasion on which she knew or had reason to believe him to be living."

10. Sections 12 and 13 of the principal Ordinance are repealed and replaced by the following sections—

Repeal and replacement of sections 12 and 13.

"Petition for nullity of marriage.

12. A husband or wife may present a petition to the court praying that his or her marriage may be declared null and void on any of the grounds mentioned in section 13.

Grounds of decree.

13. (1) A marriage shall be void on any of the following grounds—

- (a) that the parties are within the prohibited degrees of consanguinity or affinity, whether natural or legal;
- (b) that either party was a lunatic or idiot at the time of the marriage;
- (c) that the former husband or wife of either party was living at the time of the marriage and the marriage with such former husband or wife was then in force;
- (d) that the consent of either party to the marriage was obtained by force or fraud in any case in which the marriage might be annulled on this ground by the law of England;
- (e) that the marriage is invalid by the law of the Colony.

(2) A marriage shall be voidable on any of the following grounds—

- (a) that the respondent was impotent at the time of the marriage and at the time of the institution of the suit;
- (b) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or
- (c) that either party to the marriage was at the time of the marriage of unsound mind or subject to recurrent fits of insanity or epilepsy; or
- (d) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form; or

(e) that the respondent was at the time of the marriage pregnant by some person other than the petitioner:

Provided that, in the cases specified in paragraphs (c), (d) and (e) of this subsection, the court shall not grant a decree unless it is satisfied—

- (i) that the petitioner was at the time of the marriage ignorant of the facts alleged;
- (ii) that proceedings were instituted within a year from the date of the marriage; and
- (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree.

(3) Nothing in this section shall be construed as validating any marriage which is by law void, but with respect to which a decree of nullity has not been granted."

Repeal and replacement of section 15. **11.** Section 15 of the principal Ordinance is repealed and replaced by the following section—

15. Where a decree of nullity is granted in respect of a voidable marriage, any child who would have been the legitimate child of the parties to the marriage if it had been dissolved, instead of being annulled, at the date of the decree shall be deemed to be their legitimate child notwithstanding the annulment."

Amendment of section 16. **12.** Section 16 of the principal Ordinance is amended by—

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

"(1) A decree *nisi* for dissolution of marriage or for nullity of marriage may be made absolute after the expiration of three months from the pronouncing thereof, or after such shorter time as the court may fix from time to time by general or special order.";

(b) the deletion of subsection (7) and the substitution therefor of the following subsection—

"(7) Where a decree *nisi* has been obtained, whether before or after the coming into operation of the Divorce

(Amendment) Ordinance, 1956, and no application for the decree to be made absolute has been made by the party who obtained the decree, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom the decree *nisi* has been granted shall be at liberty to apply to the court and the court shall, on such application, have power to make the decree absolute, reverse the decree *nisi*, require further inquiry or otherwise deal with the case as the court thinks fit."

13. Section 17 of the principal Ordinance is amended by the deletion of subsections (1) and (2) and the substitution therefor of the following subsections— Amendment of section 17.

"(1) A petition for judicial separation may be presented to the court either by the husband or the wife on any grounds on which a petition for dissolution of marriage might have been presented, or on the ground of failure to comply with a decree for restitution of conjugal rights, or on any ground on which a decree for divorce *a mensa et toro* might have been pronounced in England immediately before the coming into operation of the Matrimonial Causes Act, 1857, and the provisions of section 7 of this Ordinance relating to the duty of the court on the presentation of a petition for dissolution of marriage, and the circumstances in which such a petition shall or may be granted or dismissed, shall apply in like manner to a petition for judicial separation.

(2) Where the court in accordance with the said provisions grants a decree for judicial separation, it shall no longer be obligatory for the petitioner to cohabit with the respondent."

14. Section 20 of the principal Ordinance is repealed and replaced by the following section— Repeal and replacement of section 20.

20. A petition for restitution of conjugal rights may be presented to the court either by the husband or the wife, and the court, on being satisfied that the allegations contained in the petition are true, and that there is no legal ground why a decree for restitution "Decree for restitution of conjugal rights."

of conjugal rights should not be granted, may make the decree accordingly. ”.

