

of any of the provisions of section 105S forthwith may—

- (a) order any person who appears to him to be taking part in the convening of such meeting, not to convene the meeting; or
- (b) where such meeting has already been convened, order any persons present at the meeting to disperse.

(2) Any person who refuses or fails to comply with any order given in pursuance of subsection (1) may forthwith be removed from the precincts of the civic centre.”.

Addition of  
new sections  
124A to 124H.

9. The principal Ordinance is amended by adding, after section 124, the following new sub-heading and new sections—

*“Cremation and crematoria*

Government  
and private  
crematoria.

**124A.** (1) The places specified in Part V of the Fifth Schedule shall be Government crematoria.

(2) The places specified in Part VI of the Fifth Schedule shall be authorized private crematoria.

(3) The places specified in Part VII of the Fifth Schedule shall be Gardens of Remembrance.

(4) The Governor may, by order published in the *Gazette*, amend, add to or delete from Parts V, VI, and VII of the Fifth Schedule.

Management  
of Govern-  
ment crema-  
toria and  
Gardens of  
Remem-  
brance.

**124B.** The management and control of Government crematoria and Gardens of Remembrance shall be vested in the Authority.

Use of  
crematoria.

**124C.** No building or place shall be used as a crematorium other than—

- (a) a Government crematorium;
- (b) an authorized private crematorium; or
- (c) a building or place in respect of which the Authority shall have granted special and written permission, upon such terms and conditions as it thinks fit, to some person, society or institution to use the same for the cremation of the human remains or class of human remains specified in such permit.

Provision  
for hearing  
objections  
where  
application  
for crema-  
torium in  
certain  
locations.

**124D.** (1) Where application is made under paragraph (c) of section 124C for the permission of the Authority to use for the burning of human remains any building or place nearer to any dwelling house than two hundred yards or within fifty yards of any public highway, the Authority shall cause notice of the application specifying the site to be published, at the expense of the applicant, in English and Chinese in three successive numbers of the *Gazette*.

(2) If any person objects to the grant of permission, in any case to which subsection (1) is applicable, objection must be sent in writing to the Authority to reach its office not later than one week after the publication of the last of such notices.

(3) Every such objection together with any evidence that may be tendered by the objector and the applicant or their representatives shall be considered by the Authority before deciding whether or not to grant the application.

(4) Any such decision shall be subject to appeal to the Governor in Council by the applicant or any such objector.

Regulations  
relating to  
cremation  
and crema-  
toria.

**124E.** (1) The Authority may make regulations for any of the following matters—

- (a) the maintenance and inspection of crematoria;
- (b) the cases in which and conditions under which the burning of any human remains may take place;
- (c) the disposal or interment of the ashes resulting from any such burning;
- (d) the forms of the notices, certificates and declarations to be given or made before any such burning is permitted to take place, such declarations to be made under and by virtue of the Oaths and Declarations Ordinance 1972;
- (e) the fees or charges to be taken and made for the cremation of human remains in any crematorium;
- (f) the registration of the burnings;

(g) closing of crematoria, other than Government crematoria, and delegation of authority to order such closure.

(2) Any provisions relating to the destruction and falsification of registers of burials contained in any enactment, and the admissibility of extracts therefrom as evidence in courts and otherwise, shall apply to the registers of burnings directed by such regulations to be kept.

Offences.

**124F.** (1) Any person who knowingly carries out or procures or takes part in the burning of any human remains, except in accordance with the provisions of this Part and the regulations made hereunder, shall (in addition to any liability or penalty which he may otherwise incur) be guilty of an offence.

(2) Any person who wilfully makes any false declaration or representation, or signs or utters any false certificate, with a view to procuring the burning of any human remains, shall (in addition to any penalty or liability which he may otherwise incur) be guilty of an offence.

(3) Any person who, with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or, with such intent, makes any declaration or gives any certificate under this Part, shall be guilty of an offence.

Fees and charges to be part of funeral expenses.

**124G.** The prescribed fees, and charges and expenses properly incurred in or in connexion with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

Saving for coroner.

**124H.** Nothing in this Part shall interfere with any jurisdiction or power of any coroner to order the cremation of a body, and nothing in this Part shall authorize any person to create or permit a nuisance."

Amendment of section 130.

- 10.** Section 130 of the principal Ordinance is amended—
- (a) in subsection (6), by deleting "and, where the public body is the Urban Council, by the Director of Urban Services,"; and
- (b) by adding after subsection (6) the following new subsection—

"(6A) Any sum which the Urban Council is entitled to recover under the provisions of this

Ordinance may be recovered by the Director of Urban Services summarily as a civil debt due to the Urban Council or as a simple contract debt due to the Urban Council in any court of competent jurisdiction."

**11.** The principal Ordinance is amended by adding, after section 137, the following new section—

Addition of new section 137A.

"Application of Summary Offences Ordinance.

(Cap. 228.)

(Cap. 245.)

**137A.** Any part of a stadium, museum, library or civic centre to which from time to time the public has access, whether on payment or otherwise, shall, during such time, be deemed to be a public place for the purposes of the Summary Offences Ordinance and the Public Order Ordinance."

**12.** Section 144 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 144.

"Use of premises by the Government.

Restriction on certain powers.

**144.** The Governor in Council may direct that any premises the management and control of which is vested in the Urban Council by this Ordinance be made available for use by the Government on any ceremonial or other public occasion.

**144A.** The Governor shall not exercise the powers conferred by sections 42A(1), 76A(1), 79(3), 105A(1), 105G, 105K(1), 105M(1), 106(1), and 124A(4) in relation to any premises which are the subject of a Crown lease without the consent of the lessee thereof."

**13.** Section 145 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 145.

"Fees.

**145.** Any rents, fees or other charges whatsoever, including the proceeds of any sale, collected under any provision of this Ordinance, shall be paid—

- (a) to the Urban Council where the Urban Council is the Authority for the purposes of such provision; and
- (b) to the general revenue in any other case."

**14.** The Third Schedule to the principal Ordinance is amended—

Amendment of Third Schedule.

(a) by inserting after "42(1) Urban Council Governor in Council" the following—

"42B Urban Council \_\_\_\_\_";

(b) by inserting after—

"75	Urban Council and, in respect of drugs, Director of Medical and Health Services	Director of Urban Services and, in respect of drugs, Director of Medical and Health Services",
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the following—

"76B	Urban Council	_____";
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(c) by inserting after "78(1), (2) and (3) Urban Council Director of Urban Services" the following—

"79A	Urban Council	Director of Urban Services";
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(b) by inserting after "91(1) Urban Council Director of Urban Services" the following—

"92A	Urban Council	Director of Urban Services
92B	Urban Council	Governor in Council";

(e) by inserting after "105(1), (2)(b), (3) and (4) Urban Council District Commissioner, New Territories" the following—

"105A(3)	Urban Council	Director of Urban Services
105B(1), (2) and (3)	Urban Council	Director of Urban Services
105C(1)	Urban Council	Director of Urban Services
105D	Urban Council	Governor in Council
105E(1), (2) and (3)	Urban Council	Director of Urban Services
105F(1)	Urban Council	—
105H	Urban Council	Director of Urban Services
105I	Urban Council	Governor in Council
105J(1) and (2)	Urban Council	Director of Urban Services
105K	Urban Council	Director of Urban Services
105L(1)	Urban Council	Governor in Council
105M(3)	Urban Council	Director of Urban Services
105N	Urban Council	Director of Urban Services
105O	Urban Council	Governor in Council

105P	Urban Council	Director of Urban Services
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105Q	Urban Council	Director of Urban Services";
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(f) by deleting—

"118(2)	Urban Council in respect of those cemeteries specified in Part I of Fifth Schedule which are situated in New Territories as well as in urban areas.	Director of Urban Services, save in respect of those cemeteries specified in Part I of Fifth Schedule which are situated in New Territories."
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and substituting the following—

"118(2)	Urban Council	Director of Urban Services";
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(g) by deleting—

"121(2)	Urban Council in respect of those cemeteries specified in Part I of Fifth Schedule which are situated in New Territories as well as in urban areas.	Director of Urban Services, save in respect of those cemeteries specified in Part I of Fifth Schedule which are situated in New Territories."
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and substituting the following—

"121	Urban Council	Director of Urban Services";
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(h) by inserting after "124(1) and (2) Urban Council Director of Urban Services" the following—

"124B	Urban Council	Director of Urban Services
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124C(e)	Urban Council	Director of Urban Services
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124D(1), (2) and (3)	Urban Council	Director of Urban Services
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124E	Urban Council	Governor in Council".
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15. The Fifth Schedule to the principal Ordinance is amended— Amendment of Fifth Schedule.

(a) by deleting the heading "CEMETERIES [ss. 2 & 113.]" and substituting the following—

"CEMETERIES, CREMATORIA AND GARDENS OF REMEMBRANCE [ss. 2, 113 & 124A.]";

(b) by deleting from Part I the following—

"Sandy Ridge Cemetery	Lo Wu, New Territories
Sandy Ridge Urn Cemetery	Lo Wu, New Territories
Wo Hop Shek Cemetery	Fanling, New Territories";

(c) in Part III—

(i) by inserting after "Cheung Chau Cemetery Cheung Chau, New Territories" the following—

"Sandy Ridge Cemetery	Lo Wu, New Territories
Sandy Ridge Urn Cemetery	Lo Wu, New Territories";

(ii) by inserting after "Tai O Cemetery Lantau, New Territories" the following—

"Wo Hop Shek Cemetery	Fanling, New Territories";
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(d) by adding, after Part IV, the following—

"Part V	
<i>Government crematoria</i>	
<i>Urban Areas</i>	<i>New Territories</i> <i>(excluding New Kowloon)</i>
Diamond Hill	Wo Hop Shek
Cape Collinson	

Part VI	
<i>Private crematoria</i>	
<i>Urban Areas</i>	<i>New Territories</i> <i>(excluding New Kowloon)</i>
—————	Po Kong Yuen Nunnery

Part VII	
<i>Gardens of Remembrance</i>	
<i>Urban Areas</i>	<i>New Territories</i> <i>(excluding New Kowloon)</i>
Cape Collinson	—————".

Amendment of Sixth Schedule. 16. The Sixth Schedule to the principal Ordinance is amended—

(a) by inserting after "81(2) Urban Council Director of Urban Services" the following—

"92C	Urban Council	Director of Urban Services";
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(b) by inserting after "105(2)(a) Urban Council Director of Urban Services" the following—

"105F(3)	Urban Council	Director of Urban Services
105S(1)	Urban Council	Director of Urban Services";

(c) by deleting—

"115(3)	Urban Council where the offence was committed in any cemetery specified in Part I of Fifth Schedule, as well as in urban areas.	Director of Urban Services, save where the offence was committed in any cemetery specified in Part I of Fifth Schedule which is situated in New Territories."
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and substituting the following—

"115(3)	Urban Council	Director of Urban Services";
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(d) by deleting—

"118(2)	Urban Council where the offence was committed in any cemetery specified in Part I of Fifth Schedule, as well as in urban areas.	Director of Urban Services, save where the offence was committed in any cemetery specified in Part I of Fifth Schedule which is situated in New Territories."
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and substituting the following—

"118(2)	Urban Council	Director of Urban Services";
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(e) by inserting after "124(2) Urban Council Director of Urban Services" the following—

"124F(1), (2) or (3)	Urban Council	Director of Urban Services".
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17. The Seventh Schedule to the principal Ordinance is amended in Form E by deleting from the last paragraph thereof "the Cremation Ordinance" and substituting the following—

"sections 124C, 124D, 124E and 124F".

Amendment of Seventh Schedule.

18. The Ninth Schedule to the principal Ordinance is amended—

(a) by inserting after "81(2) \$20 fine ———" the following—

"92C	\$1,000 fine and 6 months imprisonment	—————";
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Amendment of Ninth Schedule.

(b) by inserting after "105(2)(a) \$1,000 fine \$20 fine" the following—

"105F(3) \$500 fine \_\_\_\_\_  
105S(1) \$1,000 fine and 3 \_\_\_\_\_";  
months imprisonment

(c) by inserting after "124(2) \$1,000 fine \_\_\_\_\_" the following—

"124F(1) \$1,000 fine and 6 \_\_\_\_\_  
months imprisonment  
124F(2) 2 years imprisonment \_\_\_\_\_  
124F(3) 5 years imprisonment \_\_\_\_\_".

Addition of Tenth, Eleventh, Twelfth and Thirteenth Schedules.

19. The principal Ordinance is amended by adding, after the Ninth Schedule, the following new Schedules—

"TENTH SCHEDULE

[s. 79.]

PUBLIC MARKETS IN HONG KONG

<i>Name of Market</i>	<i>Name in Chinese</i>
Aberdeen Market	香港仔街市
Ap Lei Chau Market	鴨脷洲街市
Bridges Street Market	卅間街市
Canal Road Market	鵝頸街市
Causeway Bay Market	銅鑼灣街市
Central Market	中環街市
Chai Wan Resettlement Area Market No. 2	柴灣興華村第二街市
Kennedy Town Wholesale Market	西環街市
Lockhart Road Market	洛克道街市
North Point Market	北角街市
North Street Market Kennedy Town	北街新街市
Quarry Bay Market	鯉魚涌街市
Sai Wan Ho Market	西灣河街市
Sai Ying Pun Market	西營盤街市
Shau Kei Wan Market	筲箕灣街市
Shek Tong Tsui Market	石塘咀街市
Stanley Market	赤柱街市
Tai Hang Market	大坑街市
Tang Lung Chau Market	燈籠洲街市
Wan Chai Market	灣仔街市
Western Market, North Block	上環北便街市
Western Market, South Block	上環南便街市
Wong Nai Chung Market	黃泥涌街市

PUBLIC MARKETS IN KOWLOON AND NEW KOWLOON

<i>Name of Market</i>	<i>Name in Chinese</i>
Boundary Street Market	界限街街市
Cha Kwo Ling Market	茶葉嶺街市
Cheung Sha Wan Market	長沙灣街市
Chuk Yuen Market	竹園街市
Fa Yuen Market	花園街街市
Fook Lai Road Market	復禮道街市
Ho Man Tin Market	何文田街市
Hung Hom Market	紅磡街市
Jordan Valley Market	佐敦谷街市
Kowloon City Market	九龍城街市
Kwun Chung Market	官涌街市
Kwun Tong Market	觀塘街市
Mong Kok Market	旺角街市
Sham Shui Po Market	深水埗街市
To Kwa Wan Market	土瓜灣街市
Tsim Sha Tsui Market	尖沙咀街市
Wai Man Village Market, Lai Chi Kok	荔枝角衛民村街市
Yau Ma Tei Market	油麻地街市
Yuen Ling Market	元嶺街市

PUBLIC MARKETS IN THE NEW TERRITORIES

<i>Name of Market</i>	<i>Name in Chinese</i>
Heung Che Street Market	香車街街市
Kam Tin Market	錦田市場
Lam Tei Market	藍地街市
Lau Fau Shan Market	流浮山市場
Peng Chau (South) Government Market	坪洲市場
Rennie's Mill Market	調景嶺市場
Sai Kung Government Market	西貢市場
Sha Tau Kok Government Market	沙頭角市場
Sha Tin Temporary Market	沙田臨時市場
Sham Tseng Market	深井街市
Shek Wu Hui Government Market	石湖墟市場
Tai O (Lantau) Government Market	大澳市場
Tai Po Government Market	大埔市場
Tseng Lan Shue Market	井欄樹市場
Tsing Yi Market	青衣市場
Tsuen Wan Government Market	荃灣市場
Tuen Mun San Hui Market	屯門新墟市場
Yeung Uk Road Market	楊屋道市場
Yung Shu Wan Market	榕樹灣市場

## ELEVENTH SCHEDULE [s. 92A.]

## LICENSED ACTIVITIES

Public billiard saloon  
Public bowling-alley  
Public skating rink  
Public table tennis saloon  
Undertaker of burials

## TWELFTH SCHEDULE [s. 105A.]

## STADIA

Hong Kong Stadium at So Kun Po

## THIRTEENTH SCHEDULE [s. 105M.]

## CIVIC CENTRES

The City Hall at Connaught Road Central

## FOURTEENTH SCHEDULE [s. 42A(2).]

## PUBLIC SWIMMING POOLS

## Urban areas

Kowloon Tsai Swimming Pool  
Kwun Tong Swimming Pool  
Lei Cheng Uk Swimming Pool  
Morrison Hill Swimming Pool  
Morse Park Swimming Pool  
Victoria Park Swimming Pool.

Repeals and consequential amendments.  
(Cap. 133.)

(Cap. 145.)

(Cap. 230.)

(Cap. 270.)

(Cap. 328.)

Schedule.

20. (1) The following Ordinances are repealed—
- (a) Cremation Ordinance;
  - (b) Library Ordinance;
  - (c) Museums Ordinance;
  - (d) Hong Kong Stadium Ordinance; and
  - (e) City Hall Ordinance.
- (2) The enactments set out in the Schedule are amended in the manner specified therein.

