

to the Registrar in the prescribed manner at any time for the registration of their marriage.

(3) Where one of the parties to a customary marriage or a validated marriage disputes the existence of the marriage or is unwilling to join in any application for the registration of the marriage under this section, the other party to the marriage may apply to the District Court for a declaration that a customary marriage or a validated marriage, as the case may be, subsists between the parties, and the District Court shall have jurisdiction to hear and determine any such application.

(4) One party to a customary marriage or a validated marriage celebrated in Hong Kong before the appointed day may—

- (a) with the consent in writing of the other party to the marriage; or
- (b) where the District Court has under subsection (3) declared the marriage to subsist,

apply to the Registrar in the prescribed manner at any time for the registration of the marriage.

(5) Where the Registrar is satisfied that—

- (a) the particulars contained in any application under this section are true; and
- (b) a form of marriage did take place between the parties named at the time and place and before the witnesses specified in the application; and
- (c) the marriage constitutes either a valid customary marriage or a validated marriage,

he shall prepare a certificate of marriage in the prescribed form and the Registrar, and the applicants, or applicant as the case may be, and two witnesses to the marriage, shall thereupon sign duplicate certificates; but a certificate shall not be invalidated by the absence of signature by one or both witnesses if the Registrar is satisfied that one or both is or are not available, and cannot reasonably be made available, to sign and he records that he is so satisfied on the certificate.

(6) When a certificate is signed in accordance with subsection (5), the Registrar shall deliver one certificate to the applicants or applicant and the other certificate shall form part of the register which the Registrar is required to maintain under subsection (1).

(7) Where, on an application to the Registrar under this section, the Registrar is not satisfied with respect to the matters specified in paragraphs (a), (b) and (c) of subsection (5), a party to the marriage may apply to the District Court for a declaration

that a customary marriage or a validated marriage, as the case may be, subsists between the parties, and the District Court shall have jurisdiction to hear and determine any such application.

10. (1) Upon receipt of an application under section 9 for the registration of a customary marriage or a validated marriage, the Registrar may—

Power of Registrar.

- (a) summon before him any applicant, any alleged party to the marriage and any person alleged to have been present at the marriage, and may require any person so summoned to answer such questions as the Registrar may ask for the purpose of determining the application before him;
- (b) require any applicant to furnish such further information either by statutory declaration or otherwise as he may reasonably require.

(2) Any person who, without lawful excuse, fails to comply with a summons or requirement issued or made under subsection (1) shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months.

11. A certificate of marriage registered under this Part, or a copy of such a certificate, shall if it purports to be signed and certified as a true copy by the Registrar and to be sealed or stamped with his official seal be admissible as evidence of the marriage to which it relates in any court and before any person having by law or by consent of parties authority to hear, receive, and examine evidence.

Effect of certificate of marriage registered under this Part.

12. The Registrar may correct any clerical error in any certificate of marriage registered under this Part on production to him of the certificate delivered to the parties, and shall authenticate every such correction by his signature, or by marking the same with his initials, and the date of making the correction.

Correction of error in certificate of marriage.

13. The Registrar may allow searches to be made amongst all certificates, registers and indices in his possession for the purposes of this Part and may give a certified copy of any entry therein, and issue a certificate that there is no record of a marriage between certain named persons having been registered under this Part.

Searches may be made and certified copies granted.

## PART V.

### DISSOLUTION OF VALIDATED MARRIAGES AND CUSTOMARY MARRIAGES.

14. The dissolution, at any time before the appointed day, of a validated marriage by the mutual consent of the parties to the marriage signified by the signature of each of the parties in

Dissolution of validated marriages.

the presence of two other persons who have also signed as attesting witnesses, to an agreement or memorandum in writing which sets forth unequivocally the final and complete dissolution of the marriage shall be valid for all purposes and shall be deemed to have been so valid since the execution of the agreement or memorandum.

Dissolution of certain marriages on and after appointed day.

**15.** (1) A customary marriage subsisting on the appointed day and registered in accordance with Part IV may where at least one party to the marriage has a substantial connexion with Hong Kong be dissolved on or after that day in accordance with this Part.

(2) A validated marriage subsisting on the appointed day and registered in accordance with Part IV may where at least one party to the marriage has a substantial connexion with Hong Kong be dissolved on or after that day—

(Cap. 179.)

- (a) in accordance with the Matrimonial Causes Ordinance; or
- (b) in accordance with this Part.

Notice of intention to dissolve marriage.

**16.** (1) The parties to a marriage, of a kind which may be dissolved under this Part, may give notice of their intention to dissolve the marriage in the prescribed form to a designated public officer, signed by both parties to the marriage and published or otherwise given in such manner as may be prescribed.

(2) A person who has given notice in accordance with subsection (1) may, by publication or otherwise as may be prescribed, cancel such notice.

Parties may appear before designated public officer.

**17.** (1) Not less than one month after the giving of notice under subsection (1) of section 16, the parties to the marriage may, if neither of them has cancelled the notice under subsection (2) of section 16, appear personally before the designated public officer to whom notice was given for the purpose of satisfying him that each of them wishes voluntarily and freely to dissolve his or her marriage to the other.

(2) If a designated public officer is satisfied that the parties appearing before him—

- (a) have given notice of intention to dissolve their marriage under subsection (1) of section 16 and notice of changed intention under subsection (2) of that section has not been given; and
- (b) understand that the effect of dissolution is to put an end to the marriage so as to permit the parties to marry again should either of them so wish; and

(c) freely and voluntarily desire to dissolve the marriage, he shall sign the prescribed form in duplicate and deliver one copy to each of the parties.

**18.** For the purposes of section 17, a designated public officer—

Functions of designated public officer.

- (a) shall interview each of the parties to a marriage appearing before him in the presence of each other and also in the absence of each other, and no other person, except an interpreter (should one be necessary), shall be present at any such interview;
- (b) may require the parties or either of them to appear before him again on some specified occasion or occasions;
- (c) may require the parties or either of them to furnish such further information as he may reasonably require.

**19.** (1) The parties to a marriage may, within one month of the delivery to them under section 17 of the prescribed forms by a designated public officer, sign, in Hong Kong in the presence of each other and in the presence of two other adult persons who shall also sign as attesting witnesses, an agreement or memorandum in writing for the dissolution of the marriage unequivocally with effect from registration under section 20.

Memorandum of dissolution of marriage.

(2) An agreement or memorandum for the dissolution of a marriage, signed and witnessed in the manner required by subsection (1), shall have the effect, as from registration under section 20 of dissolving the marriage.

**20.** The parties to an agreement or memorandum for the dissolution of a marriage signed under and in accordance with section 19 shall, within fourteen days from the date of signature or such longer period as the designated public officer before whom the parties appeared under section 17 may for special reasons in any particular case permit, register, either personally or through their duly authorized agent, particulars of the agreement or memorandum for dissolution of marriage with the designated public officer before whom the parties appeared under section 17; and that officer shall endorse on the agreement or memorandum a record of registration under this section.

Registration of memorandum for dissolution of marriage.

**21.** (1) The Secretary for Home Affairs shall maintain a register for the registration of dissolutions of marriage effected under section 19.

Register of dissolutions of marriage.

(2) A designated public officer with whom a dissolution of marriage is registered under section 20 shall send to the Secretary for Home Affairs once in each month, or more often if so directed by the Secretary for Home Affairs, particulars of all such dissolutions registered by him and the Secretary for Home Affairs shall cause such particulars to be entered in the register and preserved for record at his office.

Governor may designate public officers.

22. The Governor by notice in the *Gazette* may designate public officers for the purposes of this Part.

## PART VI.

### MISCELLANEOUS.

Penalty for removing, etc. records.

23. Any person who wilfully removes, defaces, alters or destroys any notice, certificate, index, or other document kept or filed by the Secretary for Home Affairs or the Registrar pursuant to or for the purposes of this Ordinance shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months.

Power to make regulations.

24. The Governor may make regulations for the better carrying out of the purposes and provisions of this Ordinance and in particular may make regulations—

- (a) as to all matters of procedure under this Ordinance; and
- (b) prescribing the forms to be used under this Ordinance.

Repeal of Cap. 178.

25. The Chinese Marriage Preservation Ordinance is repealed.

Amendment of Matrimonial Causes Ordinance (Cap. 179.) and Marriage Ordinance, (Cap. 181.)

26. (1) The Matrimonial Causes Ordinance is amended—

- (a) in section 2, by deleting paragraph (a) of the definition of "monogamous marriage" and substituting the following—

“(a) if it took place in Hong Kong—

- (i) celebrated or contracted in accordance with the provisions of the Marriage Ordinance; (Cap. 181.)
- (ii) a modern marriage validated by section 8 of the Marriage Reform Ordinance 1970 and registered under Part IV of that Ordinance; or”;

- (b) in section 3—

- (i) by deleting “or” at the end of paragraph (a); and

- (ii) by deleting the full stop at the end of paragraph (b), substituting “; or” and adding the following—

“(c) either of the parties to the marriage had a substantial connexion with Hong Kong at the date of the petition.”;

- (c) in section 4, by inserting after the words “domiciled in” in paragraph (a) the following—

“or had a substantial connexion with”;

- (d) in section 5—

- (i) by deleting “or” at the end of paragraph (b); and
- (ii) by deleting the full stop at the end of paragraph (c), substituting “; or” and adding the following—

“(d) either of the parties to the marriage had a substantial connexion with Hong Kong at the date of the petition.”;

- (e) in section 6, by inserting after the words “domiciled in” in paragraph (a) the following—

“or had a substantial connexion with”;

- (f) in section 7—

- (i) by deleting “or” at the end of paragraph (c); and
- (ii) by deleting the full stop at the end of paragraph (d), substituting “; or” and adding the following—

“(e) either of the parties to the marriage had a substantial connexion with Hong Kong at the date of the petition.”;

- (g) by adding the following new section after section 7—

“Effect of dissolution under Marriage Reform Ordinance 1970.

7A. (1) Subject to subsection (2), the dissolution in accordance with Part V of the Marriage Reform Ordinance 1970 of a modern marriage validated by section 8 of the Marriage Reform Ordinance 1970 and subsisting on the day appointed under section 3 of that Ordinance or a customary marriage subsisting on the day appointed under section 3 of that Ordinance shall, for the purposes of Part VI and Part VII, be deemed to be a final decree of divorce granted by the court, and accordingly, the court, and in the case of section 36 a magistrates' court, shall have the same

jurisdiction and powers in respect of ancillary relief and the protection of children as it would have had under Parts VI and VII if the court had pronounced a final decree of divorce.

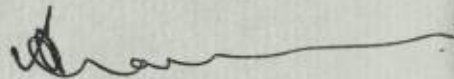
(2) Where the parties to a marriage which is dissolved in accordance with Part V of the Marriage Reform Ordinance 1970 have agreed as to the amount of alimony to be payable after the dissolution by the former husband to the former wife for her maintenance and have recorded the terms of that agreement as part of the agreement or memorandum dissolving the marriage, subsection (1) shall not have effect to confer jurisdiction at any time on any court in respect of alimony for the maintenance of that former wife."

(2) Section 38 of the Marriage Ordinance is repealed and replaced with effect from the appointed day by the following—

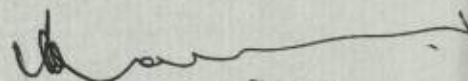
"Marriage under Ordinance of persons customarily married.

**38.** The parties to any non-Christian customary marriage duly celebrated according to the personal law and religion of the parties before the appointed day under the Marriage Reform Ordinance 1970 may, unless the husband has any other wife, contract with each other a marriage under this Ordinance; and such a marriage shall not invalidate the previous customary marriage."

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.

  
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.*

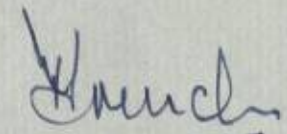
  
Deputy Clerk of Councils.

**HONG KONG**

No. 69 OF 1970.



I assent.

  
Governor.

9th July, 1970.

An Ordinance to amend the Evidence Ordinance.

[10th July, 1970.]

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

- |  |   |
|--|---|
| <p><b>1.</b> This Ordinance may be cited as the Evidence (Amendment) Ordinance 1970.</p>   | <p>Short title.</p>                       |
| <p><b>2.</b> Section 25 of the principal Ordinance is amended by deleting "British possession" wherever it occurs and substituting in each place the following—<br/>"Commonwealth country".</p>        | <p>Amendment of section 25. (Cap. 8.)</p> |
| <p><b>3.</b> Section 26 of the principal Ordinance is amended—<br/>(a) in subsection (1)—<br/>(i) by deleting "British possession" and substituting the following—<br/>"Commonwealth country"; and</p> | <p>Amendment of section 26.</p>           |

(ii) by deleting "shall be received in evidence by all courts in the Colony" and substituting the following—

"shall be admitted in evidence in any criminal or civil proceedings on their production";

(b) by inserting after subsection (1) the following new subsection—

"(1A) A certificate purporting to be signed by the Colonial Secretary and stating that the provisions of any such Act, Ordinance or statute, or of an order, regulation or other instrument issued or made under the authority of any such Act, Ordinance or statute set out therein were in force at the date specified in the certificate shall be admitted in evidence in any criminal or civil proceedings on its production without further proof, and—

(a) until the contrary is proved, the court in which such certificate is produced shall presume that it is so signed; and

(b) such certificate shall be *prima facie* evidence of all matters contained therein.";

(c) in subsection (3)—

(i) by deleting "British possession" and substituting the following—

"Commonwealth country"; and

(ii) by deleting "possession" and substituting the following—

"country"; and

(d) by deleting subsection (4).

Amendment of section 29.

4. Section 29 of the principal Ordinance is amended by deleting "British possession" in paragraph (a) and substituting the following—

"Commonwealth country".

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.



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. 70 OF 1970.



I assent.

*Ames*

*Governor.*

*9th July, 1970.*

An Ordinance to amend the Promissory Oaths Ordinance.

[10th July, 1970.]

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 Promissory Oaths (Amendment) (No. 2) Ordinance 1970. Short title.

2. The First Schedule to the principal Ordinance is amended by deleting from the first column the following— Amendment of  
First Schedule.  
(Cap. 90.)

“The District Judges ..... }  
and  
The Magistrates ..... }”.

and substituting the following—


“The District Judges ..... }  
The Magistrates ..... }  
and  
The Coroners ..... }”.

Amendment  
of Second  
Schedule.


3. The Second Schedule to the principal Ordinance is amended in the Oath of Fidelity by deleting "Officer Administering the Government of this Colony for the time being" and substituting the following—

"Acting Governor".

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.

  
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.*

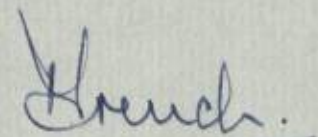
  
Deputy Clerk of Councils.