Repeal of section 25.

15. Section 25 of the principal Ordinance is repealed.

Repeal and replacement of section 28.

16. Section 28 of the principal Ordinance is repealed and replaced by the following section—

“Alimony pendente lite.

28. On any petition under this Ordinance the court may make such interim orders for the payment of alimony to the wife as the court thinks just. ”.

Amendment of section 31.

17. Section 31 of the principal Ordinance is amended by the insertion in subsection (1), after the word “adultery” of the following—

“, desertion or cruelty”.

Amendment of section 34.

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

- (a) the deletion of the words “or for restitution of conjugal rights, ”; and
- (b) the deletion of the words “decree absolute” and the substitution therefor of the following—

“final decree”.

Repeal of section 35.

19. Section 35 of the principal Ordinance is repealed.

Repeal and replacement of section 39.

20. Section 39 of the principal Ordinance is repealed and replaced by the following section—

“Evidence.

39. (1) Notwithstanding any rule of law, the evidence of a husband or wife shall be admissible in any proceedings to prove that marital intercourse did or did not take place between them during any period.

(2) Notwithstanding anything in this section or any rule of law, a husband or wife shall not be compellable in any proceedings to give evidence of the matters aforesaid.

(3) The parties to any proceedings instituted in consequence of adultery and the husbands and wives

of the parties shall be competent to give evidence in the proceedings, but no witness in any such proceedings, whether a party thereto or not, shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery. ”.

21. The principal Ordinance is amended by the addition, after section 45, of the following new section—

Addition of new section 46

“Additional jurisdiction in proceedings by a wife.

46. (1) Without prejudice to any jurisdiction exercisable by the court apart from this section, the court shall by virtue of this section have jurisdiction to entertain proceedings by a wife in any of the following cases, notwithstanding that the domicile of the parties to the marriage at the time when the petition was presented was not in the Colony, that is to say—

- (a) in the case of any proceedings under this Ordinance other than proceedings for presumption of death and dissolution of marriage under section 11B, if the wife has been deserted by her husband, or the husband has been deported or expelled from the Colony under any law for the time being in force relating to the deportation or expulsion of aliens, and the husband was immediately before the desertion, deportation or expulsion domiciled in the Colony;
- (b) in the case of proceedings for dissolution of marriage under section 5, if the wife is resident in the Colony and has been ordinarily resident there for a period of three years immediately preceding the time when the petition was presented.

(2) Without prejudice to the jurisdiction of the court to entertain proceedings under section 11B in cases where the petitioner is domiciled in the Colony, the court shall by virtue of this section have jurisdiction to entertain any such proceedings brought by a

wife, if the wife is resident in the Colony and has been ordinarily resident there for a period of three years immediately preceding the time when the petition was presented.

(3) In any proceedings in which the court has jurisdiction by virtue of this section, the issues shall be determined in accordance with the law which would be applicable thereto if both parties were domiciled in the Colony at the time of the proceedings.”

Amendment of section 48.

22. Section 48 of the principal Ordinance is amended by the deletion of subsection (6) and the substitution therefor of the following subsection—

“(6) Subject to the provisions of this Ordinance and of any rule made by the Chief Justice under this Ordinance, the fees and costs payable upon all proceedings in suits under this Ordinance shall be the same as the fees and costs payable in the Original Jurisdiction of the Supreme Court, and all such proceedings shall be regulated by the Code of Civil Procedure.”

(Vol. VII, p. 44).

Effect of section 11 on the devolution and disposition of property.

23. Nothing in section 11 of this Ordinance shall affect the devolution of any property on the intestacy of a person who died before the coming into operation of this Ordinance, or any disposition made before the coming into operation of this Ordinance.

Provision for a reprint of the principal Ordinance as amended and of this Ordinance.

