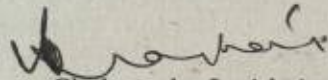


This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



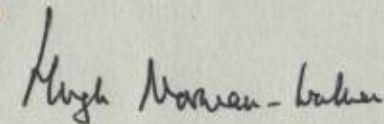
Clerk to the Legislative Council.

HONG KONG

No. 28 OF 1971.



I assent.



Acting Governor.

24th June, 1971.

An Ordinance to provide for the maintenance and custody of illegitimate children.

[7th October, 1971.]

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 Affiliation Proceedings Ordinance 1971 and shall come into operation on the 7th October 1971.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires—
“affiliation order” means an order, made under section 5, that a man adjudged to be the putative father of an illegitimate child shall make payments to the mother of the child or to any other person who is named in the order;

Interpretation.

“court” means the District Court;

“custodian” means any person, other than the mother or putative father, who is appointed as custodian of a child or to whose care a child is committed under or by virtue of any Ordinance;

"single woman" includes a widow and a married woman who is living apart from her husband.

Commencement
of affiliation
proceedings.
1957 c. 55, s. 1.

3. (1) A single woman who is with child, or who has been delivered of an illegitimate child, may apply to the court for an affiliation order.

(2) An illegitimate child may apply to the court for an affiliation order.

1959 c. 73, s. 4.

(3) An application under subsection (1) may be made by a woman who was a single woman at the date of the birth of the child whether or not she is a single woman at the time of the application and the reference to a single woman in section 4 shall be construed accordingly.

Time for
application
for order.
1957 c. 55, s. 2.

4. (1) An application under section, where the applicant has been delivered of an illegitimate child, may be made—

(a) at any time within twelve months from the child's birth; or

(b) at any subsequent time, upon proof that the man alleged to be the father of the child has within the twelve months next after the birth of the child paid money for, or otherwise contributed to, its maintenance; or

(c) at any time within the twelve months next after the return to Hong Kong of the man alleged to be the father of the child, upon proof that he ceased to reside in Hong Kong within the twelve months next after the birth of the child.

(2) A single woman who has been delivered of a child may, upon proof that—

(a) before the birth she was a party to a marriage which would have been valid but for provisions of any law making it void on account of her, or the other party to the marriage, being under the age at which she, or the other party, might legally contract a marriage, and

(b) the said other party had access to her within twelve months before the birth,

make at any time an application under section 3 against that party, notwithstanding that he may not within the twelve months next after the birth have paid money for or contributed to the child's maintenance.

Powers of
court on
hearing of
application.
1957 c. 55, s. 4.

5. (1) On the hearing of an application under section 3, the court shall hear the evidence of the mother (notwithstanding any consent or admission on the part of the defendant) and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the defendant.

(2) If the evidence of the mother is corroborated in some material particular by other evidence to the court's satisfaction, the court may adjudge the defendant to be the putative father of the child and may also, if it thinks fit in all the circumstances of the case, proceed to make against the defendant an order for the payment by him of—

(a) a sum of money, at such times as the court may direct, at a rate not exceeding one hundred and twenty dollars per week for the maintenance and education of the child;

(b) the expenses incidental to the birth of the child;

(c) the funeral expenses of the child, if it has died before the making of the order; and

(d) such costs as may have been incurred in obtaining the order.

(3) Where an application under section 3 is made before or within two months after the birth of the child, any sum ordered to be paid under paragraph (a) of subsection (2) may, if the court thinks fit, be calculated from the date of the birth.

(4) On the hearing of an application under this Ordinance, the court may, if the application is dismissed, order that the plaintiff shall pay to the defendant the costs incurred by him in defending the proceedings.

(5) The Legislative Council may, by resolution, amend the rate specified in paragraph (a) of subsection (2).

6. If a person admits that he is the father of an illegitimate child in a statutory declaration, the admission shall be admissible, without further proof, in any proceedings under this Ordinance as *prima facie* evidence of the facts contained in the admission.

Admission of
paternity.

7. (1) Subject to this Ordinance, the person entitled to any payments to be made under an affiliation order shall be the child's mother, and the order shall provide accordingly.

Money to be
paid to mother
or custodian.
1957 c. 55, s. 5(1)
& (3).

(2) An affiliation order may, on the application of the custodian of a child, be made or varied by the court so as to entitle the custodian to any payments to be made under the order.

(3) When making or varying an affiliation order, the court may order that the money shall be paid into court and then paid to the mother or custodian in such manner and subject to such conditions as it may direct.

(4) A custodian who is entitled to receive moneys under an affiliation order shall have the same power to recover the same as the mother would have had if the moneys had been payable to her.

[cf. 1957 c. 55,
s. 5(4).]

Duration of order.
1957 c. 55, s. 6.

8. Subject to the provisions of this Ordinance, an affiliation order shall not, except for the purpose of recovering money previously due under the order, be of any validity after the child has attained the age of sixteen years or has died.

Continuance of payments in certain cases.
1957 c. 55, s. 7(2), (3) & (1).

9. (1) If, on the application of the mother or custodian of a child, it appears to the court that the child is or will be engaged in a course of education or training after attaining the age of sixteen years, or that the child is suffering from a mental or physical disability, and that it is therefore expedient for payments to be made under the order after the child attains that age, then subject to subsections (2) and (3) the court may by order direct that payments be so made for such period not exceeding two years from the date of the order as may be specified in the order.

(2) Subject to subsection (3), the period specified in an order made under subsection (1) may from time to time be extended by a subsequent order so made, but shall not in any case extend beyond the date when the child attains the age of twenty-one years.

(3) Notwithstanding section 8, the power under section 10 to revive or vary an affiliation order shall include power to revive or vary it in accordance with this section.

Revocation, variation and revival of order.
[cf. 1952 c. 55, s. 53.]

10. Where the court has made an affiliation order, it may by order, on an application by the mother, the custodian or the putative father of an illegitimate child revoke, revive or vary the order.

Putative father to notify change of address.
1957 c. 55, s. 9.

11. (1) If a person against whom an affiliation order has been made changes his address, he shall within fourteen days—

- (a) where he is required by the order to make any payment into court, give notice of the change to the registrar of the court; and
- (b) where he is required by the order to make any payment to the mother or custodian, give notice of the change to the person entitled to receive such payment.

(2) Any person who fails without reasonable excuse to give a notice which he is required by subsection (1) to give shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars.

Attachment of pension or income to satisfy order.
1957 c. 55, s. 10. (Cap. 89.)

12. Where an affiliation order has been made against a person and there is payable to him any pension or income which is capable of being attached, the court may, notwithstanding the provisions of the Pensions Ordinance and of any other Ordinance—

- (a) after giving the person an opportunity of being heard; and

- (b) on being satisfied that the person has without reasonable cause failed to make any payments which he is required by the order to make,

order the pension or income to be attached as to the whole or part of the amount payable under the affiliation order and the amount attached to be paid to the person named by the court.

(2) An order under this section shall be an authority to the person by whom the pension or income is payable to make the payment in accordance with the order, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the payer.

13. (1) A sum ordered to be paid under an affiliation order shall be recoverable as a civil debt.

Enforcement of order.

(2) If an application is made to the court alleging that default has been made in paying a sum ordered to be paid under an affiliation order, the court may, if it considers the circumstances require it, for the purpose of securing the presence of the person alleged to be in default, issue a warrant to arrest him and bring him before the court, whether or not a summons has been issued previously.

[cf. 1952 c. 55, s. 74.]

14. On the hearing of an application for the enforcement, revocation, revival, variation or discharge of an affiliation order, the court may remit the whole or any part of the amount due under the order.

Power to remit arrears.
[cf. 1952 c. 55, s. 76.]

15. (1) If the court is satisfied that—

- (a) the mother of an illegitimate child is not a fit and proper person to have custody of that child; or
- (b) the mother has died or become of unsound mind or is in prison,

Power to appoint custodian of child.
[cf. 1957 c. 55, s. 5(4).]

the court may, at the time of making an affiliation order or thereafter appoint (with his consent) some person other than the mother as custodian of the child.

(2) The appointment of a custodian under this section may be made on the application of the Director of Social Welfare, or of any person authorized in that behalf by the Director in writing either generally or specially, or of the putative father, or of the mother, and such an appointment may be revoked and another person appointed as custodian.

(3) When making an order appointing a custodian under this section, the court may order the child to be delivered by the person in whose custody the child is to the custodian.

(4) If a child, in respect of whom an affiliation order has been made or is sought, is wrongfully taken out of the custody of the mother or the custodian, the court, on the application of the mother or custodian, may order that the child be returned to such custody.

(5) Any person who fails to comply with an order made under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars and to imprisonment for six months.

Misapplying moneys or ill-treating a child.
1957 c. 55, s. 11.

16. Any custodian who—

- (a) misapplies any money paid for the child's support by the putative father under an affiliation order; or
(b) withholds proper nourishment from or otherwise abuses or maltreats the child,

shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars and to imprisonment for one month.

Power to make rules.

17. The Chief Justice, with the approval of the Legislative Council, may make rules for the better carrying into effect of this Ordinance.

Transitional provisions.

18. An application may be made under section 3 in relation only to a child born on or after the commencement of this Ordinance.

Amendments to Cap. 16.

19. The Separation and Maintenance Orders Ordinance is amended—

- (a) in section 2, by deleting the definitions of "monogamous marriage", and of "wife" and "married woman", and substituting the following—

"husband" means the husband or partner of a wife or married woman;

"wife" and "married woman" mean the wife or partner of a man by—

- (a) a marriage celebrated or contracted in accordance with the provisions of the Marriage Ordinance;
(b) a modern marriage validated by the Marriage Reform Ordinance;
(c) a customary marriage declared to be valid by the Marriage Reform Ordinance;
(d) a union of concubinage as defined by section 14 of the Legitimacy Ordinance 1971;

(Cap. 181.)

(Cap. 178.)

(29 of 1971.)

(e) a *kim tiu* marriage entered in accordance with Chinese law and custom applicable thereto in Hong Kong before the appointed day under the Marriage Reform Ordinance; or

(f) a marriage celebrated or contracted outside Hong Kong in accordance with the law in force at the time and in the place where the marriage was performed."; and

(b) by adding the following new sections at the end thereof—

"Continuation of payments in certain cases.
1957 c. 55, s. 7(2) & (3).

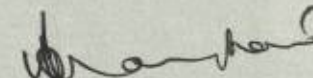
12. (1) If, on the application of a married woman, it appears to the District Court that a child is or will be engaged on a course of education or training after attaining the age of sixteen years, or that the child is suffering from a mental or physical disability, and it is therefore expedient for payments to be made under an order made under paragraph (d) of section 5 or under section 7 after the child attains that age, the District Court may order that payments be so made for such period not exceeding two years from the date of the order as may be specified in the order.

(2) The period specified in an order under subsection (2) may from time to time be extended by a subsequent order so made, but shall not in any case extend beyond the date when the child attains the age of twenty-one years.

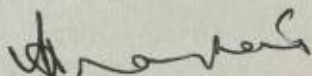
Amendment by resolution of Legislative Council.

13. The Legislative Council may, by resolution, amend the maximum weekly sum which may be ordered under paragraph (c) or (d) of section 5 or under paragraph (b) of the proviso to subsection (2) of section 7."

Passed by the Hong Kong Legislative Council this 23rd day of June, 1971.


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.



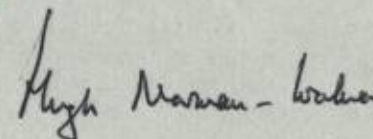
Clerk to the Legislative Council.

HONG KONG

No. 29 OF 1971.



I assent.



Acting Governor.

24th June, 1971.

An Ordinance to amend the law relating to children born out of wedlock.

[7th October, 1971.]

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 Legitimacy Ordinance 1971 and shall come into operation on the 7th October 1971.

Short title and commencement.

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

Interpretation.
1926 c. 60, s. 11.

“Court” means the Supreme Court;

“date of legitimation” means the date of the marriage leading to the legitimation, or, where the marriage occurred before the commencement of this Ordinance, the commencement of this Ordinance;

“disposition” means an assurance of any interest in property by any instrument whether *inter vivos* or by will;

"intestate" includes a person who leaves a will but dies intestate as to some beneficial interest in his estate;

"legitimated person" means a person legitimated by this Ordinance;

"marriage" means—

- (a) a marriage celebrated or contracted in accordance with the provisions of the Marriage Ordinance;
- (b) a modern marriage validated by the Marriage Reform Ordinance;
- (c) a customary marriage declared to be valid by the Marriage Reform Ordinance; or
- (d) a marriage celebrated or contracted outside Hong Kong in accordance with the law in force at the time and in the place where the marriage was performed.

(Cap. 181.)

(Cap. 178.)

Legitimation by subsequent marriage of parents.
1926 c. 60, s. 1.

3. (1) Subject to the provisions of this section, where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Ordinance, the marriage shall, if the father of the illegitimate person was or is at the date of the marriage domiciled in Hong Kong or had or has at such date a substantial connexion with Hong Kong, render that person, if living, legitimate from the commencement of this Ordinance, or from the date of the marriage, whichever last happens.

(2) The legitimation of a person under this Ordinance shall not enable him or his spouse, children or remoter issue to take any interest in property save as is hereinafter in this Ordinance expressly provided.

Schedule.

(3) The provisions contained in the Schedule shall have effect with respect to the re-registration of the births of legitimated persons.

4. (1) Subject to the provisions of this Ordinance, a legitimated person and his spouse, children or remoter issue shall be entitled to take any interest—

- (a) in the estate of an intestate dying after the date of legitimation;
- (b) under any disposition coming into operation after the date of legitimation,

in like manner as if the legitimated person had been born legitimate.

Rights of legitimated persons, etc. to take interests in property.
1926 c. 60, s. 3.

