



HONG KONG

No. 1 OF 1969.



I assent.

*Heurich*  
Governor.

9th January, 1969.

An Ordinance to repeal and replace the Registrar General  
(Establishment) Ordinance.

[10th January, 1969.]

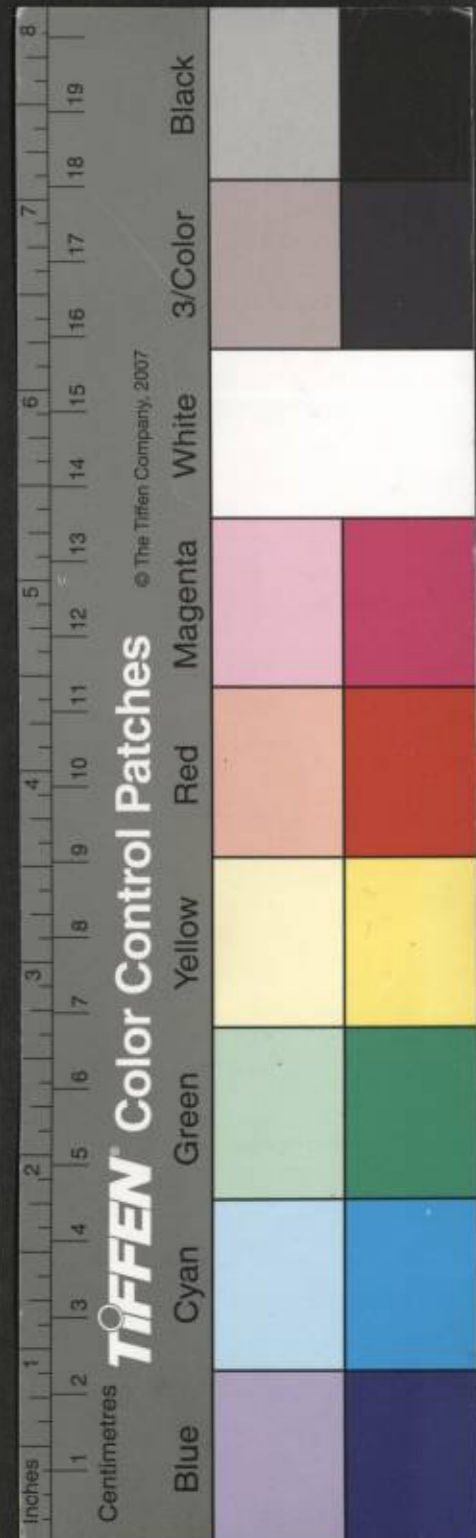
Enacted by the Governor of Hong Kong, with the advice and  
consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Registrar General (Establishment) Ordinance 1969. Short title.

2. (1) The Governor may appoint a Registrar General and such other officers as may be required to assist the Registrar General in the performance of his duties. Appointment of Registrar General and other officers.

(2) No person shall be appointed Registrar General or to any of the offices specified in Part I of the First Schedule unless on the date of such appointment he is legally qualified. First Schedule.

(3) The Registrar General and any person appointed to an office specified in Part I of the First Schedule shall be deemed to be legal officers for the purpose of the Legal Officers Ordinance and shall have all rights vested in legal officers by that Ordinance. (Cap. 87.)



Powers and duties of Registrar General.  
Second Schedule.

Reference to holders of offices in the Second Schedule to be deemed to refer to Registrar General.

Powers and duties of officers appointed to assist the Registrar General.  
First Schedule.

(Cap. 87.)

Second Schedule.

Governor may amend First and Second Schedules.

Repeal and saving.  
(Cap. 100.)

Third Schedule.

3. The Registrar General may exercise the powers and perform the duties conferred or imposed upon the holder of any of the offices specified in the Second Schedule.

4. Whenever in any Ordinance whether enacted before or after the commencement of this Ordinance reference is made to any officer holding any of the offices specified in the Second Schedule the same shall be deemed to include a reference to the Registrar General.

5. (1) Any person appointed to an office specified in the First Schedule may, subject to any instructions of the Registrar General, exercise the powers and perform the duties conferred or imposed on the Registrar General:

Provided that nothing in this subsection shall authorize any person appointed to an office specified in Part II of the First Schedule to exercise any of the rights vested in a legal officer by the Legal Officers Ordinance.

(2) The Registrar General and any person appointed to an office specified in the First Schedule may take any affidavit, affirmation or statutory or other declaration required by or to be made before or produced or delivered to or filed with the Registrar General or with the holder of any of the offices specified in the Second Schedule notwithstanding any Ordinance requiring the taking of such affidavit, affirmation or statutory or other declaration by or before any other person.

6. The Governor may, by order published in the *Gazette*, amend the First and Second Schedules.

7. (1) The Registrar General (Establishment) Ordinance is repealed.

(2) Any person appointed prior to the commencement of this Ordinance to any office specified in the first column of the Third Schedule shall be deemed to have been duly appointed under this Ordinance to the office specified opposite thereto in the second column of the Third Schedule.

FIRST SCHEDULE. [ss. 2, 5 & 6.]

PART I.

Assistant Registrar General  
Senior Solicitor  
Solicitor  
Assistant Solicitor

PART II.

Senior Assistant Registrar  
Assistant Registrar

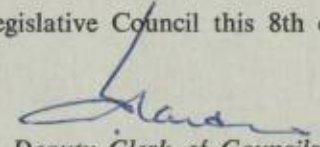
SECOND SCHEDULE. [ss. 3, 4, 5 & 6.]

Land Officer  
Registrar of Companies  
Registrar of Trade Marks  
Registrar of Patents  
Registrar of Marriages  
Registrar of Births and Deaths  
Official Receiver in Bankruptcy  
Official Solicitor in Lunacy  
Official Trustee

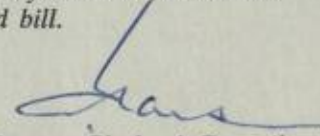
THIRD SCHEDULE. [s. 7.]

<i>First Column</i>	<i>Second Column</i>
Registrar General	Registrar General
Assistant Registrar General	Assistant Registrar General
Senior Legal Assistant	Senior Solicitor
Legal Assistant	Solicitor
Legal Assistant (Pupil)	Assistant Solicitor
Senior Assistant Registrar	Senior Assistant Registrar
Assistant Registrar	Assistant Registrar.

Passed by the Hong Kong Legislative Council this 8th day of January, 1969.

  
Deputy Clerk of Councils.

*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.*

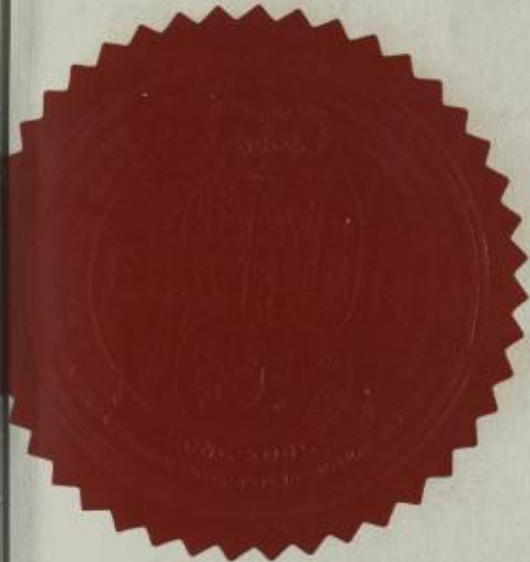
  
Deputy Clerk of Councils.

(Secretariat GR 16/3231/49II)

**HONG KONG**

No. 2 OF 1969.

I assent.



*French*

*Governor.*

*23rd January, 1969.*

An Ordinance to repeal certain Ordinances.

[24th January, 1969.]

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

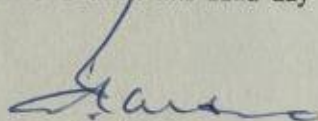
1. This Ordinance may be cited as the Law Revision (Miscellaneous Repeals) Ordinance 1969. Short title.

2. The Ordinances specified in the Schedule hereto are hereby repealed. Repeal of certain Ordinances.

SCHEDULE.

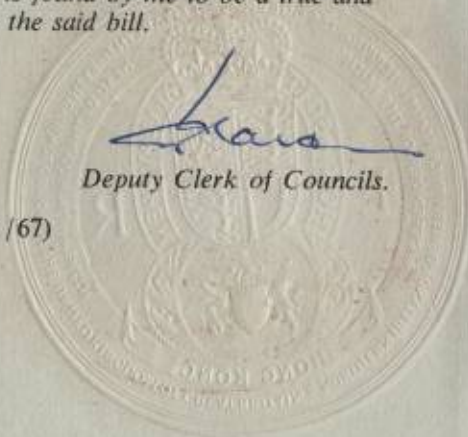
<i>Item.</i>	<i>Title.</i>	
1.	Squatters Ordinance.	(Cap. 152.)
2.	Companies (Cessation of Emergency Status) Ordinance.	(Cap. 248.)
3.	Debtor and Creditor (Occupation Period) Ordinance.	(Cap. 250.)
4.	Enemy Property Ordinance.	(Cap. 294.)
5.	Rent Increases (Domestic Premises) Control Ordinance.	(Cap. 338.)

Passed by the Hong Kong Legislative Council this 22nd day of January, 1969.



Deputy Clerk of Councils.

*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.*



Deputy Clerk of Councils.

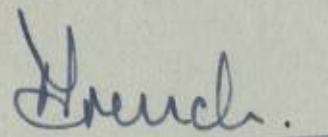
(Secretariat GR 14/3231/67)

**HONG KONG**

No. 3 OF 1969.



I assent.



Governor.

6th February, 1969.

An Ordinance to amend further the Mining 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 Mining (Amendment) Ordinance 1969, 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 2 of the principal Ordinance is amended by deleting the definition of "mineral" and substituting the following—

Amendment of section 2. (Cap. 285.)

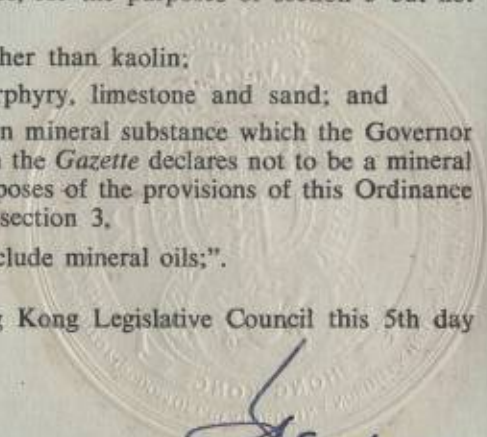
"mineral" includes—

- (a) metalliferous ores and other substances in their natural state which are obtainable only by mining or in the course of prospecting operations;
- (b) metalliferous ores and other substances in their natural state mined or obtained in the course of prospecting operations;

- (c) the valuable parts of such ores or other substances when unmanufactured;
- (d) the product of treating or dressing such ores or other substances for marketing or export; and
- (e) kaolin,
- and also includes, for the purposes of section 3 but not otherwise,—
- (i) any clay other than kaolin;
- (ii) granite, porphyry, limestone and sand; and
- (iii) any common mineral substance which the Governor by notice in the *Gazette* declares not to be a mineral for the purposes of the provisions of this Ordinance other than section 3.

but does not include mineral oils;”.

Passed by the Hong Kong Legislative Council this 5th day of February, 1969.



*[Signature]*  
Deputy Clerk of Councils.

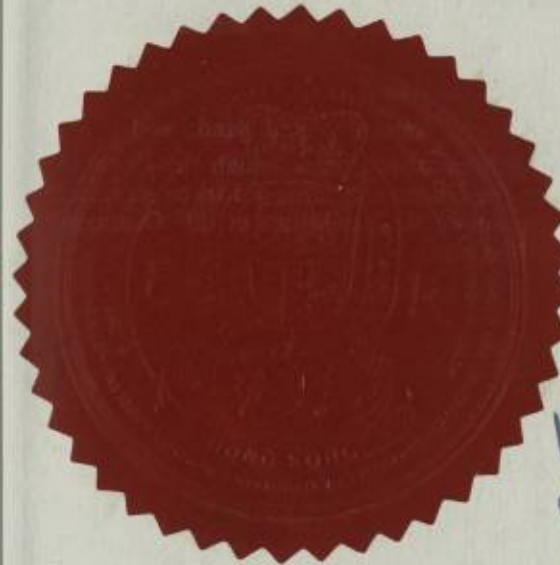
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

*[Signature]*  
Deputy Clerk of Councils.

(Secretariat ECON 12/3231/53II)

**HONG KONG**

No. 4 OF 1969.



I assent.

*[Signature]*  
Governor.

6th February, 1969.

An Ordinance to amend further the Factories and Industrial Undertakings 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 Factories and Industrial Undertakings (Amendment) Ordinance 1969, 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 2 of the principal Ordinance is amended, in subsection (1)—

Amendment of section 2. (Cap. 59.)

(a) in the definition of “Commissioner”, by inserting after “(industrial undertakings)” the following—

“, a senior industrial health officer”;

- (b) in the definition of "factory", by inserting after "mine" the following—  
"or quarry";
- (c) in the definition of "industrial undertaking"—  
(i) in paragraph (b), by inserting after "mine" the following—  
"or quarry";  
(ii) in paragraph (e), by inserting after "maintenance" the following—  
"(including redecoration and external cleaning)";
- (d) by deleting the definition of "mine" and substituting the following—  
"“mine” means any works or system of works for the extraction of minerals from the earth;”;
- (e) by adding after the definition of "mine" the following—  
"“mineral” includes—  
(a) metalliferous ores and other substances in their natural state which are obtainable only by mining or in the course of prospecting operations;  
(b) metalliferous ores and other substances in their natural state mined or obtained in the course of prospecting operations;  
(c) the valuable parts of such ores or other substances when unmanufactured;  
(d) the product of treating or dressing such ores or other substances for marketing or export; and  
(e) kaolin,  
but does not include—  
(i) any clay other than kaolin;  
(ii) granite, porphyry, limestone or sand;  
(iii) any common mineral substance which the Governor by notice in the *Gazette* under the Mining Ordinance has declared not to be a mineral for the purposes of the provisions of that Ordinance other than section 3 thereof; or  
(iv) any mineral oil;”;

(Cap. 285.)

- (f) by adding after the definition of "proprietor" the following—  
"“quarry” means any works or system of works the principal purpose of which is to extract from the earth for commercial purposes any granite, porphyry or limestone;” and
- (g) in the definition of "registrable workplace", by inserting after "mine" the following—  
", quarry”.
3. Section 3 of the principal Ordinance is amended by inserting after "(industrial undertakings)" the following—  
", a senior industrial health officer".  
Amendment of section 3.
4. Section 4 of the principal Ordinance is amended—  
(a) in paragraph (e) of subsection (1), by deleting "preceeding" and substituting the following—  
"preceding"; and  
(b) in subsection (2), by—  
(i) inserting after "Commissioner" the following—  
"of Labour";  
(ii) deleting "and subject to such directions as he may impose, may" and substituting the following—  
"may, subject to such directions as the Commissioner of Labour may impose.”.  
Amendment of section 4.
5. Section 6 of the principal Ordinance is amended by deleting "employers" and substituting the following—  
"employees".  
Amendment of section 6.
6. Section 7 of the principal Ordinance is amended—  
(a) in subsection (1)—  
(i) by deleting paragraph (h) and substituting the following—  
"“h) means of ensuring the safety of persons in industrial undertakings and of relieving persons suffering from the effects of accidents in industrial undertakings;”;  
(ii) in paragraph (n), by deleting "in any industrial undertaking" and substituting the following—  
"or intended to be employed in any industrial undertaking, and the keeping of records of any such inspections"; and  
Amendment of section 7.

- (b) in subsection (4), by—
- (i) deleting “or”, in the first place where it occurs, and substituting the following—  
“and the Commissioner of Labour, or any officer authorized in writing by him.”;
  - (ii) deleting the proviso and substituting the following—  
“Provided that any person aggrieved by such exemption or order may within fourteen days of being notified of such exemption or order appeal by way of petition to the Governor in Council, whose decision shall be final.”.