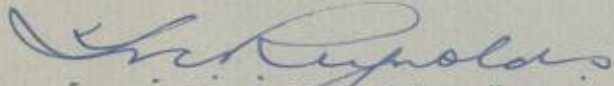
24. (1) The Government Printer shall, if directed by the Governor, cause to be prepared and published a reprint of the principal Ordinance incorporating therein all additions, omissions, substitutions and amendments effected by this Ordinance and by any other enactment amending the principal Ordinance, and shall, if so directed, print as part of such reprint and as an appendix thereto sections 1 and 23 of this Ordinance together with this section.

(2) The publication of such reprint and appendix shall be notified by the Colonial Secretary in the *Gazette* and, with effect from the date of such notification, such reprint and appendix shall be deemed authentic copies of the principal Ordinance as amended and of this Ordinance and shall be judicially noticed as

such, and further shall be deemed to be official copies for the purposes of subsection (3) of section 7 of the Interpretation (Cap. 1) Ordinance.

(3) If any inconsistency is shown to exist between a provision of any enactment authorized to be published in such reprint and appendix and that provision as published in such reprint and appendix, the provision as enacted shall prevail.

Passed the Legislative Council of Hong Kong, this 6th day of June, 1956.


Deputy Clerk of Councils.

(Secretariat 31/3231/54)

HONG KONG

No. 45 OF 1956.



I assent.

[Signature]
Officer Administering the Government.

6th September, 1956.

An Ordinance to amend the Fraudulent Transfers of Businesses Ordinance, Chapter 49.

[7th September, 1956.]

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 Fraudulent Transfers of Businesses (Amendment) Ordinance, 1956. Short title.

2. Section 3 of the Fraudulent Transfers of Businesses Ordinance is amended— Amendment of section 3. (Cap. 49).

(a) by the deletion from subsection (1) of the words “incurred in the business” and the substitution therefor of the following—

“, including liability for tax charged or chargeable under the provisions of the Inland Revenue Ordinance, arising out of the carrying on of the business”;

- (b) by the deletion from paragraph (d) of subsection (4) of the words "incurred in the business" and the substitution therefor of the following—
"arising out of the carrying on of the business".

Passed the Legislative Council of Hong Kong, this 5th day of September, 1956.

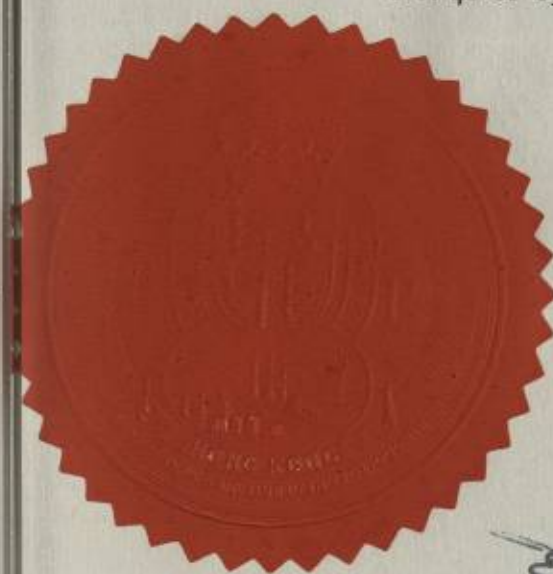

Deputy Clerk of Councils.

(Secretariat 8/2306/56)




HONG KONG

No. 46 OF 1956.



I assent.


Officer Administering the Government.

27th September, 1956.

An Ordinance further to amend the Importation and Exportation Ordinance, Chapter 50.

[1st January, 1953.]

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 Importation and Exportation (Amendment) Ordinance, 1956, and shall be deemed to have come into operation on the 1st day of January, 1953.

Short title and commencement.

2. Section 4 of the Importation and Exportation Ordinance is amended by the deletion of paragraph (j) and the substitution therefor of the following—

Amendment of section 4. (Cap. 50).

"(j) to provide for the issue, endorsement, control and regulation of certificates as to the production, processing, manufacture and composition of any article, and of certificates for the purpose of obtaining preferential duties of