(2) Where the right to any property depends on the relative seniority of the children of any person, and those children include one or more legitimated persons, the legitimated person or persons shall rank as if he or they had been born on the day when he or they became legitimated, and if more than one such legitimated person became legitimated at the same time, they shall rank as between themselves in order of seniority.

(3) This section applies only if and so far as a contrary intention is not expressed in the disposition, and shall have effect subject to the terms of the disposition and to the provisions therein contained.

5. Where a legitimated person or a child or remoter issue of a legitimated person dies intestate in respect of all or any of his property, the same persons shall be entitled to take the same interests therein as they would have been entitled to take if the legitimated person had been born legitimate.

Succession on intestacy of legitimated persons and their issue.
1926 c. 60, s. 4.

6. Where an illegitimate person dies after the commencement of this Ordinance and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of such marriage, then, if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Ordinance with respect to the taking of interests in property by, or in succession to, the spouse, children and remoter issue of a legitimated person shall apply as if such person as aforesaid had been a legitimated person and the date of the marriage of his parents had been the date of legitimation.

Application to illegitimate person dying before marriage of parents.
1926 c. 60, s. 5.

7. A legitimated person shall have the same rights, and shall be under the same obligations in respect of the maintenance and support of himself or of any other person as if he had been born legitimate, and, subject to the provisions of this Ordinance, the provisions of any law relating to claims for damages, compensation, allowance, benefit, or otherwise by or in respect of a legitimate child shall apply in like manner in the case of a legitimated person.

Personal rights and obligations of legitimated persons.
1926 c. 60, s. 6.

8. (1) Where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Ordinance, and the father of the illegitimate person was or is, at the time of the marriage, domiciled in or had a substantial connexion with a country, other than Hong Kong, by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in Hong Kong be recognized as having been so

Provisions as to persons legitimated by extraneous law.
1926 c. 60, s. 8(1) & (3).

legitimated from the commencement of this Ordinance or from the date of the marriage, whichever last happens, notwithstanding that his father was not at the time of the birth of such person domiciled in or did not have a substantial connexion with a country in which legitimation by subsequent marriage was permitted by law.

(2) For the purposes of this section the expression "country" includes any Commonwealth country and any foreign country.

Application to persons recognized as having been legitimated.
1926 c. 60, s. 8(2).

9. All the provisions of this Ordinance relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children and remoter issue of a legitimated person shall apply in the case of a person recognized as having been legitimated under section 8, or who would, had he survived the marriage of his parents, have been so recognized; and accordingly this Ordinance shall have effect as if reference therein to a legitimated person included persons so recognized as having been legitimated.

Right of illegitimate child and mother of illegitimate child to succeed on intestacy of the other.
1926 c. 60, s. 9.

10. (1) Where, after the commencement of this Ordinance, the mother of an illegitimate child, such child not being a legitimated person, dies intestate as respects all or any of her property, and does not leave any legitimate issue her surviving, the illegitimate child, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

(2) Where, after the commencement of this Ordinance, an illegitimate child not being a legitimated person, dies intestate in respect of all or any of his property, his mother if surviving shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

Legitimacy of children of certain void marriages.
1959 c. 73, s. 2.

11. (1) Subject to the provisions of this section, the child of a void marriage, whether born before or after the commencement of this Ordinance, shall be treated as the legitimate child of his parents if at the time of the act of intercourse resulting in the birth (or at the time of the celebration of the marriage if later) both or either of the parties reasonably believed that the marriage was valid.

(2) This section applies, and applies only, where the father of the child was domiciled in or had a substantial connexion with Hong Kong at the time of the birth or, if he died before the birth, was so domiciled or had such a connexion immediately before his death.

(3) In this section, "void marriage" means a marriage, not being voidable only, in respect of which the Court has or had jurisdiction to grant a decree of nullity, or would have or would have had such jurisdiction if the parties were domiciled in or had a substantial connexion with Hong Kong.

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

Legitimacy of children of voidable marriages.
1965 c. 72, s. 11.

13. Nothing in this Ordinance shall affect the operation or construction of any disposition coming into operation before the commencement of this Ordinance, or affect any rights under the intestacy of a person dying before the commencement of this Ordinance.

Saving.
1926 c. 60,
s. 10(2).

14. (1) For the avoidance of doubt, it is declared that any person who is the child of—

Avoidance of doubt.

- (a) a modern marriage validated by the Marriage Reform Ordinance;
- (b) a customary marriage declared to be valid by the Marriage Reform Ordinance;
- (c) a union of concubinage; or
- (d) a *kim tiu* marriage entered in accordance with Chinese law and custom applicable thereto in Hong Kong before the appointed day under the Marriage Reform Ordinance,

(Cap. 178.)

shall be a legitimate child of the marriage or union and shall be deemed always to have been so legitimate, for all purposes.

(2) In this section, "union of concubinage" means a union of concubinage, entered by a male partner and a female partner before the appointed day under the Marriage Reform Ordinance, under which union the female partner has, during the lifetime of the male partner, been accepted by his wife as his concubine and recognized as such by his family generally.

(Cap. 178.)

15. (1) The Births and Deaths Registration Ordinance is amended in section 12 by deleting the words from "For the purposes" to the end of the section.

Amendments.
(Cap. 174.)

(2) Section 23 of the Matrimonial Causes Ordinance is repealed.

(Cap. 179.)

SCHEDULE.

[s. 3(3).]

REGISTRATION OF BIRTHS OF LEGITIMATED PERSONS.

1. The Registrar of Births and Deaths (hereinafter referred to as the Registrar which term shall include any deputy registrar) may, on production of such evidence as appears to him to be satisfactory, authorize at any time the re-registration of the birth of a legitimated person whose birth is already registered under the Births and Deaths Registration Ordinance, and such re-registration shall be effected in such manner and at such place as the Registrar directs:

(Cap. 174.)

Provided that the Registrar shall not authorize the re-registration of the birth of any such person in any case where information with a view to obtaining such re-registration is not furnished to him by both parents, unless—

- (a) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section 12 of the Births and Deaths Registration Ordinance; or
- (b) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or
- (c) a declaration of the legitimacy of the legitimated person has been made under section 49 of the Matrimonial Causes Ordinance.

(Cap. 179.)

2. It shall be the duty of the parents of a legitimated person, or, in cases where re-registration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the Registrar information with a view to obtaining the re-registration of the birth of that person; that is to say—

- (a) if the marriage took place before the commencement of this Ordinance, within six months of such commencement;
- (b) if the marriage took place after the commencement of this Ordinance, within three months after the date of the marriage.

3. Where the parents, or either of them, fail to furnish the necessary information within the time limited for the purpose, the Registrar may at any time after the expiration of that time require the parents of a person whom he believes to have been legitimated by virtue of this Ordinance, or either of them, to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a register office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice.

4. The failure of the parents or either of them to furnish information as required by this Schedule in respect of any legitimated person shall not affect the legitimation of that person.

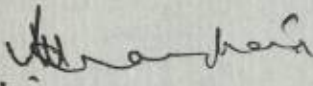
5. No fee for re-registration under this Schedule shall be charged if the necessary information for the purpose is furnished within the time above specified; but in any other case there shall be charged in respect of such re-registration a fee of fifteen dollars.

6. (1) Upon application being made to a Registrar and upon payment of a fee of one dollar and fifty cents a certified copy of the entry of the birth of a legitimated person whose birth has been re-registered shall be supplied to the person applying and paying the fee.

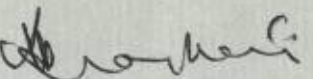
(2) Where the birth of a legitimated person has been re-registered no certified copy of any previous entry shall be supplied without the consent of the Registrar.

7. This Schedule shall be construed as one with the Births and Deaths Registration Ordinance. (Cap. 174.)

Passed by the Hong Kong Legislative Council this 23rd day of June, 1971.

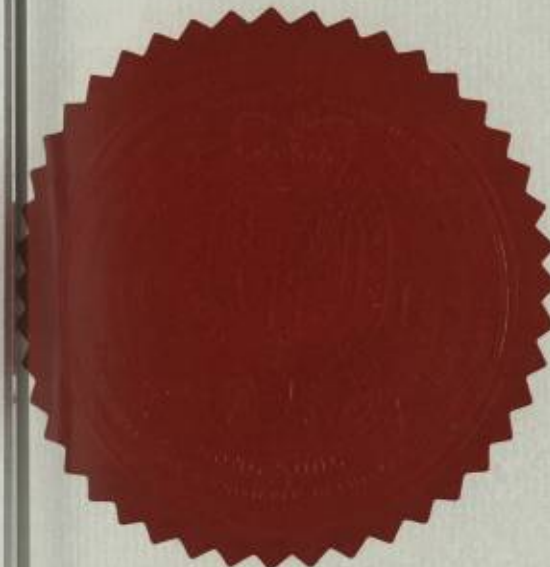

Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

HONG KONG

No. 30 OF 1971.



I assent.

Hugh Newen-Walker

Acting Governor.

24th June, 1971.

An Ordinance to amend the Interpretation and General Clauses Ordinance, the Criminal Procedure Ordinance and the Summary Offences Ordinance.

[25th June, 1971.]

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

1. This Ordinance may be cited as the Criminal Law (Miscellaneous Amendments) Ordinance 1971.

Short title.

2. Section 3 of the Interpretation and General Clauses Ordinance is amended by inserting, after the definition of "amend", the following—

Amendment of Interpretation and General Clauses Ordinance. (Cap. 1.)

““arrestable offence” means an offence for which the sentence is fixed by law or for which a person may under or by virtue of any law be sentenced to imprisonment for a term exceeding twelve months, and an attempt to commit any such offence;”.

Amendment of
Criminal
Procedure
Ordinance.
(Cap. 221.)

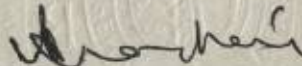
3. Section 2 of the Criminal Procedure Ordinance is amended by deleting the definition of "arrestable offence".

Amendment of
Summary
Offences
Ordinance.
(Cap. 228.)

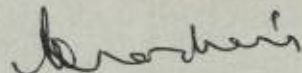
4. Section 26 of the Summary Offences Ordinance is amended by substituting for "felony", wherever it occurs, the following—

"an arrestable offence".

Passed by the Hong Kong Legislative Council this 23rd day of June, 1971.


Clerk to the Legislative Council.

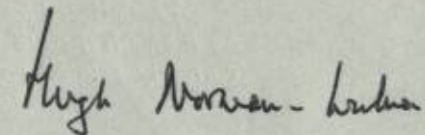
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 31 OF 1971.

I assent.



Acting Governor.

24th June, 1971.

An Ordinance to amend the Coroners Ordinance.

[25th June, 1971.]

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 Coroners (Amendment) Ordinance 1971. Short title.
2. Section 2 of the principal Ordinance is amended by— Amendment of section 2. (Cap. 14.)
 - (a) inserting, before the definition of "hospital", the following—
"“coroner” means a magistrate appointed under section 3(1);” and
 - (b) inserting, after the definition of "inquiry", the following—
"“magistrate” means a magistrate appointed under section 5 of the Magistrates Ordinance;”.

(Cap. 227.)

Repeal and
replacement
of section 3.

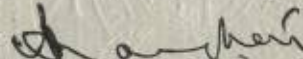
3. Section 3 of the principal Ordinance is repealed and replaced by the following—

"Appoint-
ment of
coroners.

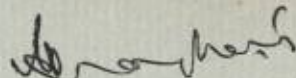
3. (1) The Chief Justice may by warrant under his hand appoint a magistrate to be a coroner for the purposes of this Ordinance and any other law.

(2) Every appointment under subsection (1) shall be notified in the *Gazette*."

Passed by the Hong Kong Legislative Council this 23rd day of June, 1971.


Clerk to the Legislative Council.

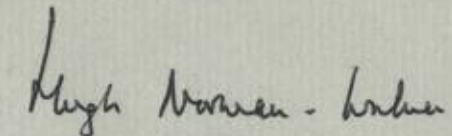
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 32 OF 1971.

I assent.



Acting Governor.

24th June, 1971.

An Ordinance to repeal the Sunday Cargo Working Ordinance.

[1st July, 1971.]

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

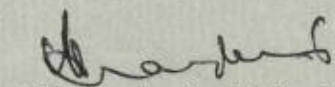
1. This Ordinance may be cited as the Sunday Cargo Working (Repeal) Ordinance 1971 and shall come into operation on the 1st day of July 1971.

Short title and
commencement.

2. The Sunday Cargo Working Ordinance is repealed.

Repeal.
(Cap. 84.)

Passed by the Hong Kong Legislative Council this 23rd day of June, 1971.


Clerk to the Legislative Council.

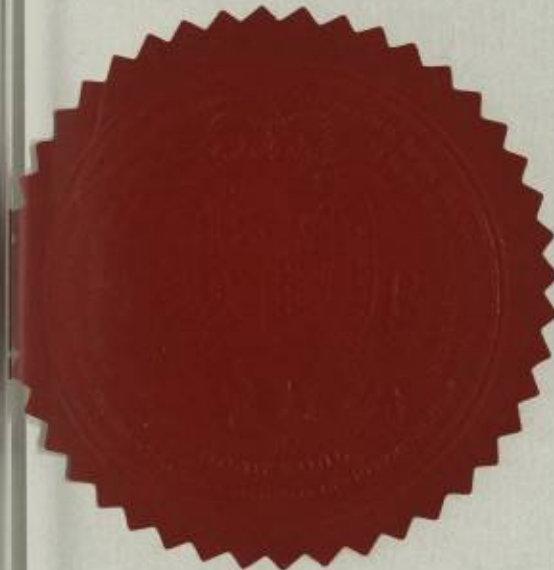
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

[Signature]
Clerk to the Legislative Council.



HONG KONG

No. 33 OF 1971.



I assent.

[Signature]

Acting Governor.