Amendment of  
section 9.

7. Section 9 of the principal Ordinance is amended—

- (a) by deleting subsection (1) and substituting the following—  
“(1) Every—  
    (a) factory;  
    (b) mine;  
    (c) quarry; and  
    (d) premises or place in which a dangerous trade or a scheduled trade is carried on,  
shall be registered or provisionally registered in accordance with the provisions of this section.”;
- (b) in subsection (2)—  
    (i) by inserting after “Commissioner” the following—  
        “of Labour”;
- (ii) in paragraph (b), by inserting after “thereafter” the following—  
        “not later than one month”;
- (c) in subsection (3), by inserting after “Commissioner” the following—  
        “of Labour”;
- (d) by deleting subsection (5) and substituting the following—  
    “(5) The Commissioner of Labour, or any officer authorized in writing by him, may issue in respect of any registrable workplace—  
    (a) a certificate of registration if he is satisfied that the registrable workplace is—  
        (i) suitable, as regards the location thereof, for use as a factory, mine or

quarry or for the carrying on therein of a dangerous trade or a scheduled trade, as the case may be; and

(ii) capable of being used as a factory, mine or quarry or for the carrying on therein of a dangerous trade or a scheduled trade, as the case may be, in accordance with the provisions of this Ordinance, of any regulations made under this Ordinance and of any exemption or order made in relation thereto under subsection (4) of section 7; or

- (b) a certificate of provisional registration if he is satisfied that the registrable workplace may be used as a factory, mine or quarry or for the carrying on therein of a dangerous trade or a scheduled trade, as the case may be, with due regard to the safety, health and welfare of persons employed therein and of other persons.”;
- (e) in subsection (6), by inserting after “Commissioner” the following—  
        “of Labour”;
- (f) by deleting subsection (7) and substituting the following—  
    “(7) The Commissioner of Labour, or any officer authorized in writing by him, may attach to any certificate of registration or of provisional registration by endorsement thereon such conditions as he may think fit.  
    (7A) The Commissioner of Labour may—  
    (a) refuse in writing addressed to the applicant therefor to issue a certificate of registration or of provisional registration;  
    (b) cancel, by notice in writing addressed to the proprietor of a registrable workplace, the certificate of registration or of provisional registration relating thereto in the event of the breach of any condition attached thereto under subsection (7) or for any other reason which he may deem sufficient.”; and
- (g) in subsection (8)—  
    (i) in paragraph (a), by deleting “paragraph (a) of”;

(ii) in paragraph (b), by deleting "(b) of subsection (7)" and substituting the following—

"(a) of subsection (7A)";

(iii) in paragraph (c), by deleting "(c) of subsection (7)" and substituting the following—

"(b) of subsection (7A)".

Amendment of  
section 10.

8. Section 10 of the principal Ordinance is amended—

(a) by inserting after subsection (1) the following—

"(1A) The proprietor of a registrable workplace shall not be guilty of an offence under paragraph (a) of subsection (1) if he proves that—

(a) he had, at the time of the alleged offence, applied to the Commissioner of Labour for a certificate of registration or of provisional registration of the registrable workplace; and

(b) the Commissioner of Labour had not, at that time, notified him of his refusal to issue such a certificate.";

(b) in subsection (2), by deleting "by the Commissioner of Labour" wherever it appears; and

(c) in subsection (5), by inserting after "removed" the following—

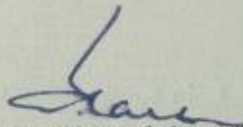
"and where such an order has been made the magistrate may at any time rescind or vary the order".

Amendment of  
section 11.

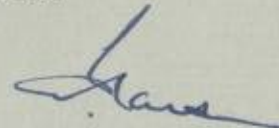
9. Section 11 of the principal Ordinance is amended, in subsection (2), by inserting after "removed" the following—

"and where such an interim order or direction has been made, the magistrate may at any time rescind or vary the interim order or direction".

Passed by the Hong Kong Legislative Council this 5th day of February, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

(Secretariat GR 16/2961/46IV)

**HONG KONG**

No. 5 OF 1969.



I assent.

*Herch.*  
Governor.

27th February, 1969.

An Ordinance to provide for the incorporation of The Diocesan Boys' School Committee.

[28th February, 1969.]

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 Diocesan Boys' School Committee Incorporation Ordinance 1969. Short title.

2. In this Ordinance, unless the context otherwise requires—  
“constitution” means the constitution of The Diocesan Boys' School Committee approved from time to time by its members for the time being in accordance with the constitution for the time being in operation; Interpretation.  
“corporation” means the body incorporated by section 3.

3. The Diocesan Boys' School Committee shall be a body corporate, and shall have the name “The Diocesan Boys' School Committee” and in that name shall have perpetual succession and may sue and be sued in all courts in the Colony and shall have and may use a common seal. Incorporation.

Power of  
corporation.

(Cap. 305.)

4. The corporation shall have full power—
- (a) to manage, administer and operate the Diocesan Boys' School;
  - (b) subject to the provisions of the Charities (Land Acquisition) Ordinance, to acquire, accept leases of, purchase, take or otherwise hold and enjoy any land, buildings, messuages or tenements of what nature or kind soever and wheresoever situate;
  - (c) to acquire, by purchase or otherwise, goods and chattels of any kind or description;
  - (d) to invest moneys on deposit in any bank in the Colony or elsewhere or in any Hong Kong or other government or municipal bonds or on mortgage of any land, buildings, messuages or tenements in the Colony, or in or on debentures, debenture-stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony or elsewhere;
  - (e) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, buildings, messuages, tenements, mortgages, debentures, debenture-stocks, stocks, funds, securities, vessels, goods and chattels for the time being vested in the corporation, upon such terms as the corporation may deem fit;
  - (f) to erect any buildings, messuages or tenements and effect any improvement thereto;
  - (g) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscription;
  - (h) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the corporation as provided by its constitution for the time being or for carrying into effect the provisions of this Ordinance.

Vesting of  
property.

5. On the commencement of this Ordinance the corporation shall succeed to all the property, rights, privileges, obligations and liabilities of the unincorporated The Diocesan Boys' School Committee.

Members.

6. The corporation shall consist of such members as shall be provided by its constitution.

7. All the existing members of the unincorporated The Diocesan Boys' School Committee shall be the first members of the corporation.

Existing  
members to  
become  
members.

8. The existing constitution of the unincorporated The Diocesan Boys' School Committee shall be the constitution of the corporation:

Existing  
constitution  
to become  
constitution  
of the cor-  
poration.

Provided that the same may be changed or amended by the corporation from time to time in the manner provided by the constitution for the time being in operation.

9. (1) The corporation shall forward to the Registrar of Companies for registration the following—

Registration  
with Registrar  
of Companies.

- (a) notice of the address of the registered office of the corporation and any change thereto;
- (b) a copy of the constitution and any amendment thereto, certified as correct by the chairman of the corporation;
- (c) a list of the names and addresses of the members of the corporation and any change therein, certified as correct by the chairman of the corporation; and
- (d) the name and address of any person appointed under section 10 to sign deeds, documents and other instruments and any change therein, certified correct by the chairman of the corporation.

(2) Notification in accordance with subsection (1) shall be made within twenty-eight days of the commencement of this Ordinance or in the case of any amendment, change or appointment, within twenty-eight days of such amendment, change or appointment, as the case may be.

(3) Any person may inspect any of the documents registered under this section, upon payment of such fee as may be prescribed under section 305 of the Companies Ordinance for the inspection of a document.

(Cap. 32.)

(4) The corporation shall pay such fee for registering any document under this section as is specified in the Eighth Schedule to the Companies Ordinance, as if the corporation were a company not having a share capital.

(Cap. 32.)

10. (1) The seal of the corporation shall not be affixed to any deed, document or instrument except by the authority of a resolution of the corporation.

Sealing of  
deeds.

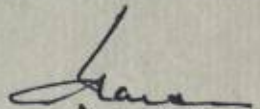
(2) All deeds, documents and other instruments requiring the seal of the corporation shall be signed by any two of the persons

appointed by the corporation from time to time, whose names are registered with the Registrar of Companies in accordance with paragraph (d) of subsection (1) of section 9 and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

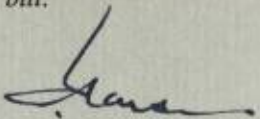
Saving.

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

Passed by the Hong Kong Legislative Council this 26th day of February, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

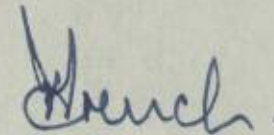
(Secretariat GR 22/3231/68)

**HONG KONG**

No. 6 OF 1969.



I assent.



Governor.

27th February, 1969.

An Ordinance to provide for the incorporation of The Council of the Diocesan Girls' School.

[28th February, 1969.]

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 Council of the Diocesan Girls' School Incorporation Ordinance 1969. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"constitution" means the constitution of The Council of the Diocesan Girls' School approved from time to time by its members for the time being in accordance with the constitution for the time being in operation;

"corporation" means the body incorporated by section 3.

3. The Council of the Diocesan Girls' School shall be a body corporate, and shall have the name "The Council of the Diocesan Girls' School" and in that name shall have perpetual succession and may sue and be sued in all courts in the Colony and shall have and may use a common seal. Incorporation.

Power of corporation.

4. The corporation shall have full power—

- (a) to manage, administer and operate the Diocesan Girls' School;
- (b) subject to the provisions of the Charities (Land Acquisition) Ordinance, to acquire, accept leases of, purchase, take or otherwise hold and enjoy any land, buildings, messuages or tenements of what nature or kind soever and wheresoever situate;
- (c) to acquire, by purchase or otherwise, goods and chattels of any kind or description;
- (d) to invest moneys on deposit in any bank in the Colony or elsewhere or in any Hong Kong or other government or municipal bonds or on mortgage of any land, buildings, messuages or tenements in the Colony, or in or on debentures, debenture-stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony or elsewhere;
- (e) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, buildings, messuages, tenements, mortgages, debentures, debenture-stocks, stocks, funds, securities, vessels, goods and chattels for the time being vested in the corporation, upon such terms as the corporation may deem fit;
- (f) to erect any buildings, messuages or tenements and effect any improvement thereto;
- (g) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscription;
- (h) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the corporation as provided by its constitution for the time being or for carrying into effect the provisions of this Ordinance.

(Cap. 305.)

Vesting of property.

5. On the commencement of this Ordinance the corporation shall succeed to all the property, rights, privileges, obligations and liabilities of the unincorporated The Council of the Diocesan Girls' School.

Members.

6. The corporation shall consist of such members as shall be provided by its constitution.

7. All the existing members of the unincorporated The Council of the Diocesan Girls' School shall be the first members of the corporation.

Existing members to become members.

8. The existing constitution of the unincorporated The Council of the Diocesan Girls' School shall be the constitution of the corporation:

Existing constitution to become constitution of the corporation.

Provided that the same may be changed or amended by the corporation from time to time in the manner provided by the constitution for the time being in operation.

9. (1) The corporation shall forward to the Registrar of Companies for registration the following—

Registration with Registrar of Companies.

- (a) notice of the address of the registered office of the corporation and any change thereto;
- (b) a copy of the constitution and any amendment thereto, certified as correct by the chairman of the corporation;
- (c) a list of the names and addresses of the members of the corporation and any change therein, certified as correct by the chairman of the corporation; and
- (d) the name and address of any person appointed under section 10 to sign deeds, documents and other instruments and any change therein, certified correct by the chairman of the corporation.

(2) Notification in accordance with subsection (1) shall be made within twenty-eight days of the commencement of this Ordinance or in the case of any amendment, change or appointment, within twenty-eight days of such amendment, change or appointment, as the case may be.

(3) Any person may inspect any of the documents registered under this section, upon payment of such fee as may be prescribed under section 305 of the Companies Ordinance for the inspection of a document.

(Cap. 32.)

(4) The corporation shall pay such fee for registering any document under this section as is specified in the Eighth Schedule to the Companies Ordinance, as if the corporation were a company not having a share capital.

(Cap. 32.)

10. (1) The seal of the corporation shall not be affixed to any deed, document or instrument except by the authority of a resolution of the corporation.

Sealing of deeds.

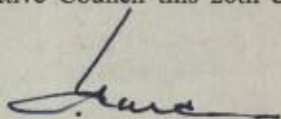
(2) All deeds, documents and other instruments requiring the seal of the corporation shall be signed by any two of the persons

appointed by the corporation from time to time, whose names are registered with the Registrar of Companies in accordance with paragraph (d) of subsection (1) of section 9 and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

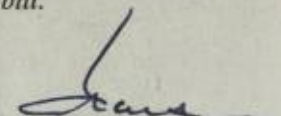
Saving.

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

Passed by the Hong Kong Legislative Council this 26th day of February, 1969.

  
Deputy Clerk of Councils.

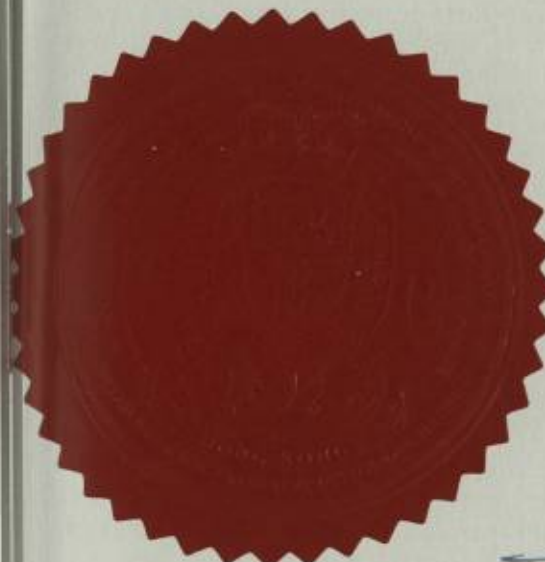
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

  
Deputy Clerk of Councils.

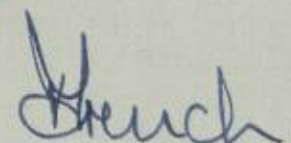
(Secretariat GR 23/3231/68)

**HONG KONG**

No. 7 OF 1969.



I assent.



Governor.

27th February, 1969.

An Ordinance to provide for the incorporation of The Diocesan Preparatory School Council.

[28th February, 1969.]

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 Diocesan Preparatory School Council Incorporation Ordinance 1969.

Short title.

2. In this Ordinance, unless the context otherwise requires—  
“constitution” means the constitution of The Diocesan Preparatory School Council approved from time to time by its members for the time being in accordance with the constitution for the time being in operation;  
“corporation” means the body incorporated by section 3.

Interpretation.

3. The Diocesan Preparatory School Council shall be a body corporate, and shall have the name “The Diocesan Preparatory School Council” and in that name shall have perpetual succession and may sue and be sued in all courts in the Colony and shall have and may use a common seal.

Incorporation.

Power of  
corporation.

4. The corporation shall have full power—
- (a) to manage, administer and operate the Diocesan Preparatory School;
  - (b) subject to the provisions of the Charities (Land Acquisition) Ordinance, to acquire, accept leases of, purchase, take or otherwise hold and enjoy any land, buildings, messuages or tenements of what nature or kind soever and wheresoever situate;
  - (c) to acquire, by purchase or otherwise, goods and chattels of any kind or description;
  - (d) to invest moneys on deposit in any bank in the Colony or elsewhere or in any Hong Kong or other government or municipal bonds or on mortgage of any land, buildings, messuages or tenements in the Colony, or in or on debentures, debenture-stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony or elsewhere;
  - (e) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, buildings, messuages, tenements, mortgages, debentures, debenture-stocks, stocks, funds, securities, vessels, goods and chattels for the time being vested in the corporation, upon such terms as the corporation may deem fit;
  - (f) to erect any buildings, messuages or tenements and effect any improvement thereto;
  - (g) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscription;
  - (h) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the corporation as provided by its constitution for the time being or for carrying into effect the provisions of this Ordinance.