**HONG KONG**

No. 71 OF 1970.



I assent.



Governor.

9th July, 1970.

An Ordinance to amend further the Employment Ordinance.

[10th July, 1970.]

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

1. This Ordinance may be cited as the Employment (Amendment) (No. 3) Ordinance 1970.

Short title.

2. Section 2A of the principal Ordinance is amended, in subsection (1), by inserting before "Schedule" the following—  
"First".

Amendment of section 2A. (Cap. 57.)

3. The principal Ordinance is amended, in Part III, by adding after section 20 the following new section—

Addition of new section 20A.

"Employer not to enter into contract of employment without reasonable belief that he can pay wages.

20A. (1) No person shall enter into, renew or continue a contract of employment as an employer unless he believes upon reasonable grounds that he will be able to pay all wages due under the contract of employment as they become due.

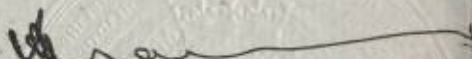
(2) An employer shall, if he ceases to believe upon reasonable grounds that he will be able to pay

Amendment  
of Second  
Schedule.


3. The Second Schedule to the principal Ordinance is amended in the Oath of Fidelity by deleting "Officer Administering the Government of this Colony for the time being" and substituting the following—

"Acting Governor".

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.

  
Deputy Clerk of Councils.

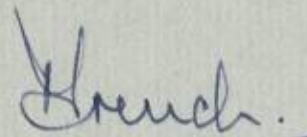
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

  
Deputy Clerk of Councils.

**HONG KONG**

No. 71 OF 1970.

I assent.

  
Governor.

9th July, 1970.

An Ordinance to amend further the Employment Ordinance.

[10th July, 1970.]

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

1. This Ordinance may be cited as the Employment (Amendment) (No. 3) Ordinance 1970.

Short title.

2. Section 2A of the principal Ordinance is amended, in subsection (1), by inserting before "Schedule" the following—  
"First".

Amendment of  
section 2A.  
(Cap. 57.)

3. The principal Ordinance is amended, in Part III, by adding after section 20 the following new section—

Addition of  
new section  
20A.

"Employer  
not to  
enter into  
contract of  
employment  
without  
reasonable  
belief that  
he can pay  
wages.

20A. (1) No person shall enter into, renew or continue a contract of employment as an employer unless he believes upon reasonable grounds that he will be able to pay all wages due under the contract of employment as they become due.

(2) An employer shall, if he ceases to believe upon reasonable grounds that he will be able to pay

all the wages due by him under a contract of employment as they become due, forthwith take all necessary steps to terminate the contract in accordance with its terms.

(3) This section shall come into operation on the 1st day of August 1970."

Amendment of section 31.

4. Section 31 of the principal Ordinance is amended—
- (a) in subsection (1), by deleting "or 15" and substituting the following—
- ", 15 or 20A";
- (b) by adding, after subsection (1A), the following new subsection—

"(1B) Any person who wilfully contravenes subsection (2) of section 34A shall be guilty of an offence."

Amendment of section 32.

- 4A. Section 32 of the principal Ordinance is amended, in subsection (1), by inserting after "subsection (1)" the following—
- "or (1B)".

Addition of new section 34A.

5. The principal Ordinance is amended by adding after section 34 the following new section—

"Application for apprehension of absconding employer.

34A. (1) If an employer or former employer is about to leave the Colony with intent to evade payment of—

- (a) any wages earned by any of his employees and owed by the employer, whether or not the payment of such wages is yet due; or
- (b) any other moneys owed by the employer under a contract of employment to any of his employees,

any of his employees may apply to a District Judge to issue a warrant in accordance with the Second Schedule, and in respect of any such application the Second Schedule shall apply.

Second Schedule.

(2) No person shall make an application under subsection (1) unless he has reasonable grounds for making such application."

Amendment of Schedule.

6. The Schedule to the principal Ordinance is amended, in the heading, by inserting before "SCHEDULE." the following—
- "FIRST".

7. The principal Ordinance is amended by adding, after the First Schedule, the following new Schedule—

Addition of new Second Schedule.

"SECOND SCHEDULE.

[s. 34A.]

PROCEDURE FOR APPREHENSION OF ABSCONDING EMPLOYER.

PART I.

1. In this Part, the wages and moneys described in paragraphs (a) and (b) of section 34A are referred to as "the debt".

2. An application under section 34A shall be as in Form 1 in Part II.

Part II, Form 1.

3. If a District Judge, after making such investigation as he considers necessary in respect of an application made under section 34A, is satisfied that there is probable cause for believing that the employer is about to leave the Colony with intent to evade payment of the debt, he may issue a warrant as in Form 2 in Part II ordering that the employer be apprehended and brought before a District Judge to show cause why the employer should not be required to give security in accordance with paragraph 5.

Part II, Form 2.

4. If an employer who is brought before a District Judge in accordance with a warrant issued under paragraph 3 shows cause why he should not be required to give security in accordance with paragraph 5, the warrant shall be discharged and the employer shall be released.

5. (1) If an employer who is brought before a District Judge in accordance with a warrant issued under paragraph 3 does not show cause why he should not be required to give security in accordance with this paragraph, the District Judge may make an order requiring the employer to enter a bond, in accordance with sub-paragraph (3), for his appearance before a District Judge whenever called upon until he has paid to the employee the full amount of the debt.

(2) If the employer offers, in lieu of entering a bond under sub-paragraph (1), to secure the payment to the employee of the full amount of the debt by any other arrangement, the District Judge may accept such other arrangement as security for the payment to the employee of the full amount of the debt in lieu of the bond.

(3) A bond entered under sub-paragraph (1)—

- (a) shall be in favour of the employee;
- (b) shall be as in Form 3 in Part II;
- (c) shall be for such sum, not exceeding the amount of the debt, as the District Judge may order; and
- (d) shall be a bond with such number of sureties, approved by the District Judge, as the District Judge may order.

Part II, Form 3.

6. If an employer complies with an order made under sub-paragraph (1) of paragraph 5, or secures the payment to the employee of the full

amount of debt by any other arrangement under sub-paragraph (2) of paragraph 5, the warrant issued under paragraph 3 shall be discharged and the employer shall be released.

7. If an employer fails to comply with an order made under sub-paragraph (1) of paragraph 5, a District Judge may commit him to prison until the order is complied with or until the expiration of three months from the date of committal, whichever event occurs first.

8. (1) On the application of the employer, or of any surety for a bond entered under paragraph 5, a District Judge, if he is satisfied that any of the conditions specified in sub-paragraph (2) have been fulfilled, shall order as may be appropriate—

- (a) that any warrant issued under paragraph 3 be discharged;
- (b) that the employer, if apprehended or brought before a District Judge under paragraph 3, or committed to prison under paragraph 7, be released;
- (c) that any bond entered under paragraph 5 shall be void (notwithstanding the conditions thereof); and
- (d) that the employer be released from any arrangement made under sub-paragraph (2) of paragraph 5.

(2) The conditions referred to in sub-paragraph (1) are—

- (a) that the debt has been satisfied in full or has been abandoned;
- (b) that no proceedings have been brought within fourteen days after the application under section 34A to recover any part of the debt from the employer;
- (c) that no proceedings brought to recover the debt or any part of the debt from the employer have been prosecuted diligently;
- (d) that all proceedings brought to recover the debt or any part of the debt from the employer have been finally struck out or dismissed.

9. (1) Any surety for a bond entered under paragraph 5 may at any time apply to a District Judge to be discharged from his obligation under the bond.

(2) On receipt of an application under sub-paragraph (1), the District Judge shall call upon the employer to appear before a District Judge.

(3) On the appearance of the employer before the District Judge, the District Judge shall order the surety by whom the application under sub-paragraph (1) is made to be discharged from his obligation under the bond, and shall order the employer to provide another surety or sureties, approved by the District Judge, for the bond.

(4) If an employer is ordered under sub-paragraph (3) to provide an approved surety or sureties for a bond, the provisions of paragraphs 6 and 7 shall apply as if the order were an order made under sub-paragraph (1) of paragraph 5.

10. No fees shall be payable to the District Court in respect of or in connexion with an application made under section 34A or under paragraph 8 or 9.

PART II.

FORM 1. [Employment Ordinance,  
Second Schedule, Part I,  
paragraph 2.]

APPLICATION FOR WARRANT FOR APPREHENSION  
OF ABSCONDING EMPLOYER.

Title.

IN THE DISTRICT COURT OF HONG KONG.

Held at .....

No. .... of 19.....

IN THE MATTER of an application under section 34A of the Employment Ordinance, for a warrant for the apprehension of ....., an employer.

EX PARTE ....., an employee.

I, ..... of .....,  
(name of applicant) (address of applicant)  
apply for the issue of a warrant in accordance with paragraph 3 of Part I of the Second Schedule to the Employment Ordinance in respect of ..... of .....  
(name of employer) (address of employer)  
.....  
(occupation of employer)

2. The grounds for my application are—

- (a) that I am an employee/former employee<sup>(1)</sup> of .....  
.....;  
(name of employer)
- (b) that ..... is the employer/former  
(name of employer)  
employer<sup>(1)</sup> of each person specified in the First Column of the Schedule; and
- (c) that the employer owes to such employees the wages and/or<sup>(1)</sup> other moneys specified in the Second Column of the Schedule opposite their names, by reason of the facts specified in the Third Column of the Schedule.

## SCHEDULE.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Name and address of employee.	Amount of wages and/or <sup>(1)</sup> other moneys owing to employee.	Reason for which moneys owing.
Total amount owing to employees.		

Dated this            day of            19            .

.....  
Applicant.

## AFFIDAVIT IN SUPPORT OF APPLICATION.

I, ..... make oath/do solemnly, sincerely and truly declare and affirm<sup>(1)</sup> and say that the facts stated in paragraph 2 of the above application are correct to the best of my knowledge and belief.

Sworn/affirmed<sup>(1)</sup> at the Courts of Justice,  
Victoria/Kowloon/Fanling<sup>(1)</sup> District Registry,  
Hong Kong, the            day of            19            .

Before me,

A Commissioner, &c.

Note: (1) Delete whichever is inapplicable.

## PART II.

FORM 2.            [Employment Ordinance,  
Second Schedule, Part I,  
paragraph 3.]

## WARRANT FOR APPREHENSION OF ABSCONDING EMPLOYER.

[Title as in Form 1.]

To each and all the police officers of the Colony of Hong Kong.

Whereas I am satisfied, on application made on the            day  
of            19            by [name of applicant] that the applicant

[and the other persons referred to in the application]<sup>(2)</sup> is/are/was/were<sup>(1)</sup> the employee/employees<sup>(1)</sup> of [name of employer], and that there is probable cause for believing that the said [name of employer] is about to leave the Colony with intent to evade payment of the sum of [amount of debt] being moneys earned by and owed to such employee/employees<sup>(1)</sup>:

This is therefore to command you, in Her Majesty's name, forthwith to apprehend the said [name of employer] and to bring him before a District Judge to show cause why he the said [name of employer] should not be required to give security in accordance with paragraph 5 of Part I of the Second Schedule to the Employment Ordinance, and to be further dealt with according to law.

Dated this            day of            19            .

.....  
District Judge.

[L.S.]

Notes: (1) Delete whichever is inapplicable.  
(2) Delete if inapplicable.

FORM 3.            [Employment Ordinance,  
Second Schedule, Part I,  
paragraph 5.]

## BOND TO SECURE PAYMENT OF WAGES DUE TO EMPLOYEES BY EMPLOYER.

I/We<sup>(1)</sup> [name of employer] of [address], [name of surety] of [address], and [name of surety] of [address], is/are<sup>(1)</sup> bound to [name of employee] [and the other employees of (name of employer) specified in the application of (name of applicant) made on the            day of            19            to District Judge            , under section 34A of the Employment Ordinance]<sup>(2)</sup> in the sum of \$            , to be paid to [name of employee] [and the said other employees]<sup>(2)</sup> or his/their respective<sup>(1)</sup> executors, administrators or assignees; for which payment to be made I/we jointly and severally<sup>(1)</sup> bind myself/ourselves<sup>(1)</sup>, and my/our respective<sup>(1)</sup> heirs, executors and administrators.


In witness whereof I/we<sup>(1)</sup> have hereto set my hand and seal/our hands and seals<sup>(1)</sup> this            day of            19            .

The condition of this obligation is that if [name of employer] appears before a District Judge whenever called upon until he has paid [name of employee] [and the said other employees]<sup>(2)</sup> the full amount of \$            specified in the application, then this obligation shall be void but this obligation shall otherwise remain in full force.


Signed, sealed and            }            [Employer] (L.S.)  
delivered in the            }            [Surety] (L.S.)  
presence of            }            [Surety] (L.S.)

Notes: (1) Delete whichever is inapplicable.  
(2) Delete if inapplicable. "

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.

  
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.*

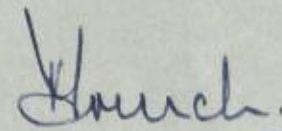
  
Deputy Clerk of Councils.

**HONG KONG**

No. 72 OF 1970.



I assent.

  
Governor.

9th July, 1970.

An Ordinance to amend the Factories and Industrial Undertakings Ordinance.

[10th July, 1970.]

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 1970.

Short title.

2. Section 2 of the principal Ordinance is amended by deleting the definition of "Commissioner" and substituting the following—

Amendment of section 2.  
(Cap. 59.)

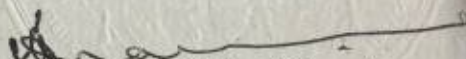
" "Commissioner" means the Commissioner of Labour appointed under section 3, and, except where the expression "Commissioner of Labour" is used, includes any deputy commissioner, any assistant commissioner and any person appointed as a senior labour officer, a labour officer, a labour officer (industrial undertakings), a senior industrial health officer, an industrial health officer, a superintendent of factory inspectors or a divisional factory inspector;".

Amendment of  
section 3.


3. Section 3 of the principal Ordinance is amended by deleting "a deputy commissioner of labour, assistant commissioners of labour, senior labour officers, labour officers, assistant labour officers, a labour officer (industrial undertakings), a senior industrial health officer, an industrial health officer, assistant industrial health officers, a superintendent of factory inspectors," and substituting the following—

"deputy commissioners of labour, assistant commissioners of labour, senior labour officers, labour officers, assistant labour officers, labour officers (industrial undertakings), senior industrial health officers, industrial health officers, assistant industrial health officers, superintendents of factory inspectors,".

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.

  
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.*

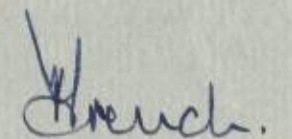
  
Deputy Clerk of Councils.