24th June, 1971.

An Ordinance to amend the Medical Registration Ordinance.

[]

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

1. This Ordinance may be cited as the Medical Registration (Amendment) Ordinance 1971 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Sections 14 and 21 of the principal Ordinance are amended by deleting the words "infamous conduct", wherever they occur, and substituting the following—

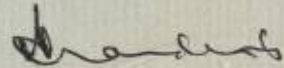
Amendment of sections 14 and 21. (Cap. 161.)

"misconduct".

Passed by the Hong Kong Legislative Council this 23rd day of June, 1971.

[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.

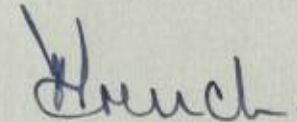


HONG KONG

No. 34 OF 1971.



I assent.



Governor.

8th July, 1971.

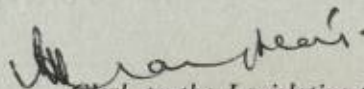
An Ordinance to amend the Post Office Ordinance.

[9th July, 1971.]


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

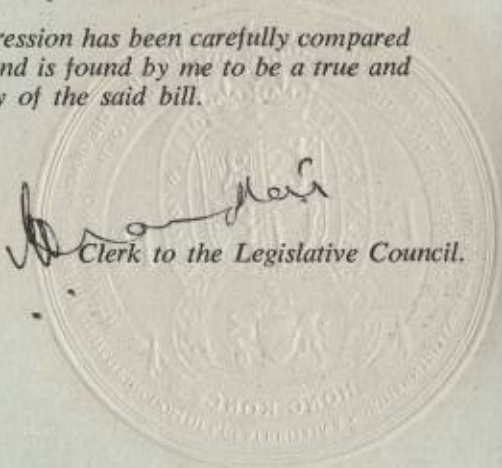
- | | |
|---|---|
| <p>1. This Ordinance may be cited as the Post Office (Amendment) Ordinance 1971.</p> | <p>Short title.</p> |
| <p>2. Section 8 of the principal Ordinance is amended by deleting—</p> <p>(a) “a commercial paper.”; and</p> <p>(b) “or a sample”.</p> | <p>Amendment of section 8.
(Cap. 98.)</p> |
| <p>3. Section 32 of the principal Ordinance is amended by deleting subsection (1)(d).</p> | <p>Amendment of section 32.</p> |

Passed by the Hong Kong Legislative Council this 7th day of July, 1971.


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.

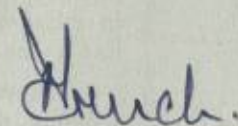


HONG KONG

No. 35 OF 1971.



I assent.



Governor.

8th July, 1971.

An Ordinance to amend the Law Reform (Miscellaneous Provisions) Ordinance and to make amendments to related Ordinances.

[7th October, 1971.]

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

1. This Ordinance may be cited as the Law Reform (Miscellaneous Provisions) (Amendment) Ordinance 1971, and shall come into operation on the 7th October 1971. Short title and commencement.

2. The long title to the principal Ordinance is amended by deleting the full stop and adding the following— Amendment of long title. (Cap. 271.)

“; and to abolish actions for breach of promise of marriage and make provision with respect to the property of, and gifts between, persons who have been engaged to marry; and for purposes connected therewith.”.

3. Section 2 of the principal Ordinance is amended by deleting paragraph (b) of subsection (2). Amendment of section 2.

Addition of new sections 6, 7, 8, 9 and 10.

4. The principal Ordinance is amended by adding, after section 5, the following new sections—

"Engagements to marry not enforceable at law.
1970 c. 33,
s. 1.

6. (1) An agreement between two persons to marry one another shall not have effect as a contract giving rise to legal rights and no action shall lie for breach of such an agreement.

(2) This section shall have effect in relation to agreements entered into before the 7th October 1971, except that it shall not affect any action begun before that date.

Property of engaged couples.
1970 c. 33,
s. 2.

7. (1) Where an agreement to marry is terminated, any rule of law relating to the rights of husbands and wives in relation to property in which either or both has or have a beneficial interest shall apply, in relation to any property in which either or both of the parties to the agreement had a beneficial interest while the agreement was in force, as it applies in relation to property in which a husband or wife has a beneficial interest.

(27 of 1971.)

(2) Where an agreement to marry is terminated, sections 6 and 7 of the Married Persons Status Ordinance 1971 (which sections confer power on a judge to settle disputes between husband and wife about property) shall apply, as if the parties were married, to any dispute between, or claim by, one of them in relation to property in which either or both had a beneficial interest while the agreement was in force; but an application made by virtue of this section to the judge under the said sections 6 and 7 shall be made within three years of the termination of the agreement.

Gifts between engaged couples.
1970 c. 33,
s. 3.

8. (1) A party to an agreement to marry who makes a gift of property to the other party to the agreement on the condition (express or implied) that it shall be returned if the agreement is terminated shall not be prevented from recovering the property by reason only of his having terminated the agreement.

(2) The gift of an engagement ring shall be presumed to be an absolute gift; this presumption may be rebutted by proving that the ring was given on the condition, express or implied, that it should be returned if the marriage did not take place for any reason."

5. (1) The enactments specified in the first column of the Schedule are amended to the extent set out in the second column.

(2) The amendments effected by subsection (1) and by section 3 shall not affect any action commenced or petition presented before the 7th October 1971 or any claim made in any such action or on any such petition.

Amendments and transitional provisions,
1970 c. 33,
s. 7,
Schedule.

SCHEDULE. [s. 5.]

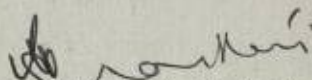
AMENDMENTS.

Evidence Ordinance.	Section 12 is repealed.	(Cap. 8.)
Legal Aid Ordinance.	In Part II of the Schedule, sub-paragraph (b) of paragraph 1 is deleted.	(Cap. 91.)
Matrimonial Causes Ordinance.	Section 50 is amended in subsection (1)— (a) by deleting "husband" and substituting the following— "petitioner"; (b) by inserting after "the wife" the following— "or husband".	(Cap. 179.)
Deceased's Family Maintenance Ordinance 1971.	After section 4, the following new section is added— "Orders for maintenance of surviving party to void marriage from estate of other party. 1970 c. 33, s. 6. 4A. (1) Where a person dies in Hong Kong after the 6th October 1971 and is survived by someone (hereafter referred to as "the survivor") who, whether before or after that date, had in good faith entered into a void marriage with the deceased, then subject to subsections (2) and (3) the survivor shall be treated for purposes of this Ordinance as a dependant of the deceased. (2) An order shall not be made under this Ordinance in favour of the survivor unless the court is satisfied that it would have been reasonable for the deceased to make provision for the survivor's maintenance; and if an order is so made requiring provision for the survivor's maintenance by way of periodical payments, the order shall provide for their termination not later than the survivor's death and, if the survivor remarries, not later than the remarriage. (3) This section shall not apply if the marriage of the deceased and the survivor was dissolved or annulled	(12 of 1971.)

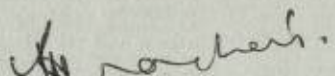
during the deceased's lifetime and the dissolution or annulment is recognized by the law of Hong Kong, or if the survivor has before the making of the order entered into a later marriage.

(4) It is hereby declared that the reference in subsection (2) to remarriage and the reference in subsection (3) to a later marriage include references to a marriage which is by law void or voidable."

Passed by the Hong Kong Legislative Council this 7th day of July, 1971.

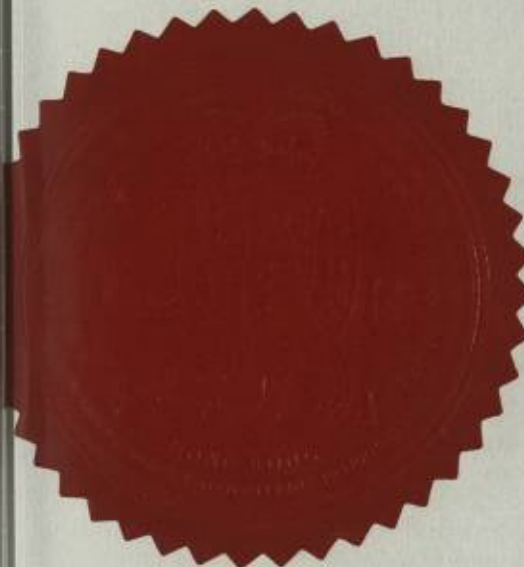

Clerk to the Legislative Council.

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

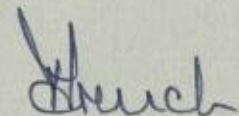

Clerk to the Legislative Council.

HONG KONG

No. 36 OF 1971.



I assent.



Governor.

8th July, 1971.

An Ordinance to validate forms purporting to have been specified by the Board of Inland Revenue under section 86 of the Inland Revenue Ordinance since 3rd May 1947.

[9th July, 1971.]

WHEREAS—

- (a) by section 86 of the Inland Revenue Ordinance (hereinafter referred to as the principal Ordinance) the Board of Inland Revenue (hereinafter referred to as the Board) is empowered to specify any forms which may be necessary for carrying the principal Ordinance into effect;
- (b) from time to time since 3rd May 1947 the Board has purported to specify forms in exercise of its powers under the said section 86;
- (c) doubts have arisen as to whether such forms were validly specified by reason of the fact that the Board did not always meet to specify the same, although the forms were circulated amongst the members of the Board and approved by them;

Preamble.
(Cap. 112.)

(d) for the avoidance of doubt, it is deemed expedient to provide that the forms from time to time circulated and approved by the members of the Board as aforesaid shall be deemed to have been validly specified:

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

Short title.

1. This Ordinance may be cited as the Inland Revenue (Validation of Forms) Ordinance 1971.


Validation of forms.

2. All forms purporting to have been specified by the Board under section 86 of the principal Ordinance since 3rd May 1947 shall by virtue of this Ordinance be deemed to have been validly specified by the Board under the said section 86.

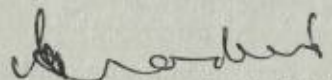
Validation of certain acts done under the principal Ordinance.

3. For the avoidance of doubt it is hereby declared that all acts or things done in pursuance or purported pursuance of the principal Ordinance between 3rd May 1947 and the commencement of this Ordinance shall be deemed to have been as validly done as if the said forms had been validly specified by the Board and had had the full force and effect of law.

Passed by the Hong Kong Legislative Council this 7th day of July, 1971.


Clerk to the Legislative Council.

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

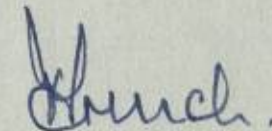

Clerk to the Legislative Council.

HONG KONG

No. 37 OF 1971.



I assent.



Governor.

22nd July, 1971.

An Ordinance to amend the Matrimonial Causes Ordinance.

[]

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

1. This Ordinance may be cited as the Matrimonial Causes (Amendment) Ordinance 1971 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 2 of the principal Ordinance is amended by inserting, after the definition of "deported", the following—

Amendment of section 2. (Cap. 179.)

"matrimonial cause" means any proceedings for—

- (a) divorce;
- (b) nullity;
- (c) judicial separation;
- (d) presumption of death and dissolution of marriage;

- (e) restitution of conjugal rights;
- (f) jactitation of marriage; or
- (g) damages only under section 50;”.

Addition of
new Part IIA.

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

“PART IIA.

JURISDICTION OF THE DISTRICT COURT.

Jurisdiction
in matri-
monial
causes.
1967 c. 56
s. 1(1).

10A. (1) The District Court shall have jurisdiction to hear and determine any undefended matrimonial cause.

(2) In respect of matrimonial causes in which the District Court has jurisdiction under this section, the provisions of this Ordinance shall be construed as if “court” includes the District Court.

1967 c. 56
s. 1(5).

(3) Rules shall be made defining the circumstances in which a matrimonial cause is to be treated for the purposes of this Part as undefended, and may make different provision with respect to matrimonial causes of different descriptions.

Jurisdiction
in ancillary
relief and
protection of
children.
[cf. 1967 c. 56
s. 2(1).]

10B. Subject to section 10E, the District Court shall have jurisdiction—

- (a) to exercise any power exercisable under Part VI (other than sections 37, 38 and 39) or Part VII in connexion with any petition, decree or order pending in or made by the District Court; and
- (b) to exercise any power exercisable under section 34 or 36.

Considera-
tion of
agreements
or arrange-
ments.
1967 c. 56
s. 3.

10C. Any provision to be made by rules for the purposes of subsection (2) of section 15 with respect to any power exercisable by the Supreme Court on an application made before the presentation of a petition shall confer jurisdiction to exercise the power on the District Court.

Commence-
ment and
transfer of
matrimonial
causes.
1967 c. 56
s. 1(3).

10D. (1) Notwithstanding any other provision of this Ordinance, every matrimonial cause shall be commenced in the District Court, but rules—

- (a) shall provide for the transfer to the Supreme Court of any matrimonial cause which ceases to be undefended; and

- (b) may provide for the transfer to the Supreme Court of any matrimonial cause which remains undefended.

1967 c. 56
s. 1(4).

(2) Rules may provide for the transfer or retransfer from the Supreme Court to the District Court of any matrimonial cause which is or again becomes undefended.

Commence-
ment and
transfer of
other pro-
ceedings.
1967 c. 56
s. 2(2).

10E. (1) Any proceedings for the exercise of any power which the District Court has jurisdiction to exercise by virtue of section 10B shall be commenced in the District Court, but rules—

- (a) shall provide for the transfer to the Supreme Court of any such proceedings pending in the District Court by virtue of this section in any case if the transfer appears to the District Court to be desirable; and
- (b) may provide for the transfer to the Supreme Court of such proceedings in such other cases as may be specified in the rules.

1967 c. 56
s. 2(4).