Vesting of  
property.

5. On the commencement of this Ordinance the corporation shall succeed to all the property, rights, privileges, obligations and liabilities of the unincorporated The Diocesan Preparatory School Council.

Members.

6. The corporation shall consist of such members as shall be provided by its constitution.

7. All the existing members of the unincorporated The Diocesan Preparatory School Council shall be the first members of the corporation.

Existing  
members to  
become  
members.

8. The existing constitution of the unincorporated The Diocesan Preparatory School Council shall be the constitution of the corporation:

Existing  
constitution  
to become  
constitution  
of the cor-  
poration.

Provided that the same may be changed or amended by the corporation from time to time in the manner provided by the constitution for the time being in operation.

9. (1) The corporation shall forward to the Registrar of Companies for registration the following—

Registration  
with Registrar  
of Companies.

- (a) notice of the address of the registered office of the corporation and any change thereto;
- (b) a copy of the constitution and any amendment thereto, certified as correct by the chairman of the corporation;
- (c) a list of the names and addresses of the members of the corporation and any change therein, certified as correct by the chairman of the corporation; and
- (d) the name and address of any person appointed under section 10 to sign deeds, documents and other instruments and any change therein, certified correct by the chairman of the corporation.

(2) Notification in accordance with subsection (1) shall be made within twenty-eight days of the commencement of this Ordinance or in the case of any amendment, change or appointment, within twenty-eight days of such amendment, change or appointment, as the case may be.

(3) Any person may inspect any of the documents registered under this section, upon payment of such fee as may be prescribed under section 305 of the Companies Ordinance for the inspection of a document.

(Cap. 32.)

(4) The corporation shall pay such fee for registering any document under this section as is specified in the Eighth Schedule to the Companies Ordinance, as if the corporation were a company not having a share capital.

(Cap. 32.)

10. (1) The seal of the corporation shall not be affixed to any deed, document or instrument except by the authority of a resolution of the corporation.

Sealing of  
deeds.

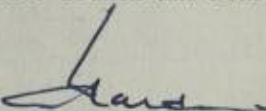
(2) All deeds, documents and other instruments requiring the seal of the corporation shall be signed by any two of the persons

appointed by the corporation from time to time, whose names are registered with the Registrar of Companies in accordance with paragraph (d) of subsection (1) of section 9 and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

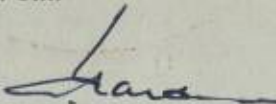
Saving.

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

Passed by the Hong Kong Legislative Council this 26th day of February, 1969.

  
Deputy Clerk of Councils.

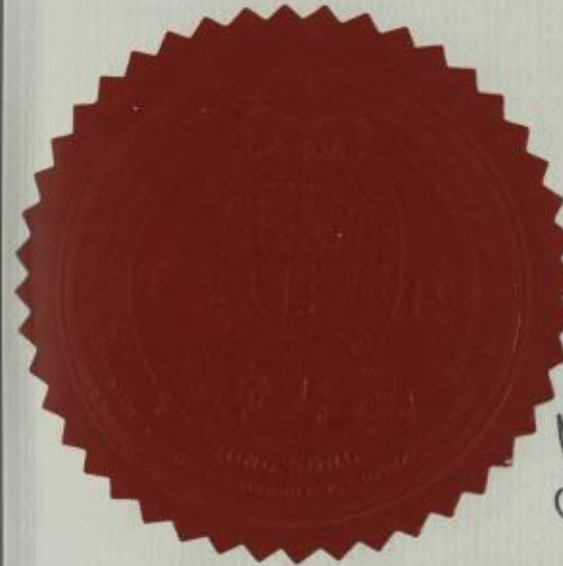
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

  
Deputy Clerk of Councils.

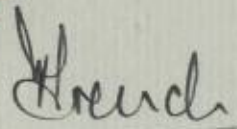
(Secretariat GR 31/3231/68)

**HONG KONG**

No. 8 OF 1969.



I assent.

  
Governor.

13th March, 1969.

An Ordinance to amend further the Offences against the Person Ordinance.

[14th March, 1969.]

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 Offences against the Person (Amendment) Ordinance 1969.

Short title.

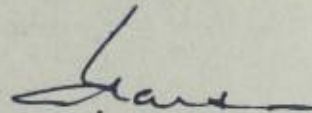
2. The principal Ordinance is amended by adding, after section 29, the following new section—

Addition of new section 29A.  
(Cap. 212.)

"Possession of corrosive substance.

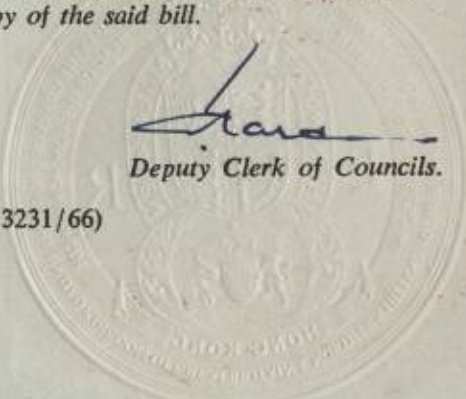
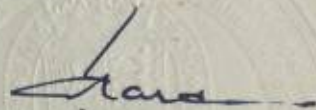
**29A.** Any person who without lawful authority or reasonable excuse has in his possession or custody or under his control in any public place any corrosive fluid which is capable of inflicting grievous bodily harm shall be guilty of an offence and shall be liable on conviction to imprisonment for three years."

Passed by the Hong Kong Legislative Council this 13th day of March, 1969.



*Deputy Clerk of Councils.*

*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.*

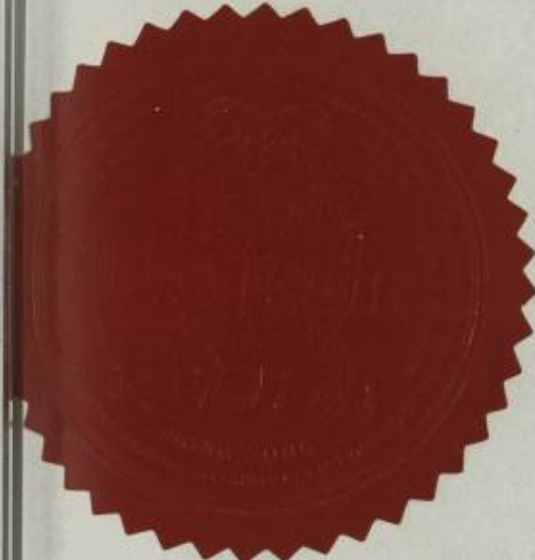



*Deputy Clerk of Councils.*

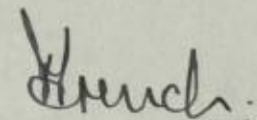
(Secretariat GR 10/3231/66)

**HONG KONG**

No. 9 OF 1969.



I assent.



*Governor.*

13th March, 1969.

An Ordinance to amend further the Summary Offences Ordinance.

[14th March, 1969.]

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 Summary Offences (Amendment) Ordinance 1969. Short title.

2. The principal Ordinance is amended by adding after section 18 the following new section— Addition of new section 19. (Cap. 228.)

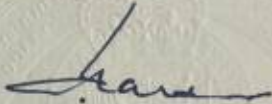
"Possession of simulated bomb.

19. (1) Any person who without lawful authority or reasonable excuse has in his possession, custody or control any simulated bomb shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars or to imprisonment for one year.

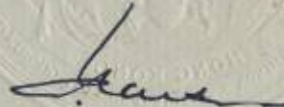
(2) In this section—

“simulated bomb” means any object whatsoever, including anything attached thereto, which if found in any street or public place would be likely to give rise to a reasonable apprehension that the object might be a bomb or other explosive device.”.

Passed by the Hong Kong Legislative Council this 13th day of March, 1969.

  
Deputy Clerk of Councils.

*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.*

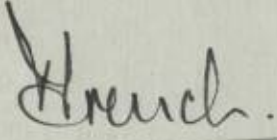
  
Deputy Clerk of Councils.

(Secretariat CR L/M 10/69)

**HONG KONG**

No. 10 OF 1969.

I assent.

  
Governor.

13th March, 1969.

An Ordinance to amend the Lion Rock Tunnel Ordinance.

[14th March, 1969.]

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

- |   |  |
|---|--|
| <p>1. This Ordinance may be cited as the Lion Rock Tunnel (Amendment) Ordinance 1969.</p>   | <p>Short title.</p>                        |
| <p>2. Section 8 of the principal Ordinance is amended in subsection (1) by inserting the following in sub-paragraph (i) of paragraph (b) after “vehicle”—<br/>“or the driver of the vehicle”.</p> | <p>Amendment of section 8. (Cap. 140.)</p> |
| <p>3. The principal Ordinance is amended by adding the following section after section 9—<br/>“Obligation to give information as to identification. (Cap. 220.)</p>                               | <p>Addition of section 9A.</p>             |

**9A.** (1) If the driver of a vehicle is alleged to be guilty of an offence in the tunnel or in the tunnel area under any provision of this Ordinance or under any provision of the Road Traffic Ordinance—

- (a) the driver of the vehicle shall on demand give to any police officer or any authorized

officer his correct name and address and any information concerning the vehicle which it is in his power to give;

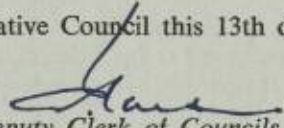
- (b) the owner of the vehicle shall, within fourteen days of being so required (such requirement having been made within fourteen days after the date of the alleged offence), give such information as may be required by a police officer or an authorized officer as to the identity of the driver of the vehicle; and
- (c) any other person shall, within fourteen days of being so required (such requirement having been made within fourteen days after the date of the alleged offence), give such information as may be required by a police officer or an authorized officer, being information which it is in his power to give and which may lead to the identification of the driver.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars:

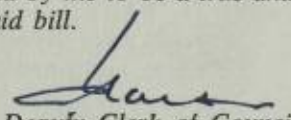
Provided that in the case of any proceedings against the owner of a vehicle it shall be a sufficient defence if he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the identity of the driver.

(3) A requirement made under paragraph (b) or (c) of subsection (1) may be in writing and may be served on the owner of the vehicle concerned or other person, as the case may be, by post."

Passed by the Hong Kong Legislative Council this 13th day of March, 1969.

  
Deputy Clerk of Councils.

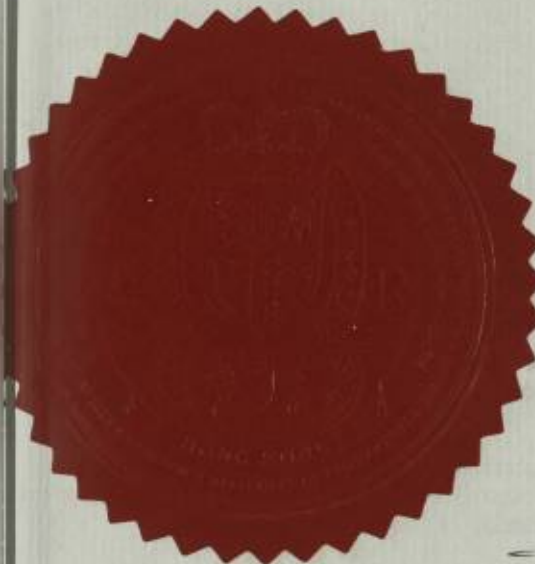
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

  
Deputy Clerk of Councils.

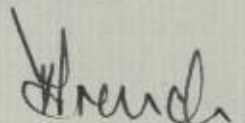
(Secretariat ECON 6/3231/64)

## HONG KONG

No. 11 OF 1969.



I assent.



Governor.

13th March, 1969.

An Ordinance to provide for the demonetization of five cent, ten cent and one dollar currency notes and for the consolidation of the law in respect of the issue of limited legal tender currency notes.

[1st September, 1969.]

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 Dollar and Subsidiary Currency Notes Ordinance 1969, and shall come into operation on the 1st day of September 1969.

Short title and commencement.

2. (1) All five cents and ten cents currency notes issued by the Financial Secretary under section 2 of the Subsidiary Currency Notes Ordinance shall cease to be legal tender in Hong Kong from the commencement of this Ordinance.

Five cents, ten cents and one dollar currency notes cease to be legal tender.  
(Cap. 67.)

(2) All one dollar currency notes issued by the Financial Secretary under section 2 of the Dollar Currency Notes Ordinance shall cease to be legal tender in Hong Kong from the commencement of this Ordinance.

(Cap. 352.)

Assets of the note security funds to be transferred to the general revenue.  
(Cap. 67.)  
(Cap. 352.)

Financial Secretary may issue one cent, five cents and ten cents currency notes.

(Cap. 67.)

Revenue from the issue of notes to be credited to general revenue and expenses in connexion with such issue to be met from general revenue.

Five cents, ten cents and one dollar currency notes may be redeemed at face value from general revenue.

Demonetization of currency notes issued under section 4.

3. (1) All assets of the Subsidiary Note Security Fund established by the Financial Secretary under section 3 of the Subsidiary Currency Notes Ordinance shall be transferred to the general revenue of Hong Kong.

(2) All assets of the note security fund established by the Financial Secretary under section 4 of the Dollar Currency Notes Ordinance shall be transferred to the general revenue of Hong Kong.

4. (1) The Financial Secretary may issue in Hong Kong one cent, five cents and ten cents currency notes, which shall be legal tender for the payment of any amount not exceeding—

- (a) one dollar in the case of one cent notes; and
- (b) two dollars in the case of the five cents notes and the ten cents notes:

Provided that the total amount of the currency notes issued under this section which are in circulation shall not exceed ten million dollars.

(2) All one cent currency notes issued under section 2 of the Subsidiary Currency Notes Ordinance shall be deemed to have been issued under subsection (1) of this section.

5. (1) All moneys which are received as a result of the issue of any currency notes under section 4 shall be credited to the general revenue of Hong Kong.

(2) All expenses which are incurred in connexion with the issue of any currency notes under section 4 shall be paid from the general revenue of Hong Kong.

6. The holder of any five cents currency note, ten cents currency note or one dollar currency note which, under section 2, has ceased to be legal tender in Hong Kong shall, on surrendering the currency note to the Accountant General after the commencement of this Ordinance, be paid from the general revenue of the Hong Kong an amount in legal tender equal to the face value of the surrendered currency note.

7. (1) The Financial Secretary may from time to time demonetize any currency note issued under section 4.

(2) Notice of the demonetization of any currency note by the Financial Secretary under subsection (1) shall be published in the *Gazette* and the currency note shall cease to be legal tender in Hong Kong from the date specified in the notice.

(3) The holder of any currency note demonetized by the Financial Secretary under subsection (1) shall, on surrendering the currency note to the Accountant General after the date specified in a notice published under subsection (2), be paid from the general revenue of Hong Kong an amount in legal tender equal to the face value of the demonetized currency note.

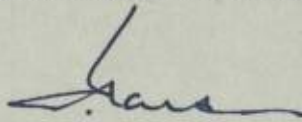
8. The total face value of all one cent, five cents and ten cents currency notes which—

- (a) are issued under this Ordinance; and
- (b) are currency in circulation,

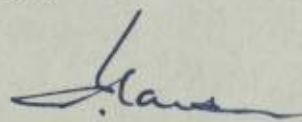
shall be published annually in the *Gazette*.

9. The Subsidiary Currency Notes Ordinance and the Dollar Currency Notes Ordinance are repealed.

Passed by the Hong Kong Legislative Council this 13th day of March, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

(Secretariat ECON 33/2321/48)

Annual publication of total face value of currency notes issued and in circulation.

Repeal of the Subsidiary Currency Notes Ordinance (Cap. 67.) and the Dollar Currency Notes Ordinance. (Cap. 352.)

**HONG KONG**

No. 12 OF 1969.



I assent.

*Governor.*

*13th March, 1969.*

An Ordinance to provide for the incorporation of the Hong Kong Baptist College Board of Governors.