**HONG KONG**

No. 73 OF 1970.



I assent.

  
Governor.

9th July, 1970.

An Ordinance to amend the Buildings Ordinance.

[10th July, 1970.]

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 1970. Short title.

2. Section 16 of the principal Ordinance is amended— Amendment of  
section 16.  
(Cap. 123.)

(a) in subsection (1)—

(i) by deleting "Governor in Council" in paragraph (k) and substituting the following—

"Governor or Governor in Council";

(ii) by deleting the full stop at the end of paragraph (n) and substituting a semicolon; and

(iii) by inserting, after paragraph (n), the following new paragraph—

(Cap. 124.)

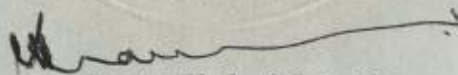
“(o) the plans relate to building works to be carried out upon land in respect of which a notice has been served under section 4 of the Crown Lands Resumption Ordinance or under the proviso for resumption contained in the Crown lease of the land.”; and

(b) by deleting subsection (3A) and substituting the following—

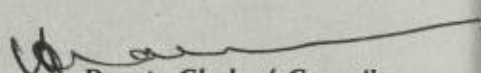
(Cap. 255.)

“(3A) In paragraph (d) of subsection (3), the reference to plans does not include such plans as are for the time being approved by the Governor or Governor in Council in connexion with an order under the Landlord and Tenant Ordinance excluding the premises from the further application of that Ordinance.”.

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.

  
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.*

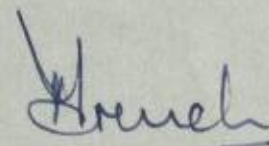
  
Deputy Clerk of Councils.

**HONG KONG**

No. 74 OF 1970.



I assent.

  
Governor.

9th July, 1970.

An Ordinance to make provision for the management of the Hong Kong Stadium.

[10th July, 1970.]

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 Stadium Ordinance 1970. Short title.

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

“Council” means the Urban Council;

“Director” means the Director of Urban Services;

“stadium” means the stadium known as the Hong Kong Stadium comprising the grounds and buildings situated at So Kon Po which are within the area shown edged red on a plan dated the 16th day of August 1969, signed by the Director of Public Works and deposited in the Land Office.

Management of the stadium.

3. (1) Subject to this Ordinance, the management of the stadium and the right to provide therein facilities of any kind are vested in the Council.

(2) The Council may enter into contracts for the purpose of the management of the stadium and the provision of facilities therein.

(3) The Council may, from time to time, specify the purposes for which the stadium, or any part thereof, may be used.

Allocation and granting of the stadium or parts thereof.

4. (1) The Council may grant to any person the exclusive use of the stadium or any part thereof for such purposes and at such times as the Council may approve in each case.

(2) The person to whom the exclusive use of the stadium has been granted under subsection (1), shall determine—

- (a) whether or not the public shall be admitted to the stadium during the period of such exclusive use; and
- (b) the fees, if any, to be paid by members of the public for admission during this period.

By-laws.

5. (1) The Council may make by-laws for any of the following matters—

- (a) the management and control, including the closing or partial closing, of the stadium;
- (b) the fixing of the times during which the stadium, or any part thereof, may be opened to members of the public;
- (c) the preservation of good order and discipline and prevention of nuisances in the stadium;
- (d) the control of trading or advertising in the stadium.

(2) All by-laws made by the Council under this section shall be submitted to the Governor and shall be subject to the approval of the Legislative Council.

Powers of the Council in relation to fees, conditions for the use of the stadium, etc.

6. (1) The Council may—

- (a) fix the fees to be paid for the use of—
  - (i) the stadium;
  - (ii) any part of the stadium;
  - (iii) any facilities provided therein;
- (b) specify the conditions to be observed in the use of—
  - (i) the stadium;
  - (ii) any part of the stadium;
  - (iii) any facilities provided therein; and

(c) impose charges to be paid for any trading or advertising in the stadium.

(2) The Council may reduce or waive any fees fixed under this section in any particular case.

(3) The Council may fix the fees to be paid by the public for admission to any function in the stadium organized by the Council.

(4) All fees fixed by the Council under this section shall be subject to the approval of the Colonial Secretary.

7. All moneys received by the Council from the collection of fees or charges under this Ordinance or otherwise derived from the management of or the provision of facilities in the stadium shall be paid into the general revenue of the Colony.

Moneys to be paid to general revenue.

8. (1) Subject to any direction of the Council, the Director—

Function of Director.

(a) shall exercise the powers and perform the duties conferred or imposed on the Council by this Ordinance, except the power to make by-laws under section 5;

(b) may issue from time to time such orders as may be necessary for the proper management and control of the stadium, including the use of any equipment, apparatus, fitting or facility provided for use in the stadium:

Provided that no such order shall be inconsistent with any provision of this Ordinance or any by-law made under section 5.

(2) A copy of every order made under paragraph (b) of subsection (1) shall be posted in a conspicuous place in the stadium.

(3) Any person who fails to comply with any order made under paragraph (b) of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars.

9. Any part of the stadium to which from time to time the public has access, whether on payment or otherwise, shall, during such time, be deemed to be a public place for the purposes of the Summary Offences Ordinance.

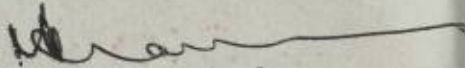
Certain parts of the stadium to be public places.  
(Cap. 228.)

10. A public officer shall not be personally liable in respect of any act done by him in the execution or purported execution of this Ordinance and within the scope of his employment, if he did that act in the honest belief that his duty under this Ordinance required or entitled him to do it:

Protection of stadium staff acting in good faith.

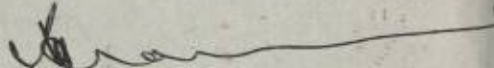
Provided that nothing in this section shall be construed as relieving the Crown from liability in respect of the acts of its servants.

Passed by the Hong Kong Legislative Council this 8th day of July, 1970.



*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.*



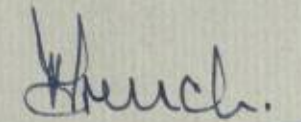
*Deputy Clerk of Councils.*

**HONG KONG**

No. 75 OF 1970.



I assent.



*Governor.*

23rd July, 1970.

An Ordinance to amend further the Road Traffic Ordinance.

[24th July, 1970.]

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 Road Traffic (Amendment) (No. 3) Ordinance 1970.

Short title.

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

Amendment of section 3. (Cap. 220.)

(a) inserting in paragraph (c), after the word "passengers", the following—

"including intending passengers";

(b) inserting, after paragraph (c), the following new paragraph—

"(cc) the appointment of authorized officers to regulate and control—

(i) the driving and use of public cars, taxis and public light buses; and

(ii) the conduct of persons using such vehicles including drivers, passengers and intending passengers;"; and

(c) deleting paragraph (k) and substituting the following—

“(k) the removal from roads, car parks and parking places of vehicles, without notice to the owners thereof, which contravene any provision of this Ordinance, and the fees payable in respect of such removal;”.

Repeal and replacement of section 19.

3. Section 19 of the principal Ordinance is repealed and replaced by the following—

“Penalty for neglect of traffic directions.

19. Where a police officer in uniform is for the time being engaged in the regulation of traffic on a road, any person driving any vehicle, or any pedestrian, who neglects or refuses to obey the direction of the police officer shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars.”.

Addition of new Part IVA.

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

#### “PART IVA.

##### DETENTION OF LIGHT BUSES.

Interpretation in this Part.

26A. In this Part, unless the context otherwise requires—

“detention order” means an order of a court made under section 26D;

“registered” means registered in accordance with the regulations;

“registered address” means the address of a registered owner appearing, in respect of a light bus registered in his name, in the register of motor vehicles maintained under the regulations;

“registered owner” means an owner of a light bus registered in accordance with the regulations.

Application for detention of light bus. Schedule.

26B. (1) Where—

(a) a person has been found guilty of an offence specified in Part I of the Schedule and the offence was committed in the driving, use or otherwise in connexion with the operation of a public light bus;

(b) a person has been found guilty of an offence specified in Part II of the Schedule and the offence was committed in the driving, use or otherwise in connexion with the operation of a private light bus; or

(c) the owner of a public light bus has been found guilty of an offence under section 29 by reason of his failure to give information as to the identity of the driver of the public light bus,

the prosecution shall apply to a court for a detention order in respect of the public light bus or private light bus, as the case may be.

(2) The Legislative Council may by resolution amend the Schedule.

Notice of application.

26C. (1) Not less than seven days prior to the making of an application under section 26B, a notice of the prosecution and of the intended application shall be served on the person who at the date of issue of such notice is the registered owner.

(2) A notice under this section shall be served personally on the registered owner, sent by post to him at his registered address or left with some person for him at such address.

(3) A notice under this section shall be in writing and shall specify—

(a) the registration number of the light bus;

(b) the offence which is alleged to have been committed; and

(c) the court at which, and the date when, the registered owner should appear if he wishes to be heard.

(4) A certificate purporting to be signed by a police officer and stating—

(a) the name of the person to whom a notice under this section was addressed together with the date of issue thereof;

(b) the registration number of the light bus in respect of which the notice was served;

(c) that the notice was served personally on that person, sent by post to his registered address or left with some person for him at such address; and

- (d) that such notice contained the particulars required by subsection (3),

shall be admitted in evidence in proceedings under this Part on its production by the prosecution without further proof, and it shall on such production—

- (i) be presumed, until the contrary is proved, that the certificate is signed by a police officer;
- (ii) be presumed conclusively that the notice was duly served; and
- (iii) be presumed conclusively that the notice contained the particulars required by subsection (3).

(5) A certificate purporting to be signed by or on behalf of the Commissioner and stating—

- (a) that the person specified therein was at the date of issue of a notice under this section the registered owner of the vehicle to which the certificate relates; and
- (b) that the address specified therein was at such date the registered address of that person,

shall be admitted in evidence in proceedings under this Part on its production by the prosecution without further proof, and on such production—

- (i) until the contrary is proved, it shall be presumed that the certificate is signed by or on behalf of the Commissioner; and
- (ii) such certificate shall be *prima facie* evidence of the facts stated therein.

Orders for  
detention of  
light buses.

**26D.** (1) Where an application is made under section 26B and the court is satisfied that—

- (a) a person has been found guilty of an offence referred to in subsection (1) of section 26B; and
- (b) a notice has been served in accordance with section 26C,

it shall, notwithstanding that no person claiming to be the owner of the light bus has appeared before the court, order that the light bus be detained for seven days unless it considers that for any special reason such an order should not be made.

(2) For the purposes of this section, "special reason" shall have the meaning that it has for the

purposes of the provisions of this Ordinance relating to disqualification of persons for holding a driving licence, but the fact that a person—

- (a) was not aware of the commission of the offence;
- (b) did not permit the commission of the offence;
- (c) had taken reasonable steps to prevent the commission of the offence; or
- (d) has acquired title to the vehicle since the commission of the offence,

shall not be a special reason.

(3) On an application under section 26B—

- (a) where the court before which the application is made is the court in which the proceedings for the offence were heard, the court shall take judicial notice of the finding of guilt and of any facts admitted or proved in the proceedings; and
- (b) in all other cases a certified true copy of the record of the proceedings for the offence, including the finding of guilt, shall be admissible in evidence.

(4) A detention order shall direct that the light bus be delivered to the Commissioner at such place and on such date as the court specifies, being a day not less than twenty-one days nor more than ninety days after the making of the order.

Powers of  
police officer  
if detention  
order not  
complied  
with.

**26E.** (1) If a light bus is not delivered to the Commissioner in accordance with a detention order, any police officer—

- (a) may seize the light bus; and
- (b) subject to subsection (2), shall thereupon remove it forthwith to the place specified in the detention order.

(2) If at the time when a light bus is seized, it is not convenient for the police officer to remove it directly to the place specified in the detention order, he may take the vehicle to a police station and thereafter a police officer shall remove it to such place as soon as is convenient and in any event not later than seven days after the date of seizure.

(3) For the purposes of seizing and removing a light bus under subsection (1), a police officer may—

- (a) order any person who is in or on the light bus to alight from it;
- (b) order any person who appears to him to be in possession of any keys to the light bus to give them to him or to any other person; and
- (c) enter and search any premises or place if he knows or has reason to suspect that the light bus is in or on such premises or at such place.

(4) A police officer may use such force as is reasonably necessary for the purpose of entering or searching any premises or place under paragraph (c) of subsection (3) or of seizing or removing any light bus from such premises or place under subsection (1).

**26F.** If a light bus is seized and removed under subsection (1) of section 26E, the Commissioner shall serve forthwith by post on the registered owner of the light bus a notice in writing specifying the date of seizure and the place to which the light bus has been removed.

**26G.** (1) Any light bus which is delivered to the place specified in a detention order or is seized and removed under subsection (1) of section 26E to such place shall be detained at such place by the Commissioner—

- (a) for a period of seven days following the date of delivery or seizure; or
- (b) if at the time the light bus is so delivered or seized, more than one detention order has been made in respect of the light bus, for consecutive periods of seven days until all the detention orders have been complied with.

(2) If at the time a light bus is required to be delivered to the Commissioner in accordance with a detention order the light bus is detained under subsection (1), the light bus shall be further detained under that order for seven days immediately following the period or periods of seven days for which it is detained as aforesaid.

Commissioner to notify registered owner of seizure of light bus.

Light buses to be detained for seven days.

(3) A light bus which has been detained under subsection (1) or (2) shall be detained thereafter until—

- (a) the registered owner collects the light bus from such place in accordance with subsection (4); or
- (b) the Commissioner sells by public auction or otherwise disposes of the light bus under subsection (1) of section 26J.

(4) The registered owner of a light bus which has been detained under subsection (1) or (2) may collect the light bus at any time between the hours of 9 a.m. and 5 p.m. on any day, other than a general holiday, after the expiry of the period or periods for which it has been detained, on payment of such fee and storage charges as are payable under subsections (1) and (2) of section 26I, unless the Commissioner has sold by public auction or otherwise disposed of the light bus under subsection (1) of section 26J.

**26H.** No person who, under section 26E or subsection (1) or (2) of section 26G—

- (a) seizes, removes or detains any light bus; or
- (b) assists in the seizure, removal or detention of any light bus,

shall be liable in any manner whatsoever for any loss or damage arising out of or in the course of the seizure, removal or detention unless it is proved that the loss or damage has been caused by his wilful misconduct or negligence.

**26I.** (1) The registered owner of a light bus which is seized and removed under section 26E shall pay to the Commissioner a seizure fee of one hundred dollars.