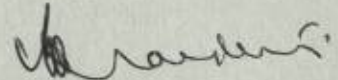
(2) Nothing in subsection (1) shall affect the jurisdiction of a magistrates’ court under section 36.”.

4. Section 54 of the principal Ordinance is amended—

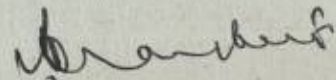
Amendment of
section 54.

- (a) in subsection (1) by—
 - (i) deleting the full stop at the end of paragraph (c) and substituting a semicolon; and
 - (ii) inserting, after paragraph (c), the following—
 - “(d) providing for the enforcement in the Supreme Court of orders made under this Ordinance in the District Court.”; and
- (b) by inserting, after subsection (2), the following—
 - “(3) Any rules made for the purposes of Part IIA shall be subject to the approval by resolution of the Legislative Council.”.

Passed by the Hong Kong Legislative Council this 21st day of July, 1971.


Clerk to the Legislative Council.

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



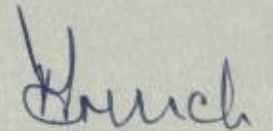
Clerk to the Legislative Council.

HONG KONG

No. 38 OF 1971.



I assent.



Governor.

22nd July, 1971.

An Ordinance to amend the Hongkong and Kowloon Wharf and Godown Company Limited (By-laws) Ordinance.

[23rd July, 1971.]

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 Hongkong and Kowloon Wharf and Godown Company Limited (By-laws) (Amendment) Ordinance 1971.

Short title.

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

Amendment of section 2. (Cap. 1023.)

““car park” means an area or space or part of such area or space situated on any of the company’s piers or premises and which is marked out or used for the parking or driving of vehicles;”;

“vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.”.

Repeal and replacement of section 3.

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

“By-laws.

3. The company may, with the approval of the Governor in Council, make by-laws for—

- (a) the conduct of its business and the maintenance of order on its premises;
- (b) the prohibition, either conditionally or otherwise, of the use by passengers or by the public of the company's piers and premises;
- (c) the control of the use of a car park, including the limitations of such use to any particular person or vehicle or any class of persons or vehicles;
- (d) the fees payable for the use of a car park;
- (e) the removal from a car park of a vehicle, without notice to the owner thereof, in respect of which there has been a contravention of any by-law made pursuant to this section, and the fees payable in respect of such removal;
- (f) the disposal, by sale or otherwise, or the destruction of vehicles which have been unclaimed in a car park for more than a period specified in the by-laws.”.

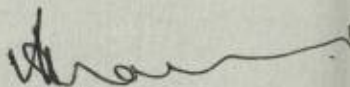
Repeal and replacement of section 5.

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

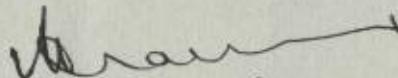
“Offences and penalties.

5. A by-law made under section 3 may provide that a contravention or breach thereof shall be an offence and shall be punishable by such a fine, not exceeding five hundred dollars, as may be specified therein.”.

Passed by the Hong Kong Legislative Council this 21st day of July, 1971.


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. 39 OF 1971.



I assent.

Governor.

22nd July, 1971.

An Ordinance to amend the Contracts for Overseas Employment Ordinance.

[23rd July, 1971.]

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 Contracts for Overseas Employment (Amendment) Ordinance 1971.

Short title.

2. Section 3 of the principal Ordinance is amended by inserting, after "Ordinance", the following—

Amendment of section 3. (Cap. 78.)

" , other than the power conferred on him by paragraph (b) of subsection (2) of section 10,".

3. Section 4 of the principal Ordinance is amended in the proviso by deleting paragraph (b) thereof and substituting the following—

Amendment of section 4.

"(b) persons proceeding to the United Kingdom for the purpose of employment there who are in possession of—

(i) a current voucher issued for the purpose of section 2 of the Commonwealth Immigrants Act 1962

by or on behalf of the appropriate authority in the United Kingdom;

(S.I. 1953/1671.)

(ii) a current labour permit issued under subparagraph (b) of paragraph (1) of Article 4 of the Aliens Order 1953 by or on behalf of the appropriate authority in the United Kingdom; or

(iii) a current work permit issued, under any other United Kingdom law for the time being in force governing immigration into the United Kingdom, by or on behalf of the appropriate authority in the United Kingdom;”.

Addition of new section 8A.

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

“Stamping of document. (Cap. 117.)

8A. If any overseas contract or any bond or guarantee executed for the purposes of section 8 is chargeable with stamp duty under the Stamp Ordinance, the employer shall be liable for the stamping thereof.”.

Amendment of section 10.

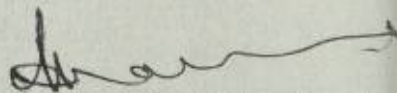
5. Section 10 of the principal Ordinance is amended by deleting subsection (2) and substituting the following—

“(2) The Commissioner may refuse to attest any such contract—

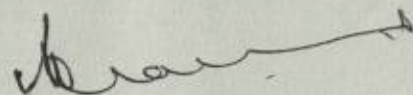
- (a) if he is not satisfied in regard to any of the matters specified in subsection (1); or
- (b) if he is satisfied that the terms thereof are unfair to the worker or do not adequately protect the worker's interest,

and any contract which the Commissioner has refused to attest, being a contract required to be presented to him for attestation pursuant to section 6, shall have no further validity.”.

Passed by the Hong Kong Legislative Council this 21st day of July, 1971.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

HONG KONG

No. 40 OF 1971.



I assent.

Governor.

22nd July, 1971.

An Ordinance to provide for the establishment of the Hong Kong Polytechnic and for matters connected therewith.

[]

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 Polytechnic Ordinance 1971 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

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

Interpretation.

“Board” means the Board of Governors of the Polytechnic established under section 5;

“Chairman” means the Chairman and any Acting Chairman of the Board appointed under section 10;

“Director” means the Director and any Acting Director of the Polytechnic appointed under section 8;

"financial year" means the period fixed by the Board under subsection (2) of section 13;

"member" means a member of the Board;

"Polytechnic" means the Hong Kong Polytechnic established under section 3.

Establishment and objects of Polytechnic.

3. There is hereby established an institution to be known as the Hong Kong Polytechnic (香港理工學院), the objects of which shall, subject to this Ordinance, be to provide for studies, training and research in technology, science, commerce, arts and other subjects of learning.

Unauthorized use of name of Hong Kong Polytechnic.

4. (1) No person shall form, or work in connexion with or be a member of—

- (a) any organization, institution or body which, without authority from the Board, claims or purports to be the Hong Kong Polytechnic or a branch thereof, or to be connected therewith; or
- (b) any organization, other than the Hong Kong Polytechnic, which uses the title of "the Hong Kong Polytechnic" or "香港理工學院" or any title in any language which so closely resembles the expression "Hong Kong Polytechnic" as to be calculated to mislead or deceive.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

Establishment and incorporation of Board.

5. (1) There is hereby established a Board, to be known as the Board of Governors of the Hong Kong Polytechnic, which shall in that name be a body corporate with perpetual succession and shall be capable of suing and being sued and, subject to this Ordinance, of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(2) The Board shall have a common seal, the affixing of which shall be authenticated by the signature of any two members of the Board.

(3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

The powers of the Board.

6. The Board may do all such things as are necessary for, or incidental or conducive to, the better carrying out of the

objects of the Polytechnic and may in particular, but without prejudice to the generality of the foregoing—

- (a) subject to the Charities (Acquisition of Lands) Ordinance, acquire, take on lease, purchase, hold and enjoy any property and sell, let or otherwise dispose of the same;
- (b) enter into any contract;
- (c) erect, provide, equip, maintain, keep in repair and regulate the buildings, premises, furniture and equipment and all other means necessary for carrying on the work of the Polytechnic;
- (d) provide appropriate amenities for members, persons in the employment of the Polytechnic and students;
- (e) provide residential accommodation and social and athletic facilities for persons in the employment of the Polytechnic and students;
- (f) approve the expenditure of the funds of the Polytechnic in the furtherance of its objects;
- (g) invest the funds of the Polytechnic in such manner and to such extent as it thinks necessary or expedient;
- (h) borrow money in such manner and on such securities or terms as it thinks expedient;
- (i) apply for any grant in aid for its functions on such conditions as it thinks fit;
- (j) employ any professional or expert person to advise it on any matter arising out of or in connexion with any of its functions under this Ordinance.

(Cap. 305.)

7. (1) The Governor in Council may give to the Board such directions as he thinks fit with respect to the exercise of its powers or the performance of its functions under this Ordinance, either generally or in any particular case.

Board to be subject to the directions of the Governor in Council.

(2) In the exercise of its powers and the performance of its functions under this Ordinance the Board shall comply with any directions given by the Governor in Council under subsection (1).

(3) The Governor in Council may delegate the powers conferred upon him by this section to a public officer.

8. (1) The Board—

- (a) shall, in accordance with subsection (2), appoint a Director in whom, subject to the control of the Board, shall be vested the management, conduct and administration of the Polytechnic and the discipline of students therein;

Appointment of Director and other staff.

(b) may appoint such other persons to be employees of the Polytechnic as the Board may consider expedient.

(2) The Director shall be appointed by resolution passed by the votes of not less than nine members.

(3) The remuneration and the terms and conditions of service of persons in the employment of the Polytechnic shall be determined by the Board.

(4) The Director may be removed from office by resolution passed by the votes of not less than nine members on the ground of his misconduct, inefficiency or other good cause.

(5) The Board may appoint any person to act as Director during the absence or incapacity of the Director or if that office is or becomes vacant for any reason.

9. The Board may appoint such committees for any general or special purposes as it thinks fit.

10. (1) The Board shall consist of the following members, namely—

- (a) the Director of Education;
- (b) the Director;
- (c) three members, who shall be public officers, appointed by the Governor;
- (d) eight members, other than public officers, appointed by the Governor of whom not less than four shall have experience in commerce or industry in Hong Kong;
- (e) such other members, not exceeding two, as may be appointed by the Governor.

(2) The Governor shall appoint one of the members appointed under paragraph (d) of subsection (1) as Chairman.

(3) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance, a member, other than the Director, who is not a public officer shall be appointed for a period of three years, or for such lesser period as the Governor may in any particular case appoint, but may from time to time be reappointed.

(4) A member, other than the Director, who is not a public officer may at any time, by notice in writing to the Governor, resign from the Board.

(5) The Governor shall appoint one of the members appointed under paragraph (d) of subsection (1) as Deputy Chairman, who shall act as Chairman during the absence or incapacity of the Chairman or if that office becomes vacant for any reason.

Appointment of committees.

Membership of the Board.

(Cap. 1.)

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

(7) Except as provided in subsections (2) and (4) of section 8, any question before the Board at any meeting shall be decided by a majority of votes of the members present.

11. (1) Subject to subsection (2), the Board may in writing delegate to the Director any of its powers and functions.

(2) Notwithstanding subsection (1), the Board shall not delegate to the Director the power—

- (a) to approve the annual programme and estimates required to be submitted under section 13;
- (b) to authorize the preparation of the statements required under subsection (2) of section 14;
- (c) to approve terms and conditions of service of persons in the employment of the Polytechnic, other than persons in the part time or temporary employment thereof; or
- (d) to make rules under section 18.

12. Without prejudice to the provisions of section 7, the Board—

- (a) shall fix fees and charges for courses of study, facilities and other services provided by the Polytechnic;
- (b) may reduce, waive or refund fees and charges so fixed generally or in any particular case or class of case.

13. (1) In each financial year, before a date to be appointed by the Governor, the Board shall submit to the Governor, through a person nominated by the Governor, a programme of its proposed activities and estimates of the income and expenditure of the Polytechnic for the next financial year:

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

(2) The Board may, from time to time, with the prior approval of the Governor, fix a period to be the financial year of the Polytechnic.

14. (1) The Board shall maintain proper accounts and records of all income and expenditure.

(2) After the end of each financial year, the Board shall cause to be prepared statements of income and expenditure during the previous financial year and of the assets and liabilities of the Polytechnic on the last day thereof.

Power of the Board to delegate.

Fees and charges.

Estimates and financial year.

Accounts.

Auditors.

15. (1) The Board shall appoint auditors, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Polytechnic and to require such information and explanations thereof as they may think fit.

(2) The auditors shall audit the statements prepared under subsection (2) of section 14 and shall report thereon to the Board.

Statements and reports to be laid on table of Legislative Council.

16. (1) The Board shall, not later than six months after the end of each financial year, or before such later date as the Governor may allow in any particular year, submit to the Governor a report on the activities of the Polytechnic and copies of the statements prepared under subsection (2) of section 14 and the report made under subsection (2) of section 15.

(2) The Governor shall cause the reports and statements received by him under subsection (1) to be laid on the table of the Legislative Council.

Power of the Governor in Council to make regulations.

17. The Governor in Council may make regulations for the better carrying out of the provisions of this Ordinance.

Power of the Board to make rules.

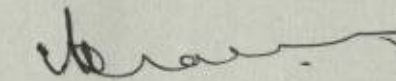
18. The Board may, subject to any regulations made under section 17, make rules for the better carrying out of the purposes of this Ordinance and in particular, but without prejudice to the generality of the foregoing, may provide for—

- (a) the regulation of its proceedings and the proceedings of any committee appointed under section 9;
- (b) the membership and quorum of any committee appointed under section 9;
- (c) the powers, functions and duties of any committee appointed under section 9;
- (d) the discipline of persons in the employment of the Polytechnic;
- (e) the regulation of the conduct and discipline of students of the Polytechnic;
- (f) the making of academic awards.

Saving.

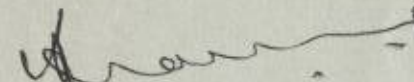
19. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs or Successors, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

Passed by the Hong Kong Legislative Council this 21st day of July, 1971.



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. 41 OF 1971.