[14th March, 1969.]

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

1. This Ordinance may be cited as the Hong Kong Baptist College Board of Governors Incorporation Ordinance 1969.

Short title.

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

Interpretation.

“Association” means the United Hong Kong Christian Baptist Churches Association;

“Board” means the Board of Governors of the College;

“Chairman” and “Vice-Chairman” respectively mean the Chairman and Vice-Chairman of the Board;

“College” means the Hong Kong Baptist College (香港浸會書院);

"constitution" means the constitution of the College for the time being in force;

"corporation" means the body incorporated by section 3;

"Director" means the Director of Education;

"President" and "Vice-President" respectively mean the President and Vice-President of the College.

Incorporation.

3. The Board of Governors of the Hong Kong Baptist College shall be a body corporate, and shall bear the name Hong Kong Baptist College Board of Governors ( 香港浸會書院校董會 ) and in that name shall have perpetual succession and may sue and be sued and shall have and may use a common seal, and may break, change, alter and make anew the said seal as the corporation may deem fit, subject to the approval of the Executive Board of the Association.

Objects.

4. The objects of the College shall be—

- (a) to maintain an environment and atmosphere that is thoroughly Christian, in which moral and spiritual teaching and training is provided, which will give students an understanding of the Christian philosophy of life;
- (b) to provide courses of instruction and to organize, improve and extend post-secondary and higher education;
- (c) subject to the Director's approval in writing, to establish institutes or departments of research or special studies;
- (d) to hold examinations and to grant certificates and diplomas to persons who have attained requisite standards in different branches of knowledge;
- (e) to erect, equip and maintain libraries, laboratories, museums, lecture halls, halls of residence, and all other buildings required for the purpose of the College;
- (f) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes, rewards, special grants, titles and distinctions, awards and forms of assistance towards the advancement and dissemination of knowledge;
- (g) to provide for the residence of officers, teachers, staff and students of the College as required and to regulate for the welfare and discipline of teachers, staff and students;
- (h) to encourage corporate and social life and recreation.

Board of the College.

5. (1) There shall be a Board of Governors which shall consist of such members as shall be provided by the constitution.

(2) The Board shall be the supreme governing body of the College and subject to the provisions of this Ordinance and the constitution, shall have the general direction of the corporation, its functions, property and affairs.

6. The corporation shall, subject to the provisions of this Ordinance and the constitution, have power—

Powers of corporation.

- (a) subject to the provisions of the Charities (Land Acquisition) Ordinance and to the approval of the Association, to acquire, accept leases of, purchase, take or otherwise hold and enjoy any lands, buildings, messuages, tenements, of what nature or kind soever and wheresoever situate;
- (b) to acquire, by purchase or otherwise, vessels, goods, and chattels, of what nature or kind soever;
- (c) to invest moneys on deposit in any bank in the Colony or elsewhere or in any Government bonds or on mortgage of any lands, buildings, messuages or tenements in the Colony or elsewhere or in or on debenture, debenture stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony or elsewhere;
- (d) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, debenture stock, funds, securities, vessels, goods and chattels for the time being vested in the corporation, upon such terms as the corporation may deem fit;
- (e) to erect any buildings, messuages or tenements and effect any improvement thereto;
- (f) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscription;
- (g) to enter into contracts and to establish trusts;
- (h) to establish pension or superannuation or provident fund schemes for the benefit of its employees or any section of such employees;
- (i) to demand and receive such fees as may from time to time be prescribed by regulations made under the constitution; and

(Cap. 305.)

- (j) generally to do such other things as may appear to be incidental or conducive to the above objects or for carrying into effect the provisions of this Ordinance and the constitution.

Vesting of property.

7. (1) On the commencement of this Ordinance, all property, moneys, securities for money, goods, chattels and effects whatsoever belonging to the unincorporated Hong Kong Baptist College shall be transferred to and become vested in the corporation.

(2) On the commencement of this Ordinance, the corporation shall become liable for all debts and liabilities of the unincorporated Hong Kong Baptist College.

Existing constitution to become constitution of corporation.

8. The constitution of the unincorporated Hong Kong Baptist College shall be the constitution of the corporation, but the same may be amended in accordance with the constitution, subject to the approval in writing of the Director.

Dividends prohibited.

9. The income and property of the College whencesoever derived shall be applied solely towards the promotion of the objects of the College under section 4, and no portion thereof shall be paid or transferred directly or indirectly by way of profit to any person, but nothing herein contained shall prevent the payment in good faith to any employee, servant or other person in return for actual goods, services or expenses.

Execution of documents.

10. (1) The common seal of the corporation shall not be affixed to any deed, document or instrument except by the authority of a resolution of the corporation.

(2) All deeds, documents and other instruments requiring the common seal of the corporation shall be signed by the President or Vice-President or such other person as the case may be and by one member of the Board designated by the Board and shall be sealed in the presence of the President or Vice-President or of such other person as the Board may from time to time appoint.

(3) All documents and other instruments not requiring the common seal of the corporation shall be signed by the President or Vice-President or such other person as the Board may from time to time appoint.

Registration.

11. (1) The corporation shall forward to the Registrar of Companies for registration the following—

- (a) notice of the address of the registered office of the corporation and any change thereto;

- (b) a copy of the constitution and any amendment thereto certified as correct by the Chairman or Vice-Chairman;
- (c) a list of the names and addresses of the members of the Board and any change therein, certified as correct by the Chairman or Vice-Chairman; and
- (d) the name and address of any person appointed under subsection (3) of section 10 to sign documents and other instruments, and any change therein, certified as correct by the Chairman or Vice-Chairman.

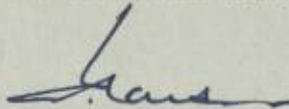
(2) Notification in accordance with subsection (1) shall be made within twenty-eight days of the commencement of this Ordinance and within twenty-eight days of any amendment, change or appointment, as the case may be.

(3) Any person may inspect any of the documents registered under this section upon payment of such fee as may be prescribed under section 305 of the Companies Ordinance for the inspection of a document. (Cap. 32.)

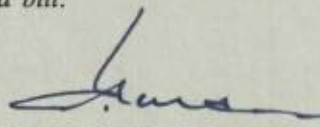
(4) The corporation shall pay such fees for registering any document with any public registry as may be prescribed under section 304 of the Companies Ordinance for the registration of a document with the Registrar of Companies. (Cap. 32.)

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

Passed by the Hong Kong Legislative Council this 13th day of March, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

(Secretariat GR 18/3231/67)

**HONG KONG**

No. 13 OF 1969.



I assent.

*Hurch.*

*Governor.*

*27th March, 1969.*

An Ordinance to apply a sum not exceeding two thousand one hundred and eighteen million, one hundred and ninety-five thousand, eight hundred and thirty dollars to the Public Service of the financial year ending the 31st day of March 1970.

[1st April, 1969.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March 1970, has been estimated at the sum of two thousand one hundred and eighteen million, one hundred and ninety-five thousand, eight hundred and thirty 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 1969. Short title.

Appropriation from the general revenues and other funds.

2. A sum not exceeding two thousand one hundred and eighteen million, one hundred and ninety-five thousand, eight hundred and thirty dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April 1969, and ending on the 31st day of March 1970, and the said sum so charged may be expended in the manner expressed in the Schedule.

Schedule.

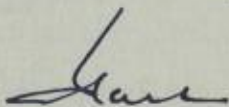
SCHEDULE.

[s. 2.]

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
21.	His Excellency the Governor's Establishment ...	902,100
22.	Agriculture and Fisheries Department .....	15,416,100
23.	Audit Department .....	2,086,300
24.	Census and Statistics Department .....	3,757,000
25.	Civil Aviation Department .....	11,152,500
26.	Colonial Secretariat and Legislature .....	19,597,800
27.	Commerce and Industry Department .....	20,105,400
28.	Defence: Hong Kong Regiment (The Volunteers) .....	2,385,500
29.	Defence: Hong Kong Auxiliary Air Force .....	1,824,800
30.	Defence: Essential Services Corps and Directorate of Manpower .....	364,200
31.	Defence: Auxiliary Fire Service .....	485,000
32.	Defence: Auxiliary Medical Service .....	1,787,000
33.	Defence: Civil Aid Services .....	2,574,700
34.	Defence: Registration of Persons Office .....	1,779,400
35.	Defence: Miscellaneous Measures .....	83,141,900
36.	Education Department .....	327,811,500
37.	Fire Services Department .....	37,075,500
38.	Immigration Department .....	9,629,200
39.	Information Services Department .....	14,940,500
40.	Inland Revenue Department .....	14,271,300
41.	Judiciary .....	12,526,600
42.	Kowloon-Canton Railway .....	10,924,800
43.	Labour Department: Labour Division .....	6,528,100
44.	Labour Department: Mines Division .....	470,500
45.	Legal Department .....	4,279,900
46.	Marine Department .....	24,976,300
47.	Medical and Health Department .....	147,858,900
48.	Miscellaneous Services .....	44,536,800

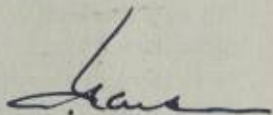
<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
49.	New Territories Administration .....	15,471,900
50.	Pensions .....	56,729,000
51.	Police Force: Hong Kong Police .....	158,668,100
52.	Police Force: Auxiliary Police .....	4,452,100
53.	Post Office .....	73,618,700
54.	Printing Department .....	8,976,200
55.	Prisons Department .....	23,047,100
56.	Public Debt .....	5,019,030
57.	Public Services Commission .....	212,800
58.	Public Works Department .....	123,114,400
59.	Public Works Recurrent .....	106,871,000
60.	Public Works Non-recurrent: Headquarters .....	6,642,000
61.	Public Works Non-recurrent: Buildings .....	185,212,600
62.	Public Works Non-recurrent: Civil Engineering .....	78,778,300
63.	Public Works Non-recurrent: Waterworks .....	38,406,000
64.	Radio Hong Kong .....	5,651,400
65.	Rating and Valuation Department .....	4,374,200
66.	Registrar General's Department .....	6,181,900
67.	Registry of Trade Unions .....	437,500
68.	Resettlement Department .....	47,629,400
69.	Royal Observatory .....	3,873,600
70.	Secretariat for Chinese Affairs .....	7,672,200
71.	Social Welfare Department .....	19,880,900
72.	Stores Department .....	21,139,800
73.	Subventions: Medical .....	62,085,600
74.	Subventions: Social Welfare .....	11,625,100
75.	Subventions: Miscellaneous .....	25,339,100
76.	Transport Department .....	3,406,100
77.	Treasury .....	5,511,000
78.	Universities .....	77,728,000
79.	Urban Services Department and Urban Council ...	80,364,800
80.	Urban Services Department: City Hall .....	3,999,200
81.	Urban Services Department: Housing Division ..	13,060,300
82.	Urban Services Department: New Territories Division .....	9,777,500
83.	World Refugee Year Schemes .....	49,400
	<b>TOTAL</b> .....	<b>\$2,118,195,830</b>

Passed by the Hong Kong Legislative Council this 26<sup>th</sup> day of March, 1969.



Deputy Clerk of Councils.

*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.*

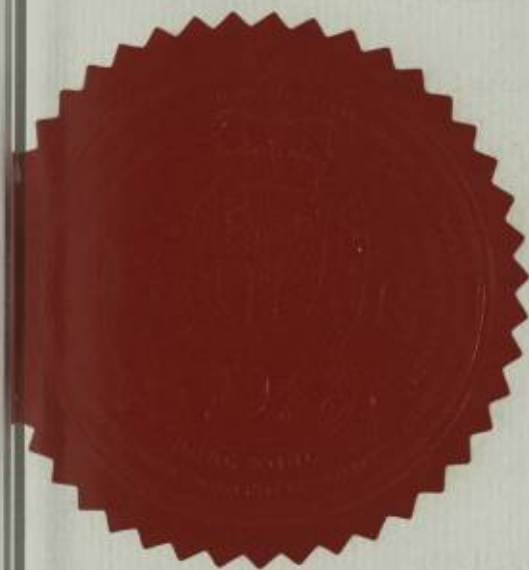


Deputy Clerk of Councils.

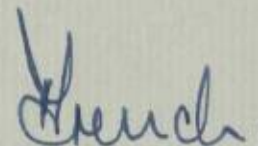
(Secretariat FIN 4/2291/63)

**HONG KONG**

No. 14 OF 1969.



I assent.



Governor.

27th March, 1969.

An Ordinance to amend the Preventive Service Ordinance.

[28th March, 1969.]

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

- |   |  |
|---|--|
| <p>1. This Ordinance may be cited as the Preventive Service (Amendment) Ordinance 1969.</p>   | <p>Short title.</p>                        |
| <p>2. Section 8 of the principal Ordinance is amended by deleting "either" and "or being released" from the proviso to subsection (3).</p>  | <p>Amendment of section 8. (Cap. 342.)</p> |
| <p>3. Section 17 of the principal Ordinance is amended in subsection (10)—</p> <p>(a) by deleting the colon after "require him to retire" and substituting a full stop; and</p> <p>(b) by deleting the proviso.</p> | <p>Amendment of section 17.</p>            |

Addition of section 24.

4. The principal Ordinance is amended by adding the following section after section 23—

"Amendment of First Schedule. 24. The Governor may, by order published in the *Gazette*, amend the First Schedule."

Passed by the Hong Kong Legislative Council this 26<sup>th</sup> day of March, 1969.

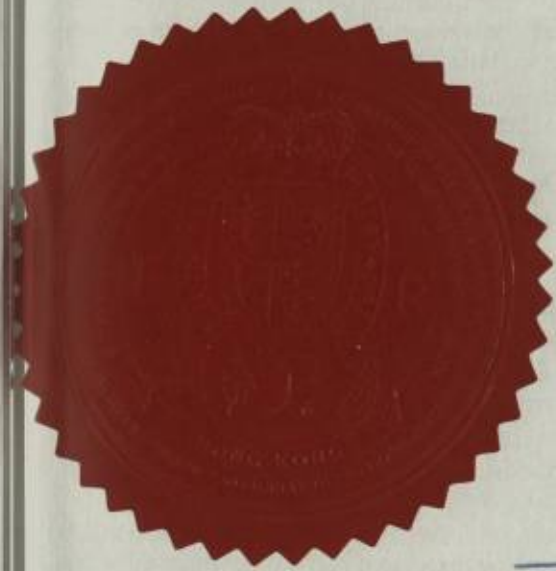
*[Signature]*  
Deputy Clerk of Councils.  
*[Signature]*  
Deputy Clerk of Councils.

*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.*

(Secretariat ECON 7/3231/68)

**HONG KONG**

No. 15 OF 1969.



I assent.

*[Signature]*  
Governor.

27th March, 1969.

An Ordinance to amend further the Criminal Procedure Ordinance.

[28th March, 1969.]

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 Criminal Procedure (Amendment) Ordinance 1969.

Short title.

2. Section 9 of the principal Ordinance is amended in subsection (2) by deleting "the assigning of solicitors and counsel as legal aids, the fees and costs to be allowed therefor,".

Amendment of section 9. (Cap. 221.)

3. The principal Ordinance is amended by adding in Part I after section 9 the following new section—

Addition of new section 9A.

"Legal aid in criminal cases. [Cf. Cap. 91, s. 28(2).]"

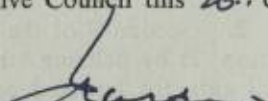
9A. (1) The Chief Justice may, with the approval of the Legislative Council, make rules providing for the granting of legal aid in criminal cases to persons of limited means which rules, in particular, may—

- (a) make provision as to the information to be given by a person seeking or receiving legal aid;

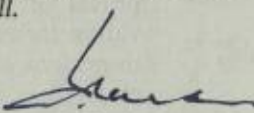
- (b) make provision as to the manner in which the rate of a person's disposable income and the amount of his disposable capital are to be computed for the purpose of the rules and the person or authority by whom such computation shall be made;
- (c) determine whether any resources are to be treated as disposable income or disposable capital and for taking into account fluctuations of income;
- (d) determine the contribution towards costs and expenses to be made by a person receiving legal aid;
- (e) determine the extent to which any resources of a person's husband or wife shall be treated as that person's resources for the purpose of the rules;
- (f) provide, in relation to infants and in other special cases, for taking into account the resources of other persons;
- (g) prescribe the scale of fees and costs which shall be paid to solicitor or counsel acting for an aided person (or submitting any opinion for the purpose of the rules);
- (h) prescribe any forms to be used for the purpose of the rules.