## SCHEDULE [s. 20(2).]

## Abattoirs By-laws.

1. By-law 4 is amended by deleting "to the Government". (Cap. 132, sub. leg.)
2. By-law 32(2) is amended by deleting "to the Government".

## Commercial Bathhouses By-laws.

By-law 17(2) is amended by deleting "Treasury" and substituting "Council".

## Food Business By-laws.

1. By-law 31(2)(c) is amended by deleting "Treasury" and substituting "Council".
2. By-law 32(5) is amended by deleting "Treasury" and substituting "Council".

## Funeral Parlour By-laws.

1. By-law 4(3) is amended by deleting "Treasury" and substituting "Council".
2. By-law 4(4) is revoked.

## Laundries By-laws.

By-law 19(2) is amended by deleting "Treasury" and substituting "Council".

## Offensive Trades By-laws.

By-law 5(3) is amended by deleting "Treasury" and substituting "Council".

## Private Cemeteries By-laws.

By-law 12 is amended by deleting "Treasury" and substituting "Council".

## Public Cemeteries By-laws.

By-law 12(1) is amended by deleting "Treasury" and substituting "Council".

## Public Market By-laws.

By-law 6 is amended by deleting ", for and on behalf of the Crown,".

## Swimming Pools By-laws.

By-law 17(2) is amended by deleting "Treasury" and substituting "Council".

## Miscellaneous Licences Ordinance.

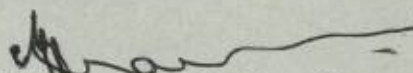
1. Section 2 is amended by deleting the following definitions— (Cap. 114.)

"public bowling-alley";  
"public skating rink"; and  
"public table tennis saloon".

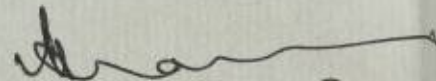
2. The First Schedule is amended by deleting therefrom the following—

"public billiard table";  
"undertaker of burials";  
"public bowling-alley";  
"public skating rink"; and  
"public table tennis saloon".

Passed by the Hong Kong Legislative Council this 28th day of February, 1973.

  
Clerk to the Legislative Council.

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



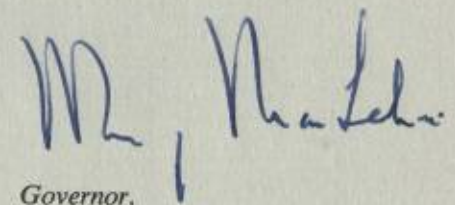
*Clerk to the Legislative Council.*

**HONG KONG**

No. 22 OF 1973



I assent.



*Governor.*

*15th March, 1973.*

An Ordinance to amend the Labour Tribunal Ordinance 1972 and the Oaths and Declarations Ordinance 1972.

[16th March, 1973]

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

1. This Ordinance may be cited as the Labour Tribunal (Amendment) Ordinance 1973.

Short title.

2. Section 4(3) of the principal Ordinance is amended by deleting "section 2 of the Promissory Oaths Ordinance" and substituting the following—

Amendment of section 4. (16 of 1972.)

"section 17 of the Oaths and Declarations Ordinance 1972".

3. The Third Schedule to the Oaths and Declarations Ordinance 1972 is amended by deleting—


Consequential amendment to the Oaths and Declarations Ordinance 1972. (20 of 1972.)

"District Judge ..... }  
Magistrate ..... } The Oaths to be tendered by a Judge."


and substituting the following—

"District Judge .....	} The Oaths to be tendered by a Judge."
Presiding Officer Labour Tribunal ...	
Magistrate .....	

Passed by the Hong Kong Legislative Council this 14th day of March, 1973.

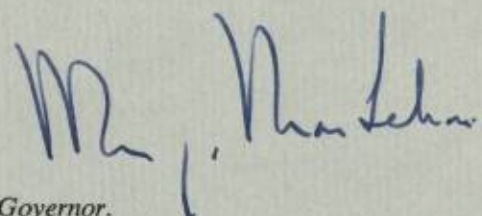
  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



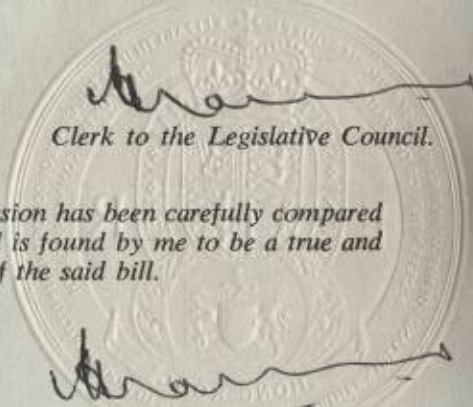
I assent.

  
Governor.

15th March 1973

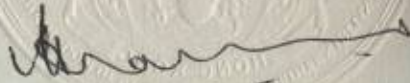
Magistrate .....

Passed by the Hong Kong Legislative Council this 14th day of March, 1973.



Clerk to the Legislative Council.

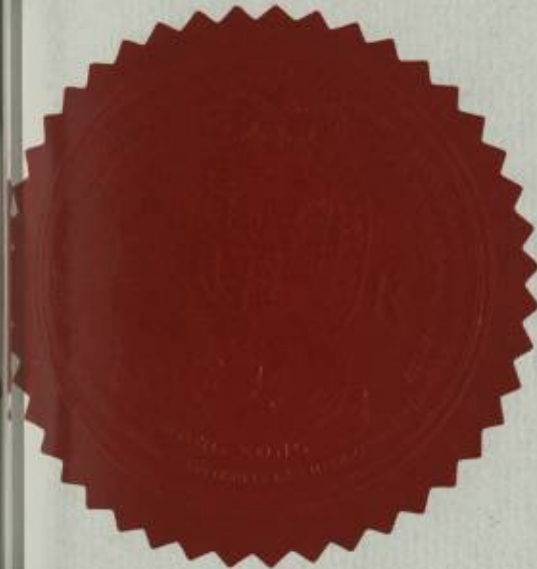
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



Clerk to the Legislative Council.

**HONG KONG**

No. 23 OF 1973



I assent.

Governor.

15th March, 1973.

An Ordinance to repeal and replace the Housing Ordinance and the Resettlement Ordinance and to make consequential amendments.

[1st April, 1973]

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

**PART I**

**PRELIMINARY**

- 1. This Ordinance may be cited as the Housing Ordinance 1973 and shall come into operation on the 1st April 1973. Short title and commencement.
- 2. In this Ordinance, unless the context otherwise requires— Interpretation.
  - “Authority” means the Housing Authority established under section 3;
  - “authorized officer” means any public officer to whom the Authority, or a committee of the Authority, has delegated any of its powers and functions under section 10;

"estate" means any land vested in the Authority or the control and management of which has been vested in the Authority;

"housing" means residential, industrial, commercial and business accommodation, buildings or premises;

"land" includes any buildings and structures thereon;

"lease" includes a licence, a tenancy agreement and an agreement for a lease, licence, or tenancy agreement, granted or made or deemed to have been granted or made under this Ordinance;

"tenant" includes licensee.

Establishment  
and constitution  
of the Housing  
Authority.

3. (1) There is hereby established a Housing Authority to be known as "the Hong Kong Housing Authority".

(2) The Authority shall consist of—

- (a) the Secretary for Housing;
- (b) such number of persons, other than public officers, not exceeding thirteen (of whom eight shall be members of the Urban Council) as the Governor may appoint;
- (c) such number of public officers, not exceeding six, as the Governor may appoint.

(3) The Governor shall appoint two members of the Authority to be the Chairman and Vice-Chairman respectively of the Authority.

(4) The members of the Authority, other than public officers shall be appointed for a period of two years and shall be eligible for reappointment.

(5) Any member of the Authority who is not a public officer may at any time by notice in writing to the Governor resign from the Authority.

(6) Seven members of the Authority shall form a quorum at any meeting of the Authority.

(7) At any meeting of the Authority, the Chairman or, in his absence, the Vice-Chairman, or, in the absence of both of them, such member as the members present shall select, shall preside.

(8) The Chairman or the person presiding in his absence shall have a vote on all matters coming before the Authority; and in the case of an equality of votes he shall also have a casting vote.

(9) Subject to this Ordinance, the Authority may make rules regulating the procedure at meetings of the Authority or of any committee appointed under section 7.

4. (1) The Authority shall exercise its powers and discharge its duties under this Ordinance so as to secure the provision of housing and such amenities ancillary thereto as the Authority thinks fit for such kinds or classes of persons as the Authority may, subject to the approval of the Governor, determine.

General powers  
and duties of  
the Authority.

(2) The Authority shall have the following powers—

- (a) to acquire and hold property of any description and, subject to the terms and conditions upon which the same is held, to dispose of any such property;
- (b) to construct new buildings, and any premises or structures ancillary thereto, for the provision of the housing referred to in subsection (1) and to acquire, alter, enlarge, improve, repair or demolish houses or buildings for this purpose;
- (c) to construct, acquire, alter, enlarge or improve any temporary buildings which may be, or may be made, suitable for housing purposes;
- (d) to provide fixtures, fittings or furniture in buildings acquired by, or under the control of, the Authority and to let, lend or hire such fixtures, fittings or furniture on such terms and conditions as to payment or otherwise as the Authority may think fit;
- (e) to manage any housing, and any premises, structures and grounds ancillary thereto, having regard to the welfare and comfort of the tenants or occupiers thereof, and to charge fees for its services in connexion with such management;
- (f) to carry out, subject to such directions as the Governor may from time to time give, the clearance of any land in Hong Kong;
- (g) to develop land and to lay out streets and open spaces for the purpose of providing housing or in connexion therewith;
- (h) to undertake and execute any lawful trust which has for its object the furtherance of the provision of housing in Hong Kong or any other object similar or incidental to any of the purposes of the Authority;
- (i) to accept gifts and donations, whether of property or otherwise and whether subject to any special trust or not;
- (j) to advise the Governor concerning all matters of policy relating to residential accommodation and services ancillary thereto;

(k) to do all such other acts as are reasonably necessary for the exercise or performance of all or any of the powers or duties of the Authority under this Ordinance and to perform any other function which is incidental or conducive to or connected with the attainment or furtherance of the purposes of the Authority in accordance with this Ordinance.

(3) In each financial year, before a date to be appointed by the Governor, the Authority shall submit to the Governor for his approval a programme of its proposed activities and estimates of the income and expenditure of the Authority for the next financial year:

Provided that the programme and estimates for the first financial year of the Authority shall be forwarded as soon as is practicable after the commencement of this Ordinance.

(4) The policy of the Authority shall be directed to ensuring that the revenue accruing to it from its estates shall be sufficient to meet its recurrent expenditure on its estates.

5. The Governor may, by order, vest in the Authority the control and management of any property which is vested in the Crown.

6. The Authority shall be a body corporate with perpetual succession and a common seal and, for the purposes of this Ordinance, with a capacity to acquire and hold land without licence under the Charities (Land Acquisition) Ordinance and to sue and be sued in the corporate name of the Authority.

7. (1) Subject to subsection (2), the Authority may appoint committees for the better discharge of its functions under this Ordinance.

(2) The Authority shall appoint a committee comprising of three members, one of whom shall not be a member of the Authority, for the purpose of hearing an appeal under section 20(1).

(3) A committee appointed under this section may include persons who are not members of the Authority:

Provided that at least two-thirds of the members of every committee shall be members of the Authority.

8. Any instrument purporting to be executed under the seal of the Authority shall be received in evidence upon its production without further proof and shall, unless the contrary is proved, be deemed to be an instrument so executed.

9. (1) The Governor may give such directions as he thinks fit, either generally or in any particular case, with respect to the exercise or performance by the Authority or a public officer, of any power, functions or duties under this Ordinance.

Property vested in the Crown.

Incorporation.

(Cap. 305.)

Committees.

Execution and authentication of documents.

Power of Governor to give directions.

(2) The Authority and every public officer shall, in the exercise or performance of any powers, functions or duties under this Ordinance, comply with any directions given by the Governor under subsection (1).

10. (1) The Authority may delegate any of its powers and functions, other than any power to make by-laws, to any public officer or class of public officers and to any committee of the Authority appointed under section 7.

(2) Any committee of the Authority to which powers or functions have been delegated by the Authority in accordance with subsection (1) may delegate any of such powers and functions to any public officer or class of public officers.

11. Where any power is conferred upon any person by this Ordinance, or any requirement, notice or direction is made or given thereunder, such power may be exercised by that person and by other persons acting by direction, and that person and any other persons so acting may use all force reasonably necessary for the exercise of that power.

## PART II FINANCE

12. The Authority may borrow from the Government, or from such other sources as the Governor may approve, such moneys as may be required for the discharge of the functions of the Authority under this Ordinance, upon such terms and conditions as may be approved by the Governor.

13. Any moneys in the hands of the Authority which are not immediately required for the purposes of the Authority may be invested in such securities as may be approved by the Financial Secretary:

Provided that, during such time as any moneys are due by the Authority to the Government, no such investment shall be made without the prior approval of the Financial Secretary.

14. (1) The Authority shall keep, under the general direction of the Accountant General, proper accounts and other records and shall prepare in respect of each financial year a statement of accounts.

(2) The accounts of the Authority shall be audited by an auditor to be appointed annually by the Authority with the approval of the Governor, and the auditor shall furnish a report thereon.

(3) As soon as the accounts of the Authority have been audited, the Authority shall send to the Governor a copy of the

Delegation of powers.

Exercise of power.

Borrowing powers.

Investment of surplus funds.

Accounts and audit.

statement of accounts signed by the Chairman together with a copy of the report made by the auditor on that statement or on the accounts of the Authority.

(4) The Colonial Secretary shall lay a copy of every such statement and report on the table of the Legislative Council not later than the 30th day of September next following the end of the financial year or before such later date as the Governor may allow.

Annual reports.

15. (1) The Authority shall, as soon as possible after the end of each financial year, make to the Governor a report dealing generally with the activities of the Authority during that year.

(2) The Colonial Secretary shall lay a copy of every such annual report on the table of the Legislative Council not later than the 30th day of September next following the financial year to which the annual report relates or before such later date as the Governor may allow.

### PART III

#### DISPOSAL OF PROPERTY

Leases of land in estates.

16. (1) Subject to this Ordinance, the Authority may—
- let to any person, for any period, any land in an estate, subject to the payment of such premium, rent or other consideration as the Authority may determine; and
  - fix the terms, covenants and conditions on which any land in an estate may be let or occupied.

(2) Where the Authority grants a lease under subsection (1) of Crown land in an estate of which control and management has been vested in it under section 5, 38 or 39, the person occupying the land under and in accordance with the lease shall be deemed, for the purposes of sections 4 and 6 of the Crown Land Ordinance 1972, to be occupying the land under a licence issued under section 5 of that Ordinance.

(54 of 1972.)

Remission of rent.

17. The Authority may remit, in whole or in part and for such period as it thinks fit, the payment of any rent, premium or other consideration payable under any lease.

Certain Ordinances not to apply. (Cap. 123.) (Cap. 132.)

18. The Buildings Ordinance, Part VII of the Public Health and Urban Services Ordinance and any regulations made under that Part shall not apply to any building or structure to which a lease under section 16 relates.

### PART IV

#### CONTROL OF ESTATES

19. (1) Notwithstanding the terms thereof, the Authority may terminate any lease—

Termination of lease.

- without notice, if, in the opinion of the Authority, the land held under the lease has become unfit for human habitation, a nuisance, dangerous to health or unsafe; or
- otherwise, by giving such notice to quit as may be provided for in the lease or one month's notice to quit, whichever is the greater.

(2) Upon the termination of a lease under subsection (1), the tenant shall, if he is still occupying the land, be a trespasser thereon.

(3) No court shall have jurisdiction to hear any application for relief by or on behalf of a person whose lease has been terminated under subsection (1) in connexion with such termination.

20. (1) Where a lease has been terminated under section 19(1)(a), or where a notice to quit has been served under section 19(1)(b), the tenant may, not later than ten days from the date of the termination or the date of service of the notice to quit, as the case may be, appeal to the committee appointed by the Authority under section 7(2).

Appeal against termination.

(2) An appeal under subsection (1) shall be in writing and shall state the grounds of the appeal.

(3) The committee, in determining an appeal against a termination—

- under section 19(1)(a), may confirm, suspend or cancel the termination;
- under section 19(1)(b), may confirm, amend, suspend or cancel the notice to quit.

(4) The decision of the committee shall be final.

21. (1) Subject to subsection (2), any person who is a trespasser in an estate shall leave the estate when ordered to do so by an authorized officer.

Eviction of trespassers.

(2) A person, upon whom a notice to quit has been served under section 19(1)(b) and who has appealed against the notice under section 20, shall not be deemed to be a trespasser until his appeal has been determined.