(2) The registered owner of a light bus which has been detained under subsection (1) or (2) of section 26G shall pay to the Commissioner a storage charge of five dollars for every day after the second day following the day on which the light bus ceased to be so detained, until the registered owner collects the light bus or the Commissioner sells the same by public auction or otherwise disposes of it under subsection (1) of section 26J.

Limitation of liability for seizure, removal or detention of light buses.

Seizure fee and storage charge.

(3) Without prejudice to the provisions of subsection (1) of section 26J, any fee or charge which is payable to the Commissioner under subsection (1) or (2) may be recovered by or on behalf of the Commissioner as if it were a fine imposed by a court of summary jurisdiction.

Commissioner may sell light bus after three months.

**26J.** (1) If a light bus is not collected by the registered owner thereof from the place in which it has been detained under section 26G before the expiry of a period of ninety days after the day on which it was—

(a) delivered to that place in accordance with the detention order; or

(b) seized under subsection (1) of section 26E, the Commissioner may sell the light bus by public auction, or otherwise dispose of it, and apply the proceeds, if any, in payment of—

(i) any vehicle licence fee due in respect of the light bus; and

(ii) any fee or charge due under section 26I.

(2) The Commissioner shall transfer the balance, if any, of the proceeds of the sale or disposal of a light bus under subsection (1) to the general revenue at the expiry of twelve months from the date of the sale or disposal, unless the balance has been claimed by the person who was the registered owner of the light bus immediately before the sale or disposal.

Offences under Part IVA.

**26K.** Any person who—

(a) wilfully and without reasonable excuse disobeys an order given to him by a police officer under paragraph (a) or (b) of subsection (3) of section 26E; or

(b) wilfully obstructs a public officer in the exercise or performance of any power or duty conferred or imposed by this Part or a person who is lawfully assisting any such public officer,

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

5. The principal Ordinance is amended by adding, at the end thereof, the following Schedule—

Addition of Schedule.

“SCHEDULE. [s. 26B(1)(a) & (b).]

OFFENCES ON PROOF OF WHICH DETENTION OF LIGHT BUS MAY BE ORDERED.

PART I.

*Public light buses.*

1. An offence under section 11(1), 11(3), 12(1) or 14(1) of this Ordinance.
2. An offence under regulation 169 of the Road Traffic (Construction and Use) Regulations consisting of a contravention of paragraph (2) or (3) of regulation 137 of those Regulations.
3. An offence under regulation 34 of the Road Traffic (Parking and Waiting) Regulations consisting of a contravention of paragraph (2) or (2A) of regulation 3 of those Regulations.
4. An offence under regulation 39 of the Road Traffic (Public Omnibus, Public Light Bus and Public Car) Regulations consisting of a contravention of paragraph (e) of regulation 13 of those Regulations.
5. An offence under regulation 44 of the Road Traffic (Registration and Licensing of Vehicles) Regulations consisting of a contravention of paragraph (6B) of regulation 29 of those Regulations.
6. An offence under regulation 8 or 17 of the Road Traffic (Roads and Signs) Regulations.
7. An offence under paragraph (2) of regulation 44 of the Road Traffic (Taxis, Public Omnibuses, Public Light Buses and Public Cars) Regulations.

PART II.

*Private light buses.*

An offence under regulation 44 of the Road Traffic (Registration and Licensing of Vehicles) Regulations consisting of a contravention of paragraph (1) or (3) of regulation 29 of those Regulations.”.

6. Any regulation purporting to be made under the principal Ordinance and to be in force at the commencement of this Ordinance shall have effect from such date as if the amendments made by sections 2 and 3 of this Ordinance had been in force at the time the regulation was made.


Validation.

7. (1) Part VIA of the Road Traffic (Taxis, Public Omnibuses, Public Light Buses and Public Cars) Regulations, and Part IIA of the Road Traffic (Registration and Licensing of Vehicles) Regulations, are revoked.

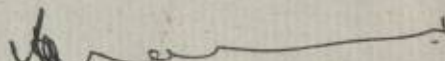
Revocation of regulations. (Cap. 220, sub. leg.)

(2) The Fourth Schedule to the Road Traffic (Taxis, Public Omnibuses, Public Light Buses and Public Cars) Regulations is deleted.

Passed by the Hong Kong Legislative Council this 22nd day of July, 1970.

  
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.*

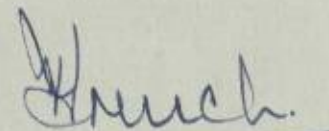
  
Deputy Clerk of Councils.

**HONG KONG**

No. 76 OF 1970.



I assent.

  
Governor.

23rd July, 1970.

An Ordinance to amend the Drug Addicts Treatment and Rehabilitation Ordinance.

[24th July, 1970.]

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 Drug Addicts Treatment and Rehabilitation (Amendment) Ordinance 1970.</p>  | <p>Short title.</p>                            |
| <p>2. Section 2 of the principal Ordinance is amended by deleting the definition of "registered medical practitioner".</p>  | <p>Amendment of section 2.<br/>(Cap. 326.)</p> |
| <p>3. Section 4 of the principal Ordinance is amended by deleting subsections (1) and (2) and substituting the following—</p> <p style="margin-left: 40px;">“(1) The Governor may appoint—</p> <p style="margin-left: 80px;">(a) a medical practitioner; or</p> | <p>Amendment of section 4.</p>                 |

- (b) if he is satisfied that adequate arrangements have been made for the treatment of the patients in a centre by a medical practitioner, any other person,

to be the superintendent or an assistant superintendent of a centre.”.

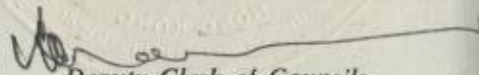
Repeal and replacement of section 6.

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


“Delegation. 6. A superintendent may delegate any of his powers and functions under this Ordinance to—

- (a) a medical practitioner; or  
(b) any other person approved by the Governor.”.

Passed by the Hong Kong Legislative Council this 22nd day of July, 1970.

  
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.*

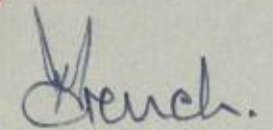
  
Deputy Clerk of Councils.

**HONG KONG**

NO. 77 OF 1970.



I assent.



Governor.

6th August, 1970.

An Ordinance to amend the Resettlement Ordinance.

[7th August, 1970.]

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 (Amendment) (No. 2) Ordinance 1970. Short title.

2. Section 2 of the principal Ordinance is amended— Amendment of section 2, (Cap. 304.)

(a) by inserting, after the definition of “building authority”, the following—

““commencement of tenancy notice” means a notice in the prescribed form given to a person under section 28 or 49 informing that person of the date on which his tenancy of a building in a resettlement estate, factory resettlement area or cottage resettlement area is to commence;

“commencement of occupation notice” means a notice in the prescribed form given to a person under section 44 informing that person of the

date on which his occupation of a building in a cottage resettlement area is to commence;”;

- (b) by deleting the definition of “competent authority” and substituting the following—

““competent authority” means—

(a) for the purposes of any Part of this Ordinance (other than Part VI), any person so appointed by the Governor under this Ordinance; and

(b) for the purposes of Part VI, any person appointed by the Governor as competent authority under any other Part;”;

- (c) by deleting the definition of “occupant” and substituting the following—

““occupant” and “permittee” mean, in respect of any building in a cottage resettlement area, any person—

(a) who becomes, or is deemed to become, an occupant thereof under the provisions of this Ordinance; and

(b) whose right to occupy has not been terminated;”;

- (d) in the definition of “occupation permit” by deleting “43” and substituting the following—

“44”;

- (e) by deleting the definition of “tenant” and substituting the following—

““tenant” means, in respect of any building in a resettlement estate, resettlement factory area or a cottage resettlement area, any person—

(a) who becomes, or is deemed to become, a tenant thereof under the provisions of this Ordinance; and

(b) whose tenancy has not been terminated;”;

3. Section 16 of the principal Ordinance is repealed.

4. Section 27 of the principal Ordinance is amended—

- (a) in subsection (1), by deleting “tenancy card or factory tenancy card” and substituting the following—

“commencement of tenancy notice”;

- (b) by deleting subsections (2) and (3).

Repeal of section 16.

Amendment of section 27.

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

Repeal and replacement of section 28.

“Com-  
mencement  
of tenancy.

28. (1) A person to whom a commencement of tenancy notice has been issued under section 27 in respect of a building in a resettlement estate or a resettlement factory area shall become a tenant thereof with effect from the date specified in the notice.

(2) A tenancy created under subsection (1) shall be subject to such general conditions as may be prescribed and to such special conditions as may be specified by the competent authority or an authorized officer.

(3) The competent authority or an authorized officer shall, as soon as practicable after the commencement of a tenancy, issue to the tenant a tenancy card.

(4) A tenancy card issued under subsection (3) in respect of a building in a resettlement estate shall—

(a) be in the prescribed form;

(b) be printed in English and in Chinese;

(c) bear a group photograph of the tenant and his dependants;

(d) contain a list of the names of such dependants; and

(e) contain the conditions to which the tenancy is subject.

(5) A tenancy card issued under subsection (3) in respect of a building in a resettlement factory area shall—

(a) be in the prescribed form;

(b) be printed in English and in Chinese;

(c) bear a photograph of each tenant;

(d) contain a list of the names of the dependants of each tenant; and

(e) contain the conditions to which the tenancy is subject.”.

6. Section 41 of the principal Ordinance is amended in subsection (3), by deleting “granted in accordance with section 43”.

Amendment of section 41.

Amendment of section 43.

7. Section 43 of the principal Ordinance is amended—

(a) in subsection (1), by deleting “occupation permit” and substituting the following—

“commencement of occupation notice”;

(b) by deleting subsections (2) and (3).

Repeal and replacement of section 44.

8. Section 44 of the principal Ordinance is repealed and replaced by the following—

“Com-  
mencement  
of occupa-  
tion.

44. (1) A person to whom a commencement of occupation notice has been issued under section 43 in respect of a building in a cottage resettlement area shall become an occupant thereof with effect from the date specified in the notice.

(2) A right to occupy created under subsection (1) shall be subject to such general conditions as may be prescribed and to such special conditions as may be specified by the competent authority or an authorized officer.

(3) The competent authority or an authorized officer shall, as soon as practicable after the commencement of an occupation, issue to the occupant an occupation permit.

(4) An occupation permit issued under subsection (3) shall—

- (a) be in the prescribed form;
- (b) be printed in English and in Chinese;
- (c) bear a group photograph of the occupant and his dependants;
- (d) contain a list of the names of such dependants; and
- (e) contain the conditions to which the occupation is subject.”.

Amendment of section 45.

9. Section 45 of the principal Ordinance is amended in subsection (1) by deleting “issued in accordance with the provisions of section 43”.

Amendment of section 49.

10. Section 49 of the principal Ordinance is amended—

(a) in subsection (1) by deleting “tenancy card” and substituting the following—

“commencement of tenancy notice”;

(b) in subsection (2) by inserting, after “his tenancy and to the”, in each place where these words occur the following—

“commencement of tenancy notice and to the”.

11. Section 52B of the principal Ordinance is amended in subsection (2)—

Amendment of section 52B.

(a) in paragraph (a) by deleting “27” and substituting the following—

“28”;

(b) in paragraph (b) by deleting “43” and substituting the following—

“44”.

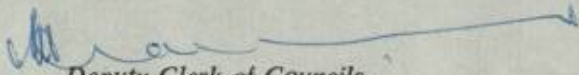
12. The principal Ordinance is amended by adding, after section 57, the following new section—

Addition of new section 58.


“Protection of persons acting under sections 9, 11, 12, 13, 15, 35, 50, 50C and 54.

58. No liability shall attach to any person lawfully exercising any power under section 9, 11, 12, 13, 15, 35, 50, 50C or 54 for or in respect of any loss of or damage to any goods or chattels in the possession of any trespasser or squatter upon Crown land or upon land held on lease or permit from the Crown or of any other occupant of an unlawful structure or of which possession is taken under section 50C or 54.”.

Passed by the Hong Kong Legislative Council this 5th day of August, 1970.

  
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. 78 OF 1970.



I assent.

*Governor.*

*6th August, 1970.*

An Ordinance to amend further the Pensions Ordinance.

[7th August, 1970.]

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 Pensions (Amendment) (No. 3) Ordinance 1970.

Short title and commencement.

(2) Section 4 shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

**2.** Section 2 of the principal Ordinance is amended in subsection (1) by inserting, after the definition of "public service" the following—

Amendment of section 2. (Cap. 89.)

(Cap. 93.) "Public Services Commission" means the Public Services Commission established by the Public Services Commission Ordinance;".

Amendment of section 6.

3. Section 6 of the principal Ordinance is amended by deleting paragraph (f) and substituting the following new paragraph—

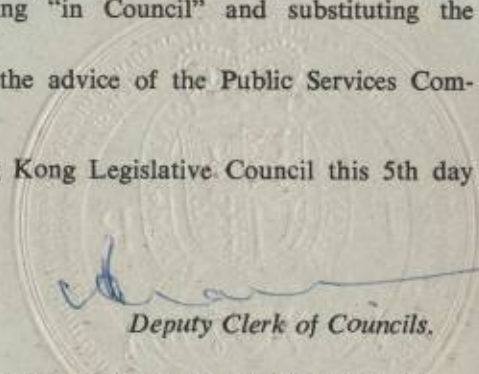
“(f) on compulsory retirement under paragraph (a) of subsection (2) of section 8;”.

Amendment of section 8.

4. Section 8 of the principal Ordinance is amended in subsection (2) by deleting “in Council” and substituting the following—

“, after considering the advice of the Public Services Commission.”.

Passed by the Hong Kong Legislative Council this 5th day of August, 1970.



*[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. 79 OF 1970.



I assent.

*[Signature]*  
Governor.

20th August, 1970.

An Ordinance to amend the Dogs and Cats Ordinance.

[21st August, 1970.]

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 Dogs and Cats (Amendment) Ordinance 1970. Short title.

2. Section 4 of the principal Ordinance is amended in subsection (4) by deleting “seven” and substituting the following— Amendment of section 4. (Cap. 167.)  
“four”.

Passed by the Hong Kong Legislative Council this 19th day of August, 1970.

*[Signature]*  
Deputy Clerk of Councils.

Amendment of section 6.

3. Section 6 of the principal Ordinance is amended by deleting paragraph (f) and substituting the following new paragraph—

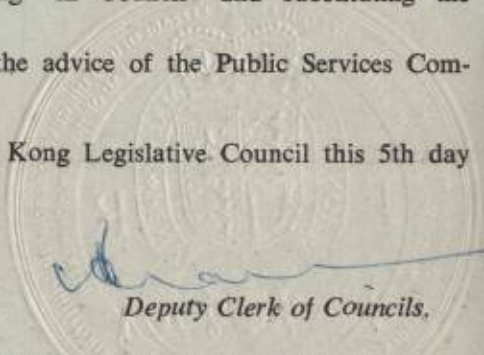
“(f) on compulsory retirement under paragraph (a) of subsection (2) of section 8;”.