(2) The expenses of legal aid granted under such rules shall be met from moneys provided by the Legislative Council."

Passed by the Hong Kong Legislative Council this 26<sup>th</sup> day of March, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

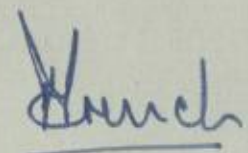
(Secretariat GR L/M B1394/67 (TC 51/68))

**HONG KONG**

No. 16 OF 1969.



I assent.



Governor.

10th April, 1969.

An Ordinance to amend further the Housing Ordinance.

[11th April, 1969.]

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 Housing (Amendment) Ordinance 1969.

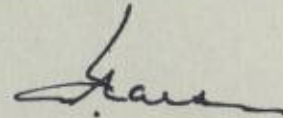
Short title.

2. Section 4 of the principal Ordinance is amended in subsection (3) by deleting paragraph (e) and substituting the following—

Amendment of section 4. (Cap. 283.)

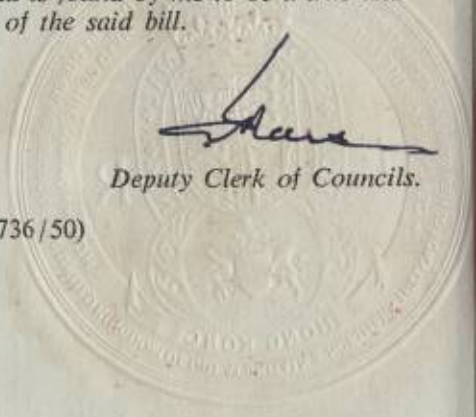
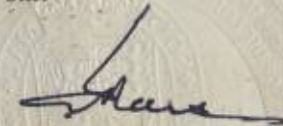
“(e) to manage any housing accommodation together with any premises, structures and grounds ancillary thereto having regard to the welfare and comfort of the tenants or occupiers thereof, and to charge fees for its services in connexion with such management;”.

Passed by the Hong Kong Legislative Council this 9th day of April, 1969.



Deputy Clerk of Councils.

*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.*

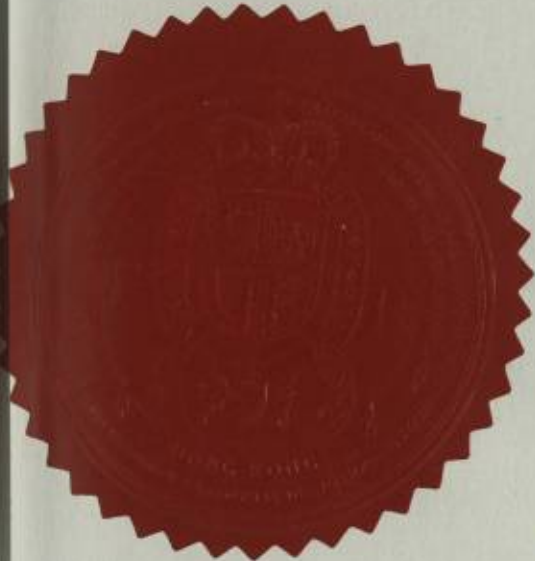



Deputy Clerk of Councils.

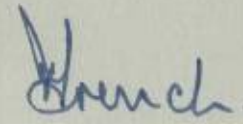
(Secretariat BL 1/18/736/50)

HONG KONG

No. 17 OF 1969.



I assent.



Governor.

10th April, 1969.

An Ordinance to amend further the Stamp Ordinance.

[27th February, 1969.]

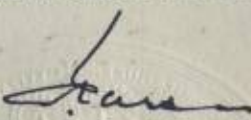
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

- |  |                                  |
|--|----------------------------------|
| 1. This Ordinance may be cited as the Stamp (Amendment) Ordinance 1969, and shall be deemed to have had effect as from the 27th day of February 1969.  | Short title and commencement.    |
| 2. Section 6 of the principal Ordinance is repealed.   | Repeal of section 6. (Cap. 117.) |
| 3. Section 6A of the principal Ordinance is amended in subsection (2) by deleting "has the meaning assigned thereto in subsection (2) of section 6" and substituting the following—<br>"means any estate or interest in land". | Amendment of section 6A.         |
| 4. Section 33A of the principal Ordinance is amended in paragraph (b) of subsection (3) by deleting "section 6 and".   | Amendment of section 33A.        |

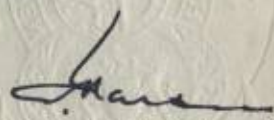
Amendment of  
the Schedule.

5. The Schedule to the principal Ordinance is amended in head 19 by deleting "Note: See also section 6 as to excess stamp duty." in the first column where they occur in paragraphs (a), (b), (c) and (d) of subhead (1) and in subhead (2).

Passed by the Hong Kong Legislative Council this 9th day of April, 1969.

  
Deputy Clerk of Councils.

*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.*

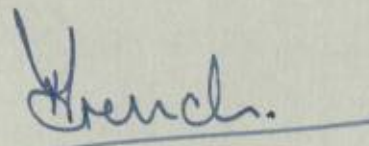
  
Deputy Clerk of Councils.

(Secretariat FIN L/M 146/68 (FIN 24/2961/46V))

**HONG KONG**

NO. 18 OF 1969.

I assent.

  
Governor.

8th May, 1969.

An Ordinance to amend the Agricultural Products (Marketing) Ordinance.

[9th May, 1969.]

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 Agricultural Products (Marketing) (Amendment) Ordinance 1969.

Short title.

2. The Long Title to the principal Ordinance is amended by inserting the following after "provide for"—  
"the improvement of agriculture,".

Amendment of  
Long Title.  
(Cap. 277.)

3. Section 10 of the principal Ordinance is amended in subsection (1) by—

Amendment of  
section 10.

- (a) deleting "for" where it occurs after "regulations";  
(b) deleting paragraph (d) and substituting the following—  
"(d) empowering the Director—  
(i) to provide such services as he considers necessary or desirable for the improvement of

agriculture or of the marketing of agricultural products;

(ii) to engage in any activity which may improve or assist in the improvement of agriculture;";

- (c) inserting the following in paragraph (f) after "for the improvement of"—

"agriculture, including";

- (d) deleting paragraphs (i) and (j) and substituting the following—

"(i) prescribing the fee payable to the Director on the grant or renewal of any permit granted under the regulations;

(j) providing for payment to the Director of a commission in respect of vegetables brought into a wholesale vegetable market, which shall be a percentage of the purchase price or a fee charged on the weight of the vegetables, and empowering the Director, after consulting the Advisory Board—

(i) to declare in the case of any vegetables and any wholesale vegetable market whether the commission shall be such percentage or such fee; and

(ii) to prescribe such percentage and fee;

(jj) prescribing forms;"; and

- (e) adding the following new paragraph after paragraph (k)—

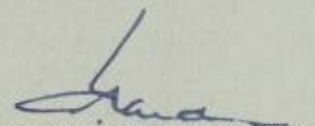
"(kk) the management and control of markets established by the Director and the conduct of persons therein;".

Amendment of section 12.

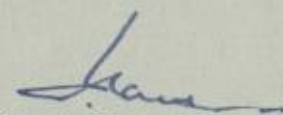
4. Section 12 of the principal Ordinance is amended by inserting the following new subsection after subsection (3)—

"(4) For the purposes of subsection (2), "proceeds" means the proceeds of sale in a wholesale vegetable market less any fees or commission payable under the regulations."

Passed by the Hong Kong Legislative Council this 7th day of May, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

**HONG KONG**

No. 19 OF 1969.



I assent.

*French.*  
\_\_\_\_\_  
Governor.

8th May, 1969.

An Ordinance to amend further the Prisons Ordinance.

[9th May, 1969.]

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 Prisons (Amendment) Ordinance 1969.  | Short title.                     |
| 2. Section 5 of the principal Ordinance is repealed.   | Repeal of section 5. (Cap. 234.) |
| 3. Section 12 of the principal Ordinance is amended by inserting after "required" the following—<br>"by a court, tribunal or other body performing judicial functions or". | Amendment of section 12.         |

Addition of  
new section  
12A.

4. The principal Ordinance is amended by adding after section 12 the following new section—

"Leave of absence of persons detained during Her Majesty's pleasure. (Cap. 221.) (cf. 7 & 8 Eliz. 2, c. 72, s. 39.)

**12A.** (1) The Governor may grant a permit to any person who is detained in a prison under section 76 of the Criminal Procedure Ordinance until Her Majesty's pleasure is known to be absent from the prison, subject to such conditions (if any) as the Governor considers necessary in the interests of such person or for the protection of other persons.

(2) Leave of absence may be granted to a prisoner under this section either indefinitely or on specified occasions or for any specified period and where leave is so granted for a specified period, that period may be extended by further leave granted in the absence of the prisoner.

(3) Where it appears to the Governor that it is necessary so to do in the interests of the prisoner or for the protection of other persons, he may, upon granting leave of absence under this section, direct that the prisoner remain in custody during his absence; and where leave of absence is so granted the prisoner may be kept in the custody of a subordinate officer.

(4) In any case where a prisoner is absent from a prison in pursuance of leave of absence granted under this section, and it appears to the Governor that it is necessary so to do in the interests of the prisoner's health or safety or for the protection of other persons, the Governor may, by notice in writing given to the prisoner or to the person for the time being in charge of the prisoner, revoke the leave of absence and recall the prisoner to prison.

(5) Any prisoner who has been granted leave of absence under this section and who does not return to prison at or before the expiration of the period of absence specified under subsection (2) may be arrested by any person without warrant."

5. The principal Ordinance is amended by adding after section 17 the following new section—

"Failure by prisoner to return after leave of absence an offence.

**17A.** Any prisoner who has been granted leave of absence under the rules made under section 25 and who without lawful excuse fails to return to prison at or before the expiration of the period for which leave has been granted shall be guilty of an offence and liable on conviction to imprisonment for two years."

Addition of  
new section  
17A.

6. The principal Ordinance is amended by adding after section 24 the following new section—

"Governor to determine dietary scales.

**24A.** The Governor may determine dietary scales of plain and wholesome food which shall be supplied to each prisoner."

Addition of  
new section  
24A.

7. Section 25 of the principal Ordinance is amended in subsection (1)—

Amendment of  
section 25.

(a) by deleting paragraph (d) and substituting the following—

"(d) the acts which shall be disciplinary offences on the part of any officer of the Prisons Department or other person employed in the prisons;

(da) the inquiry by the Commissioner, Deputy Commissioner or such other authority as may be prescribed into a disciplinary offence by any such officer or other person;

(db) the procedure to be followed in any case where a disciplinary offence or a breach of duty is alleged to have been committed by any such officer or other person;

(dc) the punishment, including—

(i) dismissal;

(ii) imposition of a fine;

(iii) reduction to a lower rank or pay;

(iv) forfeiture of seniority;

(v) stoppage or deferment of increments;

(vi) performance of extra duty;

(vii) reprimand or severe reprimand,

of such officer or other person for any disciplinary offence;

(dd) the application of money in the possession of a prisoner committed for non-payment of a fine towards the fine adjudged to be paid;" and

(b) in paragraph (h), by deleting "diet,".

8. The principal Ordinance is further amended by deleting "liable on summary" wherever it occurs in sections 17, 18, 19 and 21 and substituting in each case the following—

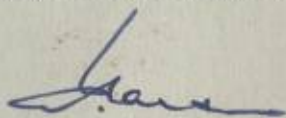
General  
amendments  
to principal  
Ordinance.

"guilty of an offence and shall be liable on".

Validation of  
amendments.

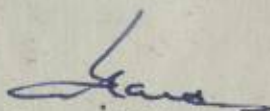
9. The rules made by the Governor in Council under section 25 of the principal Ordinance before the commencement of this Ordinance shall be deemed to have been made under that section, as amended by this Ordinance, as if that section, as so amended, had been in force when those rules were made.

Passed by the Hong Kong Legislative Council this 7th day of May, 1969.



Deputy Clerk of Councils.

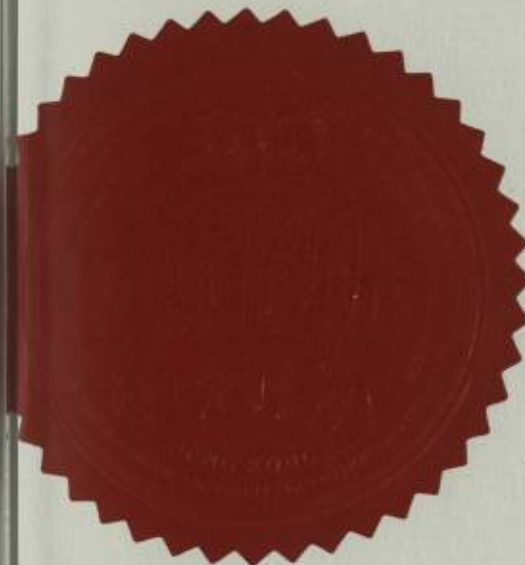
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



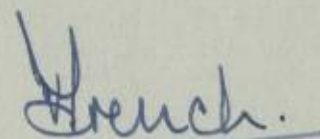
Deputy Clerk of Councils.

**HONG KONG**

No. 20 OF 1969.



I assent.



Governor.

8th May, 1969.

An Ordinance to make provision for the renewal of certain Crown leases of land in the New Territories.

[9th May, 1969.]

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 New Territories (Renewable Crown Leases) Ordinance 1969. Short title.

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

“existing Crown lease” means such a Crown lease as is referred to in section 3;

“lot” means any piece or parcel of ground demised under a Crown lease;

“new Crown lease” means such a Crown lease as is deemed to be granted under section 4;

"section" means any portion of a lot which has been—

- (a) assigned or alienated for the whole of the term created by the existing Crown lease of the lot; or
- (b) declared to have been divided or severed from the remainder of the lot,

by or under an instrument which is registered in a District Land Office and also means any portion of a lot retained following such assignment or alienation.

Application.

3. This Ordinance applies to every Crown lease existing immediately before the expiration of the 30th day of June 1973 under which land in the New Territories is demised for a term of seventy-five years from the 1st day of July 1898 and which contains a right of renewal for a further term of twenty-four years less three days, other than leases of land exempted from Part II of the New Territories Ordinance under subsection (2) or (3) of section 7 thereof.

(Cap. 97.)

New Crown leases deemed to be granted on 1st July 1973.

4. (1) In the case of an existing Crown lease of a lot which has not been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the person entitled to that right and on that date there shall be deemed to be granted to such person a new Crown lease of the land held by him immediately before that date under the existing Crown lease.

(2) In the case of an existing Crown lease of a lot which has been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the persons entitled to that right and on that date there shall be deemed to be granted to such persons separate new Crown leases of the land respectively held by them immediately before that date under the existing Crown lease.

(3) Every new Crown lease shall be deemed to be for a term of twenty-four years less three days from the 1st day of July 1973, and shall be deemed to contain—

- (a) where the new Crown lease is deemed to be granted under subsection (1), a reservation of the same annual Crown rent as was payable for the year ending on the 30th day of June 1973 in respect of the land to which the new Crown lease relates;
- (b) where the new Crown lease is deemed to be granted under subsection (2), a reservation of the same annual Crown rent as may appear from the Crown Rent Roll in the appropriate District Office to have been payable for the

year ending on the 30th day of June 1973 in respect of the land to which the new Crown lease relates;

- (c) a covenant by the lessee to pay in the same manner and on the same days as are specified in the existing Crown lease whichever of the annual Crown rents referred to in paragraphs (a) and (b) is applicable;
- (d) the same covenants, exceptions, reservations, stipulations, provisos and declarations (including the right of re-entry) *mutatis mutandis* as are contained in the existing Crown lease of the land to which the new Crown lease relates other than—
  - (i) the covenant to pay the Crown rent; and
  - (ii) the provision (if any) for fixing a new Crown rent at the expiration of the first ten years of the term; and
  - (iii) the right of renewal on the expiration of the term;
- (e) a covenant by the lessee to perform, observe and comply with the covenants, exceptions, reservations, stipulations, provisos and declarations deemed to be contained in the new Crown lease by virtue of paragraph (d).