(3) Any trespasser ordered to leave an estate who does not, within a reasonable time, obey such order may be evicted from the estate by an authorized officer who may use such force as may be reasonably necessary to evict such trespasser and, for that purpose, may request the assistance of a police officer or any other authorized officer.

Inspection of premises.

**22.** Notwithstanding the terms of any lease, an authorized officer may at any time in pursuance of his duties enter and inspect any building or part thereof in an estate.

Emergency closure of premises.

**23.** (1) If, in the opinion of the Authority, any building or part thereof in an estate is or is likely to become dangerous by reason of fire, wind, rain or any other cause, the Authority may by order declare the building to be dangerous.

(2) On the making of an order under subsection (1) every lease of the building or part thereof shall terminate forthwith.

(3) Where an order has been made under subsection (1)—

- (a) every person in the building or part thereof shall quit forthwith the same when required to do so by an authorized officer; and
- (b) any authorized officer may evict any person who fails to quit forthwith the building or part thereof when required to do so by an authorized officer.

(4) In the exercise of his powers under subsection (3) an authorized officer, with such assistance from police officers as he considers necessary, may use such force as is reasonably necessary to evict any person who fails to quit the building or part thereof when required to do so by an authorized officer.

Power to take custody of and dispose of property.

**24.** (1) The Authority may take possession of any property—

- (a) found on any land in an estate which has been the subject of a lease, after the tenant has left the land following the termination of his lease;
- (b) which appears to an authorized officer to have been abandoned in any part of an estate not the subject of a lease;
- (c) which has been placed in or on or affixed to any land in an estate which is the subject of a lease, in contravention of any condition in the lease; or
- (d) which causes an obstruction or nuisance on or in any part of an estate not the subject of a lease.

(2) The Authority shall post, on or near the premises or place where the property is or was situate, a notice setting out details of any property of which it has taken possession under subsection (1) and shall, in such notice, call upon any claimant to submit his claim to the property—

- (a) in the case of property referred to in subsection (1)(a), within such time as is specified in the notice being not less than seven days after the day on which the notice was posted; and
- (b) in the case of property referred to in subsection (1)(b), (c) or (d), within two days after the day on which the notice was posted.

(3) The Authority may refuse to return any property of which it has taken possession under subsection (1) unless satisfied that the claimant is the owner of the property.

(4) The Authority may recover from a claimant to whom any property, of which the Authority has taken possession under subsection (1), is returned any expenses incurred by it in the removal and storage of such property.

(5) Any property of which the Authority has taken possession under subsection (1), which is not claimed within the time referred to in subsection (2) or which the Authority refuses to return under subsection (3) to any person, shall become the property of the Authority free from the rights of any person and may be disposed of by the Authority by sale or otherwise.

(6) If, within six months after the day on which the notice was posted under subsection (2), any person satisfies the Authority that, at the time any property sold pursuant to subsection (5) became the property of the Authority by virtue of that subsection, he was the owner of such property, the Authority shall pay to such person the balance of the proceeds of sale after deducting any expenses incurred by the Authority in the removal, storage and sale of the property.

**25.** (1) The Authority and any authorized officer may, for the purposes of this Ordinance, serve on the occupier of any land, whether or not in an estate, a requisition in the specified form requiring him to furnish to the Authority or the authorized officer, within the time stated in the form, the particulars specified in the requisition.

Power to obtain information.

(2) The Authority and an authorized officer may, for the purposes of this Ordinance, give notice in writing to the occupier of any land, whether or not in an estate, requiring him to attend

at a time and place stated in the notice and be examined concerning his occupation of the land.

(3) The Authority and an authorized officer may require a person holding a lease to produce it at such time and place as the Authority or authorized officer may specify.

## PART V

### OFFENCES AND PENALTIES

False statements.

26. Any person who knowingly makes any false statement—

- (a) in furnishing the particulars specified in a requisition under section 25(1);
- (b) in an examination under section 25(2); or
- (c) in respect of an application for a lease,

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

Refusal to furnish information.

27. Any person who—

- (a) refuses or neglects to furnish any of the particulars specified in a requisition under section 25(1);
- (b) refuses or neglects, when required under section 25(3), to produce his lease,

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

Offences in respect of leases.

28. Any person who, without the consent of the Authority, alters a lease shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars and to imprisonment for six months.

Obstruction.

29. Any person who obstructs the Authority or an authorized officer in the exercise of any power or the performance of any duty conferred or imposed under this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars and to imprisonment for six months.

## PART VI

### GENERAL

30. (1) The Authority may make by-laws to provide for—

- (a) the management and control of its estates;
- (b) the sanitation and cleansing of its estates;
- (c) the health of persons living in its estates;
- (d) the selection of persons to whom leases may be granted;
- (e) the manner in which applications for leases of premises in its estates may be made;
- (f) the preservation of good order and the prevention of abuses and nuisances in its estates;
- (g) the control of the use of vehicles within its estates;
- (h) the eviction of trespassers from its estates;
- (i) the better carrying out of this Ordinance.

(2) By-laws made by the Authority shall be subject to the approval of the Legislative Council.

31. Neither the Government, nor the Authority or any authorized officer, shall be liable for any loss or damage suffered by any person in consequence of anything done under section 24.

32. Any part of an estate, which is not the subject of a lease, shall be deemed to be a public place for the purposes of the Summary Offences Ordinance and the Public Order Ordinance.

33. (1) The Authority may specify the forms to be used under this Ordinance.

(2) The Authority may publish in the *Gazette* any form specified by it under subsection (1).

34. (1) The Authority shall, for the purpose of this Ordinance, be exempt from the Inland Revenue Ordinance.

(2) Property vested in or placed under the control of the Authority for the purposes of this Ordinance shall be exempt from the Landlord and Tenant Ordinance.

35. If any dispute arises in respect of any difference between the English version and the Chinese version of any lease, letter, notice or document required, granted, issued or made by, under or for the purposes of this Ordinance, the English version shall prevail.

Authority may make by-laws.

No claim to lie against the Authority or the Government.

Certain parts of estates to be public places. (Cap. 228.) (Cap. 245.)

Power to specify forms.

Exemptions. (Cap. 112.)

(Cap. 255.)

Dispute as to English or Chinese version of lease, etc.

Repeals and consequential amendments.  
(Cap. 283.)  
(Cap. 304.)  
Schedule.

36. (1) The Housing Ordinance is repealed.  
(2) The Resettlement Ordinance is repealed.  
(3) The Ordinances specified in the first column of the Schedule are amended in the manner set out in the second column of that Schedule.

Savings.

37. (1) Any lease, tenancy, permit or licence granted under the Housing Ordinance or the Resettlement Ordinance and in force at the commencement of this Ordinance shall continue in force and have effect upon the same terms, covenants and conditions as if it were a lease.

(2) Any document referring to the Resettlement Ordinance shall, so far as may be necessary for preserving its effect, be construed as referring to or as including a reference to this Ordinance.

Vesting of property.

38. (1) All the immovable property vested in the former Authority at the commencement of this Ordinance shall at that date be vested in the Authority by virtue of this Ordinance for the residue of the term of years created by the respective Crown leases, subject to the covenants, conditions, stipulations, exceptions, reservations, provisos and powers contained in and reserved by the said Crown leases.

(2) Any other property, right and privilege vested in the former Authority at the commencement of this Ordinance shall at that date be vested in the Authority by virtue of this Ordinance on the terms and conditions, if any, on which the same was vested at that date, and the Authority shall be subject to the obligations and liabilities to which the former Authority was subject at the commencement of this Ordinance.

(3) All rights, obligations and liabilities which immediately before the commencement of this Ordinance were vested in or imposed on the Commissioner for Housing shall, at the commencement of this Ordinance, be deemed to be the rights, obligations and liabilities of the Authority.

(4) In this section, "former Authority" means the Hong Kong Housing Authority established by the Housing Ordinance repealed by section 36(1).

(Cap. 283.)

Transitional.

39. (1) The control and management of all land in respect of which, at the commencement of this Ordinance, a competent authority had been appointed shall vest in the Authority.

(2) Any other property, right and privilege vested in a competent authority at the commencement of this Ordinance shall

vest in the Authority on the terms and conditions, if any, on which the same was vested at that date, and the Authority shall be subject to the obligations and liabilities to which the competent authority was subject at the commencement of this Ordinance.

(3) At the commencement of this Ordinance, every competent authority shall deliver to the Authority all books, papers, documents, minutes, receipts and accounts relating to the competent authority and to its operation under the Resettlement Ordinance.

(Cap. 304.)

(4) Every contract entered into under section 57 of the Resettlement Ordinance, whether in writing or not, to which a competent authority was a party and which was in force immediately prior to the commencement of this Ordinance, and whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from the commencement of this Ordinance as if—

- (a) the Authority had been a party to such agreement; and
- (b) for any reference (however worded and whether express or implied) to a competent authority there were substituted in respect of anything to be done on or after the commencement of this Ordinance a reference to the Authority.

(5) Any proceedings under the Resettlement Ordinance pending at the commencement of this Ordinance to which a competent authority was a party shall be continued as if the Authority was a party thereto in lieu of the competent authority.

(6) Where anything under the Resettlement Ordinance has been commenced by or under the authority of a competent authority and such thing is within the power of the Authority or was done in relation to any of the matters transferred by this section to the Authority, such thing may be carried on and completed by, or under the authority of, the Authority.

(7) Where, at the commencement of this Ordinance, rent is payable under the Resettlement Ordinance in respect of any lease, the Authority may, subject to subsections (8) and (9), vary, without the agreement of the tenant, the rent so payable.

(8) The Authority shall, if it intends to vary the rent of a lease under subsection (7), give to the tenant not less than one month's notice in writing of its intention and shall state in the notice the amount of the new rent.

(9) Subsection (7) shall not apply if the tenant has paid, or agreed to pay, a fine, premium or other consideration (other than rent) in order to obtain his lease.

(10) In this section "competent authority" means a competent authority under the Resettlement Ordinance.

## SCHEDULE

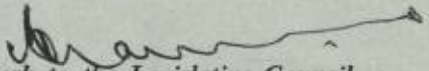
[s. 36(3).]

## CONSEQUENTIAL AMENDMENTS

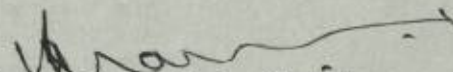
	<i>Short title</i>	<i>Amendment</i>
(Cap. 1, sub. leg.)	1. Interpretation and General Clauses Ordinance.	The Delegations by the Governor under section 63 are amended by deleting from the Schedule the following— "Commissioner for Resettlement. Section 7(3) of the Resettlement Ordinance (Chapter 304)."
(Cap. 123.)	2. Buildings Ordinance.	Section 41(1) is amended by inserting, after paragraph (a), the following— "(aa) buildings upon any land vested in the Housing Authority or over which the Housing Authority has control and management;"
(L.N. 202/72.)	3. Hawker By-laws 1972.	1. By-law 2 is amended— (a) by deleting the definition of "resettlement area"; (b) by inserting, after the definition of "hawker permitted area", the following— " "Housing Authority estate" means any land vested in the Housing Authority or over which the Housing Authority has control and management;"
		2. By-law 16(d) is amended by deleting "resettlement area, an officer of the Resettlement Department holding a rank not below that of resettlement assistant" and substituting the following— "Housing Authority estate, an officer of the Housing Department".
		3. By-law 34(4)(d) is amended by deleting "resettlement area, an officer of the Resettlement Department holding a rank not below that of resettlement assistant" and substituting the following— "Housing Authority estate, an officer of the Housing Department".
		4. By-law 47(b) is amended by deleting "resettlement estates with the authority of the Commissioner for Resettlement" and substituting the following— "Housing Authority estates with the permission of the Housing Authority".

<i>Short title</i>	<i>Amendment</i>	
4. Education Ordinance.	Section 12(5) is amended by deleting paragraphs (a) and (b) and substituting the following— "(a) the Housing Authority in the case of any premises or part of any premises upon land vested in the Housing Authority or over which the Housing Authority has control and management;"	(Cap. 279.)
5. Crown Land Ordinance 1972.	1. Section 3(1) is amended by inserting, before "public officer", the following— "person or". 2. The Ordinance is amended by adding, after section 18, the following new section— "Delegation. <b>18A.</b> An Authority under this Ordinance may delegate any of its powers and functions to any public officer or class of public officer."	(54 of 1972.)
	3. The First Schedule to the Ordinance is amended— (a) in the definition of "railway land" by inserting, after "Railway", the following— "and "Housing Authority estate" means land vested in the Housing Authority or over which the Housing Authority has control and management"; (b) in the third column by inserting after "except for railway land" wherever it occurs, the following— "and Housing Authority estates"; (c) by deleting "Commissioner for Resettlement" wherever it occurs and substituting in each place the following— "the Housing Authority".	

Passed by the Hong Kong Legislative Council this 14th day of March, 1973.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

**HONG KONG**

No. 24 OF 1973



I assent.

*[Handwritten signature]*

Governor.

29th March, 1973.

An Ordinance to apply a sum not exceeding four thousand four hundred and eight million, five hundred and forty thousand, nine hundred dollars to the Public Service for the financial year ending the 31st day of March 1974.

[30th March, 1973]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March 1974, has been estimated at the sum of four thousand four hundred and eight million, five hundred and forty thousand, nine hundred dollars:

Preamble.

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

1. This Ordinance may be cited as the Appropriation Ordinance 1973.

Short title.

2. A sum not exceeding four thousand four hundred and eight million, five hundred and forty thousand, nine hundred dollars shall be and the same is hereby charged upon the general revenues and other funds of the Colony for the service of the

Appropriation from the general revenues and other funds.

financial year commencing on the 1st day of April 1973, and ending on the 31st day of March 1974, and the said sum so charged may be expended in the manner expressed in the Schedule.

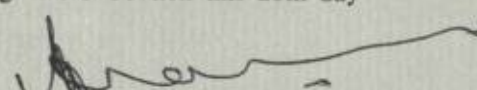
Schedule.

SCHEDULE [s. 2]

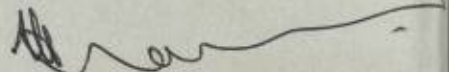
Number of vote	Head of Expenditure	Amount of vote
		\$
21.	His Excellency the Governor's Establishment .....	1,288,900
22.	Agriculture and Fisheries Department .....	21,920,000
23.	Audit Department .....	3,160,000
24.	Census and Statistics Department .....	6,403,000
25.	Civil Aviation Department .....	16,862,000
26.	Colonial Secretariat .....	37,189,500
27.	Colonial Secretariat: London Office .....	6,051,600
28.	Commerce and Industry Department .....	31,715,500
29.	Defence: Royal Hong Kong Regiment (The Volunteers) .....	3,568,000
30.	Defence: Royal Hong Kong Auxiliary Air Force .....	3,492,500
31.	Defence: Essential Services Corps and Directorate of Manpower .....	364,000
32.	Defence: Auxiliary Fire Service .....	133,000
33.	Defence: Auxiliary Medical Service .....	2,185,000
34.	Defence: Civil Aid Services .....	3,784,700
35.	Defence: Miscellaneous Measures .....	104,761,000
36.	Education Department .....	152,397,800
37.	Fire Services Department .....	56,816,400
38.	Government Supplies Department .....	14,487,100
39.	Housing Department .....	135,516,000
40.	Immigration Department .....	20,481,300
41.	Inland Revenue Department .....	28,913,000
42.	Judiciary .....	17,855,000
43.	Kowloon-Canton Railway .....	22,525,000
44.	Labour Department: Labour Division .....	11,269,300
45.	Labour Department: Mines Division .....	3,848,000
46.	Legal Department .....	6,778,000
47.	Legal Aid Department .....	5,908,000
48.	Marine Department .....	48,057,100
49.	Medical and Health Department .....	267,710,100
50.	Miscellaneous Services .....	185,911,000
51.	New Territories Administration .....	27,652,000
52.	Office of Unofficial Members of Executive and Legislative Councils .....	829,000

Number of vote	Head of Expenditure	Amount of vote
		\$
53.	Pensions .....	99,809,000
54.	Police: Royal Hong Kong Police Force .....	244,640,100
55.	Police: Royal Hong Kong Auxiliary Police Force .....	18,991,000
56.	Post Office .....	108,649,500
57.	Printing Department .....	20,957,700
58.	Prisons Department .....	30,167,000
59.	Public Debt .....	6,430,600
60.	Public Services Commission .....	307,000
61.	Public Works Department .....	217,775,000
62.	Public Works Recurrent .....	207,079,000
63.	Public Works Non-recurrent: Headquarters .....	83,478,000
64.	Public Works Non-recurrent: Buildings .....	279,040,000
65.	Public Works Non-recurrent: Engineering .....	346,420,000
66.	Public Works Non-recurrent: Waterworks .....	341,097,000
67.	Rating and Valuation Department .....	6,905,100
68.	Registrar General's Department .....	9,668,500
69.	Registration of Persons Department .....	3,281,000
70.	Registry of Trade Unions .....	599,000
71.	Royal Observatory .....	6,820,600
72.	Secretariat for Home Affairs .....	14,611,600
73.	Secretariat for Information .....	23,817,200
74.	Social Welfare Department .....	68,226,600
75.	Subventions: Education .....	506,521,000
76.	Subventions: Medical .....	137,203,100
77.	Subventions: Social Welfare .....	25,492,000
78.	Subventions: Miscellaneous .....	42,650,800
79.	Transport Department .....	5,584,000
80.	Treasury .....	9,147,000
81.	Universities and Polytechnic .....	132,642,000
82.	Urban Services Department (for Urban Council) .....	130,257,000
83.	Urban Services Department: New Territories Division .....	30,440,700
	TOTAL .....	4,408,540,900

Passed by the Hong Kong Legislative Council this 28th day of March, 1973.