Amendment of section 8.

4. Section 8 of the principal Ordinance is amended in subsection (2) by deleting “in Council” and substituting the following—

“, after considering the advice of the Public Services Commission,”.

Passed by the Hong Kong Legislative Council this 5th day of August, 1970.



*[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. 79 OF 1970.



I assent.

*[Signature]*  
Governor.

20th August, 1970.

An Ordinance to amend the Dogs and Cats Ordinance.

[21st August, 1970.]

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

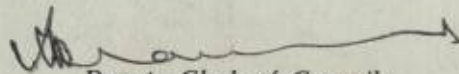
1. This Ordinance may be cited as the Dogs and Cats (Amendment) Ordinance 1970. Short title.

2. Section 4 of the principal Ordinance is amended in subsection (4) by deleting “seven” and substituting the following— Amendment of section 4. (Cap. 167.)  
“four”.

Passed by the Hong Kong Legislative Council this 19th day of August, 1970.

*[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.*

  
Deputy Clerk of Councils.

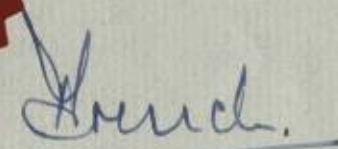


**HONG KONG**

No. 80 OF 1970.



I assent.

  
Governor.

20th August, 1970.

An Ordinance to amend the Public Health (Animals and Birds) Ordinance.

[21st August, 1970.]

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

- |   |   |
|---|---|
| <p><b>1.</b> This Ordinance may be cited as the Public Health (Animals and Birds) (Amendment) Ordinance 1970.</p>   | <p>Short title.</p>                             |
| <p><b>2.</b> The long title of the principal Ordinance is amended by inserting after "<i>animals and birds</i>" the following—<br/>"<i>, to make provision relating to the slaughter for human consumption of animals and birds, the processing and export of the carcasses thereof</i>".</p> | <p>Amendment of long title.<br/>(Cap. 139.)</p> |
| <p><b>3.</b> Section 3 of the principal Ordinance is amended—<br/>(a) by being renumbered as subsection (1);</p>  | <p>Amendment of section 3.</p>                  |

(b) by inserting after paragraph (a) of subsection (1) the following paragraphs—

“(aa) prohibition or regulation of—

(i) the slaughtering of animals and birds intended for export;

(ii) the export of carcasses prepared for human consumption; and

(iii) the preparation for human consumption of carcasses in conjunction with any substance or otherwise;

(ab) licensing premises and persons engaged in or connected with any matter specified in paragraph (aa);

(ac) condemnation and disposal, with or without compensation, of—

(i) poultry; and

(ii) carcasses thereof,

which on inspection are found to be unfit for human consumption;

(ad) empowering the Director—

(i) to attach to any licence issued under this Ordinance such conditions as he may see fit to impose; and

(ii) to give such directions as he thinks fit for the purposes of this Ordinance;”;

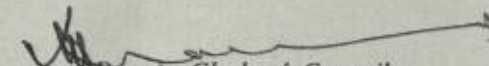
(c) in paragraph (n) of subsection (1) by inserting after “such regulations” the following—

“or any direction given by the Director under powers conferred by this Ordinance”;


(d) by inserting the following subsection (2)—

“(2) Regulations made under this section may provide that where a person by whom an offence is committed is a corporation every director or other officer concerned in the management of the corporation shall be guilty of the like offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.”.

Passed by the Hong Kong Legislative Council this 19th day of August, 1970.

  
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. 81 OF 1970.



I assent.

*Hauch*

*Governor.*

*20th August, 1970.*

An Ordinance to amend the Federation of Hong Kong Industries Ordinance.

[21st August, 1970.]

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 Federation of Hong Kong Industries (Amendment) Ordinance 1970.

Short title.

2. Section 10 of the principal Ordinance is amended—

Amendment of section 10. (Cap. 321.)

(a) in subsection (1) by deleting “manufacture, alteration, ornamentation, finishing, processing or transformation of articles, or parts of articles,” and substituting the following—

“generation, transformation and transmission of electricity, or the manufacture and distribution of gas, or the manufacture, alteration, ornamentation, finishing, processing, packaging, or transformation of articles, or parts of articles.”; and

(b) in subsection (2)—

(i) by deleting “manufacture, alteration, ornamentation, finishing, processing or transformation of articles, or parts of articles,” and substituting the following—

“generation, transformation and transmission of electricity, or the manufacture and distribution of gas, or the manufacture, alteration, ornamentation, finishing, processing, packaging, or transformation of articles, or parts of articles.”;

(ii) by deleting paragraph (b); and

(iii) in paragraph (c) by deleting “by virtue of the provisions of paragraph (c) of subsection (1)”.

Amendment of section 12.

3. Section 12 of the principal Ordinance is amended by inserting after subsection (2) the following new subsection—

“(3) The Federation may by resolution in an extraordinary general meeting alter the fees specified in the Second Schedule and any such resolution shall be published in the *Gazette*.”.

Amendment of section 34.

4. Section 34 of the principal Ordinance is amended—

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

“(1A) The general committee may have, in addition to the members referred to in subsection (1), three other members who were members of the general committee in the year next preceding the year in respect of which they are appointed.

(1B) The members referred to in subsection (1A) may be appointed by the general committee at the meeting thereof immediately preceding the annual general meeting of the Federation.”; and

(b) in subsection (4)—

(i) by inserting after “subsection (1)” the following—

“, or who is appointed under the provisions of subsection (1B).”; and

(ii) in paragraph (a) by inserting after “Governor,” the following—

“or under the provisions of subsection (1B).”.

5. Section 35 of the principal Ordinance is amended in subsection (3)—

Amendment of section 35.

(a) by inserting after “section 34” the following—

“, or who is appointed under the provisions of subsection (1B) of section 34.”; and

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

“(c) resigns his office by notice in writing addressed—

(i) to the Governor, in the case of a person appointed by the Governor under the provisions of paragraph (c) of subsection (1) of section 34; or

(ii) to the secretary, in the case of a person appointed under the provisions of subsection (1B) of section 34.”.

6. Section 39 of the principal Ordinance is amended in paragraph (b) of subsection (2) by deleting “twelve” and substituting the following—

Amendment of section 39.

“fourteen”.

7. The principal Ordinance is amended by adding after section 42 the following new section—

Addition of section 42A.

“Power of general committee to appoint Honorary Presidents and Vice Presidents.

42A. (1) The Federation may have such number of Presidents and Vice Presidents as the general committee may determine.

(2) The general committee may appoint to be President or Vice President any person who is a member of the Federation and who, in its opinion, has rendered distinguished services to industry in Hong Kong or to the Federation.

(3) The term of office of a person appointed to be President or Vice President shall be for such period as the general committee in each case shall determine.

(4) The offices of President and Vice President shall be honorary.”.

8. The First Schedule to the principal Ordinance is amended by inserting after item 16 the following new item—

Amendment of First Schedule.

“17. Q. Electricity, and gas.

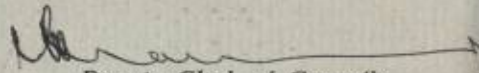
Generation, transformation and transmission of electricity. Manufacture and distribution of gas.”.

Amendment of  
Third Schedule.

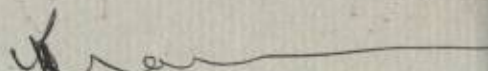
9. The Third Schedule to the principal Ordinance is amended in item 5 by deleting "Groups N, O and P." and substituting the following—

"Groups N, O, P and Q."

Passed by the Hong Kong Legislative Council this 19th day of August, 1970.

  
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.*

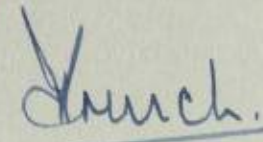
  
Deputy Clerk of Councils.

**HONG KONG**

No. 82 OF 1970.



I assent.

  
Governor.

20th August, 1970.

An Ordinance to amend the Community Chest of Hong Kong Ordinance.

[21st August, 1970.]

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 Community Chest of Hong Kong (Amendment) Ordinance 1970. Short title.

2. Section 8 of the principal Ordinance is amended— Amendment of section 8. (Cap. 1122.)

(a) in paragraph (d)—

(i) by deleting "within the British Commonwealth" wherever those words occur;

(ii) by deleting "or British Commonwealth" and substituting the following—

"or other";

(b) by adding, after paragraph (e), the following new paragraphs—

“(ea) to act, either alone or jointly with any person, as a trustee of any trust which is established for charitable purposes in Hong Kong;

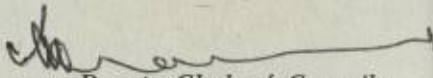
(eb) to accept any money or property of any description upon terms that it be held under any trust for the benefit of member agencies and to execute any deed establishing any such trust, which may include provisions for the appointment and remuneration of any of the trustees thereof;”.

Addition of  
new section 8A.

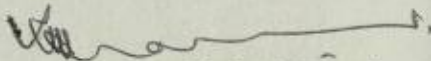
3. The principal Ordinance is amended by adding, after section 8, the following new section—

“Corporation a charity. 8A. For the avoidance of doubt, the corporation is hereby declared to be a charity.”.

Passed by the Hong Kong Legislative Council this 19th day of August, 1970.

  
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.*

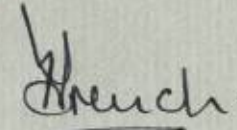
  
Deputy Clerk of Councils.

## HONG KONG

No. 83 OF 1970.



I assent.

  
Governor.

7th October, 1970.

An Ordinance to amend the University of Hong Kong Ordinance.

[9th October, 1970.]

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 University of Hong Kong (Amendment) Ordinance 1970. Short title.

2. Section 2 of the principal Ordinance is amended in subsection (1) by deleting “Pro-Vice-Chancellor” wherever it occurs and substituting the following— Amendment of section 2. (Cap. 1053.)

“Pro-Vice-Chancellors”.


3. Section 12 of the principal Ordinance is amended— Amendment of section 12.

(a) in subsection (1) by deleting “Pro-Vice-Chancellor” and substituting the following—


“Pro-Vice-Chancellors”;

- (b) in subsection (3) by deleting "officer administering the Government" and substituting the following—  
"Acting Governor";
- (c) in subsection (6) by deleting "Pro-Vice-Chancellor" and substituting the following—  
"Pro-Vice-Chancellors";
- (d) by deleting subsection (12) and substituting the following—  
"(12) Subject to the foregoing provisions of this section, the Council may appoint one or more Pro-Vice-Chancellors to exercise such powers and perform such duties as the Council may direct."; and
- (e) by inserting after subsection (12) the following new subsection—  
"(12A) During any period when the office of Vice-Chancellor is vacant or the Vice-Chancellor is absent from Hong Kong or is for any other reason prevented from or incapable of performing the functions of his office, those functions shall, unless the Council otherwise directs, be performed by the Pro-Vice-Chancellor who is currently in Hong Kong and who has then held the office of Pro-Vice-Chancellor for the longest continuous period.".

Passed by the Hong Kong Legislative Council this 7th day of October, 1970.

  
Clerk to the Legislative Council.

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

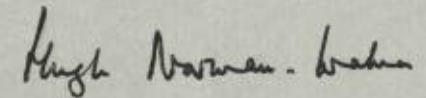
  
Clerk to the Legislative Council.

**HONG KONG**

No. 84 OF 1970.



I assent.



*Acting Governor.*

22nd October, 1970.

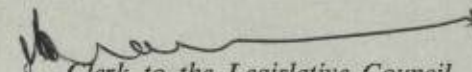
An Ordinance to amend the Trustee Ordinance.

[23rd October, 1970.]

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 Trustee (Amendment) Ordinance 1970. Short title.
2. Section 94 of the principal Ordinance is repealed. Repeal of section 94. (Cap. 29.)

Passed by the Hong Kong Legislative Council this 21st day of October, 1970.

  
Clerk to the Legislative Council.

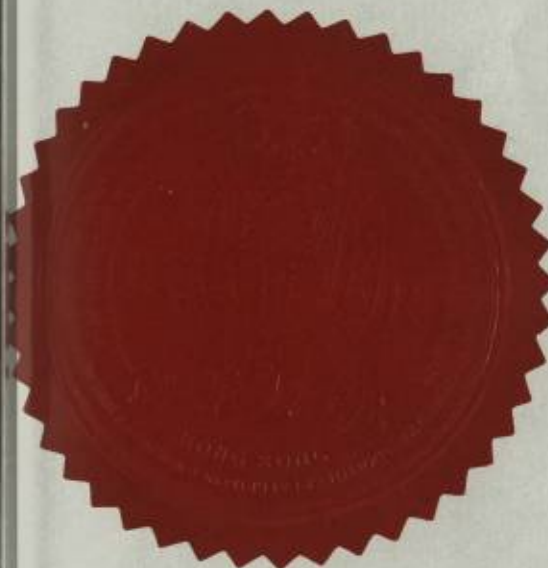
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

*[Signature]*  
Clerk to the Legislative Council.



**HONG KONG**

No. 85 OF 1970.



I assent.

*[Signature]*

*Acting Governor.*

*22nd October, 1970.*

An Ordinance to amend the Societies Ordinance.

[23rd October, 1970.]

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 Societies (Amendment) Ordinance 1970. Short title.

2. Section 42 of the principal Ordinance is repealed. Repeal of section 42. (Cap. 151.)

Passed by the Hong Kong Legislative Council this 21st day of October, 1970.

*[Signature]*  
Clerk to the Legislative Council.

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

*[Signature]*  
Clerk to the Legislative Council.



**HONG KONG**

No. 86 OF 1970.



I assent.

*[Signature]*  
Hugh Whelan-Walsh

*Acting Governor.*

*22nd October, 1970.*

An Ordinance to amend the Companies (Prevention of Evasion of the Societies Ordinance) Ordinance.

[23rd October, 1970.]

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 Companies (Prevention of Evasion of the Societies Ordinance) (Amendment) Ordinance 1970.

Short title.

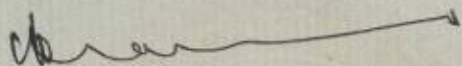
2. Section 16 of the principal Ordinance is repealed.

Repeal of section 16. (Cap. 312.)

Passed by the Hong Kong Legislative Council this 21st day of October, 1970.

*[Signature]*  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

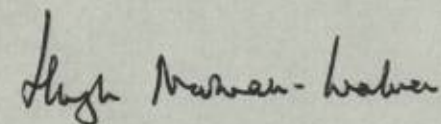


**HONG KONG**

No. 87 OF 1970.