I assent.

Heuch.

Governor.

5th August, 1971.

An Ordinance to amend the Consular Relations Ordinance.

[6th August, 1971.]

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 Consular Relations (Amendment) Ordinance 1971. Short title.

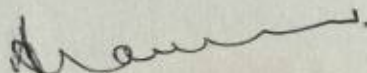
2. Section 1 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 1. (Cap. 259.)

"Short title and commencement.

1. (1) This Ordinance may be cited as the Consular Relations Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*, and notices under this subsection may appoint different dates for different provisions of this Ordinance."

Passed by the Hong Kong Legislative Council this 4th day of August, 1971.

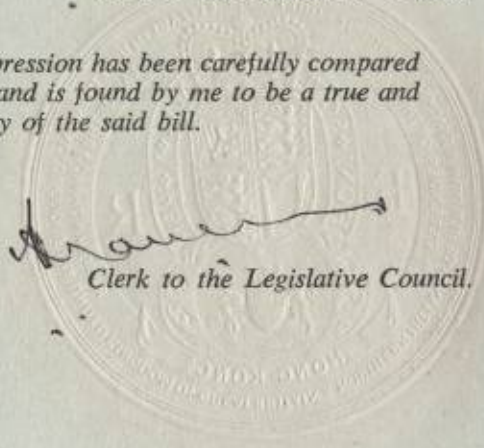


Clerk to the Legislative Council.

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.

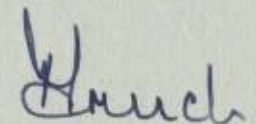


HONG KONG

No. 42 OF 1971.



I assent.



Governor.

5th August, 1971.

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

[6th August, 1971.]

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

1. This Ordinance may be cited as the Fixed Penalty (Traffic Contraventions) (Amendment) Ordinance 1971. Short title.

2. Section 15 of the principal Ordinance is amended by deleting subsection (6) and substituting the following— Amendment of section 15. (Cap. 237.)

“(6) A certificate of posting in the prescribed form purporting to be signed by or for the Commissioner of Police shall be admitted in evidence without further proof on its production to the magistrate by the complainant and—

(a) until the contrary is proved, it shall be presumed that the certificate is so signed;

- (b) it shall be conclusively presumed that the notice under subsection (3) to which the certificate relates was duly served.”

Amendment of section 17.

3. Section 17 of the principal Ordinance is amended by deleting subsection (2) and substituting the following—

“(2) A certificate of posting in the prescribed form purporting to be signed by or for the Commissioner of Police shall be admitted in evidence without further proof on its production to the magistrate by the complainant and—

- (a) until the contrary is proved, it shall be presumed that the certificate is so signed;
- (b) it shall, subject to subsection (2) of section 18, be conclusively presumed that the summons under subsection (1) to which the certificate relates was duly served.”

Amendment of section 19.

4. Section 19 of the principal Ordinance is amended—

- (a) by inserting, at the end of paragraph (a), the following—
“and”; and
- (b) by deleting paragraphs (b) and (c) and substituting the following—
“(b) a certificate under subsection (1) of section 21.”

Amendment of section 20.

5. Section 20 of the principal Ordinance is amended, in subsection (1), by deleting “paragraph (a) or (b) of”.

Amendment of section 21.

6. Section 21 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

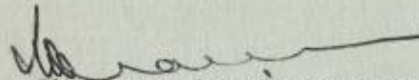
- “(1) A certificate in the prescribed form stating—
- (a) that the person specified in it was at any particular time the registered owner of a particular vehicle;
- (b) that the address specified in it was at any particular time the registered address of such person; and
- (c) that payment of the fixed penalty in respect of the contravention specified in any particular notice under subsection (3) of section 15 was not made before the date specified in the certificate,

and purporting to be signed by or for the Commissioner of Police shall be admitted in evidence without further proof on its production to the magistrate by the complainant and—


- (i) until the contrary is proved, it shall be presumed that the certificate is so signed;

- (ii) the certificate shall be *prima facie* evidence of the facts stated therein.”

Passed by the Hong Kong Legislative Council this 4th day of August, 1971.


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. 43 OF 1971.



I assent.

Governor.

5th August, 1971.

An Ordinance to amend the Quarantine and Prevention of Disease Ordinance.

[]

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

1. This Ordinance may be cited as the Quarantine and Prevention of Disease (Amendment) Ordinance 1971 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 35 of the principal Ordinance is amended in paragraph (a)—

Amendment of section 35. (Cap. 141.)

(a) by deleting sub-paragraph (ii) and substituting the following—

“(ii) the International Code Signal “Q.Q.”: meaning “I require health clearance”; or”;


(b) by deleting sub-paragraph (iii) and substituting the following—

“(iii) the International Code Signal “Z.V.”: meaning “*I declare I have been in an infected area during the last 30 days*”.”.

Passed by the Hong Kong Legislative Council this 4th day of August, 1971.


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.

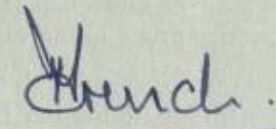

Clerk to the Legislative Council.

HONG KONG

NO. 44 OF 1971.



I assent.


Governor.

5th August, 1971.

An Ordinance to amend the Employment Ordinance.

[6th August, 1971.]

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

1. This Ordinance may be cited as the Employment (Amendment) Ordinance 1971. Short title.

2. Section 5 of the principal Ordinance is amended— Amendment of section 5. (Cap. 57.)

(a) in subsection (2)—

(i) in paragraph (a) by inserting, after “month to month”, the following—

“and which does not make provision for the length of notice required to terminate the contract”;

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

“(aa) in the case of a contract which is deemed by virtue of the provisions of section 4 to be a

contract for one month renewable from month to month and which makes provision for the length of notice required to terminate the contract, the agreed period, but not less than seven days;"; and

- (b) in subsection (3), by inserting after "probation" the following—

"and the contract does not make provision for the length of notice required for its termination".

Amendment of section 6.

3. Section 6 of the principal Ordinance is amended—

- (a) in subsection (1)—

(i) by deleting "paying" and substituting the following—

"agreeing to pay";

(ii) by deleting "under subsection (2) or paragraph (b) of subsection (3) of section 5, whichever period is appropriate in the case" and substituting the following—

"by section 5"; and

- (b) in subsection (2) by deleting "paying" and substituting the following—

"agreeing to pay".

Amendment of section 15.

4. Section 15 of the principal Ordinance is amended—

- (a) in subsection (1) by deleting "at the time of the termination";

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

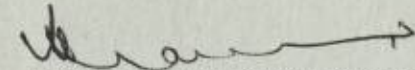
"(3) In addition to any deduction which may be made under section 21, and subject to any order made by a court, an employer may deduct from any sum payable under subsection (1) to an employee who terminates his employment otherwise than in accordance with section 5 or section 6 such sum as the employee would have been liable to pay if he had terminated his employment in accordance with section 6."

Addition of new section 34B.

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

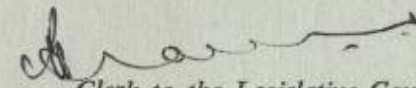
"Amendment of forms. Second Schedule. **34B.** The Governor may, by order published in the *Gazette*, amend Part II of the Second Schedule."

Passed by the Hong Kong Legislative Council this 4th day of August, 1971.



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.

Amendment of
section 2.

3. Section 2 of the principal Ordinance is amended—

- (a) by inserting, after the definition of "fire hazard", the following new definition—

"fire service installation or equipment" means any installation or equipment manufactured, used or designed to be used for the purposes of—

- (a) extinguishing, attacking, preventing or limiting a fire;
- (b) giving warning of a fire;
- (c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire;" and

- (b) by deleting the definition of "owner" and substituting the following—

"owner"—

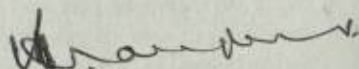
- (a) in respect of any premises, has the meaning assigned to it by section 2 of the Buildings Ordinance; and
- (b) in respect of any fire service installation or equipment, includes the occupier or the owner of the premises in or on which the fire service installation or equipment is installed or kept;"

Amendment of
section 25.

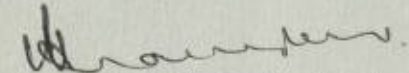
4. Section 25 of the principal Ordinance is amended by inserting, after paragraph (e), the following new paragraphs—

- "(ea) the registration and de-registration of fire service installation contractors;
- (eb) the appointment, powers and procedure of a disciplinary board in relation to fire service installation contractors;
- (ec) the control of the sale, supply, installation, repair, maintenance and inspection of fire service installations or equipment;"

Passed by the Hong Kong Legislative Council this 18th day of August, 1971.

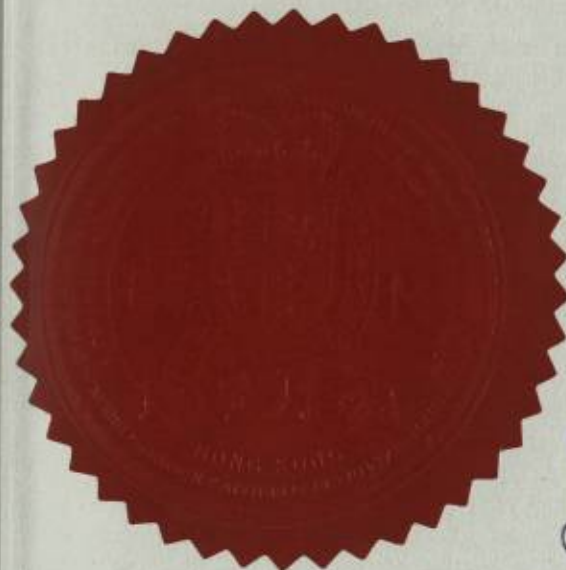

Clerk to the Legislative Council.

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. 46 OF 1971.



I assent.

Herch.

Governor.

19th August, 1971.

An Ordinance to amend the Dangerous Drugs Ordinance.

[20th August, 1971.]

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

1. This Ordinance may be cited as the Dangerous Drugs (Amendment) Ordinance 1971. Short title.

2. Section 2 of the principal Ordinance is amended in subsection (1)— Amendment of section 2. (Cap. 134.)

(a) in the definition of "cannabis", by inserting after "tops" the following—

"or viable seeds";

(b) by inserting after the definition of "opium poppy", the following definition—

"“opium water” means an aqueous extract of opium;”;

(c) in the definition of "owner", by inserting before "includes" in the first place where it occurs the following—

" , in relation to any premises,";

(d) in the definition of "preparation", by deleting "admixture" and substituting the following—

"mixture"; and

(e) in the definition of "unlawful" or "unlawfully", by inserting after "manufacturing" the following—

"or storage of".

Amendment of section 13.

3. Section 13 of the principal Ordinance is amended in subsection (1) by deleting "(2)" and substituting the following—
" (3)".

Amendment of section 24.

4. Section 24 of the principal Ordinance is amended by deleting subsection (2) and substituting the following—

(Cap. 138.) (2) A person who is a listed seller of poisons under the Pharmacy and Poisons Ordinance is hereby authorized to carry on, at the premises at which he is entitled to conduct the retail sale of poisons under that Ordinance, the retail sale of any preparation specified in Part IV of the First Schedule.

First Schedule.

Amendment of section 37.

5. Section 37 of the principal Ordinance is amended in subsection (1) by inserting after "manufacturing" wherever it occurs the following—

"or storage".

Amendment of section 38.

6. Section 38 of the principal Ordinance is amended in subsection (1) by deleting "or 35" and substituting the following—

" , 35 or 37".

Repeal and replacement of section 46.

7. Section 46 of the principal Ordinance is repealed and replaced by the following—

"Presumption concerning possession of dangerous drug for purpose of trafficking therein.

46. Any person who is proved or presumed to have had in his possession more than—

- (a) ten containers of opium;
- (b) one mace (3.78 grammes) of opium (other than opium water);
- (c) five packets containing any of the following substances either alone or contained

in a preparation, mixture, extract or other material—

(i) morphine or a salt of morphine (except when present to the extent of less than one-fifth of one *per cent*);

(ii) diacetylmorphine;

(iii) a salt of diacetylmorphine;

(iv) an ester of morphine;

(v) a salt of an ester of morphine;

(d) one half gramme of any of the following substances, either alone or contained in a preparation, mixture, extract or other material—

(i) morphine;

(ii) diacetylmorphine;

(iii) a salt of morphine or diacetylmorphine;

(iv) an ester of morphine;

(v) a salt of an ester of morphine;

(e) two and one half grammes of a preparation, mixture, extract or other material containing not less than one-fifth of one *per cent* of morphine or a salt of morphine or any proportion of diacetylmorphine or an ester of morphine or a salt of an ester of morphine;

(f) five grammes of barbitone or a salt of barbitone or a preparation, mixture, extract or other material containing any proportion of barbitone;

(g) five grammes of cannabis or two grammes of cannabis resin;

(h) ten tablets or capsules containing any proportion of any dangerous drug.

shall, until the contrary is proved, be presumed to have had such dangerous drug in his possession for the purposes of trafficking therein."

Repeal and replacement of section 47.

8. Section 47 of the principal Ordinance is repealed and replaced by the following—

"Presumption of possession and knowledge of dangerous drug.

47. (1) Any person who is proved to have had in his possession or custody or under his control—

- (a) anything whatsoever containing a dangerous drug;
- (b) the keys of anything whatsoever containing a dangerous drug;
- (c) any place or premises or the part of any place or premises in which a dangerous drug is found;
- (d) the keys of any place or premises or part of any place of premises in which a dangerous drug is found,

shall, until the contrary is proved, be presumed to have had such drug in his possession.