  
Clerk to the Legislative Council.

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

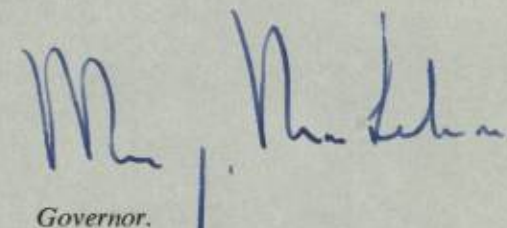
  
Clerk to the Legislative Council.

**HONG KONG**

No. 25 OF 1973



I assent.

  
Governor.

29th March, 1973.

An Ordinance to amend the Dangerous Goods Ordinance.

[30th March, 1973]

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

1. This Ordinance may be cited as the Dangerous Goods (Amendment) Ordinance 1973. Short title.

2. Section 2 of the principal Ordinance is amended by inserting, after the definition of "this Ordinance", the following new definition— Amendment of section 2. (Cap. 295.)


"transit", in relation to cargo, means cargo which—

- (a) is brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and
- (b) remains at all times in or on the vessel, aircraft or vehicle in or on which it is brought into Hong Kong."

Amendment of  
section 12.

3. Section 12 of the principal Ordinance is amended—
- (a) in subsection (1)—
- (i) by inserting, after “Commissioner of Mines,” the following—
- “and any member of the Preventive Service, as defined in the Preventive Service Ordinance,”;
- (ii) in paragraphs (d) and (e), by inserting after “officer”, in each place it occurs, the following—
- “or member”; and
- (b) in subsections (2) and (3), by inserting, after “officer”, in each place it occurs, the following—
- “or member”.

Passed by the Hong Kong Legislative Council this 28th day of March, 1973.

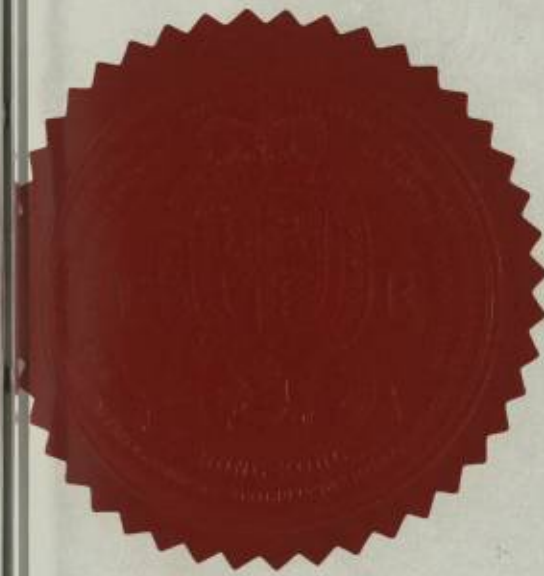
  
Clerk to the Legislative Council.

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

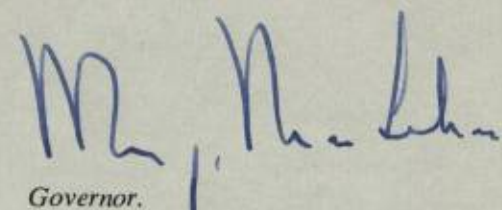
  
Clerk to the Legislative Council.

**HONG KONG**

No. 26 OF 1973



I assent.

  
Governor.

29th March, 1973.

An Ordinance to amend the Entertainments Tax Ordinance.

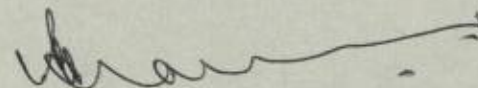
[1st April, 1973]

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

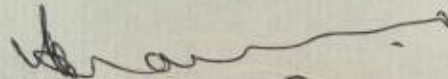
1. This Ordinance may be cited as the Entertainments Tax (Amendment) Ordinance 1973 and shall come into operation on the 1st April 1973. Short title and commencement.

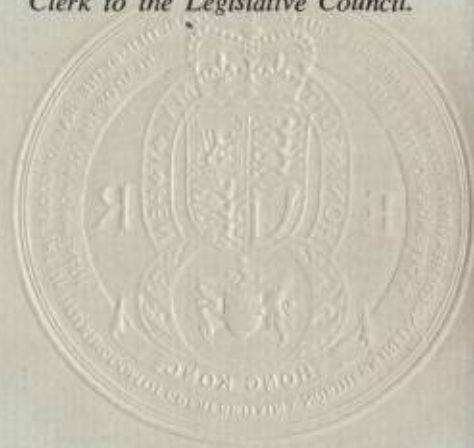
2. Section 2 of the principal Ordinance is amended in the definition of “entertainment” by deleting paragraph (a). Amendment of section 2. (Cap. 110.)

Passed by the Hong Kong Legislative Council this 28th day of March, 1973.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

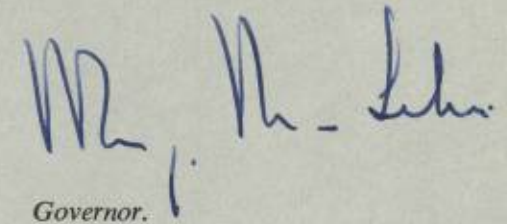


**HONG KONG**

No. 27 OF 1973



I assent.

  
Governor.

29th March, 1973.

An Ordinance to amend the Fixed Penalty (Traffic Contraventions) Ordinance.

[30th March, 1973]

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

1. This Ordinance may be cited as the Fixed Penalty (Traffic Contraventions) (Amendment) Ordinance 1973. Short title.

2. Section 2 of the principal Ordinance is amended by deleting the definition of "registered owner" and substituting the following— Amendment of section 2. (Cap. 237.)

"registered owner" means—

- (a) the person in whose name a motor vehicle is registered under the Road Traffic (Registration and Licensing of Vehicles) Regulations; and

- (b) in relation to a motor vehicle to which a trade plate or permit issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is affixed, the person to whom the relevant trade licence or permit is issued under those regulations;”.

Passed by the Hong Kong Legislative Council this 28th day of March, 1973.

  
Clerk to the Legislative Council.

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

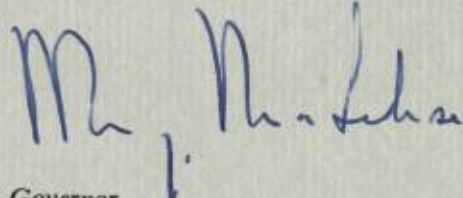
  
Clerk to the Legislative Council.

**HONG KONG**

No. 28 OF 1973



I assent.

  
Governor.

29th March, 1973.

An Ordinance to amend the Public Health and Urban Services Ordinance.

[30th March, 1973]

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

1. This Ordinance may be cited as the Public Health and Urban Services (Amendment) (No. 2) Ordinance 1973.

Short title.

2. Section 83B of the principal Ordinance is amended by—

Amendment of section 83B. (Cap. 132.)

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

“(1) No person shall hawk in any street except in accordance with a licence issued under regulations made under section 83A.”;

(b) deleting subsection (2); and

- (c) deleting subsection (3) and substituting the following—  
 “(3) Any person who contravenes subsection (1) shall be guilty of an offence.”.

Amendment of section 86.

3. Section 86 of the principal Ordinance is amended in subsection (1) by—

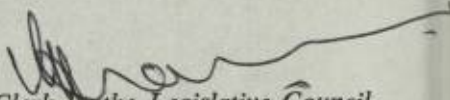
- (a) substituting a comma for the full stop at the end of the subsection; and
- (b) inserting, after “committed,”, the following—  
 “and may cause such equipment or commodity to be removed to and kept at the risk of its owner at a Government depot or police station, or any other place approved by the Authority, pending its disposal under this Part.”.

Amendment of section 86B.

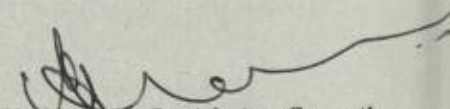
4. Section 86B of the principal Ordinance is amended in subsection (1) by—

- (a) substituting a comma for the full stop at the end of the subsection; and
- (b) inserting, after “offence,”, the following—  
 “and may cause such equipment or commodity to be removed to and kept at the risk of its owner at a Government depot or police station, or any other place approved by the Authority, pending its disposal under this Part.”.

Passed by the Hong Kong Legislative Council this 28th day of March, 1973.

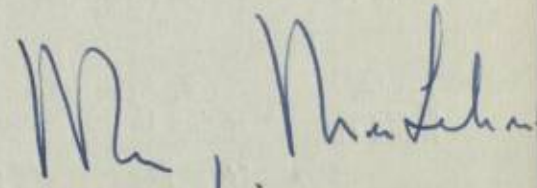
  
 Clerk to the Legislative Council.

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

  
 Clerk to the Legislative Council.



I assent.

  
 Governor.

Amendment of section 86.

3. Section 86 of the principal Ordinance is amended in subsection (1) by—

- (a) substituting a comma for the full stop at the end of the subsection; and
- (b) inserting, after "committed," the following—  
"and may cause such equipment or commodity to be removed to and kept at the risk of its owner at a Government depot or police station, or any other place approved by the Authority, pending its disposal under this Part."

Amendment of section 86B.

4. Section 86B of the principal Ordinance is amended in subsection (1) by—

- (a) substituting a comma for the full stop at the end of the subsection; and
- (b) inserting, after "offence," the following—  
"and may cause such equipment or commodity to be removed to and kept at the risk of its owner at

**HONG KONG**

No. 29 OF 1973



I assent.

*[Handwritten signature]*  
Governor.  
26th April, 1973.

An Ordinance to amend the Crown Rent and Premium (Apportionment) Ordinance.

[27th April, 1973]

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

1. This Ordinance may be cited as the Crown Rent and Premium (Apportionment) (Amendment) Ordinance 1973.

Short title.

2. Section 2 of the principal Ordinance is amended by inserting after the definition "determined annual instalment of premium" the following new definition—

Amendment of section 2. (Cap. 125.)

"existing building" means a building standing on a lot or section—

- (a) the Crown lease of which has been renewed in accordance with a proviso for renewal contained therein or pursuant to a statutory provision, or has been regranted subject to payment of a premium by instalments;

- (b) a relevant interest in which was created or agreed to be created under an instrument registered in the Land Office before the 1st day of August 1970; and
- (c) in respect of which no instrument containing a basis of apportionment of the principal Crown rent reserved under the new Crown lease or of the annual instalment of premium payable in respect of that relevant interest has been registered in the Land Office;”.

Amendment of section 13.

3. Section 13 of the principal Ordinance is amended in subsection (1) by inserting after “subsection (2),” the following—  
“and section 14A.”.

Amendment of section 14.

4. Section 14 of the principal Ordinance is amended in subsection (1) by inserting after “subsection (2),” the following—  
“and section 14A.”.

Addition of new section 14A.

5. The principal Ordinance is amended by adding after section 14 the following new section—

“Apportionment of Crown rent and premium on relevant interest in respect of an existing building.

14A. (1) If the Land Officer decides in accordance with section 12 to determine the Crown rent or the annual instalment of premium payable in respect of a relevant interest in a lot or section on which an existing building stands, section 13 or 14 shall not apply, and the Crown rent, or the annual instalment of premium if any, payable in respect of that relevant interest shall be determined by the Land Officer so that it bears the same proportion to the principal Crown rent, or to the annual instalment of the principal premium if any, as the value of the relevant interest bears to the value of the aggregate of the relevant interests.

(2) The value of a relevant interest for the purpose of this section shall be such value as may be determined by the Director of Public Works and notified by him to the Land Officer.

(3) The Land Officer shall add to the Crown rent or the annual instalment of premium determined in accordance with subsection (1)—

- (a) such sum as may be necessary to make the same an even number of dollars; and
- (b) a further sum of ten dollars or, if the Crown rent which is determined in accordance with

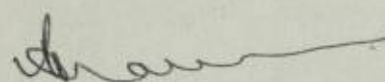
subsection (1) is in respect of a regranted Crown lease, a further sum of two dollars, and the determined Crown rent, or the determined annual instalment of premium if any, payable in respect of the relevant interest shall be the sum or sums so ascertained.”.

6. Section 19 of the principal Ordinance is amended in subsection (3) by deleting the full stop at the end, and inserting the following—


Amendment of section 19.

“or section 14A.”.

Passed by the Hong Kong Legislative Council this 25th day of April, 1973.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

**HONG KONG**

No. 30 OF 1973



I assent.

*M. J. P. N. Lehn.*  
Governor.

26th April, 1973.

An Ordinance to amend the Public Transport Services (Hong Kong Island) Ordinance.

[27th April, 1973]

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

1. This Ordinance may be cited as the Public Transport Services (Hong Kong Island) (Amendment) Ordinance 1973. Short title.
2. Section 2 of the principal Ordinance is amended in the definition of "service" by inserting after "13" the following—  
"or 13A,". Amendment of section 2. (Cap. 317.)
3. Section 5 of the principal Ordinance is amended—  
(a) by deleting "and" after paragraph (h); Amendment of section 5.  
(b) by deleting the colon at the end of paragraph (i) and substituting the following—  
"; and"; and

(c) by inserting after paragraph (i) the following new paragraph—

“(j) services provided by the Kowloon Motor Bus Company (1933) Limited in accordance with section 11A of the Public Transport Services (Kowloon and New Territories) Ordinance:”.

(Cap. 318.)

Addition of section 13A.

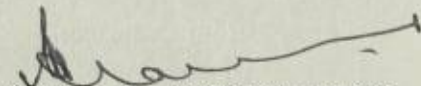
4. The principal Ordinance is amended by adding after section 13 the following new section—

“Company may provide services through the Cross-Harbour Tunnel.  
(Cap. 318.)

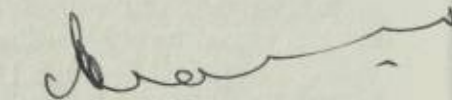
**13A.** (1) In addition to the grant, the Company may, subject to the approval of the Authority and notwithstanding the Public Transport Services (Kowloon and New Territories) Ordinance, provide and maintain services of public omnibuses for the transport of persons by road through the Cross-Harbour Tunnel, between areas on the island of Hong Kong and Ap Lei Chau and areas in Kowloon, the mainland portion of the New Territories and the island of Tsing Yi, in return for payment on a per seat basis.

(2) Services under subsection (1) shall be provided and maintained by the Company in accordance with section 13(2).”.

Passed by the Hong Kong Legislative Council this 25th day of April, 1973.

  
Clerk to the Legislative Council.

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

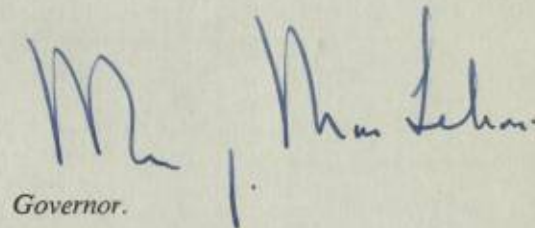
  
Clerk to the Legislative Council.

## HONG KONG

No. 31 OF 1973



I assent.

  
Governor.

26th April, 1973.

An Ordinance to amend the Public Transport Services (Kowloon and New Territories) Ordinance.

[27th April, 1973]

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

1. This Ordinance may be cited as the Public Transport Services (Kowloon and New Territories) (Amendment) Ordinance 1973.

Short title.

2. Section 2 of the principal Ordinance is amended in the definition of “service” by inserting after “11” the following—

Amendment of section 2.  
(Cap. 318.)

“or 11A.”.

3. Section 3 of the principal Ordinance is amended by inserting after “adjacent thereto” the following—

Amendment of section 3.

“except Tsing Yi”.

Amendment of  
section 5.

4. Section 5 of the principal Ordinance is amended—
- (a) by deleting "and" after paragraph (g);
- (b) by deleting the colon at the end of paragraph (h) and substituting the following—  
"; and"; and
- (c) by inserting after paragraph (h) the following new paragraph—
- "(i) services provided by the China Motor Bus Company Limited in accordance with section 13A of the Public Transport Services (Hong Kong Island) Ordinance:".