I assent.



*Acting Governor.*

*22nd October, 1970.*

An Ordinance to amend the Perjury Ordinance.

[23rd October, 1970.]

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 Perjury (Amendment) Ordinance 1970. Short title.

**2.** Section 5 of the principal Ordinance is amended— Amendment of section 5. (Cap. 214.)

(a) in paragraph (c), by deleting the comma at the end thereof and substituting the following—

“; or”; and

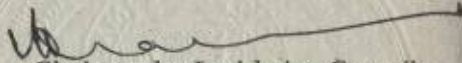
(b) by inserting after paragraph (c) the following new paragraph—

“(d) knowingly and wilfully—

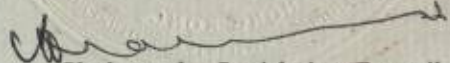
(i) makes a false statement in an application; or

(ii) furnishes false information,  
for the purpose of or in connexion with the  
registration of a customary marriage or a  
validated marriage under section 9 of the  
Marriage Reform Ordinance 1970.”.

Passed by the Hong Kong Legislative Council this 21st day  
of October, 1970.

  
Clerk to the Legislative Council.

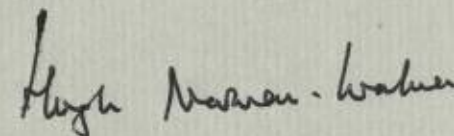
*This printed impression has been carefully compared  
by me with the bill, and is found by me to be a true and  
correctly printed copy of the said bill.*

  
Clerk to the Legislative Council.

**HONG KONG**

No. 88 OF 1970.

I assent.



*Acting Governor.*

22nd October, 1970.

An Ordinance to amend the Places of Public Entertainment  
Ordinance.

[23rd October, 1970.]

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 Places of Public  
Entertainment (Amendment) (No. 2) Ordinance 1970. Short title.

2. Section 7 of the principal Ordinance is amended in sub-  
section (1) by deleting paragraph (j) and substituting the  
following— Amendment of  
section 7.  
(Cap. 172.)

“(j) any conditions whatsoever for any licence granted  
under this Ordinance;”.

3. Section 8 of the principal Ordinance is amended— Amendment of  
section 8.

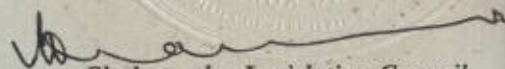
(a) in subsection (1) by deleting “Subject to the provisions  
of this Ordinance, no” and substituting the following—  
“No”;

- (b) in subsection (3) by deleting "and shall, if so required, furnish security for the observance thereof";
- (c) by deleting subsection (4) and substituting the following—
- “(4) Any person who—
- (a) contravenes the provisions of this section; or
- (b) contravenes any condition of the permit granted under this section,

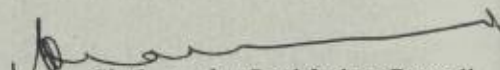
shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars.

(5) Any person, to whom a permit is granted under this section, who suffers or permits a contravention of any condition of such permit shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars.”.

Passed by the Hong Kong Legislative Council this 21st day of October, 1970.

  
Clerk to the Legislative Council.

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

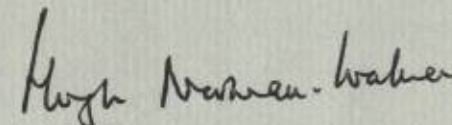
  
Clerk to the Legislative Council.

**HONG KONG**

No. 89 OF 1970.



I assent.



Acting Governor.

22nd October, 1970.

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March 1970.

[23rd October, 1970.]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ended the 31st day of March 1970, in addition to the charge upon the revenue and other funds of the Colony authorized by the Appropriation Ordinance 1969:

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 Supplementary Short title. Appropriation (1969-70) Ordinance 1970.

Appropriation  
from general  
revenue and  
other funds.

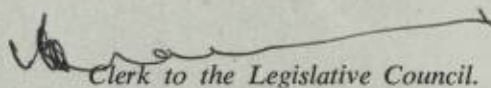
Schedule.

2. A sum of seventeen million, seven hundred and fifty-five thousand and ninety-one dollars is hereby charged upon the revenue and other funds of the Colony for the service of the financial year ended the 31st day of March 1970, the appropriation of the sum so charged being approved as specified in the Schedule.

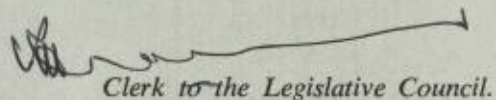
SCHEDULE.

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
23.	Audit Department .....	57,929
29.	Defence: Hong Kong Auxiliary Air Force .....	67,681
33.	Defence: Civil Aid Services .....	223,287
34.	Defence: Registration of Persons Office .....	26,883
44.	Labour Department: Mines Division .....	1,606
47.	Medical and Health Department .....	380,142
48.	Miscellaneous Services .....	5,404,478
53.	Post Office .....	7,087,169
60.	Public Works Non-recurrent: Headquarters .....	4,058,824
67.	Registry of Trade Unions .....	16,489
75.	Subventions: Miscellaneous .....	385,727
77.	Treasury .....	44,876
	TOTAL .....	\$17,755,091

Passed by the Hong Kong Legislative Council this 21st day of October, 1970.

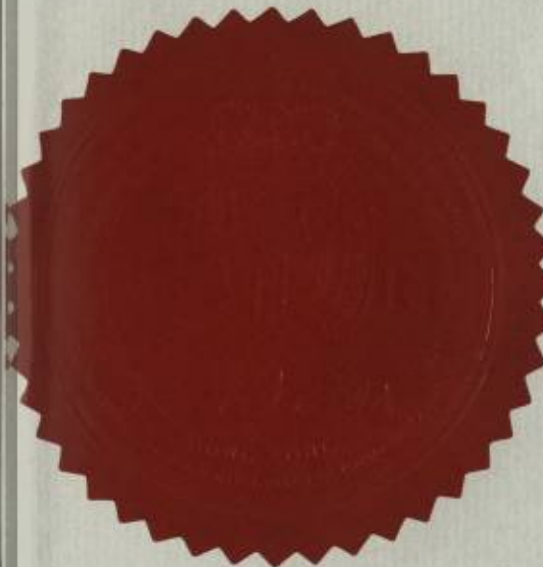
  
Clerk to the Legislative Council.

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

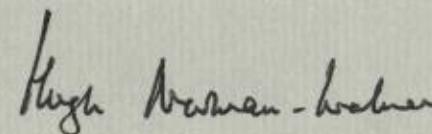
  
Clerk to the Legislative Council.

HONG KONG

No. 90 OF 1970.



I assent.



Acting Governor.

22nd October, 1970.

An Ordinance to amend the Exchange Fund Ordinance.

[23rd October, 1970.]

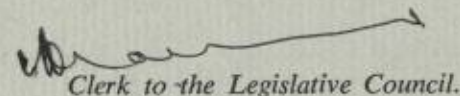
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Exchange Fund (Amendment) (No. 2) Ordinance 1970. Short title.

2. Section 3 of the principal Ordinance is amended in the proviso to subsection (2) by deleting "three thousand five hundred" and substituting the following— Amendment of section 3. (Cap. 66.)

"four thousand".

Passed by the Hong Kong Legislative Council this 21st day of October, 1970.

  
Clerk to the Legislative Council.

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

*[Signature]*  
Clerk to the Legislative Council.



**HONG KONG**

No. 91 OF 1970.

I assent.

*[Signature]*  
Hugh Norman-Walker

*Acting Governor.*

*5th November, 1970.*

An Ordinance to amend the Magistrates Ordinance.

[6th November, 1970.]

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 Magistrates (Amendment) (No. 2) Ordinance 1970. Short title.

2. Section 8 of the principal Ordinance is amended— Amendment of section 8. (Cap. 227.)

(a) by adding, after subsection (1), the following new subsection—

“(1A) Every such summons shall—

- (a) be signed by the magistrate by whom it is issued; or
- (b) bear a facsimile signature of the magistrate stamped thereon by an officer of a magistrate's court who is authorized in writing for that purpose by a magistrate.”;

- (b) in paragraph (b) of subsection (2), by deleting "commits" and substituting the following—

"is accused of".

Amendment of section 20.

3. Section 20 of the principal Ordinance is amended by adding, after subsection (1), the following new subsection—

"(1A) A magistrate may, on being satisfied that a person accused of an offence triable summarily is by reason of illness or accident unable to appear personally before a magistrate—

- (a) visit the defendant and in his presence exercise any of the powers conferred by subsection (1); or
- (b) exercise such powers in the absence of the defendant if, in the opinion of the magistrate, it is not practicable for him to visit the defendant."

Addition of new section 26A.

4. The principal Ordinance is amended by adding, after section 26, the following new section—

"Limitation of time in respect of certain summary offences concerning aviation.  
(App. III, p. AQ 1.)  
[cf. 1968, c. 61, s. 23.]

26A. (1) Notwithstanding section 26, in the case of an offence (other than an indictable offence) against any Order in Council in force under section 8 of the Civil Aviation Act 1949 as applied to Hong Kong by Article 3 of the Colonial Civil Aviation (Application of Act) Orders 1952 to 1965, or against any regulations made under such an Order in Council, a complaint may be made or an information may be laid in respect of the offence within twelve months from the commission of the offence, if—

- (a) it was committed in connexion with the flight of an aircraft in the course of which an accident occurred; and
- (b) not more than six months after the commission of the offence—
- (i) public notice has been given that an investigation into the accident is being carried out in accordance with the Hong Kong Air Navigation (Investigation of Accidents) Regulations; or
- (ii) the Governor has directed under regulation 10 of the Hong Kong Air Navigation (Investigation of Accidents) Regulations that a public inquiry into the accident be held in accordance with those regulations.

(App. I, p. L 1.)

(2) The fact that any direction referred to in sub-paragraph (ii) of paragraph (b) of subsection (1) has been given on any date may be proved by the production of a certificate to that effect purporting to be signed by the Colonial Secretary.

(3) For the purposes of this section—

- (a) the flight of an aircraft shall include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends; and
- (b) "accident" includes any fortuitous or unexpected event by which the safety of an aircraft or any person is threatened."

5. Section 79 of the principal Ordinance is amended by deleting subsection (2) and substituting the following—

Amendment of section 79.

"(2) A magistrate may, on being satisfied that a person accused of an indictable offence is by reason of illness or accident unable to appear personally before a magistrate—


- (a) visit the accused and in his presence exercise any of the powers conferred by subsection (1); or
- (b) exercise such powers in the absence of the accused if, in the opinion of the magistrate, it is not practicable for him to visit the accused."

6. The Second Schedule to the principal Ordinance is amended, in item 2 of Part I, by deleting "(except aggravated burglary, robbery and assault with intent to rob)" and substituting the following—

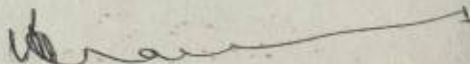
Amendment of Second Schedule.

"(except an offence against section 10 or 12 of the Theft Ordinance 1970)".

Passed by the Hong Kong Legislative Council this 4th day of November, 1970.

  
Clerk to the Legislative Council.

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



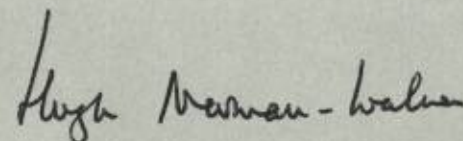
*Clerk to the Legislative Council.*

**HONG KONG**

No. 92 OF 1970.



I assent.



*Acting Governor.*

*5th November, 1970.*

An Ordinance to amend the Telecommunication Ordinance.

[6th November, 1970.]

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 Telecommunication (Amendment) Ordinance 1970. Short title.

2. Section 34 of the principal Ordinance is amended by inserting, after subsection (1), the following new subsection— Amendment of section 34. (Cap. 106.)

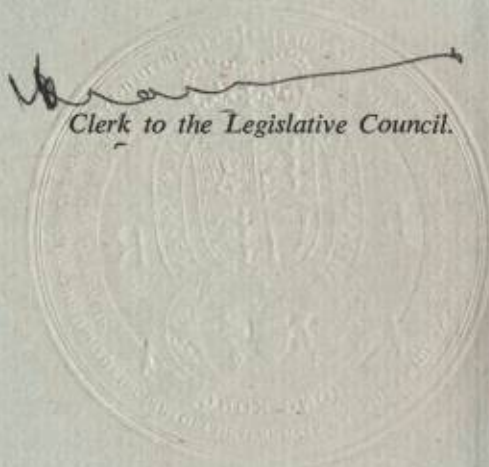
“(1A) A licence granted under this Ordinance by the Governor in Council may, with the consent in writing of the person to whom it was granted, be amended by order of the Governor in Council.”.

Passed by the Hong Kong Legislative Council this 4th day of November, 1970.



*Clerk to the Legislative Council.*

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



*[Handwritten signature]*  
Clerk to the Legislative Council.

**HONG KONG**

NO. 93 OF 1970.



I assent.

*[Handwritten signature]*  
Hugh Norman-Walker

*Acting Governor.*

*5th November, 1970.*

An Ordinance to amend the Boilers and Pressure Receivers Ordinance.

[6th November, 1970.]

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 Boilers and Pressure Receivers (Amendment) Ordinance 1970. Short title.

2. Section 2 of the principal Ordinance is amended in subsection (1) in the first definition of "registered" by deleting "and pressure receivers" and substituting the following— Amendment of section 2. (Cap. 56.)

"; pressure receivers, other than pressure vessels, and steam containers".

3. Section 7 of the principal Ordinance is amended in subsection (1) by deleting paragraph (a) and substituting the following— Amendment of section 7.

"(a) a register of boilers, pressure receivers, other than pressure vessels, and steam containers;"

Addition of new section 15A.

4. The principal Ordinance is amended by adding after section 15 the following new section—

"Owner of boiler, pressure receiver, etc. to apply for registration.

**15A.** (1) The owner of a boiler, pressure receiver, other than a pressure vessel, or steam container shall—

- (a) in the case where the boiler, pressure receiver or steam container is in use at the date of commencement, apply to the Registrar in the prescribed form, within thirty days after the date of commencement, for the registration of the same under this Ordinance unless the same is registered;
- (b) in the case where the boiler, pressure receiver or steam container is first put into use after the date of commencement, apply to the Registrar in the prescribed form, within thirty days after the day on which he puts the same into use, for the registration of the same under this Ordinance.

(2) In this section—

"date of commencement" means the date of coming into operation of the Boilers and Pressure Receivers (Amendment) Ordinance 1970."

Amendment of section 16.

5. Section 16 of the principal Ordinance is amended in subsection (1) by deleting "register of boilers and pressure receivers" and substituting the following—

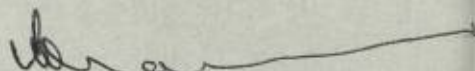
"register of boilers, pressure receivers, other than pressure vessels, and steam containers".