(2) Any person who is proved to have had in his possession or under his control or subject to his order—

- (a) a document of title to goods as defined in section 2 of the Sale of Goods Ordinance; or
- (b) any of the following documents, whether or not they are documents of title to goods as defined in section 2 of the Sale of Goods Ordinance, namely, a dock warrant, a godown warrant or receipt, a warehouse keeper's certificate, warrant or order for the delivery of goods or a baggage receipt or a document or thing intended to serve the purpose of a baggage receipt,

relating to any thing containing a dangerous drug shall, until the contrary is proved, be presumed to have had such drug in his possession.

(3) Any person who is proved or presumed to have had a dangerous drug in his possession shall, until the contrary is proved, be presumed to have known the nature of such drug.

(4) The presumptions provided for in this section shall not be rebutted by proof that the defendant never had physical possession of the dangerous drug."

(Cap. 26.)

9. Section 48 of the principal Ordinance is amended in subsection (1) by inserting after "place" in the second place where it occurs the following—

"or premises".

Amendment of section 48.

10. The First Schedule to the principal Ordinance is amended—

Amendment of First Schedule.

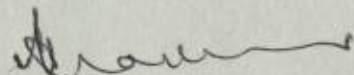
- (a) in paragraph 1 of Part I, by deleting "Diamorphine" and substituting the following—
"Diacetylmorphine";
- (b) by deleting "admixture" wherever it occurs and substituting the following—
"mixture";
- (c) by deleting paragraph 9 of Part I and substituting the following—
"9. Opium and opium water."; and
- (d) in the heading to Part IV, by deleting "*persons in registrar's list kept*" and substituting the following—
"*listed sellers of poisons*".

11. The Third Schedule to the principal Ordinance is amended in the third column of item 3 by deleting "(2)" and substituting the following—

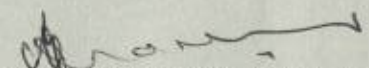
"(b)".

Amendment of Third Schedule.

Passed by the Hong Kong Legislative Council this 18th day of August, 1971.


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. 47 OF 1971.



I assent.

Hutch.

Governor.

19th August, 1971.

An Ordinance to amend the Rating Ordinance.

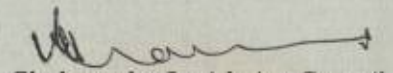
[20th August, 1971.]

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 Rating (Amendment) Ordinance 1971. Short title.
2. Section 36 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 36. (Cap. 116.)
 36. Notwithstanding anything in this Ordinance, the Governor may order a refund of rates to be made in any case in which he thinks fit to do so.”
3. Section 38 of the principal Ordinance is amended by deleting subsection (4) and substituting the following— Amendment of section 38.
 - (4) The Governor may, from time to time, authorize the total or partial exemption from assessment of any tenement.”

“Additional power to grant refund of rates.

Passed by the Hong Kong Legislative Council this 18th day of August, 1971.

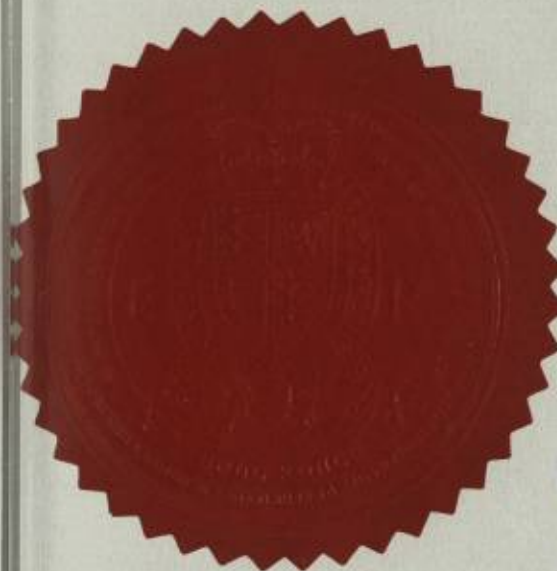

Clerk to the Legislative Council.

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.

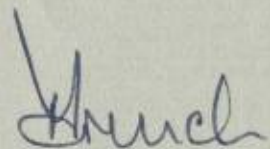

Clerk to the Legislative Council.

HONG KONG

No. 48 OF 1971.



I assent.



Governor.

19th August, 1971.

An Ordinance to amend the Wild Birds and Wild Mammals Protection Ordinance.

[20th August, 1971.]

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 Wild Birds and Wild Mammals Protection (Amendment) Ordinance 1971.

Short title.

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

Addition of new section 4A. (Cap. 170.)

"Prohibition on use of live decoys.

4A. (1) No person shall hunt any bird by means of a live decoy or the emission of recorded noises.

(2) For the purpose of this section "live decoy" means a live bird intended for use in attracting any other bird."

Amendment
of section 8.

3. Section 8 of the principal Ordinance is amended by deleting paragraph (a) and substituting the following—

“(a) any live game or live scheduled mammal, taken in the Colony;”.

Amendment
of section 9.

4. Section 9 of the principal Ordinance is amended—

(a) by deleting paragraphs (a) and (b) and substituting the following—

“(a) any scheduled mammal killed or taken in the Colony or any part of such mammal; or”; and

(b) by renumbering paragraph (c) as paragraph (b).

Repeal and
replacement of
section 10.

5. Section 10 of the principal Ordinance is repealed and replaced by the following—

“Prohibition of hunting and carrying of firearms in certain areas.
Fourth Schedule.

10. (1) No person shall hunt in the areas specified in the Fourth Schedule.

(2) Except along a road, no person shall carry any firearm in any area specified in the Fourth Schedule.

(3) Subsection (2) shall not apply to members of Her Majesty's armed forces, police officers or members of the Preventive Service, whilst on duty.”.

Amendment
of section 12.

6. Section 12 of the principal Ordinance is amended—

(a) by deleting subsection (1); and

(b) by renumbering subsection (2) as section 12.

Addition of
new section
12A.

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

“Restricted areas.

Seventh
Schedule.

12A. (1) Subject to subsection (2), no person shall, except in accordance with a permit in writing granted by the licensing authority, enter into or be within any area specified in the Seventh Schedule during the periods specified in respect thereof in that Schedule.

(2) No permit under subsection (1) shall be required by any of the following persons—

(a) a public officer on duty within any such area;

(b) a person engaged on public works within any such area;

(c) a person whose ordinary place of residence is within any such area;

(d) a person passing through any such area along a road; or

(e) such other persons as are specified in the third column of the Seventh Schedule in respect of any such area.”.

8. Section 13 of the principal Ordinance is amended in subsection (2) by deleting “his ability to identify game” and substituting the following—

“the applicant's knowledge of the provisions of the First, Second, Third, Fourth, Fifth and Seventh Schedules and his ability to identify game and the mammals specified in the Second Schedule”.

Amendment
of section 13.

9. Section 17 of the principal Ordinance is amended—

(a) by deleting “Governor” and substituting the following—

“Director of Agriculture and Fisheries”; and

(b) by inserting the following after “take” in paragraph (a)—

“, in any area specified in the permit.”.

Amendment
of section 17.

10. Section 18 of the principal Ordinance is amended—

(a) in subsection (1), by deleting “to a fine of two hundred and fifty dollars” and substituting the following—

“on conviction to a fine of five hundred dollars”; and

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

“(2) Subject to subsection (3), any person who contravenes any of the provisions of sections 4 to 12A shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars.

(3) If a magistrate is satisfied that an offence has been committed under subsection (2) in respect of a scheduled mammal, any person convicted of such offence shall be liable to a fine of three thousand dollars.”.

Amendment
of section 18.

11. Section 19 of the principal Ordinance is amended—

(a) in subsection (1) by deleting “not exceeding two hundred and fifty dollars as a magistrate or District Officer” and substituting the following—

“as a magistrate”; and

Amendment
of section 19.

- (b) in subsection (2) by deleting the following—
“or District Officer”.

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

“Forfeiture. 20. Where any person is convicted of an offence under section 18 a magistrate may order that—

- (a) any mammal, bird, nest, egg or any part of such mammal, bird, nest or egg;
(b) any net, gin, snare, poison or poisoned weapon, bird lime or any kind of trap; or
(c) any other appliance intended for use for the purpose of hunting mammals or birds, which has been used in connexion with the offence,

be forfeited to the Crown.”.

13. Section 21 of the principal Ordinance is amended—

- (a) by renumbering it as subsection (1); and
(b) by inserting the following new subsection—

“(2) Where the Governor by order amends the Fourth, Fifth or Seventh Schedule, any area specified in the order shall be described by reference to a plan dated and signed by the Director of Agriculture and Fisheries which has been deposited, and is available for inspection, in the Land Office in Victoria and copies of which are available for inspection at every District Office in the New Territories.”.

14. The First Schedule to the principal Ordinance is amended by deleting the following—

- (a) “Grey Plover”; and
(b) “Golden Plover”.

15. The Second Schedule to the principal Ordinance is amended by deleting “Orang Utan—*Pongo pygmaeus*”.

16. The principal Ordinance is amended by deleting the Fourth and Fifth Schedules and substituting the following—

Repeal and replacement of section 20.

Amendment of section 21.

Amendment of First Schedule.

Amendment of Second Schedule.

Deletion and substitution of Fourth and Fifth Schedules.

“FOURTH SCHEDULE. [s. 10.]

AREAS IN WHICH HUNTING AND THE CARRYING OF FIREARMS (OTHER THAN ALONG A ROAD) ARE PROHIBITED.

Area A. The direct and indirect catchment areas of the Fu Shui, Tai Lam, Shing Mun and Kowloon Reservoirs, excluding the indirect catchment area of the Kowloon Reservoir east of the Tai Po Road and the area occupied by the Hong Kong Gun Club adjacent to Route Twisk, but including all of the Tai Po Kau Forest and Plantation.

Area B. The direct catchment area of the Plover Cove Reservoir and the areas adjacent thereto.

Area C. The direct and indirect catchment area of the Shek Pik Reservoir and the areas adjacent thereto.

Area D. The Chi Ma Wan Peninsula.

Area E. The Agriculture and Fisheries Department Sai Kung Experimental Farm.

Area F. The Agriculture and Fisheries Department Ta Kwu Ling Experimental Farm.

Area G. The Fanling Golf Course and the areas adjacent thereto.

Area H. The Agriculture and Fisheries Department Castle Peak Livestock Breeding Centre and Farm.

Area I. Port Island (Chik Chau).

Area K. Hole Island (Hei Lo To) and Basalt Island.

Note. The above areas are delineated and marked in green on a plan entitled “Wild Birds and Wild Mammals Protection Ordinance (Fourth and Fifth Schedules)” which was signed by the Director of Agriculture and Fisheries on the 3rd day of June 1971 and deposited in the Land Office in Victoria. The plan may be inspected at the Land Office and copies of the plan are available for inspection at District Offices in the New Territories.

FIFTH SCHEDULE. [s. 11.]

AREAS IN WHICH THE HUNTING OF ANY MAMMAL (OTHER THAN RODENTS) OR ANY BIRD IS PROHIBITED.

Area 1. Hong Kong Island.

Area 2. Cheung Chau Island.

Area 3. The indirect catchment area of the Plover Cove Reservoir and the areas adjacent thereto.

Area 4. Kowloon, New Kowloon, Tsuen Wan and the areas adjacent thereto.

Area 5. Hei Ling Chau.

Area 6. Chau Kung Island.

Area 7. Sek Kwu Chau.

Area 8. Tai O Island.

Note. The above areas are delineated and marked in yellow on a plan entitled "Wild Birds and Wild Mammals Protection Ordinance (Fourth and Fifth Schedules)" which was signed by the Director of Agriculture and Fisheries on the 3rd day of June 1971 and deposited in the Land Office in Victoria. The plan may be inspected at the Land Office and copies of the plan are available for inspection at District Offices in the New Territories."

Amendment
of Sixth
Schedule.

17. The Sixth Schedule to the principal Ordinance is amended—

(a) in Form 1, by deleting "take a test on the recognition of game" and substituting the following—

"undergo a test as to my knowledge of the provisions of the First, Second, Third, Fourth, Fifth and Seventh Schedules to the Wild Birds and Wild Mammals Protection Ordinance and my ability to identify game and the mammals specified in the Second Schedule"; and

(b) in Form 2, by deleting the following—

"Grey Plover
Golden Plover".

Addition
of Seventh
Schedule.

18. The principal Ordinance is amended by adding the following new Schedule after the Sixth Schedule—

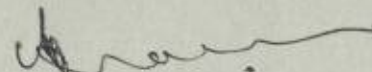
"SEVENTH SCHEDULE. [s. 12A.]

AREAS ENTRY INTO WHICH IS RESTRICTED AT CERTAIN TIMES.

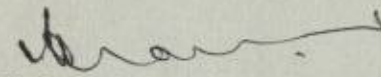
<i>Area.</i>	<i>Restricted Period.</i>	<i>Persons Not Requiring Permits.</i>
Fung Shui wood behind the village of Yim Tso Ha, Starling Inlet, New Territories.	The months of April to September (inclusive).	Persons ordinarily resident in the village of Yim Tso Ha, Starling Inlet, New Territories.

Note. The above area is delineated and marked in yellow on a plan entitled "Wild Birds and Wild Mammals Protection Ordinance (Seventh Schedule)" which was signed by the Director of Agriculture and Fisheries on the 3rd day of June 1971 and deposited in the Land Office in Victoria. The plan may be inspected at the Land Office and copies of the plan are available for inspection at District Offices in the New Territories."

Passed by the Hong Kong Legislative Council this 18th day of August, 1971.


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. 49 OF 1971.



I assent.

Hutch.

Governor.

2nd September, 1971.

An Ordinance to amend the Intestates' Estates Ordinance 1971.

[3rd September, 1971.]