(Cap. 317.)

Addition of  
section 11A.

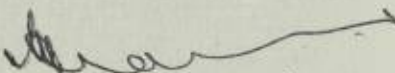
5. The principal Ordinance is amended by adding after section 11 the following new section—

**11A.** (1) In addition to the grant, the Company may, subject to the approval of the Authority, and notwithstanding the Public Transport Services (Hong Kong Island) Ordinance, provide and maintain services of public omnibuses for the transport of persons by road through the Cross-Harbour Tunnel, between areas in Kowloon, the mainland portion of the New Territories and the island of Tsing Yi and areas on the island of Hong Kong and Ap Lei Chau, in return for payment on a per seat basis.


"Company may provide services through the Cross-Harbour Tunnel."  
(Cap. 317.)

(2) Services under subsection (1) shall be provided and maintained by the Company in accordance with section 11(2)."

Passed by the Hong Kong Legislative Council this 25th day of April, 1973.

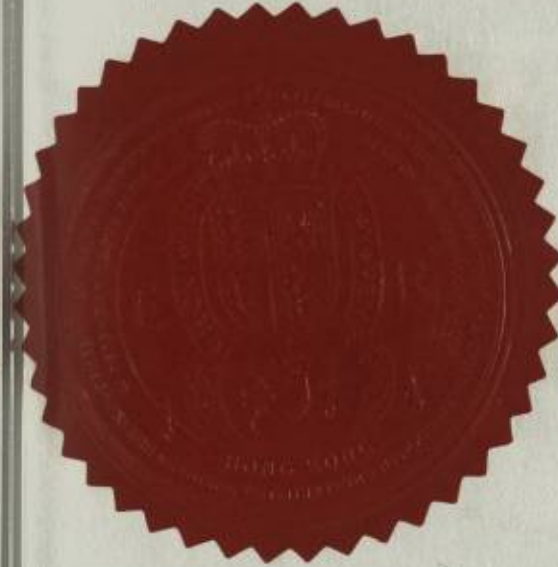
  
Clerk to the Legislative Council.

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

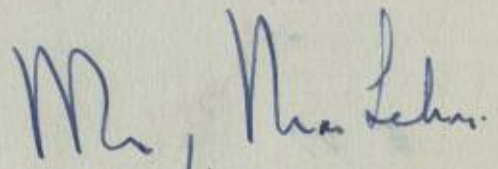
  
Clerk to the Legislative Council.

**HONG KONG**

No. 32 OF 1973



I assent.

  
Governor.

26th April, 1973.

An Ordinance to amend the Crown Lands Resumption Ordinance.

[27th April, 1973]

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

1. This Ordinance may be cited as the Crown Lands Resumption (Amendment) Ordinance 1973. Short title.

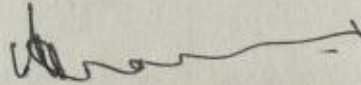
2. Section 12 of the principal Ordinance is amended— Amendment of section 12. (Cap. 124.)

(a) by inserting after paragraph (a) the following new paragraph—

"(aa) no account shall be taken of the fact that the land lies within or is affected by any area, zone or district reserved or set apart for the purposes specified in section 4(1)(a), (c), (d) or (e) of the (Cap. 131.) Town Planning Ordinance;" and

(b) in paragraph (d), by inserting before "(b)" the following—  
"(aa)."

Passed by the Hong Kong Legislative Council this 25th day of April, 1973.



Clerk to the Legislative Council.

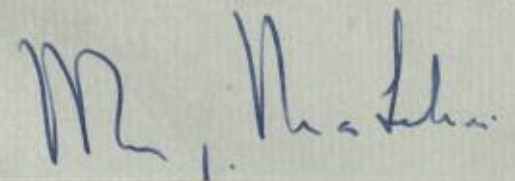
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

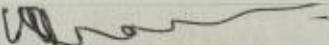


Clerk to the Legislative Council.




I assent.



  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

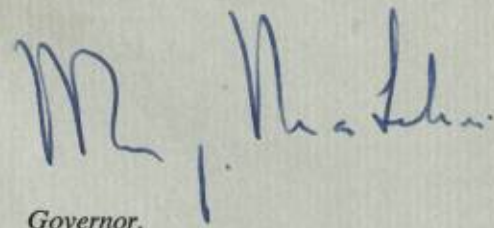


**HONG KONG**

No. 33 OF 1973



I assent.



Governor.

10th May, 1973.

An Ordinance to amend the Inland Revenue Ordinance.

[1st April, 1973]

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

**1.** (1) This Ordinance may be cited as the Inland Revenue (Amendment) (No. 2) Ordinance 1973 and shall be deemed to have come into operation on 1st April 1973.

Short title and commencement.

(2) The amendments to the principal Ordinance made by sections 3 and 5 shall apply in relation to all assessments made in respect of the year of assessment commencing on 1st April 1973 and subsequent years of assessment.

**2.** Section 12 of the principal Ordinance is amended by deleting subsection (1B).

Amendment of section 12. (Cap. 112.)

Amendment of  
section 42B.

3. Section 42B of the principal Ordinance is amended—

(a) in subsection (1)—

(i) in paragraphs (a) and (b) by deleting "seven" wherever it occurs and substituting in each place the following—

"ten";

(ii) by deleting paragraph (c) and substituting the following—

"(c) an allowance of three thousand dollars if the individual had living and was maintaining during the year of assessment an unmarried child who was—

(i) under the age of eighteen years;

(ii) over the age of eighteen years but under the age of twenty-five years and was receiving full time education at a university, college, school or other similar educational establishment; or

(iii) over the age of eighteen years and was, by reason of physical or mental disability, incapacitated for work,

and where the individual had more than one such child an allowance of two thousand five hundred dollars for the second child, one thousand five hundred dollars for the third child and one thousand dollars each for the fourth, fifth and sixth child and five hundred dollars for each subsequent child:

Provided that—

(i) the total of the allowances to an individual in respect of his children shall not exceed eleven thousand five hundred dollars;

(ii) where two or more individuals are entitled to claim an allowance under this paragraph in respect of the same child for the same year of assessment, the allowance due shall be apportioned on such basis as the Commissioner may decide having regard to the contributions made by each individual to the maintenance and education of the child during the year of assessment;";

(iii) by deleting paragraphs (d), (f), (g) and (h);

(b) by deleting subsection (2).

4. Section 63E(2)(a) of the principal Ordinance is amended by deleting "(b), (c) or (g)" and substituting the following—

"(b) or (c)".

Amendment of  
section 63E.

5. The Second Schedule to the principal Ordinance is amended—

Amendment of  
Second  
Schedule.

(a) by deleting "For the year of assessment 1972/73 and each year thereafter." and substituting the following—

"For the year of assessment 1972/73."; and

(b) by inserting at the end thereof the following—

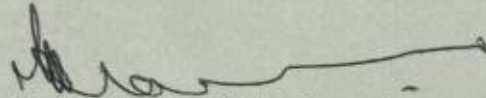
"For the year of assessment 1973/74 and each year thereafter.

	SECOND COLUMN	THIRD COLUMN
(a)	Upon the first ten thousand dollars	5 per cent.
(b)	Upon the next ten thousand dollars	10 per cent.
(c)	— do —	15 per cent.
(d)	— do —	20 per cent.
(e)	— do —	25 per cent.
(f)	Upon the remainder	30 per cent.

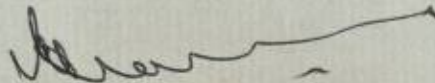
6. Notwithstanding their repeal by this Ordinance, the provisions of sections 12(1B) and 42B(1)(d), (f), (g) and (h) and 42B(2) of the principal Ordinance shall remain in force and shall have effect in relation to all assessments for any year of assessment preceding the year of assessment commencing on 1st April 1973.

Saving.

Passed by the Hong Kong Legislative Council this 9th day of May, 1973.

  
Clerk to the Legislative Council.

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

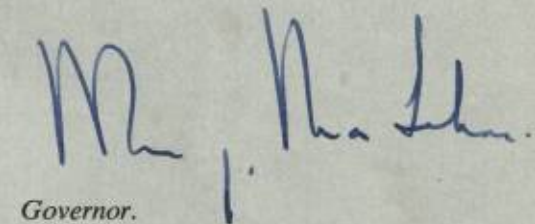
  
Clerk to the Legislative Council.

**HONG KONG**

No. 34 of 1973



I assent.

  
Governor.

10th May, 1973.

An Ordinance to amend the Marine Fish (Marketing) Ordinance.

[11th May, 1973]

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

1. This Ordinance may be cited as the Marine Fish (Marketing) (Amendment) Ordinance 1973. Short title.

2. Section 2 of the principal Ordinance is amended by inserting after the definition of "Director" the following— Amendment of section 2. (Cap. 291.)

"manager" means—

- (a) a person appointed by the Organization to be the manager of a market; and
- (b) a person holding an office styled "senior market manager";

Amendment of  
section 5.

3. Section 5 of the principal Ordinance is amended by deleting subsections (1) and (2) and substituting the following—

“(1) The Director may grant a permit or licence, on such conditions as he thinks fit, to any person to do any act which is made subject to his control by this Ordinance and may cancel a permit or licence where this Ordinance or any such condition is contravened.”

Amendment of  
section 7.

4. Section 7 of the principal Ordinance is amended—

(a) in subsection (1) by deleting “The marketing officer or any officer employed full time by the Crown and” and substituting the following—

“The Director, any police officer, or any manager”;

(b) in subsection (3) by deleting “officer” and substituting the following—

“manager”.

Amendment of  
section 16.

5. Section 16 of the principal Ordinance is amended—

(a) in subsection (2) by deleting “not more than six other persons” and substituting the following—

“such other members as are”;

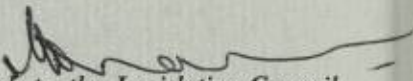
(b) by inserting after subsection (5) the following new subsection—

“(5A) The Director shall appoint a public officer to be the secretary to the Board.”;

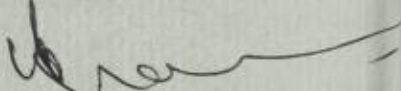
(c) in subsection (6) by deleting “The marketing officer shall be *ex officio* secretary to the Board, and” and substituting the following—

“The secretary”.

Passed by the Hong Kong Legislative Council this 9th day of May, 1973.

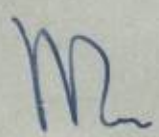
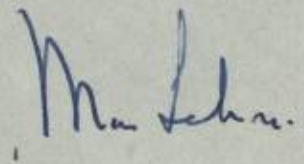
  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

Governor.

10th May, 1973.

**HONG KONG**

No. 35 OF 1973



I assent.

*M. S. M. S.*  
Governor.

10th May, 1973.

An Ordinance to amend the Employment Ordinance.

[ ]

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

1. This Ordinance may be cited as the Employment (Amendment) Ordinance 1973 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Part VII of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of Part VII (sections 28 to 30). (Cap. 57.)

**"PART VII  
EMPLOYMENT AGENCIES**

Interpretation and application of Part.

28. (1) In this Part, unless the context otherwise requires—

"certificate of exemption" means a certificate issued under section 28D;

"employment agency" means a person who operates a business the purpose of which is—

(a) to obtain employment for another person; or

conditions as he thinks fit, to any person to do any act which is made subject to his control by this Ordinance and may cancel a permit or licence where this Ordinance or any such condition is contravened."

Amendment of section 7.

4. Section 7 of the principal Ordinance is amended—

(a) in subsection (1) by deleting "The marketing officer or any officer employed full time by the Crown and" and substituting the following—

"The Director, any police officer, or any manager";

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

"manager".

Amendment of section 16.

5. Section 16 of the principal Ordinance is amended—

(a) in subsection (2) by deleting "not more than six other persons" and substituting the following—

"such other members as are";

(b) by inserting after subsection (5) the following new sub-

(b) to supply the labour of another person, manual or otherwise, to an employer,

whether or not the person who operates the business will derive any pecuniary or other material advantage from either the employer or such other person;

“licence” means a licence issued under section 28B and “licensee” shall be construed accordingly;

(2) Subject to subsection (3), this Part shall apply to any employment agency which is carried on in Hong Kong, whether the employment is to take place within or outside Hong Kong.

(3) This Part shall not apply to any employment agency—

(a) which is carried on or subvented by Her Majesty's Government or the Hong Kong Government;

(b) which is carried on under the terms of a licence to maintain a crew department granted to any company under the Merchant Shipping (Recruiting of Seamen) Ordinance;

(c) which is carried on solely for or in connexion with the employment of persons to whom, by virtue of paragraph (a) of subsection (2) of section 3, this Ordinance does not apply;

(d) which is carried on solely for or in connexion with the employment of persons as domestic servants within Hong Kong;

(e) which is carried on by an employer for the sole purpose of recruiting persons for employment on his own behalf;

(f) which is carried on by a contractor, or sub-contractor, who employs any person on work for another person;

(g) which is carried on by the proprietor of a newspaper or other publication if the operation of an employment agency is non-profit making and is not the principal purpose of the publication of the newspaper or other publication;

(h) which is—  
(i) non-profit making;

(Cap. 135.)

(ii) wholly maintained or managed by the owner, staff or students of a school, college, university or other educational institution recognized by the Director of Education; and

(iii) carried on solely for or in connexion with the employment of the students or graduates of such school, college, university or other educational institution; or

(i) subject to any regulations which may be applicable thereto, in respect of which a certificate of exemption has been issued.

Prohibitions  
in respect  
of the  
operation of  
employ-  
ment  
agencies.

**28A.** (1) No person shall operate, manage or assist in the management of an employment agency unless—

(a) he is the holder of a licence or certificate of exemption issued in respect of the employment agency; or

(b) he is in the employment of the holder of a licence or certificate of exemption.

(2) No person shall operate, manage or assist in the management of an employment agency at any place other than the place of business specified in the licence or certificate of exemption issued in respect of the employment agency.

(3) No person shall operate, manage or assist in the management of an employment agency—

(a) which obtains employment within Hong Kong unless the employment agency is licensed to do so under section 28B;

(b) which obtains employment outside Hong Kong unless the employment agency is licensed to do so under section 28B.

Application  
for and  
issue of  
licences.

**28B.** (1) The Commissioner may issue a licence to operate an employment agency to any person who applies therefor in such manner as may be prescribed.

(2) A licence issued under this section shall—

(a) be in the prescribed form;

(b) specify the place of business of the employment agency in respect of which it is issued; and

(c) state whether the licence authorizes the employment agency to obtain employment within or outside Hong Kong.

(3) Separate licences, one authorizing the employment agency to obtain employment within Hong Kong, and another authorizing it to obtain employment outside Hong Kong, may be issued under this section to the same employment agency.

(4) Subject to section 28C, a licence issued under subsection (1) shall be valid for twelve months after the date on which it is issued.

(5) The Commissioner may, upon application in such manner as may be prescribed, renew a licence issued under subsection (1).

Refusal to  
issue, or  
revocation  
of, licences.

**28C.** (1) The Commissioner may refuse to issue or renew a licence, or may revoke a licence, if he is satisfied on reasonable grounds—

(a) that the name under which the employment agency is operated or is intended to be operated—

(i) is identical with the name of another employment agency which is being, or has been, carried on by another person; or

(ii) so nearly resembles the name of another employment agency as to be likely to deceive the public;

(b) that the employment agency is being, or is likely to be, used for unlawful or immoral purposes; or

(c) that the person operating, or intending to operate, the employment agency—

(i) is an undischarged bankrupt;

(ii) has, within the preceding five years, been convicted of an offence against the person of a child, young person or woman or of an offence involving membership of a triad society, fraud, dishonesty or extortion;

(iii) has knowingly furnished to the Commissioner any false or misleading information in connexion with his application for the issue or renewal of the licence;

(iv) has contravened any provision of this Part or any regulation made under section 30; or

(v) is not, for any other reason, a fit and proper person to operate an employment agency.

(2) The Commissioner shall, if he refuses to issue or renew a licence or revokes a licence, within fourteen days after such refusal or revocation, notify the applicant or licensee in writing of the grounds for such refusal or revocation.

(3) Any person aggrieved by a decision of the Commissioner taken under subsection (1) may, within fourteen days after he is notified under subsection (2), appeal to the Governor against the decision by lodging notice of the appeal and the grounds therefor in writing at the office of the Colonial Secretary.

(4) When considering any appeal to him under subsection (3) the Governor may confirm, vary or reverse the Commissioner's decision or make such other order as he thinks fit.

(5) The licensee shall, if the Commissioner refuses to renew or revokes his licence under subsection (1), within fourteen days after—

(a) he is notified under subsection (2); or

(b) if he has appealed under subsection (3), he is notified of the Governor's dismissal of the appeal,

deliver the licence, and every copy thereof, to the Commissioner.

Commis-  
sioner's  
power of  
exemption.