Amendment of section 50.

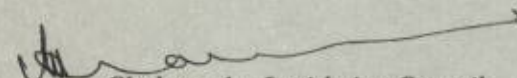
6. Section 50 of the principal Ordinance is amended—

- (a) in subsection (1) by inserting after "13" the following—  
" , 15A"; and
- (b) in subsection (2) by inserting after "14" the following—  
" , 15A".

Passed by the Hong Kong Legislative Council this 4th day of November, 1970.

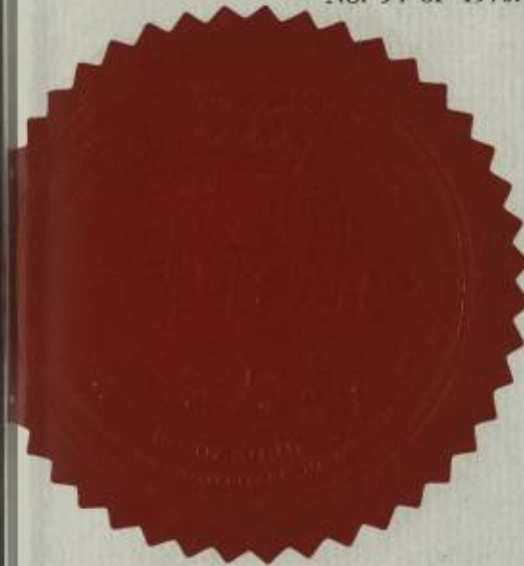
  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

**HONG KONG**

No. 94 OF 1970.



*[Handwritten signature]*

I assent.

*[Handwritten signature: Hugh Norman-Loaker]*

*Acting Governor.*

*19th November, 1970.*

An Ordinance to amend the Urban Council Ordinance.

[20th November, 1970.]

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 Urban Council (Amendment) (No. 2) Ordinance 1970. Short title.

2. Section 2 of the principal Ordinance is amended by deleting the definition of "last previous final register" and substituting the following— Amendment of section 2. (Cap. 101.)

"last previous final register" means the final register last published pursuant to paragraph (b) of subsection (1) of section 19;"

3. Section 4 of the principal Ordinance is amended— Amendment of section 4.  
(a) by deleting subsection (3); and

- (b) in subsection (4) by—  
 (i) substituting a full stop for the semicolon at the end of paragraph (b); and  
 (ii) deleting the remaining portion of the subsection.

Amendment of section 5.

4. Section 5 of the principal Ordinance is amended by deleting subsection (3).

Amendment of section 15.

5. Section 15 of the principal Ordinance is amended in subsection (4) by—

- (a) substituting a full stop for the colon at the end of paragraph (b); and  
 (b) deleting the proviso.

Amendment of section 15A.

6. Section 15A of the principal Ordinance is amended by—

- (a) substituting a full stop for the colon at the end of paragraph (b); and  
 (b) deleting the proviso.

Amendment of section 18.

7. Section 18 of the principal Ordinance is amended in subsection (1) by—

- (a) deleting "the 15th day of May 1966, and on or before"; and  
 (b) inserting after "February" the following—  
 "1968 and".

Amendment of section 19.


8. Section 19 of the principal Ordinance is amended—

- (a) in subsection (1)—  
 (i) by deleting in paragraph (a) "in the year 1966 to compile a provisional register on or before the 16th day of November and"; and  
 (ii) by deleting in paragraph (b) "1st day of April 1967 and on or before the"; and  
 (b) in subsection (2)—  
 (i) by deleting paragraph (i) of the proviso; and  
 (ii) by deleting in paragraph (ii) of the proviso "on or before the 1st day of April 1967 or".

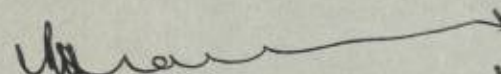
Amendment of section 20.

9. Section 20 of the principal Ordinance is amended in subsection (1) by deleting "during the period commencing on the 16th day of December 1966 and ending on the 15th day of January 1967 and".

Passed by the Hong Kong Legislative Council this 18th day of November, 1970.

  
 Clerk to the Legislative Council.

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

  
 Clerk to the Legislative Council.

**HONG KONG**

No. 95 OF 1970.



I assent.

*Hugh Norman Walker*

*Acting Governor.*

*19th November, 1970.*

An Ordinance to amend the Medical Registration Ordinance.

[20th November, 1970.]

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 Medical Registration (Amendment) Ordinance 1970. Short title.

2. Section 3 of the principal Ordinance is amended— Amendment of section 3. (Cap. 161.)

(a) by deleting paragraph (e) of subsection (2) and substituting the following—

“(e) two registered medical practitioners resident in the Colony to be nominated by the Hong Kong Branch of the British Medical Association and appointed by the Governor;

(f) three registered medical practitioners resident in the Colony to be nominated by the Hong Kong Chinese Medical Association and appointed by the Governor.”; and

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

“(6) No person against whom the Council has, at any time, made an order in accordance with section 21, shall be eligible for appointment or re-appointment to the Council pursuant to this section.”

Amendment of  
section 14.

3. Section 14 of the principal Ordinance is amended by inserting after subsection (3) the following new subsections—

“(4) The Council may, if satisfied after due inquiry that an applicant for registration—

- (a) has been convicted in the Colony or elsewhere of any offence punishable with imprisonment; or
- (b) has been guilty of infamous conduct in a professional respect,

order that the name of the applicant be not entered upon the register.

(5) Such of the provisions of section 21 as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable.”

Amendment of  
section 21.

4. Section 21 of the principal Ordinance is amended in subsection (1) by deleting “the Registrar and of any complainant” and substituting the following—

“the Registrar, the Secretary, any complainant or any person presenting the case to the Council”.

Amendment of  
section 26.

5. Section 26 of the principal Ordinance is amended by inserting the following after subsection (3)—

“(4) In deciding any appeal under this section the Full Court may make such order for the payment of costs as it considers reasonable.”

Amendment of  
section 29.

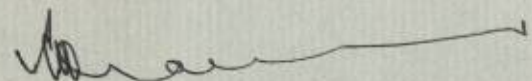
6. Section 29 of the principal Ordinance is amended by deleting sub-paragraph (ii) of paragraph (d) and substituting the following—

“(ii) the University for the purpose of teaching in the Department of Pathology or the Department of Microbiology of the Faculty of Medicine, or in the Clinical Departments of Medicine, Surgery, Orthopaedic Surgery, Paediatrics or Obstetrics and Gynaecology of such Faculty.”


7. Section 33 of the principal Ordinance is amended by inserting the following new paragraph after paragraph (h)— Amendment of  
section 33.

“(ha) the prohibition of the appointment to the Preliminary Investigation Committee of any person in respect of whom the Council has, at any time, made an order in accordance with section 21;”.

Passed by the Hong Kong Legislative Council this 18th day of November, 1970.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

**HONG KONG**

No. 96 OF 1970.



I assent.

*Hugh Norman-Lambert*

*Acting Governor.*

*19th November, 1970.*

An Ordinance to amend the Resettlement Ordinance.

[20th November, 1970.]

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 (Amendment) (No. 3) Ordinance 1970. Short title.

2. Section 35C of the principal Ordinance is amended— Amendment of section 35C. (Cap. 304.)  
(a) in subsection (1)—

(i) by deleting “any premises let by factory tenancy card or by tenancy card under this Ordinance and used as a factory” and substituting the following—

“or in respect of any premises let in a resettlement factory area or in a resettlement estate and used as a factory”;

(ii) by inserting after "on or in" in the second and third places where these words occur the following—

"or in respect of";

(b) in subsection (2), by inserting, after "on or in", the following—

"or in respect of";

(c) in subsection (3)—

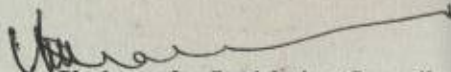
(i) by deleting "Ordinance 1966" and substituting the following—

"(No. 3) Ordinance 1970";


(ii) by deleting "any premises let by factory tenancy card or by tenancy card" and substituting the following—

"or in respect of any premises let in a resettlement factory area or in a resettlement estate".

Passed by the Hong Kong Legislative Council this 18th day of November, 1970.

  
Clerk to the Legislative Council.

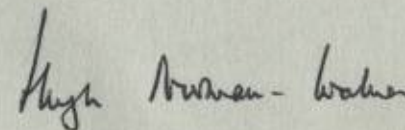
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

  
Clerk to the Legislative Council.

**HONG KONG**

No. 97 OF 1970.

I assent.



Acting Governor.

3rd December, 1970.

An Ordinance to amend the Hawker Control Force Ordinance.

[4th December, 1970.]

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 Hawker Control Force (Amendment) Ordinance 1970.

Short title.

2. Section 2 of the principal Ordinance is amended—

Amendment of section 2. (Cap. 325.)

(a) in the definition of "Commandant" by deleting "any person for the time being acting as Commandant" and substituting the following—

"the Deputy Commandant of the Force";

(b) in the definition of "Director", by deleting "any Assistant" and substituting the following—

"the Deputy";

(c) by inserting, after the definition of "Director" the following—

"disciplinary tribunal" means a tribunal appointed by the Director under section 10A;";

(ii) by inserting after "on or in" in the second and third places where these words occur the following—

"or in respect of";

(b) in subsection (2), by inserting, after "on or in", the following—

"or in respect of";

(c) in subsection (3)—


(i) by deleting "Ordinance 1966" and substituting the following—

"(No. 3) Ordinance 1970";


(ii) by deleting "any premises let by factory tenancy card or by tenancy card" and substituting the following—

"or in respect of any premises let in a resettlement factory area or in a resettlement estate".

Passed by the Hong Kong Legislative Council this 18th day of November, 1970.

  
Clerk to the Legislative Council.

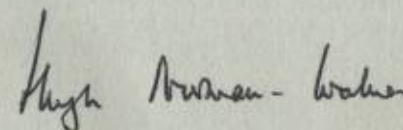
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"the Deputy Commandant of the Force";

(b) in the definition of "Director", by deleting "any Assistant" and substituting the following—

"the Deputy";

(c) by inserting, after the definition of "Director" the following—

"disciplinary tribunal" means a tribunal appointed by the Director under section 10A;";

(d) in the definition of "inspector", by inserting, after "rank", the following—

" , and a sub-inspector";

(e) in the definition of "non-commissioned officer", by deleting "inspector" and substituting the following—

"sub-inspector";

(f) by deleting the definition of "Police Force".

Repeal and replacement of section 6.

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

"Commandant of Force.

6. (1) There shall be a Commandant of the Force who shall be such person as the Governor may, from time to time, appoint.

(2) Subject to any special conditions of his appointment, the Commandant may be interdicted, suspended or dismissed according to the terms of the Colonial Regulations and the Regulations of the Hong Kong Government for the time being in force."

Amendment of section 7.

4. Section 7 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by inserting after "inspectors" the following—

" , other than sub-inspectors.,";

(ii) by deleting "or such officers of the Police Force as the Commissioner of Police may, from time to time, appoint";

(b) by adding, after subsection (1), the following—

"(1A) Sub-inspectors shall be appointed by the Director."

Amendment of section 8.

5. Section 8 of the principal Ordinance is amended by deleting " , other than a police officer seconded to the Force,".

Addition of new section 10A.

6. The principal Ordinance is amended by adding, after section 10, the following new section—

"Appointment of disciplinary tribunal.

10A. The Director may appoint a disciplinary tribunal consisting of such person or persons as he thinks fit for the purpose of investigating whether any member of the Force has committed any disciplinary offence specified in subsection (1) of section 11 and, in the case of a non-commissioned officer or constable, of punishing such non-commissioned officer or constable guilty of any such disciplinary offence."

7. Section 11 of the principal Ordinance is amended—

Amendment of section 11.

(a) in subsection (1) by deleting "the Commandant" in the first and third place where those words occur and substituting the following—

"a disciplinary tribunal";

(b) by deleting subsections (2), (3) and (4) and substituting the following—

"(2) In lieu of or in addition to any of the punishments specified in subsection (1) any non-commissioned officer or constable found guilty of an offence under that subsection may—

(a) be dismissed from the Force by the Director and, in the case of a non-commissioned officer, shall be reduced to the rank of constable before dismissal;

(b) be ordered by the Director to resign forthwith from the Force and if he fails to do so he shall be dismissed;

(c) have his service terminated in the public interest by the Director, without further proceedings whereupon section 7 of the Pensions Ordinance shall apply.

(Cap. 89.)

(3) The Director may, within fourteen days after imposing any punishment under subsection (2), on the application of the non-commissioned officer or constable aggrieved by the punishment or of his own motion, review the punishment awarded by him and may in addition thereto or in lieu thereof impose any other punishment which either he or a disciplinary tribunal may impose."

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

Addition of new sections 11A, 11B, 11C, 11D and 11E.

"Appeal.

11A. (1) Any non-commissioned officer or constable aggrieved by any finding made or punishment imposed by a disciplinary tribunal under subsection (1) of section 11 may, within fourteen days from the date thereof, appeal in writing to the Director against such finding or punishment.

(2) Upon any appeal under subsection (1) or of his own motion the Director may—

(a) confirm or vary any finding of the disciplinary tribunal or substitute therefor any

finding at which the tribunal could have arrived upon the evidence, including any additional evidence adduced upon the appeal; or

- (b) order a rehearing of the case *de novo* by another disciplinary tribunal,

and may in any event confirm or remit any punishment imposed by a disciplinary tribunal under section 11, or may substitute therefor any other punishment which the disciplinary tribunal was entitled under section 11 to impose:

Provided that, if the Director acts of his own motion he shall not—

- (i) substitute for any punishment imposed by a disciplinary tribunal under section 11 any greater punishment without first calling upon the offender to show cause why such punishment should not be increased;
- (ii) substitute for a finding of not guilty a finding of guilty; or
- (iii) order a rehearing of the case if the finding was a finding of not guilty.

(3) Upon any appeal under subsection (1), the Director may permit the appellant to appear before him in person in support of his appeal and may hear such additional evidence as he may consider relevant.

(4) Pending the determination of any appeal under subsection (1), any punishment imposed under subsection (1) of section 11 shall be suspended.

**11B.** (1) If an inspector is found guilty by a disciplinary tribunal of any disciplinary offence specified in subsection (1) of section 11, the Director may punish that inspector with one or more of the following punishments—

- (a) reduction in rank;
- (b) reprimand or severe reprimand, with or without deferment or stoppage of increment in his pay; or
- (c) forfeiture of not more than one month's pay.