(4) Every new Crown lease and the land thereby deemed to be demised shall be deemed to be subject to such of the following encumbrances and interests as the land and the existing Crown lease relating thereto were subject to immediately before the 1st day of July 1973—

- (a) any mortgage, whether legal or equitable, and whether registered in a District Land Office or not;
- (b) any public rights; and
- (c) any other rights, easements, tenancies or other burdens or encumbrances of whatsoever kind or nature, except such as were created by an instrument and were not thereby expressed to continue after the 30th day of June 1973.

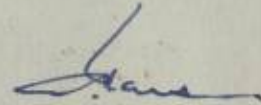
5. (1) Nothing in this Ordinance shall be construed as a waiver by the Crown of any of its rights in respect of any breach of covenant in any existing Crown lease.

Saving of Crown rights.

(2) Any breach of covenant existing immediately before the 1st day of July 1973 in respect of an existing Crown lease shall be deemed to be a breach of covenant in respect of the new Crown lease and the Crown may exercise its rights (including the right of

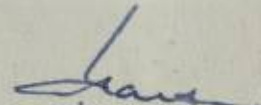
re-entry) in relation to the new Crown lease in the same manner and to the same extent as they could have been exercised or enforced before the said date in relation to the existing Crown lease.

Passed by the Hong Kong Legislative Council this 7th day of May, 1969.



Deputy Clerk of Councils.

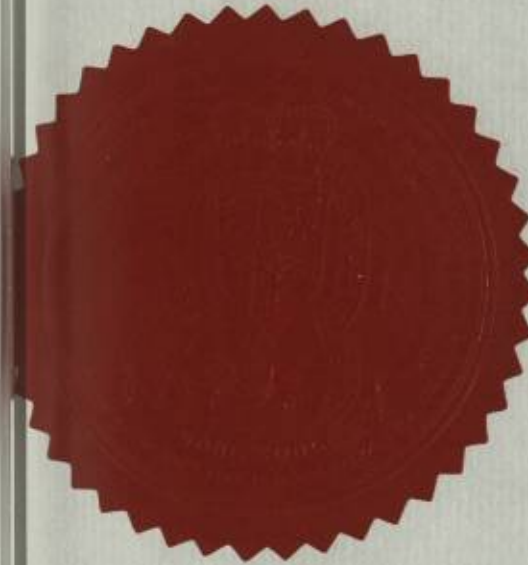
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



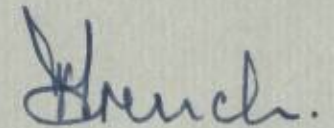
Deputy Clerk of Councils.

**HONG KONG**

No. 21 OF 1969.



I assent.



Governor.

22nd May, 1969.

An Ordinance to amend further the Bank Notes Issue 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 Bank Notes Issue (Amendment) Ordinance 1969 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 4 of the principal Ordinance is amended by inserting after subsection (3) the following new subsection—

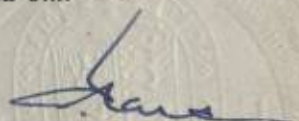
Amendment of section 4. (Cap. 65.)

“(4) For the purposes of this section “bank note payable to bearer on demand” means a bill of exchange or promissory note, issued by any bank, payable to bearer on demand.”.

Passed by the Hong Kong Legislative Council this 21st day of May, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

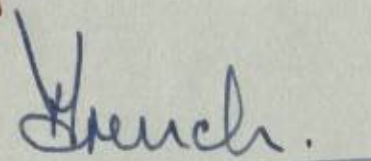


**HONG KONG**

No. 22 OF 1969.



I assent.

  
Governor.

22nd May, 1969.

An Ordinance to amend further the Resettlement Ordinance.

[23rd May, 1969.]

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 Resettlement Short title.  
(Amendment) Ordinance 1969.

2. The principal Ordinance is amended by adding the Addition of section 28A.  
following section after section 28— (Cap. 304.)

"Power to let premises for banking or restaurant purposes.

**28A.** (1) Notwithstanding any other provision of this Ordinance, a competent authority may let any premises in a resettlement estate to any person—

- (a) who undertakes to provide banking facilities for the public in the premises so let; or
- (b) who undertakes to provide restaurant facilities for the public in the premises so let.

(2) Any premises let in accordance with subsection (1) shall be used only for providing banking facilities or restaurant facilities, as the case may be, for the public and such premises shall be let subject to such conditions as may be prescribed from time to time and subject also to such special conditions as may be specified from time to time by the competent authority.

(3) The rents and special charges payable by a person to whom any premises are let by the competent authority in accordance with subsection (1) shall be payable from the date on which such person is advised by the competent authority that the premises have been allocated to him.

(4) For the purposes of section 29, where any premises are let by the competent authority in accordance with subsection (1) of this section, there shall be deemed to be a tenancy created in respect of such premises in accordance with section 28."

Amendment of section 50A.

3. Section 50A of the principal Ordinance is amended by deleting "or a Class II area" and substituting the following—

" , a Class II area or a Class III area".

Amendment of section 50C.

4. Section 50C of the principal Ordinance is amended—

(a) by inserting the following subsection after subsection (2)—

"(2A) A competent authority may grant to such persons as the Governor may allow, either generally or in a particular case, a licence to occupy land in a Class III area for the purpose of storage and processing of goods and for such residential purposes connected therewith as may be approved by the competent authority.";

(b) by deleting "or a Class II area" from subsection (3) and substituting the following—

" , a Class II area or a Class III area"; and

(c) by deleting "or Class II area" from subsection (7) and substituting the following—

" , Class II area or Class III area".

5. Section 51 of the principal Ordinance is amended in subsection (1) by inserting the following paragraph after paragraph (ii)—

Amendment of section 51.

"(iii) the charges to be paid by tenants occupying premises to which a water supply has been connected;"

6. Section 52B of the principal Ordinance is amended by deleting "or Class II area" from subsection (1) and substituting the following—

Amendment of section 52B.

" , Class II area or Class III area".

7. Section 54 of the principal Ordinance is amended—

Amendment of section 54.

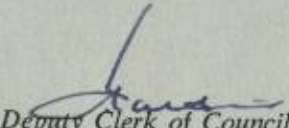
(a) in subsection (1), by deleting "or Class II area" from paragraph (b) wherever it occurs and substituting the following—

" , Class II area or Class III area"; and

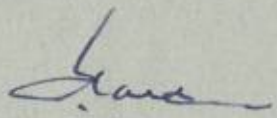
(b) in subsection (2), by deleting "in the estate office" and substituting the following—

"on the notice board of the competent authority in the resettlement estate, resettlement factory area, cottage resettlement area, Class I area, Class II area or Class III area".

Passed by the Hong Kong Legislative Council this 21st day of May, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

**HONG KONG**

No. 23 OF 1969.



I assent.

*Heusch.*

*Governor.*

*5th June, 1969.*

An Ordinance to amend further the Buildings Ordinance.

[6th June, 1969.]

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 Buildings (Amendment) Ordinance 1969.

Short title.

2. Section 4 of the principal Ordinance is amended in subsection (2) by deleting the full stop at the end thereof and substituting therefor a colon and the following—

Amendment of section 4. (Cap. 123.)

“Provided that where an authorized architect is temporarily unable to act by reason of his illness or absence from Hong Kong, he may, subject to the consent of the person for whom the building works or street works are to be or are being carried out, nominate another authorized architect to act in his stead for the period of such illness or absence.”.

Amendment of  
section 16.

3. Section 16 of the principal Ordinance is amended—
- (a) in subsection (1)—
- (i) by deleting the full stop at the end thereof and substituting therefor a semicolon;
- (ii) by inserting after paragraph (m), the following new paragraph—
- “(n) it appears to him that the proposed user of the building to which the plans relate would contravene the provisions of regulation 49 of the Building (Planning) Regulations.”;
- (b) in paragraph (d) of subsection (3)—
- (i) by deleting the comma after “street works” and substituting therefor a full stop; and
- (ii) by deleting “except where such lapse occurs in respect of plans prepared in connexion with an application for the exemption of the building from the provisions of the Landlord and Tenant Ordinance.”;
- (c) by inserting the following new subsection—
- “(3A) In paragraph (d) of subsection (3), the reference to plans does not include—
- (a) the plans referred to in an order under the Landlord and Tenant Ordinance excluding premises from the further application of that Ordinance, where the reference to such plans is unamended; or
- (b) in the case where the reference to plans in such order is amended, the plans referred to in the last amendment made to the order before the Building Authority consents to the commencement of the building works or street works.”.

Amendment of  
section 17.

4. Section 17 of the principal Ordinance is amended in subsection (1) by inserting in column B of item 7 in the table thereto, after “building” wherever it occurs, a comma and the following—

“street or land”.

Amendment of  
section 21.

5. Section 21 of the principal Ordinance is amended—
- (a) in paragraph (b) of subsection (1) by inserting, after “in respect of the”, the following—
- “whole or any”;

- (b) in paragraph (b) of subsection (2) by inserting, after “in respect of”, the following—
- “the whole or”;
- (c) in subsection (4) by inserting, after “in respect of” in the second place where it occurs, the following—
- “the whole or”;
- (d) in subsection (5)—
- (i) by inserting, after “in respect of” in the first place where it occurs, the following—
- “the whole or”;
- (ii) by deleting “such part of the building” and substituting therefor the following—
- “the building or to such part of the building, as the case may be.”.
6. Section 27 of the principal Ordinance is amended—
- (a) in paragraph (b) of subsection (2) by deleting “subsections (3) and (9) of this section” and substituting therefor the following—
- “subsections (8), (10) and (11)”;
- (b) by deleting subsection (3);
- (c) in subsection (4)—
- (i) by deleting from paragraph (b) “; and” and substituting therefor a full stop; and
- (ii) by deleting paragraph (c);
- (d) by deleting subsections (8), (9) and (10) and substituting therefor the following—
- “(8) A Closure Order shall remain in force in respect of a building until the Building Authority has served a notice, to be known as a notice of expiry of a Closure Order, by causing the same to be posted upon a conspicuous part of the building to which it relates and, subject to subsection (11), by serving a copy thereof upon the owner.
- (9) Every notice of expiry of a Closure Order shall specify—
- (a) the building to which it relates; and
- (b) the date upon which the Closure Order expires.

Amendment of  
section 27.

(10) Where an owner has received a copy of a notice of expiry of a Closure Order under subsection (8), such owner shall—

- (a) cause copies thereof to be served upon all former occupiers of the building who have notified him of their addresses; and
- (b) within fourteen days of the date of such notice, serve upon the Building Authority a certificate in such form as the Building Authority may specify, setting out—
  - (i) the names and addresses of such former occupiers of the building as have notified him of their addresses; and
  - (ii) the date upon which each of such former occupiers was served with a copy of the notice of expiry of the Closure Order.

(11) Notwithstanding the provisions of subsection (8) as to service of a copy of a notice of expiry of a Closure Order upon the owner, where—

- (a) the owner cannot be found or ascertained, or is absent from the Colony, or is under a disability; or
- (b) the notice of expiry of the Closure Order is served on the completion of works by the Building Authority in accordance with his powers in that behalf under section 26,

then the Building Authority shall cause copies of the notice of expiry of the Closure Order to be—

- (i) served upon all former occupiers of the building of whose addresses he is aware; and
- (ii) advertised in at least one English language newspaper and one Chinese language newspaper published in Hong Kong.”.

Amendment of section 31.

7. Section 31 of the principal Ordinance is amended in paragraph (b) of subsection (3) by deleting “such a street” and substituting therefor the following—

“any street or unleased Crown land”.

8. Section 34 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 34.

“Disposal of materials resulting from works carried out by Building Authority. 34. Where the Building Authority has carried out or caused to be carried out works under section 24 or 26 he may dispose of any materials resulting from such work.”.

9. Section 38 of the principal Ordinance is amended in paragraph (c) of subsection (1)—

Amendment of section 38.

- (a) in sub-paragraph (iii) by deleting “volumes and open spaces including scavenging lanes” and substituting therefor the following—

“site coverage, plot ratio and open spaces including service lanes”;

- (b) in sub-paragraph (xi) by deleting “, hoardings and scaffoldings” and substituting therefor the following—  
“and hoardings”.

10. Section 41 of the principal Ordinance is amended in the proviso to subsection (1) by deleting “, to hoardings and to scaffoldings” and substituting therefor the following—

Amendment of section 41.

“and to hoardings”.

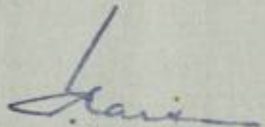
11. Section 46 of the principal Ordinance is amended by inserting, after subsection (3), the following new subsection—

Amendment of section 46.

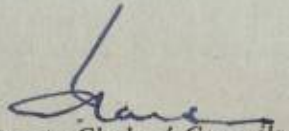
“(4) Where a notice has been given under subsection (1), no building works may be carried out in respect of the building which is the subject matter of the determination of the tribunal, until the Governor in Council has—

- (a) reviewed such determination; or
- (b) decided not to review such determination.”.

Passed by the Hong Kong Legislative Council this 4th day of June, 1969.

  
Deputy Clerk of Councils.

*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.*

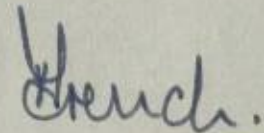
  
Deputy Clerk of Councils.

**HONG KONG**

No. 24 OF 1969.



I assent.



—Governor.

5th June, 1969.

An Ordinance to amend the Portuguese Community Schools Incorporation Ordinance.

[6th June, 1969.]

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 Portuguese Community Schools Incorporation (Amendment) Ordinance 1969.

Short title.

2. Section 5 of the principal Ordinance is amended in subsection (1)—

Amendment of section 5(1).  
(Cap. 1071.)

(a) by inserting the following at the end of paragraph (a)—  
“and”; and

(b) by deleting paragraphs (b) and (c).

3. Section 8 of the principal Ordinance is amended—

Amendment of section 8.

(a) by deleting “paragraphs (a) and (b)” from paragraph (a) and substituting the following—

“paragraph (a)”; and

Amendment of  
section 11(1).

(b) by deleting paragraph (b).  
4. Section 11 of the principal Ordinance is amended in  
subsection (1)—

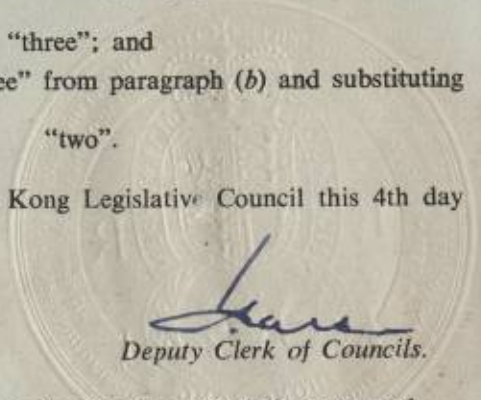
(a) by deleting "seven" from paragraph (a) and substituting  
the following—

"three"; and

(b) by deleting "three" from paragraph (b) and substituting  
the following—

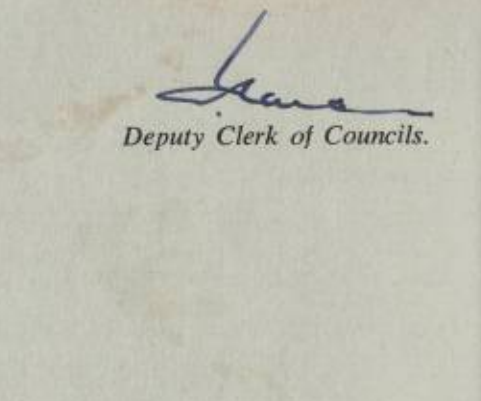
"two".