**28D.** (1) Subject to subsection (2), the Commissioner may, upon application in such manner as may be prescribed, exempt an employment agency from obtaining a licence under section 28B, subject to such conditions as he may specify, if he is satisfied that the employment agency is non-profit making and should, in the public interest, be so exempted.

(2) The Commissioner shall not exempt under subsection (1) any employment agency which obtains employment for or in connexion with persons outside Hong Kong.

(3) The Commissioner shall issue to any person exempted under subsection (1) a certificate of exemption.

(4) A certificate of exemption issued under subsection (3) shall—

(a) be in the prescribed form;

- (b) specify the place of business of the employment agency in respect of which it is issued; and
- (c) specify any conditions subject to which it is issued.

Withdrawal of exemption.

**28E.** (1) The Commissioner may, at any time, withdraw an exemption granted under section 28D if he is satisfied that the employment agency has ceased to be non-profit making or should not be so exempted in the public interest.

(2) Without prejudice to the generality of subsection (1), the grounds on which the Commissioner may withdraw an exemption shall include *mutatis mutandis* the grounds contained in section 28C(1) on which he may refuse to issue or renew a licence or revoke a licence.

(3) Where the Commissioner withdraws his exemption from any person under subsection (1) he shall notify such person in writing of the grounds for such withdrawal.

(4) The holder of a certificate of exemption shall, within fourteen days after he is notified under subsection (3) of the withdrawal of the Commissioner's exemption, deliver the certificate of exemption, and every copy thereof, to the Commissioner.

(5) No appeal shall lie under this Part against the decision of the Commissioner to withdraw an exemption granted to an employment agency.

Maintenance and delivery to the Commissioner of prescribed registers, records and returns.

**29.** (1) A licensee shall—

- (a) maintain such registers and records of his employment agency as may be prescribed; and
- (b) keep such registers and records available for inspection at the place of business of the employment agency by the Commissioner, or by any public officer authorized by him in that behalf, at all reasonable times.

(2) A licensee shall, within such time as may be prescribed, deliver to the Commissioner such returns in respect of the employment agency as may be prescribed.

(3) The registers and records referred to in subsection (1) shall be retained by the licensee for a period of not less than twelve months after the expiration of each accounting year of the employment agency concerned.

Prohibited acts in respect of employment agencies.

**29A.** A licensee shall not, directly or indirectly—

- (a) charge or receive any fees or expenses other than such as may be prescribed;
- (b) share with any person, other than a *bona fide* partner or shareholder in his employment agency, the prescribed fee or expenses which he is permitted to charge and receive; or
- (c) enter, except with the written permission of the Commissioner, into an agreement, express or implied, with any employer whereby—
  - (i) the employer undertakes to employ only persons who seek employment through the licensee's employment agency; and
  - (ii) the licensee agrees to pay or give to the employer some form of material benefit.

Inspection of places of business of licensed or exempted employment agencies.

**29B.** The Commissioner, and any public officer authorized by him in that behalf may—

- (a) enter and inspect without a warrant at any reasonable time the place of business of an employment agency;
- (b) require the production of, inspect, examine or take copies of any register, record or other document relating to an employment agency;
- (c) require any person who operates, manages or assists in the management of an employment agency to furnish such information or particulars relating to the employment agency as he may specify; and
- (d) make such other inquiries from any other person connected or associated with the employment agency as he thinks fit.

Investigation of suspected offences.

**29C.** (1) If the Commissioner, any public officer authorized by him in that behalf or any police officer not below the rank of inspector suspects on reasonable

grounds that there is in any premises or place evidence of an offence under this Part he may—

- (a) enter and search without a warrant any such premises (other than domestic premises) at any reasonable time; and
- (b) require the production of, seize, detain and remove any article, register, record or other document which may be evidence of an offence under this Part.

(2) A magistrate may, if he is satisfied by information on oath that there may be found in any domestic premises any evidence of an offence under this Part, issue a warrant authorizing the Commissioner, any public officer authorized in that behalf by the Commissioner or any police officer not below the rank of inspector to enter and search the domestic premises at any reasonable time.

(3) No person shall hinder or impede the Commissioner, any public officer or any police officer in the performance of his duties or the exercise of his powers under this section.

Offences.

**29D.** (1) Any person who contravenes subsection (1), (2) or (3) of section 28A shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars.

(2) Any person who contravenes subsection (5) of section 28C or subsection (4) of section 28E shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

(3) Any licensee who contravenes subsection (1), (2) or (3) of section 29 or any provision of section 29A shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand dollars.

(4) Any person who contravenes subsection (3) of section 29C shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars.

(5) Any person who—

- (a) in connexion with any application to the Commissioner under subsection (1) of section 28B or subsection (1) of section 28D furnishes any information which he knows

or reasonably ought to know to be false or misleading in any material particular; or

- (b) in connexion with any inquiry or inspection under section 29B—

(i) fails without reasonable excuse to produce any register, record or other document relating to the employment agency when required to do so by the Commissioner or any public officer authorized in that behalf by the Commissioner; or

(ii) furnishes to the Commissioner or any such public officer any information which he knows or reasonably ought to know to be false or misleading in any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars.

**29E.** (1) Sections 29, 29A, 29B and 29C shall apply to holders of certificates of exemption in the same manner as they apply to licensees.

(2) Every reference to an employment agency in sections 29, 29A, 29B and 29C shall, except where the context otherwise requires, be construed as a reference to both an employment agency licensed under section 28B and an employment agency exempted under section 28D.

**30.** The Governor in Council may make regulations for all or any of the following purposes—

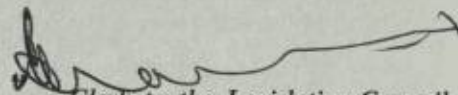
- (a) prescribing the procedure for the issue of licences and certificates of exemption;
- (b) fixing the fees to be paid for the issue and renewal of a licence or certificate of exemption and the method of payment of such fees;
- (c) prescribing the procedure to be followed when a licensee or holder of a certificate of exemption—
  - (i) ceases to operate his employment agency; or
  - (ii) changes the place of business of his employment agency;

Application of sections 29, 29A, 29B and 29C to holders of certificates of exemption and exempted employment agencies.

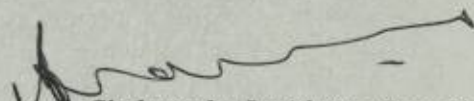
Power to make regulations.

- (d) prescribing the procedure to be followed when—
- (i) a company is issued with a licence or certificate of exemption; and
  - (ii) there is a change in the management of the company;
- (e) requiring a licensee and the holder of a certificate of exemption to display his licence or certificate of exemption conspicuously at the place of business of the employment agency;
- (f) providing for the publication in the *Gazette* of particulars of all licences and certificates of exemption;
- (g) prescribing the nature of services in respect of which an employment agency may charge and receive any fee, commission or expenses;
- (h) prescribing the maximum fees and charges which may be charged and received by an employment agency;
- (i) prescribing any thing which is to be or may be prescribed under this Part; and
- (j) generally for the better carrying out of the provisions and purposes of this Part.”.

Passed by the Hong Kong Legislative Council this 9th day of May, 1973.

  
Clerk to the Legislative Council.

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

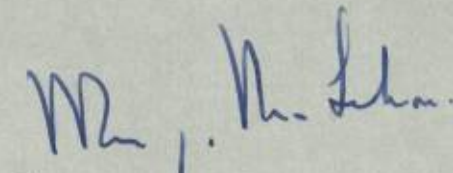
  
Clerk to the Legislative Council.

**HONG KONG**

No. 36 OF 1973



I assent.

  
Governor.

24th May, 1973.

An Ordinance to amend the Registration of Persons Ordinance.

[ ]

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

1. This Ordinance may be cited as the Registration of Persons (Amendment) Ordinance 1973 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 3 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

Amendment of section 3. (Cap. 177.)

“(1) Subject to subsection (2) and to any exemption which may be granted under this Ordinance, every person who enters Hong Kong and who is not the holder of an identity card issued under this Ordinance shall apply to be registered under this Ordinance.”.

Amendment of  
section 5.

3. Section 5 of the principal Ordinance is amended by deleting "seventeen" and substituting the following—  
"eleven".

Amendment of  
section 7.

4. Section 7 of the principal Ordinance is amended in subsection (2)—

(a) by inserting, after paragraph (e), the following—

"(ea) the disclosure of photographs, fingerprints and particulars of persons registered under this Ordinance;"

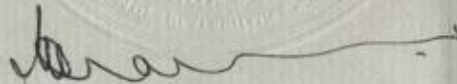
(b) by inserting, in paragraph (h), after "custody", the following—

“, surrender”.


Repeal of  
section 9.

5. Section 9 of the principal Ordinance is repealed.

Passed by the Hong Kong Legislative Council this 23rd day of May, 1973.

  
Clerk to the Legislative Council.

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

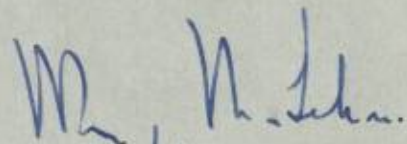
  
Clerk to the Legislative Council.

**HONG KONG**

No. 37 OF 1973



I assent.

  
Governor.  
24th May, 1973.

An Ordinance to amend the Mental Health Ordinance and the Criminal Procedure Ordinance.

[25th May, 1973.]

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

1. This Ordinance may be cited as the Mental Health (Amendment) Ordinance 1973. Short title.

2. Section 2 of the principal Ordinance is amended— Amendment of section 2. (Cap. 136.)

(a) in the definition of "hospital order" by deleting "or 54" and substituting the following—

“, 54 or 54A”; and

(b) by inserting after the definition of "prescribed form" the following new definition—

“Prisons Department Psychiatric Centre” means the Prisons Department Psychiatric Centre set apart as a prison under section 3 of the Prisons Ordinance.”

(Cap. 234.)

Amendment of  
section 45.

3. Section 45 of the principal Ordinance is amended—
- (a) in subsection (1)—
- (i) in paragraph (b), by inserting after “detention in” the following—
- “the Prisons Department Psychiatric Centre or”; and
- (ii) by deleting “such mental hospital as is specified in the order” and substituting the following—
- “the Prisons Department Psychiatric Centre or a mental hospital specified in the order or, if the person is under fourteen years of age, in a mental hospital specified in the order”; and
- (b) in subsection (2) by inserting after “person to” the following—
- “the Prisons Department Psychiatric Centre or”.

Amendment of  
section 47.

4. Section 47 of the principal Ordinance is amended—
- (a) in subsection (1)—
- (i) in paragraph (a), by inserting after “order to” the following—
- “the Prisons Department Psychiatric Centre or”;
- (ii) in paragraph (b), by inserting before “the medical superintendent” the following—
- “the Commissioner of Prisons to admit him to the Prisons Department Psychiatric Centre or”;
- (b) by inserting after subsection (1) the following new subsection—

“(1A) A person who is admitted to the Prisons Department Psychiatric Centre in pursuance of a hospital order shall be treated, for the purposes of the Prisons Ordinance, as if he had been lawfully confined in a prison in accordance with section 7 of that Ordinance except that during the period for which he is ordered to be detained in the Prisons Department Psychiatric Centre, or if no period is specified in the order, while the order is in force—

(Cap. 234.)

- (a) the power of the Commissioner of Prisons to grant leave of absence under the Prisons Ordinance shall not be exercised; and
- (b) the person shall not be discharged therefrom unless with the prior consent of the Governor.”; and

- (c) by deleting subsection (3) and substituting the following—

“(3) Where—

- (a) a person is admitted to the Prisons Department Psychiatric Centre; or
- (b) a patient is admitted to a mental hospital, in pursuance of a hospital order, any previous order by which he was liable to be detained in a mental hospital shall cease to have effect.”.

5. The principal Ordinance is amended by adding after section 52 the following new section—

Addition of  
section 52A.

“Removal  
to a Prisons  
Department  
Psychiatric  
Centre of  
persons  
detained  
in a mental  
hospital.  
(Cap. 221.)

52A. (1) The Governor may, after consultation with the Commissioner of Prisons and a medical superintendent, by order direct that a person detained in a mental hospital in pursuance of an order made under this Part or under the Criminal Procedure Ordinance, be removed to and detained in the Prisons Department Psychiatric Centre.

(2) An order under subsection (1) shall be sufficient authority for the Commissioner of Prisons to admit the person removed from the mental hospital to the Prisons Department Psychiatric Centre and to detain him therein for the period specified in the order authorizing his detention in the mental hospital, or if no such period is specified, while that order is in force.

(3) A person who is removed to and detained in the Prisons Department Psychiatric Centre in pursuance of an order under subsection (1) shall be treated, for the purposes of the Prisons Ordinance, as if he had been lawfully confined in a prison in accordance with section 7 of that Ordinance except that during the period within which he is liable to be detained—

(Cap. 234.)

- (a) the power of the Commissioner of Prisons to grant leave of absence under the Prisons Ordinance shall not be exercised; and
- (b) the person shall not be discharged therefrom unless with the prior consent of the Governor.”.

Addition of section 54A.

6. The principal Ordinance is amended by adding after section 54 the following new section—

"Hospital order in respect of persons awaiting trial or sentence.

54A. If it appears to the court or magistrate having jurisdiction to try or otherwise deal with a person specified in paragraph (a), (b), (c) or (d) of section 53(2) that—

(a) the conditions set out in section 54(3) are satisfied; and

(b) it is impracticable or inappropriate to bring that person before the court or magistrate,

the court or magistrate may, by a hospital order made in respect of that person in his absence and, if he is a person awaiting trial, without convicting him, authorize his admission to and detention in the Prisons Department Psychiatric Centre."

Consequential amendments to the Criminal Procedure Ordinance. (Cap. 221.)

7. The Criminal Procedure Ordinance is amended—

(a) in section 2—

(i) in the definition of "hospital order", by deleting "or 54" and substituting the following—

"54 or 54A"; and

(ii) by inserting after the definition of "mental hospital" the following new definition—

"Prisons Department Psychiatric Centre" means the Prisons Department Psychiatric Centre set apart as a prison under section 3 of the Prisons Ordinance;"

(Cap. 234.)

(b) in section 76—

(i) in subsection (1), by inserting after "admitted to" the following—

"the Prisons Department Psychiatric Centre or"; and

(ii) in subsection (2), by inserting after "admission to" the following—

"the Prisons Department Psychiatric Centre or"; and

(iii) in subsection (3), by inserting after "detained" the following—

"in a mental hospital"; and

(iv) by inserting after subsection (3) the following new subsection—

"(4) Subject to the provisions of the Fourth Schedule, if the Governor, after consultation with

Fourth Schedule.

the Commissioner of Prisons, is satisfied that a person detained in the Prisons Department Psychiatric Centre in pursuance of an order under subsection (1)(b) can properly be tried—

(a) the Governor may by order direct that such person be detained in the custody of the Commissioner of Prisons for trial at the court where but for the order under subsection (1)(b) he would have to be tried; and

(b) the order under subsection (1)(b) shall cease to have effect if the Governor makes an order under paragraph (a).";

(c) in section 83D—

(i) in subsection (1), by inserting after "admitted to" the following—

"the Prisons Department Psychiatric Centre or"; and

(ii) in subsection (3), by inserting after "admission to" the following—

"the Prisons Department Psychiatric Centre or";

(d) in section 83L—

(i) in subsection (1), by inserting after "admitted to" the following—

"the Prisons Department Psychiatric Centre or"; and

(ii) in subsection (4), by inserting after "admission to" the following—

"the Prisons Department Psychiatric Centre or";

(e) in the Fourth Schedule—

(i) by deleting paragraph 1(1) and substituting the following—

"1. (1) An order for admission to the Prisons Department Psychiatric Centre or to a mental hospital under section 76(1) shall be sufficient authority for—

(a) in the case of admission to the Prisons Department Psychiatric Centre, the Commissioner of Prisons; or

(b) in the case of admission to a mental hospital, any person acting under the authority of the Governor,

to take the person to whom the order relates and convey him at any time within the period of twenty-eight days (beginning with the date on which the order was made) to the Prisons Department Psychiatric Centre or the mental hospital specified by the Governor.”;

(ii) in paragraph 1(2), by inserting before “the mental hospital” the following—

“the Prisons Department Psychiatric Centre or”;

(iii) in paragraph 1(3), by inserting after “period to” the following—

“the Prisons Department Psychiatric Centre or”;

(iv) in paragraph 1(3), by inserting before “medical superintendent” the following—

“Commissioner of Prisons or the”; and

(v) in paragraph 2, by inserting before “a mental hospital” the following—

“the Prisons Department Psychiatric Centre or”;

(f) in the Fifth Schedule—

(i) in paragraph 1(1), by inserting before “a mental hospital” the following—

“the Prisons Department Psychiatric Centre or”;

(ii) in paragraph 1(1), by inserting before “the mental hospital” the following—

“the Prisons Department Psychiatric Centre or”;

(iii) in paragraph 1(3), by inserting before “the mental hospital” the following—

“the Prisons Department Psychiatric Centre or”;

(iv) in paragraph 1(3), by inserting before “medical superintendent” the following—

“Commissioner of Prisons or the”; and

(v) in paragraph 2, by inserting before “a mental hospital” the following—

“the Prisons Department Psychiatric Centre or”; and

(g) in the Seventh Schedule—

(i) in paragraph 1, by deleting “and 54” and substituting the following—

“, 54 and 54A”; and

(ii) in paragraph 2, by inserting after “transfer order” the following—

“or an order under section 54A of that Ordinance”.