(2) Any inspector aggrieved by any finding of a disciplinary tribunal or by any punishment imposed by the Director may, within fourteen days from the

Discipline  
of inspec-  
tors.

date thereof, appeal against such finding or punishment to the Governor by petition in writing.

(3) If an inspector pleads, or is found, guilty of any disciplinary offence specified in subsection (1) of section 11 and the Director is of the opinion that the offence is of such an aggravated character as to merit dismissal, the Director shall forward to the Governor a report containing—

- (a) in the case of a plea of guilty, the charge, the plea and any statement in mitigation; or
- (b) in any other case, the record of proceedings; and
- (c) in any event, a record of the officer's service, the Director's recommendations and his reasons for not awarding one of the punishments under subsection (1),

and shall, at the same time as he forwards such report, notify the inspector that his case will be considered by the Governor.

(4) When an inspector is notified by the Director under subsection (3) that his case is to be considered by the Governor, the inspector may, within fourteen days of such notification or within such further period as the Governor may allow, send to the Governor a petition in writing containing such representations as may be relevant to the exercise of the Governor's discretion under subsection (6).

(5) Upon any appeal under subsection (2), the Governor may confirm, reverse or vary the finding or punishment.

(6) Upon any reference under subsection (3), the Governor may—

- (a) dismiss the inspector;
- (b) award any other punishment which the Director could have awarded under subsection (1) or no punishment;
- (c) terminate the service of the inspector in the public interest without further proceedings, whereupon section 7 of the Pensions Ordinance shall apply.

(7) The Governor's decision upon any appeal under subsection (2) or upon any reference under subsection (3) shall be communicated to the Director and to the inspector by the Establishment Secretary.

Dismissal of  
inspector  
convicted  
of certain  
offences.

**11C.** (1) If an inspector has been convicted of an offence punishable with imprisonment, the Director shall, upon the expiration of the period within which the inspector may appeal against his conviction or upon the dismissal of such appeal, send to the Governor a report containing—

- (a) a certified true copy of the record of proceedings;
- (b) the inspector's record of service;
- (c) the Director's recommendations.

(2) The Director shall, at the same time as he sends the report, notify the inspector that his case will be considered by the Governor, and the inspector shall have the same right to petition the Governor as is provided for in subsection (4) of section 11B.

(3) Upon any reference under subsection (1), the Governor may—

- (a) dismiss the inspector;
- (b) award any other punishment which the Director may award under subsection (1) of section 11B as he thinks fit or no punishment;
- (c) require the inspector to retire from the Force without further proceedings, whereupon section 7 of the Pensions Ordinance shall apply.

(Cap. 89.)

(4) The Governor's decision upon any reference under subsection (1) shall be communicated to the Director and to the inspector by the Establishment Secretary.

Dismissal of  
non-com-  
missioned  
officer or  
constable  
convicted  
of an  
offence  
punishable  
with impri-  
sonment.

**11D.** (1) If any non-commissioned officer or constable has been convicted of any offence punishable with imprisonment, the Director may, unless the conviction is quashed upon appeal—

- (a) dismiss the non-commissioned officer or constable from the Force;
- (b) award any other punishment which a disciplinary tribunal may award under subsection (1) of section 11 as he thinks fit or no punishment;
- (c) terminate the service of the non-commissioned officer or constable in the public interest without further proceedings, whereupon section 7 of the Pensions Ordinance shall apply.

(Cap. 89.)

and in the case of dismissal any arrears of pay due to him may be forfeited by order of the Director.

(2) Any non-commissioned officer dismissed from the Force under subsection (1) shall be reduced to the rank of constable before dismissal.

Interdic-  
tion.

**11E.** (1) If—

- (a) disciplinary or criminal proceedings have been, or are about to be, instituted against any inspector, non-commissioned officer or constable; and
- (b) the Director considers that the public interest requires that such inspector, non-commissioned officer or constable should cease to exercise the powers and functions of his office instantly,

the Director may interdict such officer from the exercise of such powers and functions.

(2) An inspector, non-commissioned officer or constable who has been interdicted under subsection (1) shall receive such proportion of his pay, not being less than one half, as the Director may direct.

(3) If the proceedings against the inspector, non-commissioned officer or constable do not result in his dismissal he shall be entitled to the full amount of the pay which he would have received if he had not been interdicted."

**9.** Section 16 of the principal Ordinance is amended—

Amendment of  
section 16.

- (a) by deleting "the Commandant" in the first place where those words occur and substituting the following—  
"a disciplinary tribunal";
- (b) by deleting "the Commandant" in the second place where those words occur and substituting the following—  
"the disciplinary tribunal";
- (c) by deleting "him" and substituting the following—  
"it".

**10.** Section 19 of the principal Ordinance is amended by deleting paragraph (c) of subsection (4) and substituting the following—

Amendment of  
section 19.

- "(c) Any such warrant may be withdrawn by a magistrate on the application of a member of the Force.

Any such warrant shall remain in force until it is executed or withdrawn by a magistrate.”.

Repeal and replacement of sections 34 and 35.

11. Sections 34 and 35 of the principal Ordinance are repealed and replaced by the following—

“Regulations.

34. The Governor in Council may by regulation provide for—

- (a) the practice and procedure to be followed in cases where a member of the Force is alleged to have committed any of the disciplinary offences specified in subsection (1) of section 11;
- (b) the control and administration of the Hawker Control Force Welfare Fund;
- (c) the better carrying out of the provisions and purposes of this Ordinance.

Amendment of Schedule.

35. The Governor may by order published in the *Gazette* amend any Schedule.”.

Repeal of section 36.

12. Section 36 of the principal Ordinance is repealed.

Repeal and replacement of section 37.

13. Section 37 of the principal Ordinance is repealed and replaced by the following—

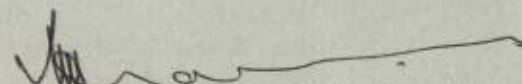
“Saving in respect of Colonial Regulations and Hong Kong Government Regulations.

37. (1) Subject to subsections (2) and (3), nothing in section 11, 11B, 11C or 11D shall affect the application to any inspector, non-commissioned officer or constable of Colonial Regulations, so far as they are applicable, or the Regulations of the Hong Kong Government.

(2) An inspector, non-commissioned officer or constable who is charged with a disciplinary offence under this Ordinance, shall be proceeded against under this Ordinance and not under Colonial Regulations or the Regulations of the Hong Kong Government.

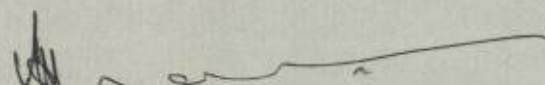
(3) An inspector, non-commissioned officer or constable who has been proceeded against under this Ordinance in respect of a disciplinary offence, shall not, in respect of such offence, be liable to be proceeded against under Colonial Regulations or the Regulations of the Hong Kong Government.”.

Passed by the Hong Kong Legislative Council this 2nd day of December 1970.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

**HONG KONG**

NO. 98 OF 1970.



I assent.

*Hauch.*  
Governor.

17th December, 1970.

An Ordinance to provide for the establishment of the Royal Hong Kong Regiment.

[18th December, 1970.]

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

**PART I.**

**PRELIMINARY.**

1. This Ordinance may be cited as the Royal Hong Kong Regiment Ordinance 1970. Short title.

2. In this Ordinance, unless the context otherwise requires—  
“active service” means, in addition to the meaning ascribed to it in section 225 of the Army Act, service when called out under section 13 or 14 of this Ordinance; Interpretation.

“appointments” includes accoutrements and equipment of every kind other than clothing;

“Army Act” means the Army Act, 1955;

(1955 c. 18.)

“Commanding Officer” means the Commanding Officer of the Regiment appointed by the Governor under this Ordinance;

“enlist” and “enrol” have the same meaning;

- "Home Guard" means the Home Guard sub-unit of the Regiment;
- "member" means a warrant officer, non-commissioned officer or soldier of the Regiment;
- "officer" means a person holding a commission as an officer of the Regiment;
- "public property" means any property belonging to the Government or held for the purposes of the Government;
- "Queen's Regulations" means the Queen's Regulations for the Army;
- "Regiment" means the Royal Hong Kong Regiment (The Volunteers);
- "Royal Warrant" means the Royal Warrant concerning pensions and other grants in respect of disablement or death due to service in the military forces during the 1914 World War and after the 2nd of September 1939;
- "Service Commander" means the Service Commander of the Regiment specified under section 4;
- "service property" means any property of the Regiment;
- "training" means the training prescribed for officers or members on duty, other than active service, pursuant to an order of the Commanding Officer;
- "volunteer" means an officer or member of the Regiment enlisted under section 6.

## PART II.

### CONSTITUTION AND FUNCTIONS OF REGIMENT.

3. (1) The Governor may raise and maintain a regiment to be known as the Royal Hong Kong Regiment (The Volunteers).
- (2) The expenses of raising and maintaining the Regiment shall be met from moneys provided by the Legislative Council.
- (3) The Regiment shall be composed of officers and members who shall be—
- persons employed on the permanent uniformed staff of the Regiment;
  - persons enlisted in the Regiment as volunteers;
  - persons enrolled in the Regiment under section 15 of the Compulsory Service Ordinance; and
  - persons posted to the reserve of officers or reserve of members established under this Ordinance.
4. The Regiment shall be—
- under the supreme command of the Governor;
  - under the operational command of the Service Commander, who shall be the officer for the time being

Power to raise and maintain a regiment.

(Cap. 246.)

Command.

- discharging the duties of General or other Officer Commanding, Land Forces, Hong Kong; and
- (c) under the executive command of the Commanding Officer, who shall be responsible to the Service Commander and ultimately to the Governor for such matters as may be prescribed.
5. (1) A person of any nationality may hold a commission. Commissioned officers.
- (2) An officer shall be commissioned by the Governor, on the recommendation of the Service Commander, and no commission shall be deemed to be vacated by the death or retirement from office of the Governor by whom it was granted.
6. (1) The Governor may enlist a person of any nationality as a volunteer in the Regiment. Volunteers.
- (2) A person applying for enlistment in the Regiment shall comply with such requirements for enlistment as may be prescribed.
7. (1) The Regiment shall consist of— Division of the Regiment.
- a Regimental Headquarters sub-unit;
  - a Home Guard sub-unit; and
  - such other sub-units as the Governor may determine.
- (2) The establishment of the Regiment shall be determined by the Governor.
8. The Regiment shall be employed in the defence of the Colony, the maintenance of public order and with such other duties as may be defined by the Governor. Functions of the Regiment.
9. (1) When an officer or member is serving with Her Majesty's regular forces or is undergoing training with such forces, officers of Her Majesty's regular forces shall have, in relation to an officer or member of the Regiment, such powers of command and punishment as they would have if they were officers of the same rank in the Regiment. Provision for command and punishment when on active service or under training with H.M. forces.
- (2) Nothing in this section shall be deemed to authorize an officer of the Regiment to exercise any powers of punishment over members of Her Majesty's regular forces.
10. (1) Subject to the provisions of this Ordinance, a volunteer may quit the Regiment upon— Right of volunteer to quit.
- giving to the Commanding Officer not less than twenty-eight days' notice in writing of his intention to quit the Regiment;
  - delivering up in good order (fair wear and tear excepted) any arms, appointments and clothing which are public

property or service property and are in his possession; and

- (c) paying any money due from him under this Ordinance.
- (2) A volunteer shall, if he quits the Regiment in accordance with subsection (1), thereupon be struck off the strength of the Regiment by the Commanding Officer.
- (3) A volunteer may, if the Commanding Officer refuses to strike him off the strength of the Regiment, appeal to the Governor through the normal service channels.
- (4) The Governor may, on an appeal under subsection (3), confirm the refusal of the Commanding Officer or order him to strike the volunteer off the strength of the Regiment.
- (5) Notwithstanding any other provisions of this Ordinance, a volunteer shall be deemed, on enlistment, to have engaged himself to serve in the Regiment for such period as may be prescribed. A volunteer who quits, or is discharged from, the Regiment before the expiration of his period of service shall pay to the Commanding Officer such sum as he may order not exceeding one hundred dollars.
- (6) No sum shall be payable under subsection (5) by a volunteer who quits the Regiment for any cause which the Commanding Officer considers reasonable and *bona fide*.
- (7) Subsection (5) shall not relieve a volunteer from the obligation to comply with the provisions of subsection (1) if he wishes to quit the Regiment.
- (8) No volunteer shall quit the Regiment during any period when the Regiment or any part thereof is called out under section 13, except with the prior approval in writing of the Governor.

**11.** (1) An officer or member, other than a volunteer, who obtains permission, in such manner as may be prescribed, to quit the Regiment shall—

- (a) deliver up in good order (fair wear and tear excepted) any arms, appointments and clothing which are public property or service property and are in his possession; and
- (b) pay any money due from him under this Ordinance.

(2) An officer or member shall, if he quits the Regiment in accordance with subsection (1), thereupon be struck off the strength of the Regiment by the Commanding Officer.

**12.** The Governor may at any time—

- (a) disband or discontinue the services of the Regiment or any part thereof; or
- (b) dispense with the services of any officer or member.

Delivery of arms, etc., by non-volunteers.

Power of Governor to dispense with services.

### PART III. CALLING OUT.

**13.** (1) The Governor may by notice in the *Gazette* call out the Regiment or any part thereof on active service.

Calling out of the Regiment.

(2) Every officer or member so called out shall assemble at such place and at such time as may be directed by the Commanding Officer.

(3) An officer or member so called out shall be deemed to be called out from the time at which he reports at the place directed by the Commanding Officer. An officer or member who fails to report at the place and time so directed shall be liable to be charged with desertion unless, within four days, he satisfies the Commanding Officer that he had reasonable excuse for his failure to report as directed.

(4) An officer or member who has been called out shall remain called out until he is stood down from active service by order of the Governor.

(5) Notwithstanding subsection (4), the Commanding Officer may direct any officer or member who has been called out—

- (a) to stand down from active service; and
- (b) to report back for active service at such place and at such time as may be directed.

(6) On receipt of a direction under paragraph (a) of subsection (5), the officer or member shall be deemed to have ceased to be on active service and, if a direction is made under paragraph (b) of that subsection, the officer or member shall, on reporting back in accordance with such direction, be deemed to have been called out on active service in pursuance of a new notice by the Governor under subsection (1).

**14.** (1) The Service Commander may, with the prior approval of the Governor, order a limited call out of the Regiment or any part thereof or of any officer or member.

Power of Service Commander to make limited call out.

(2) Every officer or member so called out shall assemble at such place and at such time as may be directed by the Commanding Officer.

(3) An officer or member so called out shall be deemed to be called out from the time at which he reports at the place directed by the Commanding Officer.

(4) An officer or member who has been called out shall remain called out until he is stood down from active service by order of the Service Commander, with the prior approval of the Governor.