Passed by the Hong Kong Legislative Council this 4th day  
of June, 1969.



*[Signature]*  
Deputy Clerk of Councils.


*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]*  
Deputy Clerk of Councils.

HONG KONG

No. 25 OF 1969.



I assent.

*[Signature]*  
Governor.

18th June, 1969.

An Ordinance to amend further the Evidence Ordinance.

[1st October, 1969.]

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 Evidence  
(Amendment) Ordinance 1969.

(2) This section and sections 2, 3, 7 and 8 shall come into  
operation on the 1st day of October 1969.

(3) The other provisions of this Ordinance shall come into  
operation on such day as the Governor may appoint by notice in  
the *Gazette*, and different days may be appointed for different  
purposes of the Ordinance or for the same purposes in relation  
to different courts or proceedings or otherwise in relation to  
different circumstances.

Short title and  
commencement.  
1968, c. 64,  
s. 20(4).

Amendment of section 7.  
(Cap. 8.)  
1968, c. 64,  
s. 16(3).

2. Section 7 of the principal Ordinance is amended by deleting "In no proceedings shall a husband" and substituting the following—

"In criminal proceedings, a husband shall not".

Amendment of section 11.  
1968, c. 64,  
s. 16(5).

3. Section 11 of the principal Ordinance is amended by deleting the proviso.

Repeal of sections 33 and 34.  
1968, c. 64,  
s. 20(2).

4. Sections 33 and 34 of the principal Ordinance are repealed.

Repeal and replacement of section 38.  
1968, c. 64,  
s. 20(2).

5. Section 38 of the principal Ordinance is repealed and replaced by the following—

"Interpretation and savings.  
1938, c. 28, s. 6.  
1968, c. 64,  
s. 20(2).

38. (1) In sections 35 to 37, unless the context otherwise requires, "proceedings" includes arbitrations and references.

(2) Nothing in sections 35 to 37 shall prejudice the admissibility of any evidence which would apart from the provisions of those sections be admissible."

Addition of new Part IIA.

6. The principal Ordinance is amended by adding, after Part II, the following new Part—

#### "PART IIA.

##### HEARSAY EVIDENCE IN CIVIL PROCEEDINGS.

Hearsay evidence to be admissible only by virtue of this or any other Ordinance or by agreement.  
1968, c. 64, s. 1.

38A. In any civil proceedings a statement other than one made by a person while giving oral evidence in those proceedings shall be admissible as evidence of any fact stated therein to the extent that it is so admissible by virtue of any provision of this or any other Ordinance or by agreement of the parties, but not otherwise.

Admissibility of out-of-court statements as evidence of facts stated.  
1968, c. 64, s. 2.

38B. (1) In any civil proceedings a statement made, whether orally or in a document or otherwise, by any person, whether called as a witness in those proceedings or not, shall, subject to this section and to rules, be admissible as evidence of any fact stated therein of which direct oral evidence by him would be admissible.

(2) Where in any civil proceedings a party desiring to give a statement in evidence by virtue of this section has called or intends to call as a witness in the proceedings the person by whom the statement was made, the statement—

- (a) shall not be given in evidence by virtue of this section on behalf of that party without the leave of the court; and
- (b) without prejudice to paragraph (a), shall not be given in evidence by virtue of this section on behalf of that party before the conclusion of the examination-in-chief of the person by whom it was made, except—

(i) where before that person is called the court allows evidence of the making of the statement to be given on behalf of that party by some other person; or

(ii) in so far as the court allows the person by whom the statement was made to narrate it in the course of his examination-in-chief on the ground that to prevent him from doing so would adversely affect the intelligibility of his evidence.

(3) Where in any civil proceedings a statement which was made otherwise than in a document is admissible by virtue of this section, no evidence other than direct oral evidence by the person who made the statement or any person who heard or otherwise perceived it being made shall be admissible for the purpose of proving it:

Provided that if the statement in question was made by a person while giving oral evidence in some other legal proceedings (whether civil or criminal), it may be proved in any manner authorized by the court.

38C. (1) Where in any civil proceedings—

- (a) a previous inconsistent or contradictory statement made by a person called as a witness in those proceedings is proved by virtue of section 13, 14 or 15; or

Witness's previous statement, if proved, to be evidence of facts stated.  
1968, c. 64, s. 3.

- (b) a previous statement made by a person called as aforesaid is proved for the purpose of rebutting a suggestion that his evidence has been fabricated,

that statement shall by virtue of this subsection be admissible as evidence of any fact stated therein of which direct oral evidence by him would be admissible.

(2) Nothing in this Part or Part IIB shall affect any of the rules of law relating to the circumstances in which, where a person called as a witness in any civil proceedings is cross-examined on a document used by him to refresh his memory, that document may be made evidence in those proceedings; and where a document or any part of a document is received in evidence in any such proceedings by virtue of any such rule of law, any statement made in that document or part by the person using the document to refresh his memory shall by virtue of this subsection be admissible as evidence of any fact stated therein of which direct oral evidence by him would be admissible.

Admissibility of certain records as evidence of facts stated.

1968, c. 64, s. 4.

**38D.** (1) Without prejudice to section 38E, in any civil proceedings a statement contained in a document shall, subject to this section and to rules, be admissible as evidence of any fact stated therein of which direct oral evidence would be admissible, if the document is, or forms part of, a record compiled by a person acting under a duty from information which—

- (a) was supplied by a person (whether acting under a duty or not) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in that information; and
- (b) if not supplied by that person to the compiler of the record directly, was supplied by him to the compiler of the record indirectly through one or more intermediaries each acting under a duty.

(2) Where in any civil proceedings a party desiring to give a statement in evidence by virtue of this section has called or intends to call as a witness in the proceedings the person who originally supplied the information from which the record containing the statement was compiled, the statement—

- (a) shall not be given in evidence by virtue of this section on behalf of that party without the leave of the court; and
- (b) without prejudice to paragraph (a), shall not without the leave of the court be given in evidence by virtue of this section on behalf of that party before the conclusion of the examination-in-chief of the person who originally supplied the said information.

(3) Any reference in this section to a person acting under a duty includes a reference to a person acting in the course of any trade, business, profession or other occupation in which he is engaged or employed or for the purposes of any paid or unpaid office held by him.

Admissibility of statements produced by computers.

1968, c. 64, s. 5.

**38E.** (1) In any civil proceedings a statement contained in a document produced by a computer shall, subject to rules, be admissible as evidence of any fact stated therein of which direct oral evidence would be admissible, if it is shown that the conditions mentioned in subsection (2) are satisfied in relation to the statement and computer in question.

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

- (a) that the document containing the statement was produced by the computer during a period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period, whether for profit or not, by any person;

- (b) that over that period there was regularly supplied to the computer in the ordinary course of those activities information of the kind contained in the statement or of the kind from which the information so contained is derived;
- (c) that throughout the material part of that period the computer was operating properly or, if not, that any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of its contents; and
- (d) that the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of those activities.

(3) Where over a period the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in paragraph (a) of subsection (2) was regularly performed by computers, whether—

- (a) by a combination of computers operating over that period; or
- (b) by different computers operating in succession over that period; or
- (c) by different combinations of computers operating in succession over that period; or
- (d) in any other manner involving the successive operation over that period in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this Part as constituting a single computer; and references in this Part to a computer shall be construed accordingly.

(4) In any civil proceedings where it is desired to give a statement in evidence by virtue of this sec-

tion, a certificate doing any of the following things, that is to say—

- (a) identifying the document containing the statement and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
- (c) dealing with any of the matters to which the conditions mentioned in subsection (2) relate,

and purporting to be signed by a person occupying a responsible position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this subsection it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this Part—

- (a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;
- (b) where, in the course of activities carried on by any person, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;
- (c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

(6) Subject to subsection (3), in this Part "computer" means any device for storing and pro-

cessing information, and any reference to information being derived from other information is a reference to its being derived therefrom by calculation, comparison or any other process.

Provisions  
supplemen-  
tary to  
sections 38B  
to 38E.  
1968, c. 64, s. 6.

**38F.** (1) Where in any civil proceedings a statement contained in a document is proposed to be given in evidence by virtue of section 38B, 38D or 38E it may, subject to any rules, be proved by the production of that document or (whether or not that document is still in existence) by the production of a copy of that document, or of the material part thereof, authenticated in such manner as the court may approve.

(2) For the purpose of deciding whether or not a statement is admissible in evidence by virtue of section 38B, 38D or 38E, the court may draw any reasonable inference from the circumstances in which the statement was made or otherwise came into being or from any other circumstances, including, in the case of a statement contained in a document, the form and contents of that document.

(3) In estimating the weight, if any, to be attached to a statement admissible in evidence by virtue of section 38B, 38C, 38D or 38E regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement and, in particular—

- (a) in the case of a statement falling within subsection (1) of section 38B or subsection (1) or (2) of section 38C, to the question whether or not the statement was made contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not the maker of the statement had any incentive to conceal or misrepresent the facts;
- (b) in the case of a statement falling within subsection (1) of section 38D, to the question whether or not the person who originally supplied the information from which the record containing the statement was compiled did so contemporaneously with the occurrence or existence of the facts dealt with in that information, and to the question whether or not that person, or any

person concerned with compiling or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts; and

- (c) in the case of a statement falling within subsection (1) of section 38E, to the question whether or not the information which the information contained in the statement reproduces or is derived from was supplied to the relevant computer, or recorded for the purpose of being supplied thereto, contemporaneously with the occurrence or existence of the facts dealt with in that information, and to the question whether or not any person concerned with the supply of information to that computer, or with the operation of that computer or any equipment by means of which the document containing the statement was produced by it, had any incentive to conceal or misrepresent the facts.
- (4) For the purpose of any enactment or rule of law or practice requiring evidence to be corroborated or regulating the manner in which uncorroborated evidence is to be treated—
  - (a) a statement which is admissible in evidence by virtue of section 38B or 38C shall not be capable of corroborating evidence given by the maker of the statement; and
  - (b) a statement which is admissible in evidence by virtue of section 38D shall not be capable of corroborating evidence given by the person who originally supplied the information from which the record containing the statement was compiled.
- (5) If any person in a certificate tendered in evidence in civil proceedings by virtue of subsection (4) of section 38E wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for two years.

Admissibility of evidence as to credibility of maker, etc. of statement admitted under section 38B or 38D.  
1968, c. 64, s. 7.

**38G.** (1) Subject to rules, where in any civil proceedings a statement made by a person who is not called as a witness in those proceedings is given in evidence by virtue of section 38B—

- (a) any evidence which, if that person had been so called, would be admissible for the purpose of destroying or supporting his credibility as a witness shall be admissible for that purpose in those proceedings; and
- (b) evidence tending to prove that, whether before or after he made that statement, that person made (whether orally or in a document or otherwise) another statement inconsistent therewith shall be admissible for the purpose of showing that that person has contradicted himself:

Provided that nothing in this subsection shall enable evidence to be given of any matter of which, if the person in question had been called as a witness and had denied that matter in cross-examination, evidence could not have been adduced by the cross-examining party.

(2) Subsection (1) shall apply in relation to a statement given in evidence by virtue of section 38D as it applies in relation to a statement given in evidence by virtue of section 38B, except that references to the person who made the statement and to his making the statement shall be construed respectively as references to the person who originally supplied the information from which the record containing the statement was compiled and to his supplying that information.

(3) Subsection (1) of section 38C shall apply to any statement proved by virtue of paragraph (b) of subsection (1) of this section as it applies to a previous inconsistent or contradictory statement made by a person called as a witness which is proved as mentioned in paragraph (a) of subsection (1) of section 38C.

Rules.  
1968, c. 64, s. 8.

**38H.** (1) Provision shall be made by rules as to the procedure which, subject to any exceptions provided for in the rules, shall be followed and the other conditions which, subject as aforesaid, shall be fulfilled before a statement may be given in evidence

in civil proceedings by virtue of section 38B, 38D or 38E.

(2) Rules made in pursuance of subsection (1) shall in particular, subject to such exceptions (if any) as may be provided for in the rules—

- (a) require a party to any civil proceedings who desires to give in evidence any such statement as is mentioned in that subsection to give to every other party to the proceedings such notice of his desire to do so and such particulars of or relating to the statement as may be specified in the rules, including particulars of such one or more of the persons connected with the making or recording of the statement or, in the case of a statement falling within subsection (1) of section 38E, such one or more of the persons concerned as mentioned in paragraph (c) of subsection (3) of section 38F as the rules may in any case require; and
  - (b) enable any party who receives such notice by counter-notice to require any person of whom particulars were given with the notice to be called as a witness in the proceedings unless that person is dead, or beyond the seas, or unfit by reason of his bodily or mental condition to attend as a witness, or cannot with reasonable diligence be identified or found, or cannot reasonably be expected (having regard to the time which has elapsed since he was connected or concerned as aforesaid and to all the circumstances) to have any recollection of matters relevant to the accuracy or otherwise of the statement.
- (3) Rules made in pursuance of subsection (1)—
- (a) may confer on the court in any civil proceedings a discretion to allow a statement falling within subsection (1) of section 38B, subsection (1) of section 38D or subsection (1) of section 38E to be given in evidence notwithstanding that any requirement of the rules affecting the admissibility of that statement has not been complied with, but except in pursuance of paragraph (b) shall not confer on the court a discretion to exclude

such a statement where the requirements of the rules affecting its admissibility have been complied with;

- (b) may confer on the court power, where a party to any civil proceedings has given notice that he desires to give in evidence—

(i) a statement falling within subsection (1) of section 38B which was made by a person, whether orally or in a document, in the course of giving evidence in some other legal proceedings (whether civil or criminal); or

(ii) a statement falling within subsection (1) of section 38D which is contained in a record of any direct oral evidence given in some other legal proceedings (whether civil or criminal),

to give directions on the application of any party to the proceedings as to whether, and if so on what conditions, the party desiring to give the statement in evidence will be permitted to do so and (where applicable) as to the manner in which that statement and any other evidence given in those other proceedings is to be proved; and

- (c) may make different provision for different circumstances, and in particular may make different provision with respect to statements falling within subsection (1) of section 38B, subsection (1) of section 38D and subsection (1) of section 38E respectively;

and any discretion conferred on the court by rules may be either a general discretion or a discretion exercisable only in such circumstances as may be specified in the rules.

(4) Rules may make provision for preventing a party to any civil proceedings (subject to any exceptions provided for in the rules) from adducing in relation to a person who is not called as a witness in those proceedings any evidence which could otherwise be adduced by him by virtue of section 38G unless that party has in pursuance of the rules given in respect of that person such a counter-notice as is mentioned in paragraph (b) of subsection (2).

(5) In deciding for the purposes of any rules made in pursuance of this section whether or not a person is fit to attend as a witness, a court may act on a certificate purporting to be a certificate of a registered medical practitioner.

(6) Nothing in this section shall prejudice the generality of section 38 of the Supreme Court Ordinance, section 48 of the District Court (Civil Jurisdiction and Procedure) Ordinance or any other Ordinance conferring power to make rules of court.

**38L.** (1) In any civil proceedings a statement which, if this Part had not been enacted, would by virtue of any rule of law mentioned in subsection (2) have been admissible as evidence of any fact stated therein shall be admissible as evidence of that fact by virtue of this subsection.

(2) The rules of law referred to in subsection (1) are the following, that is to say any rule of law—

- (a) whereby in any civil proceedings an admission adverse to a party to the proceedings, whether made by that party or by another person, may be given in evidence against that party for the purpose of proving any fact stated in the admission;
- (b) whereby in any civil proceedings published works dealing with matters of a public nature (for example, histories, scientific works, dictionaries and maps) are admissible as evidence of facts of a public nature stated therein;
- (c) whereby in any civil proceedings public documents (for example, public registers, and returns made under public authority with respect to matters of public interest) are admissible as evidence of facts stated therein; or
- (d) whereby in any civil proceedings records (for example, the records of certain courts, treaties, Crown grants, pardons and commissions) are admissible as evidence of facts stated therein.