Passed by the Hong Kong Legislative Council this 23rd day of May, 1973.

*Clerk to the Legislative Council.*

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

*Clerk to the Legislative Council.*

**HONG KONG**

No. 38 of 1973



I assent.

*M. J. M. Lehn*

Governor.

24th May, 1973.

An Ordinance to amend the Midwives Registration Ordinance.

[25th May, 1973.]

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

1. This Ordinance may be cited as the Midwives Registration (Amendment) Ordinance 1973. Short title.

2. Section 5 of the principal Ordinance is amended by deleting subsections (5) and (6) and substituting the following— Amendment of section 5. (Cap. 162.)

“(5) The Board shall cause to be published in the *Gazette* in relation to successive periods, in such manner as the Board may think fit and at intervals of not more than twelve months, lists of all women whose names have been entered in, removed from or restored to the register during these periods.

(6) A certificate purporting to be under the seal of the Board and signed by the chairman or secretary of the Board

stating that a woman is or was at any date or is not or was not at any date duly registered shall be evidence in all courts of law of the facts stated in such certificate until the contrary is proved.”.

Amendment of section 10.

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

“(2) Any costs awarded in pursuance of subsection (1) may be recovered as a civil debt.”.

Passed by the Hong Kong Legislative Council this 23rd day of May, 1973.



*[Signature]*  
Clerk to the Legislative Council.

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

*[Signature]*  
Clerk to the Legislative Council.



I assent.

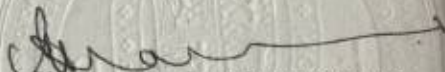
*[Signature]*  
Governor.

Amendment of  
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Passed by the Hong Kong Legislative Council this 23rd day of May, 1973.

  
Clerk to the Legislative Council.

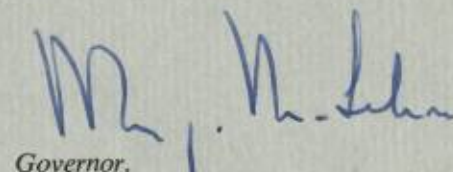
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

**HONG KONG**

No. 39 OF 1973



I assent.

  
Governor.

24th May, 1973.

An Ordinance to amend the Employment Ordinance.

[25th May, 1973.]

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

1. (1) This Ordinance may be cited as the Employment (Amendment) (No. 2) Ordinance 1973.

Short title and commencement.

(2) Sections 2, 4, 6, 7, 8, 9(2) and 10, and Parts IVA and IVC contained in section 5 shall come into operation on the 1st July 1973.

(3) Section 3, 9(1) and Part IVB contained in section 5 shall come into operation on the 1st January 1974.

2. Section 2 of the principal Ordinance is amended by inserting, in the appropriate place in the alphabetical order having regard to the initial letter of each of them, the following definitions—

Amendment of section 2. (Cap. 57.)

““alternative holiday” means a holiday granted or to be granted under section 21G(2);”;

““Director” means the Director of Medical and Health Services;”;

““holiday” means—

- (a) a statutory holiday;
- (b) an alternative holiday;
- (c) a substituted holiday; or
- (d) a day on which a female employee or an employee who is a young person is required by section 21G(4) to be granted a holiday;”;

““holiday pay” means the holiday pay provided for by section 21H;”;

““paid sickness day” means a sickness day in respect of which an employee is entitled to be paid sickness allowance;”;

““recognized scheme of medical treatment” means a scheme of medical treatment operated by an employer and approved by the Director for the purposes of this Ordinance under section 21B(1);”;

““sickness allowance” means the sickness allowance provided for by section 21A;”;

““sickness day” means a day on which an employee is absent from his work by reason of his being unfit therefor on account of injury or sickness;”;

““statutory holiday” means a holiday specified as a holiday in section 21G(1); ”;

““substituted holiday” means a holiday granted under section 21G(3);”;

““young person” means an employee of or over the age of fourteen years and under the age of eighteen years.”.

Amendment of section 11E.

3. Section 11E of the principal Ordinance is amended by deleting subsection (2) and substituting the following—

“(2) Rest days shall be in addition to any statutory holiday, or alternative holiday or substituted holiday, to which an employee is entitled under section 21G.”.

Amendment of section 21.

4. Section 21 of the principal Ordinance is amended in subsection (2) by deleting the proviso to paragraph (a) and substituting the following—

“Provided that—

- (i) in the case of a contract of employment under which wages are calculated on a basis of time, no

such deduction shall exceed a sum proportionate to the period of time during which the employee was absent from work;

(ii) no such deduction shall be made for the purpose of defraying or partly defraying the cost of holiday pay or sickness allowance which the employer has paid or may be or may become liable to pay to the employee;”.

5. The principal Ordinance is amended by adding, after Part IV, the following new Parts—

Addition of new parts IVA, IVB and IVC.

#### “PART IVA

##### SICKNESS ALLOWANCE

Sickness allowance.

21A. (1) An employee who has been employed by his employer under a continuous contract for a period of three months immediately preceding a sickness day shall be paid by his employer sickness allowance in accordance with this section at the rate specified in section 21C.

(2) An entitlement to sickness allowance shall accrue at the rate of one paid sickness day for each completed month of the employee’s employment under the continuous contract with his employer and may be accumulated from time to time up to a maximum of twenty-four paid sickness days.

(3) An employee who takes less than four consecutive days as sickness days shall not be entitled to be paid sickness allowance in respect thereof.

(4) Subject to subsection (5), an employee who takes four or more consecutive days as sickness days shall be entitled to be paid sickness allowance for the total number of sickness days taken by him, but not exceeding the number of paid sickness days accumulated by him, under subsection (2), at that time; and the number of sickness days in respect of which he has been paid sickness allowance shall be deducted from the paid sickness days accumulated by him as at the relevant time.

(5) An employer shall not be liable to pay sickness allowance to an employee in respect of any sickness day—

- (a) unless such day is a day specified in the appropriate medical certificate as a day on

which, in the opinion of the medical practitioner by whom the certificate is issued, the employee was, is or will be, as the case may be, unfit for work on account of sickness or injury;

- (b) if, where the employer is operating a recognized scheme of medical treatment, the employee, at any time during the sickness or injury, unless he is a patient in a hospital maintained by the Crown or in such a hospital as is referred to in subsection (6)(a), refuses without reasonable excuse to submit himself for treatment by the medical practitioner employed by the employer for the purposes of the scheme;
- (c) if, where the employer is operating a recognized scheme of medical treatment, the employee, having submitted himself for treatment by the medical practitioner employed by the employer for the purposes of the scheme or being a patient in a hospital maintained by the Crown or in such a hospital as is referred to in subsection (6)(a), at any time during the sickness or injury, without reasonable excuse, disregards the advice of such medical practitioner or the advice of the medical practitioner by whom he is being attended in the hospital maintained by the Crown or in such hospital;
- (d) if the unfitness for work of the employee is caused by his serious and wilful misconduct;
- (e) if the unfitness for work of the employee is on account of an injury or occupational disease in respect of which compensation is payable in accordance with the Workmen's Compensation Ordinance;
- (f) in respect of which the employee has received holiday pay.
- (6) For the purposes of subsection (5)(a) the expression "appropriate medical certificate" means—
- (a) where, on the day on which the certificate is issued—
- (i) the employer is operating a recognized scheme of medical treatment, a certificate

(Cap. 282.)

issued by the medical practitioner employed by the employer for the purposes of the scheme; or

(ii) the employee is a patient in a hospital maintained by the Crown or in a hospital in respect of which a person is registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance, a certificate issued by the medical practitioner attending the employee in the hospital; and

(b) in any other case, a certificate issued by any medical practitioner.

(7) Every medical certificate shall, in addition to specifying the number of days on which, in the opinion of the medical practitioner by whom it is issued, the employee was, is or will be, as the case may be, unfit for work, specify the nature of the sickness or injury on account of which, in the opinion of the medical practitioner, the employee was, is or will be, as the case may be, unfit for work.

Recognized  
scheme of  
medical  
treatment.

**21B.** (1) The Director may recognize for the purposes of this Ordinance a scheme of medical treatment operated by an employer, if he is satisfied that each employee, who is qualified to be paid sickness allowance by the employer by whom the scheme is operated, is provided, without expense to the employee, by a medical practitioner with such medical treatment as an out-patient as the Director considers reasonable.

(2) The Director may, having given to the employer by whom the scheme is operated not less than one month's notice of his intention so to do, withdraw his recognition of any scheme of medical treatment.

(3) Whenever the Director has recognized, or has withdrawn his recognition of, any scheme of medical treatment, he shall publish a notice thereof in the *Gazette*.

Rate of  
sickness  
allowance.

**21C.** (1) The daily rate of sickness allowance shall be a sum equivalent to one half of the wages, other than overtime pay, which the employee would have earned if he had worked on the sickness day.

(2) Notwithstanding subsection (1), where an employee is employed on piece rates or where the

daily wages of an employee vary from day to day, the sickness allowance shall be a sum equivalent to one half of the average daily wages earned by the employee on the days on which he worked during the period of twenty-eight days preceding the first sickness day on that occasion.

Time for payment of sickness allowance.

**21D.** (1) Except in the case of an employee who is normally paid his wages daily, sickness allowance shall be paid to the employee or his duly appointed agent in the manner and at the place specified in section 16 not later than the day on which the employee is next paid his wages.

(2) In the case of an employee who is normally paid his wages daily, sickness allowance shall be paid to him or his duly appointed agent in the manner and at the place specified in section 16 at least once in every seven days.

Employer to keep record of sickness days.

**21E.** (1) An employer shall maintain in the specified form in accordance with this section, a record which shall contain particulars of the entitlement to sickness allowance and sickness days of every employee employed by the employer.

(2) If an employer maintains a record under subsection (1)—

- (a) an employee who returns to work after a sickness day shall, as soon as is practicable but not later than seven days after his return to work, sign the entry in the record specifying the days on which he has been absent;
- (b) an employee shall be entitled to inspect that part of the record which relates to him at any reasonable time during working hours and, where an employee has ceased to be employed by his employer, he may inspect that part of the record which relates to him at any reasonable time during working hours in the period of two months next following the date on which he ceased to be employed.

(3) If an employer fails to maintain the record under subsection (1) in respect of any employee employed by him, or if the record is lost or destroyed, the employee shall, notwithstanding any sickness allowance paid to him by his employer under section

21A, be entitled to one paid sickness day for each completed month of his employment in accordance with section 21A(2).

Records to be produced to Commissioner.

**21F.** For the purposes of section 21E, the Commissioner may, either by notice in writing served by registered post or by notice in the *Gazette*, require any employer or class of employers to send to him all or any records of sickness days in respect of any period not exceeding two years preceding the date of the notice.

#### PART IVB

##### HOLIDAYS WITH PAY

Grant of holidays.

**21G.** (1) Subject to subsections (2), (3) and (4), an employee shall be granted a holiday by his employer on each of the following days—

- (a) Lunar New Year's Day;
- (b) the second day of Lunar New Year;
- (c) Ching Ming (清明) Festival;
- (d) Tuen Ng (端午, Dragon Boat) Festival;
- (e) the day following the Chinese Mid-Autumn (中秋) Festival; and
- (f) the first day of January.

(2) An employer may, instead of granting an employee a holiday on a statutory holiday, grant the employee a holiday on another day (which is not a statutory holiday or a substituted holiday) within the period of sixty days immediately preceding or next following the statutory holiday, if the employer has notified the employee, either orally or in writing or by notice posted in a conspicuous place in the place of employment, of the day on which he will be granted the holiday—

- (a) where the holiday is to be taken on a day within the period of sixty days immediately preceding the statutory holiday, not less than forty-eight hours before that day; or
- (b) where the holiday is to be taken on a day within the period of sixty days next following the statutory holiday, not less than forty-eight hours before the statutory holiday.

(3) An employer and his employee may agree that another day shall be substituted for a statutory holiday or an alternative holiday or, in the case of a female employee or an employee who is a young person, a day on which, by virtue of subsection (4), the employee is required to be granted a holiday, if such substituted holiday falls within the period of thirty days of such statutory holiday, alternative holiday or holiday under subsection (4).

(4) Where, in the case of a female employee or an employee who is a young person, a statutory holiday or an alternative holiday or a substituted holiday falls on a day which, by virtue of the Factories and Industrial Undertakings Regulations, the employment of the employee in an industrial undertaking is prohibited, the employee shall be granted a holiday on the next day thereafter which is not a statutory holiday or an alternative holiday or a substituted holiday.

(Cap. 59,  
sub. leg.)

Payment of  
holiday pay.

**21H.** An employee who has been employed by his employer under a continuous contract for a period of three months immediately preceding a statutory holiday shall, not later than the day on which the employee is next paid his wages after that holiday, be paid by his employer holiday pay at the rate specified in section 21I, whether or not the employee takes a holiday on the statutory holiday or on an alternative or substituted holiday or a holiday under section 21G(4).

Rate of  
holiday pay.

**21I.** (1) Holiday pay shall be a sum equivalent to the wages, other than overtime pay, which the employee would have earned if he had worked on the holiday.

(2) Notwithstanding subsection (1), where an employee is employed on piece rates or where the daily wages of an employee vary from day to day, the holiday pay shall be a sum equivalent to the average daily wages earned by the employee on the days on which he worked during the period of twenty-eight days preceding the holiday.

## PART IVC

### ANCILLARY PROVISIONS RELATING TO SICKNESS ALLOWANCE AND HOLIDAYS WITH PAY

Ordinary  
wages  
instead of  
holiday  
pay or  
sickness  
allowance.

**21J.** Where, pursuant to the terms of his contract of employment or the terms of any other agreement or for any other reason, an employee is paid his ordinary wages in respect of any holiday or sickness day, the employee shall not, in addition to such ordinary wages, be entitled to be paid holiday pay or sickness allowance, as the case may be.

Payment of  
holiday pay,  
etc. in  
event of  
bankruptcy,  
etc.  
(Cap. 6.)  
(Cap. 32.)

**21K.** For the purposes of section 38 of the Bankruptcy Ordinance and section 265 of the Companies Ordinance, any holiday pay or sickness allowance to which an employee is entitled shall, whenever the employee became or becomes entitled thereto, be deemed to be wages in respect of services rendered during the relevant period prescribed in the said section 38 or the said section 265 or in section 79 of the Companies Ordinance, as the case may be."

**6.** Section 31 of the principal Ordinance is amended by inserting, after subsection (1B), the following new subsection—

Amendment of  
section 31.

"(1C) Any employer who without reasonable excuse fails—

- (a) to grant to any employee any holiday which he is required to grant under section 21G; or
- (b) to pay to any employee—
  - (i) any sickness allowance which he is required to pay under section 21A; or
  - (ii) any holiday pay which he is required to pay under section 21H,

shall be guilty of an offence."

**7.** The principal Ordinance is amended by adding, after section 35A, the following new section—

Addition of  
new section  
35B.

"Saving as  
to schemes  
of medical  
treatment  
under  
Industrial  
Employment  
(Holidays  
with Pay  
and Sickness  
Allowance)  
Ordinance.  
(Cap. 333.)

**35B.** Any scheme of medical treatment which is operated by an employer and is recognized by the Director under section 8 of the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance shall continue in force and have effect as if it were operated and approved under the corresponding provision in this Ordinance."

Repeal of  
Industrial  
Employment  
(Holidays with  
Pay and Sick-  
ness Allow-  
ance)  
Ordinance.  
(Cap. 333.)

8. (1) With effect from the 1st July 1973, sections 7, 8 and 11 and subsection (2) of section 10 of the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance shall be repealed and section 9 thereof shall have effect as if the references therein to sickness allowance were omitted.

(2) With effect from the 1st January 1974, the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance shall be repealed.

Consequential  
amendments.  
(16 of 1972.)

9. (1) The Schedule to the Labour Tribunal Ordinance 1972 is amended in paragraph 1(b) by deleting "or the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance".

(Cap. 343.)

(2) Section 2 of the Medical Clinics Ordinance is amended in the definition of "clinic" in paragraph (i) by deleting "for the purposes of section 8 of the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance" and substituting the following—

"under section 21B of the Employment Ordinance".

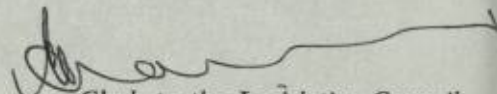
Transitional.  
(Cap. 333.)