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 Intestates' Estates (Amendment) Ordinance 1971. Short title.
2. Section 2(2)(b) of the principal Ordinance is amended by inserting, after "her", the following—
"last". Amendment of section 2. (1 of 1971.)
3. The Schedule to the principal Ordinance is amended—
(a) in paragraph 1, by deleting the definition of "child"; and
(b) by deleting paragraph 2 and substituting the following—

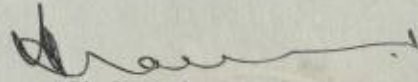
"Application of Ordinance to child of union of concubinage.

2. (1) A child of a union of concubinage shall be regarded for the purposes of the Ordinance as the child of a valid marriage.

(2) The reference in section 2(2)(b) to "husband" shall be construed as including a reference to the male partner of a union of concubinage."

Amendment of Schedule.

Passed by the Hong Kong Legislative Council this 1st day of September, 1971.


Clerk to the Legislative Council.

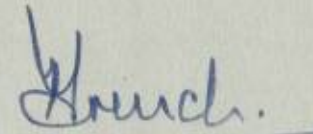
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 50 OF 1971.

I assent.



Governor.

2nd September, 1971.

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

[1st October, 1971.]

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

1. This Ordinance may be cited as the Public Transport Services (Kowloon and New Territories) (Amendment) Ordinance 1971 and shall come into operation on the 1st day of October 1971.

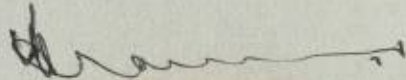
Short title and commencement.

2. Section 19 of the principal Ordinance is amended—


Amendment of section 19. (Cap. 318.)

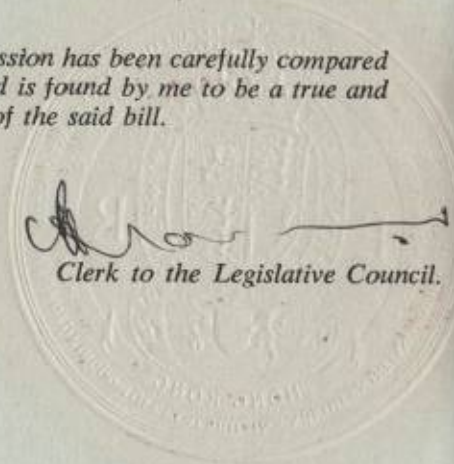
- (a) by deleting "and members of the armed forces of the Crown in uniform" in subsection (1); and
- (b) by deleting subsection (3).

Passed by the Hong Kong Legislative Council this 1st day of September, 1971.


Clerk to the Legislative Council.

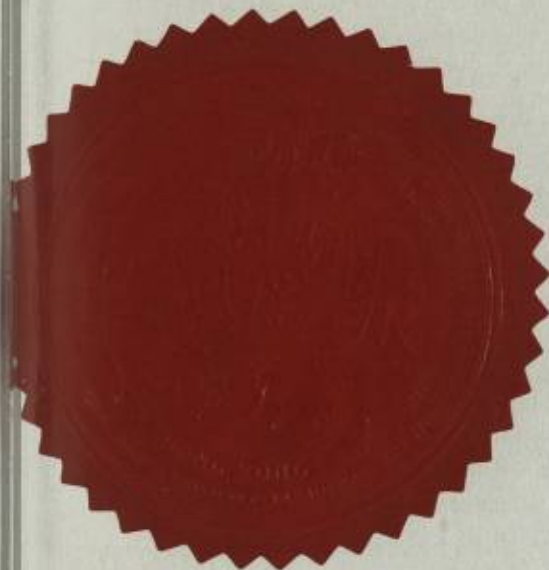
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

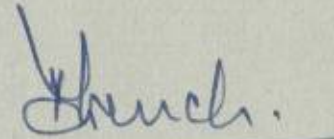


HONG KONG

No. 51 OF 1971.



I assent.


Governor.

2nd September, 1971.

An Ordinance to amend the Widows and Orphans Pension Ordinance.

[3rd September, 1971.]

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 Widows and Orphans Pension (Amendment) (No. 2) Ordinance 1971. Short title.

2. Section 22 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 22. (Cap. 94.)

"Pension to widow, etc. 22. (1) The pension payable to the widow of a contributor shall cease on her death or remarriage.

(2) If on the cessation under subsection (1) of such pension there are no pensionable children of the marriage of the widow with the contributor, such widow shall, for the purposes of this section, be considered as dead and the pension payable to her shall lapse.

(3) If on the cessation under subsection (1) of such pension there are pensionable children of such marriage such pension shall be continued and paid as provided in section 21 to such children as if they have no living mother or stepmother entitled to a pension.

(4) A widow of a contributor—

(a) may, if her husband dies in her lifetime, be paid the pension which was payable to her before her remarriage—

(i) where such pension lapsed under subsection (2), as from the day next following the date of the death of her husband; or

(ii) where such pension became payable to the children of her marriage with the contributor under subsection (3), as from the date when the last of such children ceases to be pensionable; or

(b) may, if she becomes entitled to a pension by virtue of her marriage with her husband, be paid such pension until the last of such children ceases to be pensionable, and may then be paid either such pension or the pension which was payable to her before her remarriage whichever is the greater (each pension being, for the purposes of this paragraph, calculated with the addition of any temporary increase attaching thereto).

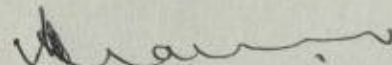
(5) Where under subsection (4)(b) a widow has become entitled to the pension which was payable to her before her remarriage, on such pension ceasing to be payable to her under subsection (1), the pensionable children of her marriage with her husband shall be entitled to the pension that would have been payable to her by virtue of her marriage with her husband.

(6) For the purposes of this section—

“husband” means the husband of a widow of a contributor by any remarriage;

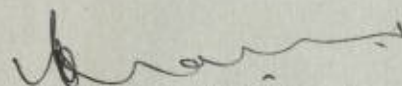
“pensionable” means eligible for pension.”.

Passed by the Hong Kong Legislative Council this 1st day of September, 1971.



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. 52 OF 1971.



I assent.

Governor.

2nd September, 1971.

An Ordinance to repeal and replace the Education Ordinance.

[]

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

PART I.

PRELIMINARY.

1. (1) This Ordinance may be cited as the Education Ordinance 1971.

Short title and commencement.

(2) This Ordinance shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*, and notices under this subsection may appoint different dates for different provisions of this Ordinance.

2. This Ordinance shall not apply to—

Application.

(a) the University of Hong Kong established by the University of Hong Kong Ordinance;

(Cap. 1053.)

(b) The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance;

(Cap. 1109.)

(40 of 1971.)

(c) the Hong Kong Polytechnic established by the Hong Kong Polytechnic Ordinance 1971; or

(Cap. 320.)

(d) any post secondary college registered under the Post Secondary Colleges Ordinance.

Interpretation.

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

“approved manager” means a person who is approved under subsection (1) of section 24 to be a manager;

“authorized architect” means a person whose name is on the register of authorized architects kept under section 3 of the Buildings Ordinance;

(Cap. 123.)

“Building Authority” has the same meaning as it has in section 2 of the Buildings Ordinance;

“certificate of provisional registration” means in relation to a school which is provisionally registered, the certificate which is issued by the Director under subsection (1) of section 18 in respect of the school;

“certificate of registration” means—

(a) in relation to a school which is registered under section 13, the certificate issued by the Director under subsection (1) of section 18 in respect of the school; and

(b) in relation to a school which is registered under either of the repealed Ordinances, the certificate of registration issued by the Director under such Ordinance in respect of the school;

“Director” means the Director of Education;

“document” includes any account, counterfoil, text-book, exercise book, pamphlet, publication, newspaper, poster, drawing, sketch, film, filmstrip, slide, gramophone record, and other printed, written or recorded matter, whether relating to school management, teaching or recreation or to any other activity of or in connexion with a school;

“evening instruction” means any instruction the greater part of which in any one day takes place after 6 p.m.;

“functions” includes powers and duties;

“inclusive fee” means the total sum of money charged in respect of the education of a pupil in a school;

“inspector of schools” means a person who is appointed under section 79 to be an inspector of schools, a medical officer of schools and a health inspector of schools;

“kindergarten education” means education which is suitable for normal pupils who have attained the age of four years but not the age of five years;

“manage” includes administer;

“management committee” means the registered managers of a school;

“manager” means a person who manages or takes any part in the management of—

(a) a school; or

(b) the activities of the pupils of a school;

“permitted teacher” means a person, not being a registered teacher, who is permitted to be employed as a teacher in a school in accordance with a permit to teach;

“permit to teach” means a permit issued under subsection (1) of section 50 or under either of the repealed Ordinances for the employment as a teacher in a school of a person who is not a registered teacher;

“post secondary education” means education which is beyond the stage of secondary education;

“primary education” means education which is suitable for normal pupils who have attained the age of five years but not the age of twelve years;

“principal” means a teacher who is approved as the principal of a school under subsection (2) of section 53 or subsection (2) of section 57 or under either of the repealed Ordinances;

“provisionally registered” means provisionally registered under section 15;

“pupils’ association” means an association the affairs of which are conducted wholly or partly in any school premises and which consists wholly or mainly of persons under the age of twenty-one years who are undergoing primary or secondary education in any school or schools;

“registered”, in relation to a school, means registered under section 13 or under either of the repealed Ordinances;

“registered manager” means a person who is registered as a manager of a school under subsection (1) of section 29 or under either of the repealed Ordinances;

“registered name” means the name in which a school is registered or provisionally registered;

“registered teacher” means a person who is registered as a teacher under subsection (1) of section 45 or under either of the repealed Ordinances;

“repealed Ordinances” means—

(a) the Education Ordinance; and

(b) the Education Ordinance 1913;

(Cap. 279.)

(26 of 1913.)

"school" means an institution, organization or establishment which provides for twenty or more persons during any one day, whether or not at the same time, any kindergarten, primary, secondary or post secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services;

"school premises" includes school recreation rooms, residential facilities, playing fields and playing grounds, and any other places used for the purposes of a school;

"secondary education" means education which is suitable for normal pupils who have attained the age of twelve years but not the age of nineteen years;

"supervisor" means a registered manager who is approved as the supervisor of a school under section 34 or subsection (2) of section 38 or under either of the repealed Ordinances.

4. (1) The Director shall be charged with the superintendence of matters relating to education in Hong Kong.

(2) The Director shall promote the education of the people of Hong Kong and control and direct education policy.

5. (1) The Deputy Director of Education may exercise any function of the Director under this Ordinance.

(2) The Director may authorize any officer of the Education Department to exercise any function of the Director under any provision of this Ordinance other than subsection (5) of section 9.

6. (1) The Governor may give to the Director and to any other public officer, other than a judge, a district judge, or a magistrate, such directions as he thinks fit with respect to the exercise or performance of their respective functions under this Ordinance, either generally or in any particular case.

(2) A person to whom a direction is given by the Governor under subsection (1) shall, in the exercise or performance of his functions under this Ordinance, comply with that direction.

7. (1) There shall be a Board of Education appointed in accordance with subsection (2) which may advise the Governor on educational matters.

(2) The Governor shall by notice in the *Gazette* appoint as members of the Board such persons as he thinks fit.

(3) A member of the Board shall hold office for such period as may be specified in such notice.

(4) The Board may regulate its procedure.

Director to promote education in Hong Kong.

Delegation of Director's powers.

Power of Governor to give directions.

The Board of Education.

(5) Such officers of the Education Department as the Director may nominate shall attend the meetings of the Board.

(6) The Director shall appoint an officer of the Education Department to be the secretary to the Board.

(7) The secretary to the Board shall forward a record of every meeting of the Board to the Director, who shall transmit a copy of the record to the Governor together with any observations which the Director may wish to make on such record.

8. (1) The Director shall maintain—

(a) a register of schools, in which shall be entered—

(i) the name of every registered school; and

(ii) the premises which are specified in the certificate of registration of the school;

(b) a register of schools which are provisionally registered, in which shall be entered—

(i) the name of every school which is provisionally registered; and

(ii) the premises which are specified in the certificate of provisional registration of the school;

(c) a list containing the name and address of every approved manager;

(d) a register of managers, in which shall be entered—

(i) the name and address of every registered manager; and

(ii) the registered name and the address of every school of which a person is a registered manager; and

(e) a register of teachers, in which shall be entered the name of every registered teacher.

(2) Such other particulars as the Director considers necessary may be entered in any register or list referred to in subsection (1).

9. (1) The following schools and the owners, managers, teachers and pupils of such schools shall be exempt from this Ordinance—

(a) any school entirely maintained and controlled by the Government or by the Crown in right of Her Majesty's Government in the United Kingdom;

(b) any school which provides education which is solely religious; and

(c) any school which has been exempted from either of the repealed Ordinances by notification in the *Gazette* and the exemption of which has not been withdrawn.

Director to maintain registers.

Exemption of schools from Ordinance.

(2) The Governor in Council may, by order published in the *Gazette*, withdraw wholly or partly the exemption conferred by subsection (1) on any school and the owners, managers, teachers or pupils of the school.

(3) The Governor in Council may, by order published in the *Gazette*, exempt from all or any of the provisions of this Ordinance—

- (a) any school or class or description of school; and
- (b) the owners, managers, teachers or pupils of such school or class or description of school,

on such conditions, if any, as he thinks fit.

(4) An order under subsection (3) exempting a school from section 10 shall not preclude the making of an application for registration of the school or the registration or provisional registration of the school, and if the school is registered or provisionally registered the exemption shall cease to have effect.

(5) The Director may, by order in writing, exempt from all or any of the provisions of this Ordinance—

- (a) any school which provides education consisting only of a series of lectures, or a course of instruction in a particular subject or topic;
- (b) any school which provides less than ten hours of academic instruction each week; and
- (c) the owners, managers, teachers or pupils of any school referred to in paragraph (a) or (b),

on such conditions, if any, as he thinks fit.

PART II.

REGISTRATION AND PROVISIONAL REGISTRATION OF SCHOOLS.

10. (1) Every school shall be registered or provisionally registered.