In this subsection "admission" includes any representation of facts, whether made in words or otherwise.

(Cap. 4.)  
(Cap. 336.)

Admissibility of certain hearsay evidence formerly admissible at common law.  
1968, c. 64, s. 9.

(25 of 1969.)

(3) In any civil proceedings a statement which tends to establish reputation or family tradition with respect to any matter and which, if the Evidence (Amendment) Ordinance 1969 had not been enacted, would have been admissible in evidence by virtue of any rule of law mentioned in subsection (4)—

- (a) shall be admissible in evidence by virtue of this paragraph in so far as it is not capable of being rendered admissible under section 38B or 38D; and
- (b) if given in evidence under this Part (whether by virtue of paragraph (a) or otherwise) shall by virtue of this paragraph be admissible as evidence of the matter reputed or handed down;

and, without prejudice to paragraph (b), reputation shall for the purposes of this Part be treated as a fact and not as a statement or multiplicity of statements dealing with the matter reputed.

(4) The rules of law referred to in subsection (3) are the following, that is to say any rule of law—

- (a) whereby in any civil proceedings evidence of a person's reputation is admissible for the purpose of establishing his good or bad character;
- (b) whereby in any civil proceedings involving a question of pedigree or in which the existence of a marriage is in issue evidence of reputation or family tradition is admissible for the purpose of proving or disproving pedigree or the existence of the marriage, as the case may be; or
- (c) whereby in any civil proceedings evidence of reputation is admissible for the purpose of proving or disproving the existence of any public or general right or of identifying any person or thing.

(5) In so far as any statement is admissible in any civil proceedings by virtue of subsection (1) or paragraph (a) of subsection (3), it may be given in evidence in those proceedings notwithstanding anything in sections 38B to 38G or in any rules made in pursuance of section 38H.

(6) The words in which any rule of law mentioned in subsection (2) or (4) is there described are intended only to identify the rule in question and shall not be construed as altering that rule in any way.

Interpreta-  
tion of  
sections 38A  
to 38I and  
application  
to arbitra-  
tions, etc.  
1968, c. 64,  
s. 10.

**38J.** (1) In this Part, unless the context otherwise requires—

“computer” has the meaning assigned by section 38E;

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (d) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom;

“film” includes a microfilm;

“statement” includes any representation of fact, whether made in words or otherwise.

(2) In this Part any reference to a copy of a document includes—

- (a) in the case of a document falling within paragraph (c) but not paragraph (d) of the definition of “document” in subsection (1), a transcript of the sounds or other data embodied therein;
- (b) in the case of a document falling within paragraph (d) but not paragraph (c) of that definition, a reproduction or still reproduction of the image or images embodied therein, whether enlarged or not;
- (c) in the case of a document falling within both those paragraphs, such a transcript together with such a still reproduction;
- (d) in the case of a document not falling within the said paragraph (d) of which a visual image is embodied in a document falling

within that paragraph, a reproduction of that image, whether enlarged or not, and any reference to a copy of the material part of a document shall be construed accordingly.

(3) For the purposes of the application of this Part in relation to any such civil proceedings as are mentioned in paragraphs (a) and (b) of subsection (1) of section 38Q, any rules made under this Part or Part IIB shall (except in so far as their operation is excluded by agreement) apply, subject to such modifications as may be appropriate, in like manner as they apply in relation to civil proceedings in the Supreme Court.

(4) If any question arises as to what are, for the purposes of any such civil proceedings as are mentioned in paragraph (a) or (b) of subsection (1) of section 38Q, the appropriate modifications of any such rule as is mentioned in subsection (3), that question shall, in default of agreement, be determined by the tribunal or the arbitrator or umpire, as the case may be."

Addition of new Part IIB.

7. The principal Ordinance is amended by adding, after Part IIA, the following new Part—

"PART IIB.

CONVICTIONS AND PRIVILEGE.

*Convictions, etc. as evidence in civil proceedings.*

Convictions as evidence in civil proceedings. [cf. 1968, c. 64, s. 11.]

**38K.** (1) In any civil proceedings the fact that a person has been convicted of an offence by or before any court in the Colony shall, subject to subsection (3), be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those proceedings, that he committed that offence, whether he was so convicted upon a plea of guilty or otherwise and whether or not he is a party to the civil proceedings; but no conviction other than a subsisting one shall be admissible in evidence by virtue of this section.

(2) In any civil proceedings in which by virtue of this section a person is proved to have been convicted of an offence by or before any court in the Colony—

(a) he shall be taken to have committed that offence, unless the contrary is proved; and

(b) without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the conviction was based, the contents of any document which is admissible as evidence of the conviction, and the contents of the information, complaint, indictment or charge on which the person in question was convicted, shall be admissible in evidence for that purpose.

(3) Nothing in this section shall prejudice the operation of section 38M or any other enactment whereby a conviction or a finding of fact in any criminal proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

(4) Where in any civil proceedings the contents of any document are admissible in evidence by virtue of subsection (2), a copy of that document, or of the material part thereof, purporting to be certified or otherwise authenticated by or on behalf of the court or authority having custody of that document shall be admissible in evidence and shall be taken to be a true copy of that document or part unless the contrary is shown.

(Cap. 298.)

(5) Nothing in section 8 of the Probation of Offenders Ordinance (under which a conviction leading to probation or discharge is to be disregarded except as therein mentioned) shall affect the operation of this section.

Findings of adultery as evidence in civil proceedings. [cf. 1968, c. 64, s. 12.]

**38L.** (1) In any civil proceedings the fact that a person has been found guilty of adultery in any matrimonial proceedings shall, subject to subsection (3), be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those civil proceedings, that he committed the adultery to which the finding relates, whether or not he offered any defence to the allegation of adultery and whether or not he is a party to the civil proceedings; but no finding other than a subsisting one shall be admissible in evidence by virtue of this section.

(2) In any civil proceedings in which by virtue of this section a person is proved to have been found guilty of adultery as mentioned in subsection (1)—

(a) he shall be taken to have committed the adultery to which the finding relates, unless the contrary is proved; and

(b) without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the finding was based, the contents of any document which was before the court, or which contains any pronouncement of the court, in the matrimonial proceedings in question shall be admissible in evidence for that purpose.

(3) Nothing in this section shall prejudice the operation of any enactment whereby a finding of fact in any matrimonial proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

(4) Subsection (4) of section 38K shall apply for the purposes of this section as if the reference to subsection (2) were a reference to subsection (2) of this section.

(5) In this section "matrimonial proceedings" means any matrimonial cause in the Supreme Court or any appeal arising out of any such cause.

**38M.** (1) In an action for libel or slander in which the question whether a person did or did not commit a criminal offence is relevant to an issue arising in the action, proof that, at the time when that issue falls to be determined, that person stands convicted of that offence shall be conclusive evidence that he committed that offence; and his conviction thereof shall be admissible in evidence accordingly.

(2) In any such action in which by virtue of this section a person is proved to have been convicted of an offence, the contents of any document which is admissible as evidence of the conviction, and the contents of the information, complaint, indictment or charge on which that person was convicted, shall, without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the conviction was based, be admissible in evidence for the purpose of identifying those facts.

(3) For the purposes of this section a person shall be taken to stand convicted of an offence if but only if there subsists against him a conviction of that offence by or before any court in the Colony.

(4) Subsections (4) and (5) of section 38K shall apply for the purposes of this section as they apply

Conclusive-  
ness of con-  
victions for  
purposes of  
defamation  
actions.  
(cf. 1968, c. 64,  
s. 13.)

for the purposes of that section, but as if in the said subsection (4) the reference to subsection (2) were a reference to subsection (2) of this section.

(5) Subsections (1), (2), (3) and (4) shall apply for the purposes of any action begun after the commencement of the Evidence (Amendment) Ordinance 1969, whenever the cause of action arose, but shall not apply for the purposes of any action begun before the commencement of that Ordinance or any appeal or other proceedings arising out of any such action.

#### *Privilege.*

**38N.** (1) The right of a person in any legal proceedings other than criminal proceedings to refuse to answer any question or produce any document or thing if to do so would tend to expose that person to proceedings for an offence or for the recovery of a penalty—

(a) shall apply only as regards criminal offences under the law of Hong Kong and penalties provided for by such law; and

(b) shall include a like right to refuse to answer any question or produce any document or thing if to do so would tend to expose the husband or wife of that person to proceedings for any such criminal offence or for the recovery of any such penalty.

(2) In so far as any existing enactment conferring (in whatever words) powers of inspection or investigation confers on a person (in whatever words) any right otherwise than in criminal proceedings to refuse to answer any question or give any evidence tending to incriminate that person, subsection (1) shall apply to that right as it applies to the right described in that subsection; and every such existing enactment shall be construed accordingly.

(3) In so far as any existing enactment provides (in whatever words) that in any proceedings other than criminal proceedings a person shall not be excused from answering any question or giving any evidence on the ground that to do so may incriminate that person, that enactment shall be construed as providing also that in such proceedings a person shall not be excused from answering any question or giving

(25 of 1969.)

Privilege  
against  
incrimina-  
tion of self  
or spouse.  
1968, c. 64,  
s. 14.

any evidence on the ground that to do so may incriminate the husband or wife of that person.

(4) Where any existing enactment (however worded) that—

- (a) confers powers of inspection or investigation; or
- (b) provides as mentioned in subsection (3).

further provides (in whatever words) that any answer or evidence given by a person shall not be admissible in evidence against that person in any proceedings or class of proceedings (however described, and whether criminal or not), that enactment shall be construed as providing also that any answer or evidence given by that person shall not be admissible in evidence against the husband or wife of that person in the proceedings or class of proceedings in question.

(25 of 1969.)

(5) In this section "existing enactment" means any enactment made before the commencement of the Evidence (Amendment) Ordinance 1969; and the references to giving evidence are references to giving evidence in any manner, whether by furnishing information, making discovery, producing documents or otherwise.

Abolition of certain privileges. 1968, c. 64, s. 16(1), (2) & (5).

**38O.** (1) The following rules of law are abrogated except in relation to criminal proceedings, that is to say—

- (a) the rule whereby, in any legal proceedings, a person cannot be compelled to answer any question or produce any document or thing if to do so would tend to expose him to a forfeiture; and
- (b) the rule whereby, in any legal proceedings, a person other than a party to the proceedings cannot be compelled to produce any deed or other document relating to his title to any land.

(2) The rule of law whereby, in any civil proceedings, a party to the proceedings cannot be compelled to produce any document relating solely to his own case and in no way tending to impeach that case or support the case of any opposing party is abrogated.

(3) A witness in any proceedings instituted in consequence of adultery, whether a party to the pro-

ceedings or not, shall not be excused from answering any question by reason that it tends to show that he or she has been guilty of adultery.

Consequential amendments relating to privilege. (cf. 1968, c. 64, s. 17.)

**38P.** (1) Any existing enactment, however framed or worded, which in relation to any tribunal, investigation or inquiry (however described) confers on persons required to answer questions or give evidence any privilege described by reference to the privileges of witnesses in proceedings before any court shall, unless the contrary intention appears, be construed as referring to the privileges of witnesses in civil proceedings before that court.

(2) Where a person is examined by virtue of an order under section 43 or section 44 made by a court or judge for the purpose of obtaining his testimony in relation to any legal proceedings pending before a court or tribunal outside the Colony, then for the purpose of determining his rights under section 46 to refuse to answer questions or produce documents—

- (a) if those proceedings are criminal proceedings, sections 38N and 38O shall be disregarded; but
- (b) in any other case the reference in proviso (c) to section 46 to any action or other proceeding shall be construed as a reference to any action or other civil proceeding.

(3) Subsection (5) of section 38N shall apply for the purposes of this section as it applies for the purposes of that section.

#### *General.*

Interpretation and savings of Parts IIA and IIB. (cf. 1968, c. 64, s. 18.)

**38Q.** (1) In Part IIA and this Part, unless the context otherwise requires, "civil proceedings" includes, in addition to civil proceedings in any court—

- (a) civil proceedings before any other tribunal, being proceedings in relation to which the strict rules of evidence apply; and
- (b) an arbitration or reference, whether under an enactment or not,

but does not include civil proceedings in relation to which the strict rules of evidence do not apply.

(2) In Part IIA and this Part, unless the context otherwise requires—

“court” does not include a court-martial, and, in relation to an arbitration or reference, means the arbitrator or umpire and, in relation to proceedings before a tribunal (not being a court), means the tribunal;

“legal proceedings” includes an arbitration or reference, whether under an enactment or not.

(25 of 1969.)

(3) For the avoidance of doubt it is declared that in Part IIA and this Part, and in any amendment made by the Evidence (Amendment) Ordinance 1969 to any other enactment, references to a person's husband or wife do not include references to a person who is no longer married to that person.

(4) Nothing in Part IIA or this Part shall prejudice the operation of any enactment which provides (in whatever words) that any answer or evidence given by a person in specified circumstances shall not be admissible in evidence against him or some other person in any proceedings or class of proceedings (however described).

In this subsection the reference to giving evidence is a reference to giving evidence in any manner, whether by furnishing information, making discovery, producing documents or otherwise.

(5) Nothing in Part IIA or this Part shall prejudice—

- (a) any power of a court, in any legal proceedings, to exclude evidence (whether by preventing questions from being put or otherwise) at its discretion; or
- (b) the operation of any agreement (whenever made) between the parties to any legal proceedings as to the evidence which is to be admissible (whether generally or for any particular purpose) in those proceedings.

(6) Where, by reason of any defect of speech or hearing from which he is suffering, a person called as a witness in any legal proceedings gives his evidence in writing or by signs, that evidence is to be treated for the purposes of Part IIA or this Part as being given orally.

Rules. **38R.** The Chief Justice shall or may make rules with regard to any matter in respect of which rules shall or may be made under Part IIA or this Part.”.

**8.** Section 52 of the Matrimonial Causes Ordinance is amended—

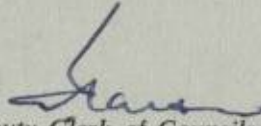
- (a) in subsection (1), by deleting “in any proceedings” in the second place where they occur and substituting the following—

“in criminal proceedings”; and

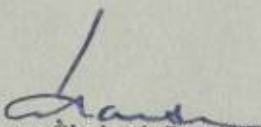
- (b) in subsection (2), by deleting “; but no witness in any such proceedings, whether a party to the proceedings or not, shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery”.

Amendment of  
Matrimonial  
Causes  
Ordinance.  
1968, c. 64,  
s. 16(4) & (5).  
(Cap. 179.)

Passed by the Hong Kong Legislative Council this 18th day of June, 1969.

  
Deputy Clerk of Councils.

*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.*

  
Deputy Clerk of Councils.

**HONG KONG**

No. 26 OF 1969.



I assent.

*Hutch.*

Governor.

18th June, 1969.

An Ordinance to amend the Inland Revenue Ordinance.

[20th June, 1969.]

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) Ordinance 1969.

Short title and commencement.

(2) Sections 3, 5, 7, 8, 9 to 14, 16, 18 to 27, 30 and 32 shall be deemed to have come into operation on the 1st day of April 1969 and shall apply in relation to assessments for the year of assessment commencing on the 1st day of April 1969 and to subsequent years of assessment.

2. The long title of the principal Ordinance is amended by deleting "*earnings and profits*" and substituting the following—  
"*property, earnings, profits and interest*".

Amendment of long title.  
(Cap. 112.)

3. Section 2 of the principal Ordinance is amended—

Amendment of section 2.

(a) in subsection (1)—

(i) by deleting the definition of "Commissioner" and substituting the following—

"'Commissioner' means the Commissioner of Inland Revenue appointed under this Ordinance;"