10. (1) An employee to whom the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance applied shall, on the 1st July 1973, be entitled under this Ordinance to twelve paid sickness days less the number of days during the period of six months before that date for which he received sickness allowance under that Ordinance.

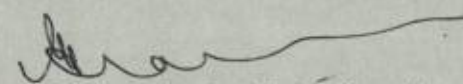
(2) In the case of a contract of employment existing at the 1st July 1973 any period of employment next preceding that date shall be taken into account for the purposes of ascertaining under section 21A(1) of the principal Ordinance whether or not an employee has been employed under a continuous contract for a period of three months.

(3) In the case of a contract of employment existing at the 1st January 1974 any period of employment next preceding that date shall be taken into account for the purposes of ascertaining under section 21H of the principal Ordinance whether or not an employee has been employed under a continuous contract for a period of three months.

Passed by the Hong Kong Legislative Council this 23rd day of May, 1973.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

**HONG KONG**

No. 40 OF 1973



I assent.

*M. J. M. Lehn*  
Governor.

7th June, 1973.

An Ordinance to provide for security of tenure and the prevention of increases in rent in respect of certain tenancies of domestic premises, and for purposes connected therewith.

[8th June, 1973]

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

1. This Ordinance may be cited as the Domestic Premises (Tenure and Rent) (Temporary Provisions) Ordinance 1973. Short title.

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

“Commissioner” means the Commissioner of Rating and Valuation;

“court” means the District Court;

“landlord” includes any person, other than the Crown, who is from time to time entitled to receive rent in respect of any premises and, in relation to a particular tenant, means a person entitled to receive rent from such tenant;

“principal tenant” means a tenant of premises other than a Crown lessee, who has sublet or shall sublet the whole or any part or parts thereof as a separate holding or holdings;

“tenancy” includes an agreement for a tenancy;

“tenant” or “sub-tenant” does not include a Crown lessee but includes—

- (a) a person who, on the commencement of this Ordinance, is in possession of premises to which this Ordinance applies;
- (b) a person who retains possession of any premises by virtue of this Ordinance; and
- (c) a public body, corporation, foreign or Commonwealth Government or unincorporated body of persons who is a tenant or sub-tenant of premises to which this Ordinance applies.

Application.

3. (1) Subject to subsection (6), this Ordinance applies to every domestic tenancy and domestic sub-tenancy existing at the commencement of this Ordinance in a post-war building, whether the same was effected orally or in writing and notwithstanding any provision in such tenancy or sub-tenancy, including any provision purporting generally or specifically to exclude the provisions of this Ordinance.

(2) For the purposes of this section a post-war building means—

(Cap. 255.)

- (a) a building to which the Landlord and Tenant Ordinance does not apply by virtue of section 3(1)(a) or (d) of that Ordinance; and
- (b) any building in the New Territories other than one in respect of which the District Commissioner, New Territories, certifies that it existed prior to the 17th day of August 1945.

(3) The burden of proving that a building is not a post-war building shall lie on the person so asserting; and a copy of a written permit of the Building Authority to occupy a building shall be *prima facie* evidence that a building is not post-war if the permit purports to have been issued prior to the 17th day of August 1945.

(4) The benefits and protection afforded by this Ordinance shall, in the case of any tenancy or sub-tenancy to which it applies, be available to the widow, widower, mother, father or any daughter or son over the age of eighteen years of the tenant or sub-tenant, as the case may be, where she or he was residing with the tenant or sub-tenant at the time of his or her death, and

for the purposes of this Ordinance references to tenant or sub-tenant shall, where applicable, be deemed to include a reference to such widow, widower, mother, father, daughter or son, and the tenancy or sub-tenancy shall be deemed to continue in existence notwithstanding the death of the tenant or sub-tenant.

(5) Tenancies and sub-tenancies to which this Ordinance applies shall not, so long as this Ordinance continues to affect them, be subject to the Tenancy (Notice of Termination) Ordinance. (Cap. 335.)

(6) This Ordinance shall not apply to—

(a) a tenancy or sub-tenancy of premises to which the Landlord and Tenant Ordinance applies, or of premises in respect of which there is in existence an order made under section 38 of that Ordinance; (Cap. 255.)

(b) a tenancy or sub-tenancy of land unbuilt on;

(c) a tenancy or sub-tenancy of agricultural land, which expression shall have the meaning assigned to it by section 36 of the Rating Ordinance 1973, including such a tenancy or sub-tenancy where there is on the land a dwelling house occupied by persons working the land; (11 of 1973.)

(d) a tenancy or sub-tenancy where the landlord is the employer and the tenant is the employee in possession of the premises in accordance with the terms and conditions of his employment, being terms and conditions which require him to vacate the accommodation upon ceasing to be so employed;

(e) a tenancy held from the Crown, the Hong Kong Housing Authority, the Hong Kong Housing Society, or the Hong Kong Model Housing Society, or a sub-tenancy created out of such a tenancy;

(f) a tenancy or sub-tenancy during the period while it is enjoying protection under section 3 of the Tenancy (Prolonged Duration) Ordinance; (Cap. 276.)

(g) a tenancy or sub-tenancy which is continuing, after ceasing to enjoy protection under section 3 of the Tenancy (Prolonged Duration) Ordinance (whenever it ceased or ceases to enjoy such protection), on the same terms and conditions (save in so far as the same may have been modified, added to or varied by any enactment) as those which applied when it was enjoying such protection, for so long as it continues on those terms and conditions;

(h) a tenancy or sub-tenancy to which the Rent Increases (Domestic Premises) Control Ordinance applies. (Cap. 338.)

(7) The Governor may in his absolute discretion by order exclude from the further application of this Ordinance any class of tenancy or sub-tenancy, any class of premises or any particular tenancy or sub-tenancy or premises.

Meaning of  
"domestic  
tenancy".

4. (1) For the purposes of section 3, "domestic tenancy" and "domestic sub-tenancy" means a tenancy or sub-tenancy of premises let as a dwelling.

(2) Notwithstanding the purpose for which premises were let, in determining the nature of a tenancy or sub-tenancy for the purposes of this Ordinance, the following provisions shall apply—

- (a) in any agreement in writing between a landlord and tenant, or between a principal tenant and sub-tenant, a term that the premises shall be used for a specified purpose shall be *prima facie* evidence that the premises are being used for such purpose;
- (b) notwithstanding any evidence as to whether premises were originally let as a dwelling or not let as a dwelling, where such premises are being used primarily for another purpose, they shall be deemed to have been let for such other purpose:

Provided that where such primary user is user as a dwelling in breach of any term in the agreement with the landlord or principal tenant, as the case may be, then the tenant or sub-tenant shall be required to establish that such user has been agreed to by the landlord or principal tenant, expressly or by implication, or acquiesced in by him;

- (c) subject to paragraph (d), where there exists insufficient evidence as to whether premises were let as a dwelling or not, the nature of the tenancy or sub-tenancy shall be determined by the primary user of the premises;
- (d) where there is evidence that premises were let otherwise than as a dwelling, or that they were being used otherwise than as a dwelling at the commencement of a sub-tenancy, any premises the subject of such sub-tenancy shall themselves be deemed to be used otherwise than as a dwelling until the sub-tenant satisfies the court to the contrary;
- (e) the use of premises as a boarding or lodging house is a use other than as a dwelling.

(3) In determining whether premises were let, or are being used, as a dwelling, the following may be taken into account—

- (a) covenants, terms and conditions in any Crown lease, tenancy or sub-tenancy;
- (b) any occupation permit given by the Building Authority under the Buildings Ordinance, or under any Ordinance replaced thereby, in relation to the premises;
- (c) normal additional uses of the premises consistent with the same being let as a dwelling, having regard to the following—
  - (i) floor area in occupation part or full-time for such uses;
  - (ii) the number of people engaged in such uses but not dwelling on the premises;
  - (iii) the furnishings, fittings and contents of the premises; and
  - (iv) the gross profits resulting from such uses relative to the rent or proportion thereof paid by the person making such profits.

(Cap. 123.)

(4) Where a dispute arises as to whether a tenancy or sub-tenancy is domestic, the landlord, tenant, principal tenant or sub-tenant may, if primary user is relevant to the dispute, apply in the specified form to the Commissioner for his certificate as to the primary user of the premises.

(5) Where an application under subsection (4) is made to the Commissioner, he shall inspect the premises, and may—

- (a) where he is satisfied, on the evidence available, as to the primary user, issue free of charge a certificate as to the primary user of the premises on the day of his inspection;
- (b) where he is not so satisfied, decline to give a certificate.

(6) A certificate issued by the Commissioner under subsection (5)(a) shall be *prima facie* evidence of the facts set out therein and of the primary user of the premises on the day on which they were inspected.

(7) A landlord, tenant, principal tenant or sub-tenant may apply to the court—

- (a) for a review of a certificate issued by the Commissioner;
- (b) where the Commissioner has declined to issue his certificate, for a determination as to whether the tenancy or sub-tenancy is domestic; or
- (c) generally for a determination as to whether the tenancy or sub-tenancy is domestic.

(8) The court, on the hearing of an application under subsection (7), may—

- (a) affirm the certificate of the Commissioner or substitute therefor its own determination as to whether the tenancy or sub-tenancy is domestic; or
- (b) in the case of an application under subsection (7)(b) or (c), make a determination as to whether the tenancy or sub-tenancy is domestic.

No rent in excess of current rent.

5. (1) The recoverable rent under a tenancy or sub-tenancy to which this Ordinance applies shall not exceed the rent payable by the tenant or sub-tenant at the commencement of this Ordinance and notwithstanding anything in any agreement, no other amount shall be recoverable from the tenant or sub-tenant by way of rent.

(2) Where a tenant or sub-tenant has paid by way of rent any amount which, by virtue of subsection (1) is not recoverable by the landlord or principal tenant, the tenant or sub-tenant shall be entitled to recover the amount from the landlord or principal tenant who received it or from his personal representatives.

(3) Any amount which a tenant or sub-tenant is entitled to recover under subsection (2) may, without prejudice to any other method of recovery, be deducted by the tenant or sub-tenant from any rent payable by him to the landlord or principal tenant.

(4) Any person who demands or receives rent in excess of the recoverable rent in respect of a tenancy or sub-tenancy to which this Ordinance applies shall be guilty of an offence and shall be liable on conviction to a fine of four thousand dollars.

(5) For the purposes of determining the amount of rent payable under a tenancy, there shall be included as a rent payments by the tenant to the landlord other than regular payments of rent, which additional payments have been made as a condition of the right of the tenant to occupy the premises.

Continuation of tenancies.

6. (1) Save as provided in subsection (2) and section 7, no tenancy or sub-tenancy to which this Ordinance applies which is subsisting at the commencement of this Ordinance shall terminate during the continuance in force of this Ordinance.

(2) Save as provided in section 3(4), a tenancy or sub-tenancy shall not by virtue of this Ordinance continue in existence after any change in the identity of the landlord, tenant, principal tenant or sub-tenant which would terminate such tenancy or sub-tenancy in law; but for the purposes of this Ordinance a tenancy or sub-tenancy shall be deemed to continue in existence notwithstanding any change in the rent payable.

(3) In every tenancy and sub-tenancy to which this Ordinance applies there shall, in the absence of any express covenant or condition, be implied a covenant to pay rent on the due date and a condition for forfeiture for non-payment within fifteen days of such date.

7. (1) A tenancy or sub-tenancy to which this Ordinance applies shall terminate where—

Termination of tenancies.

- (a) vacant possession is delivered up;
- (b) the landlord or principal tenant determines the tenancy or sub-tenancy by way of forfeiture for failure to pay rent or for breach of any other covenant or condition which, but for this Ordinance, would have been a cause of forfeiture;
- (c) a notice to quit given under subsection (2) or subsection (4) or an order under subsection (7) takes effect;
- (d) the tenancy out of which the sub-tenancy was created is itself terminated:

Provided that upon such termination this Ordinance shall apply to any tenancy thereupon arising by operation of law.

(2) A notice to quit may be served and shall, subject to subsections (5), (6) and (7), take effect as if neither this Ordinance nor the Tenancy (Notice of Termination) Ordinance had been enacted where in such notice the landlord or principal tenant specifies—

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- (a) that he requires possession of the premises for use as a dwelling by himself, his mother, his father or any son or daughter of his over the age of eighteen years;
- (b) his intention of rebuilding the premises.

(3) Where a notice to quit, in English and Chinese, is served under subsection (2) and in addition is posted on three successive days upon the main door or entrance of the premises, such notice to quit shall take effect also on any sub-tenancies created under the tenancy to which it relates.

(4) A notice to quit may be served by a principal tenant and shall, subject to subsections (5), (6) and (7), take effect as if neither this Ordinance nor the Tenancy (Notice of Termination) Ordinance had been enacted where in such notice the principal tenant specifies that the sub-tenant on whom the notice is served has caused unnecessary annoyance, inconvenience or disturbance to the principal tenant or to other occupants of the premises,

particulars of such annoyance, inconvenience or disturbance being set out in the notice:

Provided that no notice may be served under this subsection without an endorsement thereon by the Secretary for Home Affairs, or by a public officer authorized by him in writing in that behalf, to the effect that the specified annoyance, inconvenience or disturbance has continued after a warning given by an officer of the Secretariat for Home Affairs to the sub-tenant causing the same.

(5) A notice to quit in English and in Chinese given under subsection (2) or (4) shall not be valid unless there are set out therein the provisions of subsection (6) and, where the notice to quit is given on the ground specified in subsection (2)(a), the provisions of the proviso to subsection (7).

(6) Within fourteen days of service of a notice to quit under subsection (2) or subsection (4), any tenant or sub-tenant of the premises affected by the notice to quit may serve a counter notice in the specified form on the landlord or principal tenant, as the case may be, disputing the right of the landlord or principal tenant to serve notice to quit.

(7) On receipt of a counter notice under subsection (6), the landlord or principal tenant, as the case may be, may apply to the court for an order for possession of the premises to which such notice relates; and, where he satisfies the court that he is entitled to possession on the ground specified in the notice to quit, the court may make an order for possession, which shall take effect on such date as the court may order, not being a date earlier than the date on which the notice to quit would have taken effect nor later than three months from the date of such order; and at the hearing of such an application the court may order the payment of rent or mesne profits:

Provided that no order shall be made on the ground specified in subsection (2)(a) if the court is satisfied that, having regard to the circumstances, including the question whether other accommodation is available for the landlord, the tenant, the principal tenant or the sub-tenant, and whether the premises were acquired by the landlord before or after the commencement of this Ordinance, greater hardship would be caused by granting the order than by refusing to grant it.

(8) Where a tenancy or sub-tenancy is terminated on any ground specified in subsection (2)(a) or (b) and the same premises are the subject of a subsequent tenancy or sub-tenancy, at any time in the case of a tenancy or sub-tenancy terminated on the ground specified in paragraph (a) of subsection (2), or prior to

the premises being rebuilt in the case of a tenancy or sub-tenancy terminated on the ground specified in paragraph (b) of subsection (2), this Ordinance shall apply to such subsequent tenancy or sub-tenancy as if it were a continuation, on the same terms, of the tenancy or the sub-tenancy terminated under this section.

8. (1) Notwithstanding anything contained in the District Court (Civil Jurisdiction and Procedure) Ordinance, the court shall have jurisdiction for the purpose of hearing and determining an application under section 7, and for the purpose of ordering the payment of rent or mesne profits, and such jurisdiction shall be exercised notwithstanding the value of the premises or the amount of the rent or mesne profits being claimed.

(2) Any decision or order of the court under this Ordinance shall be final and no appeal shall lie therefrom.

9. (1) Neither the Commissioner nor any public officer employed in the Department of Rating and Valuation shall be called to give evidence in any proceedings before the court under this Ordinance and no subpoena shall be issued against the Commissioner or such public officer.

(2) Notwithstanding subsection (1), a subpoena *duces tecum* may be issued against the Commissioner or any such public officer requiring him to produce in any proceedings an application under section 4(4); and a subpoena issued under this subsection shall be deemed to be complied with by the production of the document specified in the subpoena by any public officer employed in the Department of Rating and Valuation.

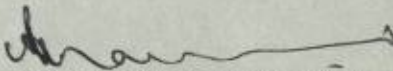
10. The Commissioner may, for the purposes of section 4, exercise any of the powers conferred on him by section 5 of the Rating Ordinance 1973.

11. (1) The Commissioner may specify the forms to be used under this Ordinance.

(2) The Commissioner may publish in the *Gazette* any form specified by him under subsection (1).

(3) The Commissioner may accept any application under section 4(4) which is not in the form specified.

Passed by the Hong Kong Legislative Council this 6th day of June, 1973.

  
Clerk to the Legislative Council.

Jurisdiction of  
the District  
Court.  
(Cap. 336.)

Proceedings  
in District  
Court.

Powers under  
Rating Ordinance  
1973 to  
be exercised by  
Commissioner.

Forms.