(2) If a school provides evening instruction in addition to other education, there shall be deemed to be a separate school in respect of the evening instruction and such separate school shall also be registered or provisionally registered.

11. An application for registration of a school shall be—

- (a) made to the Director by an approved manager in the prescribed form; and

Schools to be registered or provisionally registered.

Application for registration of school.

(b) accompanied—

(i) by the documents specified in such form; and

(ii) if the school is to be operated in or in any part of any premises which are not designed and constructed for the purposes of a school, by the additional documents specified in subsection (1) of section 12.

12. (1) The documents referred to in sub-paragraph (ii) of paragraph (b) of section 11 shall be—

- (a) a certificate from the competent authority as to his opinion with regard to the suitability for the purposes of a school of the premises or the part of the premises in which the school is to be operated, having regard to the loading for which they are designed and constructed;
- (b) a certificate from the competent authority that the premises in or in part of which the school is to be operated do not have structural timber floors;
- (c) a certificate from the Director of Fire Services that the use for the purposes of a school of the premises or the part of the premises in which the school is to be operated would not expose the persons in the school premises to any undue risk of fire, and that in the event of fire in the premises in or in part of which the school is to be operated the means of escape for all the persons in the premises (including the persons in the school premises) would be adequate;
- (d) if the Buildings Ordinance applies to the premises in or in part of which the school is to be operated, a notice in writing from the Building Authority stating that he does not intend, in exercise of the powers conferred on him by section 25 of that Ordinance, to prohibit the use for the purposes of a school of the premises or the part of the premises in which the school is to be operated; and
- (e) if—

(i) the competent authority has certified under paragraph (a) that in his opinion the premises or the part of the premises in which the school is to be operated are not suitable for the purposes of a school, having regard to the loading for which they are designed and constructed;

(ii) the premises in or in part of which the school is to be operated were erected prior to the 1st day of January 1946; or

Additional documents required where premises not designed and constructed as a school.

(Cap. 123.)

(iii) at the time of erection of the premises in or in part of which the school is to be operated, the Buildings Ordinance did not apply to such premises,

a certificate from an authorized architect that the premises in or in part of which the school is to be operated are in sound structural condition.

(2) An application to the competent authority, the Building Authority or the Director of Fire Services for a certificate or a notice required for the purposes of subsection (1) shall be—

- (a) made in such form as the Director shall specify; and
- (b) accompanied by a plan, drawn to such scale and with such number of copies as the Director shall specify, of the premises or the part of the premises in which the school is to be operated.

(3) The Director of Public Works may, where he is the competent authority for the purposes of paragraphs (a) and (b) of subsection (1), appoint any officer of the Public Works Department to perform the functions of the competent authority under those paragraphs.

(4) Nothing in this section shall affect the powers of the Building Authority under the Buildings Ordinance.

(5) For the purposes of this section, "competent authority" means—

- (a) in the case of any premises or part of any premises which are situated in an area which has been set aside or has been deemed to have been set aside as a cottage resettlement area under section 37 of the Resettlement Ordinance, the person who is appointed under section 36 of that Ordinance to be the competent authority for the purpose of Part V of that Ordinance;
- (b) in the case of any premises or part of any premises which are situated in an area which has been set aside as a Class I area or a Class II area under section 50A of the Resettlement Ordinance, the person who is appointed under section 50B of that Ordinance to be the competent authority for the purposes of Part VA of that Ordinance; and
- (c) in any other case, the Director of Public Works and any officer of the Public Works Department appointed by him under subsection (3).

(Cap. 304.)

13. On receiving an application in accordance with section 11, the Director shall make such inquiry as he considers necessary and shall determine the application—

- (a) by registering the school in respect of which the application is made; or
- (b) by refusing under section 14 to register the school.

14. (1) The Director may refuse to register a school if it appears to him—

- (a) that there would be any danger to persons using the proposed school premises, whether arising inside or outside the premises, or that there would be a risk of any such danger;
- (b) that the proposed school premises are or are likely to be for any reason unsuitable for use for the purposes of a school;
- (c) that any provision of this Ordinance is being or will be contravened in respect of the school;
- (d) that the proposed inclusive fee is excessive having regard to the cost of maintaining and operating the school and to the standard of education to be provided;
- (e) that the qualifications and experience of the proposed teachers are not adequate to ensure the satisfactory operation of the school;
- (f) that the proposed salaries of the teachers are not adequate to ensure the satisfactory operation of the school;
- (g) that the proposed school premises or the equipment which is to be used by the school will not allow of satisfactory tuition in the subjects to be taught by the school;
- (h) that adequate educational facilities already exist in the area in which it is proposed to operate the school;
- (i) that the composition of the proposed management committee or of the proposed teaching staff is such that the school is not likely to be managed satisfactorily, or is such that the education of the pupils is not likely to be promoted in a proper manner;
- (j) that the composition of the proposed management committee or the proposed teaching staff is the same or substantially the same as that of a school which the Director has previously refused to register, or the registration or provisional registration of which the Director has previously cancelled;

Registration of school.

Grounds for refusal to register school.

- (k) that he has previously—
- (i) refused to register the school; or
 - (ii) cancelled the registration or provisional registration of the school;
- (l) that any part of the proposed school premises—
- (i) was to have been used for the purposes of a school which the Director has previously refused to register; or
 - (ii) has been used for the purposes of a school the registration or provisional registration of which the Director has cancelled;
- (m) that the school is affiliated to or connected with or in any way controlled by a foreign government or a department of a foreign government or an organization or group of a political nature;
- (n) that in or in connexion with the application for registration any statement has been made or information has been furnished which is false in any material particular or by reason of the omission of any material particular; or
- (o) that the proposed registered name of the school is unsuitable, or is the same as or similar to—
- (i) the name in which another school is registered; or
 - (ii) the name of any school the registration of which has been cancelled.

(2) The Director may also refuse to register a school if he refuses under subsection (1) of section 35 to approve as the first supervisor of the school the person who is recommended to be the supervisor by the applicant for registration of the school.

15. (1) At any time after an application for registration of a school is made in accordance with section 11 and before the application is determined, the Director may provisionally register the school for such period, not exceeding twelve months, as he thinks fit.

(2) The Director may extend the period of provisional registration of a school for such further periods, not exceeding twelve months at one time, as he thinks fit.

16. (1) If the Director registers a school which is provisionally registered, the provisional registration of the school shall cease to have effect.

(2) If the Director refuses to register a school which is provisionally registered, the provisional registration of the school shall not by reason only of such refusal cease to have effect.

Provisional registration of school.

Effect on provisional registration when application for registration is determined.

17. Notwithstanding sections 13 and 15, the Director shall not—

- (a) register or provisionally register a school in any name containing the word "university" or the Chinese characters "大學" or "學院"; or
- (b) without the consent of the Governor, register or provisionally register any school which provides post secondary education.

18. (1) On registering or provisionally registering a school, the Director shall issue to the supervisor a certificate of registration or a certificate of provisional registration in the prescribed form and sufficient copies of the certificate so that the certificate or a copy may be exhibited in each of the premises specified in the certificate.

(2) Except as provided in subsection (3), section 20 and section 71, the supervisor of a school shall cause the certificate or a copy issued by the Director under subsection (1) to be exhibited at all times in a conspicuous place in each of the premises specified in the certificate.

(3) If the Director extends the period of provisional registration of a school under subsection (2) of section 15, the supervisor shall within one month after the date when he is notified of the extension deliver the certificate of provisional registration and every copy of the certificate to the Director, who shall amend the certificate and the copies thereof accordingly and return them to the supervisor.

19. (1) No school shall be operated in any premises other than the premises specified in the certificate of registration or provisional registration of the school.

(2) No teacher in any school shall teach in any premises other than the premises specified in the certificate of registration or provisional registration of the school.

20. (1) The supervisor of a school may apply in writing to the Director to amend the certificate of registration or provisional registration by—

- (a) specifying in the certificate any additional or alternative premises; or
- (b) deleting from the certificate reference to any premises or to any part of any premises.

Restrictions on registration and provisional registration.

Certificate of registration or provisional registration.

Premises in which school may be operated.

Change of premises.

(2) An application under subsection (1) shall be accompanied by—

- (a) the certificate in respect of which the application is made;
- (b) every copy of the certificate issued under subsection (1) of section 18; and
- (c) three copies of a plan or diagram, specifying dimensions, of the premises or the part of the premises to which the application relates.

(3) An application under paragraph (a) of subsection (1) shall specify the names and addresses of the landlord and the tenant of the premises or the part of the premises to which the application relates.

(4) An application under paragraph (a) of subsection (1) in respect of any premises or any part of any premises which are not designed and constructed for the purposes of a school shall be accompanied by the certificates and the notice specified in subsection (1) of section 12, and the provisions of subsections (2), (3), (4) and (5) of section 12 shall apply as if the application were an application for registration of a school.

(5) On receiving an application in accordance with this section, the Director shall make such inquiry as he considers necessary and shall determine the application—

- (a) by granting the application wholly or partly, in either of which cases he shall amend the certificate of registration or provisional registration and the copies thereof accordingly; or
- (b) by refusing to grant the application.

(6) The Director shall return to the supervisor the certificate of registration or provisional registration and the copies thereof, amended accordingly if he grants an application under paragraph (a) of subsection (5).

21. (1) If in the opinion of the Director of Fire Services a change in—

- (a) the design or structure of the premises in or in any part of which a school is operated; or
- (b) the use of any part of the premises in or in any part of which a school is operated,

Changes in design or use of premises increasing fire risk.

is such that the persons in the school premises are exposed to any undue risk of fire, or that in the event of fire in the premises in or in any part of which the school is operated, the means of escape for all the persons in the premises (including the persons in the school premises) would not be adequate, he may deliver to the Director a notice in writing which shall either—

- (i) specify any provision which in his opinion should be made by the school to eliminate the undue risk of fire, or to ensure that in the event of fire the means of escape for all the persons in the premises (including the persons in the school premises) will be adequate; or
- (ii) if the Director of Fire Services considers that no provision can be made by the school to eliminate the undue risk of fire, or to ensure that in the event of fire the means of escape for all the persons in the premises (including the persons in the school premises) will be adequate, state that in his opinion no such provision can be made.

(2) If the Director of Fire Services delivers to the Director a notice under subsection (1) in respect of a school specifying any provision which the Director of Fire Services considers should be made by the school, the Director may by notice in writing served on the supervisor of the school require such provision to be made.

22. (1) The Director may cancel the registration or provisional registration of a school—

- (a) on any ground specified in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) or (n) of section 14 on which he would have been entitled to refuse registration of a school, whether or not such ground existed at the time when the school was registered or provisionally registered;
- (b) if any manager of the school has committed an offence against this Ordinance subsequent to the registration or provisional registration of the school;
- (c) if it appears to the Director that the school has ceased to exist, or that for a continuous period of not less than one school term the school has ceased to operate;
- (d) if a direction given in a notice served under subsection (2) of section 82 on the supervisor or any other manager of the school has not been complied with;
- (e) if it appears to the Director that the management committee is not managing the school satisfactorily, or that the education of the pupils is not being promoted in a proper manner;

Grounds for cancellation of registration or provisional registration of school.

- (f) if, in the case of a school which is operated in or in any part of any premises which, in the opinion of the competent authority for the purposes of section 12, are unsuitable for use for the purposes of a school having regard to the loading for which the premises or the part of the premises are designed and constructed, the Director has received a report from an authorized architect that the premises in or in part of which the school is operated are not in sound structural condition;
- (g) if in respect of the school any provision specified in a notice under subsection (2) of section 21 has not been made—
- (i) within two months of the date of service of the notice; or
- (ii) before the commencement of the school term next following the date of service of the notice,
- whichever is the earlier, or within such further period as the Director may permit;
- (h) if, under subsection (1) of section 21, the Director has received a notice from the Director of Fire Services stating that, in the latter's opinion, no provision can be made by the school to eliminate any undue risk of fire, or to ensure that in the event of fire in the premises in or in any part of which the school is operated, the means of escape for all the persons in the premises (including the persons in the school premises) will be adequate;
- (i) if the school is operated in any name other than the name in which it is registered or provisionally registered; or
- (j) if it appears to the Director that any provision of this Ordinance is being or has been contravened in respect of the school.
- (2) The Director shall cancel the registration or provisional registration of a school if—
- (a) the registration of every manager of the school is cancelled; and
- (b) no manager of the school is permitted under section 66 to continue to act as a manager of the school.

PART III.

MANAGERS OF SCHOOLS.

Approval of persons to be managers.

23. An application for approval to be a manager shall be made to the Director in the prescribed form.

Application for approval to be a manager.

24. (1) On receiving an application in accordance with section 23, the Director shall make such inquiry as he considers necessary and shall determine the application—

Approval to be a manager.

- (a) by approving the applicant to be a manager; or
- (b) by refusing under section 25 to approve the applicant to be a manager.

(2) On approving an applicant to be a manager under subsection (1), the Director shall issue to the applicant a certificate of approval in the prescribed form.

25. The Director may refuse to approve an applicant to be a manager if it appears to him that the applicant—

Grounds for refusal of approval to be a manager.

- (a) is not resident in Hong Kong for at least nine months in each year;
- (b) is not a fit and proper person to be a manager;
- (c) has been convicted of an offence punishable with imprisonment;
- (d) is a person in respect of whom a permit to teach has previously been cancelled;
- (e) has not established that he possesses suitable qualifications or experience to be a manager;
- (f) cannot perform satisfactorily or is unlikely to perform satisfactorily the duties of a manager;
- (g) has attained the age of seventy years; or
- (h) in making or in connexion with any application—
- (i) for approval to be a manager;
- (ii) for registration of a school;
- (iii) for registration as a manager or a teacher; or
- (iv) to employ a person as a permitted teacher in a school,

has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular.