

- (a) render the lift engineer or the escalator engineer unfit to be on the register of lift engineers or on the register of escalator engineers; or
- (b) make the further inclusion on the register of lift engineers or the register of escalator engineers of the lift engineer or escalator engineer prejudicial to the due administration of this Ordinance,

the Director may bring the matter to the notice of a disciplinary board.

(2) Where, after due inquiry, the disciplinary board is satisfied that the registered lift engineer or the registered escalator engineer has been convicted of such an offence or has been guilty of such negligence or misconduct, such board may—

- (a) order that the name of the lift engineer or escalator engineer be removed from the register of lift engineers or the register of escalator engineers, as the case may be, either permanently or for such period as the board directs; or
- (b) order that the lift engineer or escalator engineer be reprimanded.

Powers of disciplinary board.

10. For the purposes of any inquiry, a disciplinary board shall have all such powers as are vested in the Supreme Court in relation to—

- (a) enforcing the attendance of witnesses and examining them upon oath or otherwise;
- (b) compelling the production of relevant documents;
- (c) ordering the inspection of premises in which any lift or escalator is installed or in which lift works or escalator works have been carried out; and
- (d) entering upon and viewing such premises.

Appeals from disciplinary board.

11. (1) Any lift engineer or escalator engineer aggrieved by any order made in respect of him under the provisions of subsection (2) of section 9 may appeal to a judge of the Supreme Court, and upon any such appeal the judge may confirm, reverse or vary the order of the disciplinary board or may remit the matter to the board with his opinion thereon.

(2) Notice of any such appeal shall be given by the lift engineer or the escalator engineer within one month from the date of such order.

(3) Save as otherwise provided in this Ordinance, the practice in relation to any such appeal shall be subject to any rules of court made under the Supreme Court Ordinance.

(Cap. 4).

- (4) The decision of the judge shall be final.

PART III.

Examination of new lifts and escalators and testing of safety equipment provided therefor and examination and testing of lifts and escalators to which certain alterations have been made.

12. (1) Upon the completion of the installation of any lift or escalator, the owner of the lift or escalator shall, before the same is put into normal operation—

Examination of new lifts and escalators and testing of safety equipment provided therefor.

- (a) cause the lift or escalator and all machinery and equipment connected therewith to be thoroughly examined by a registered lift engineer or a registered escalator engineer, as the case may be, and, without prejudice to the generality of the foregoing, every such examination shall, in the case of a lift, include, where applicable, an examination of the motor, brakes and control equipment of the lift, of the interlocking devices provided for the doors or gates of the lift-way and the car of the lift and of the safety equipment provided for the lift; and

- (b) cause the safety equipment provided for the lift or escalator to be tested by a registered lift engineer or a registered escalator engineer, as the case may be, in the following manner, namely—

(i) in the case of a lift, by the operation of the same with full rated load in the lift; and

(ii) in the case of an escalator, by the operation of the same without any load on the escalator.

(2) When the registered lift engineer or the registered escalator engineer, as the case may be, is satisfied that the lift or escalator and all such machinery and equipment and the safety equipment provided for the lift or escalator is in safe working order, he shall deliver to the owner of the lift or escalator a certificate in the prescribed form, and the owner shall deliver the same to the Director within seven days of his receipt thereof.

Form 5.

- (3) When such certificate is delivered to the Director, he shall—

- (a) if he is satisfied that the lift or escalator and all such machinery and equipment and the safety equipment provided therefor is in safe working order and save as provided in subsection (3) of section 33, by notice in the prescribed form permit the lift or escalator to be used and operated; or
- (b) if he is not so satisfied, refuse to permit the lift or escalator to be used or operated.

Form 6.

(4) The Director shall be deemed to have permitted the lift or escalator to be used and operated unless, within the period and in the manner prescribed by subsection (1) of section 14, he notifies the owner thereof that he refuses to permit the same to be used or operated.

Examination and testing of lifts to which major alterations have been made and of escalators to which alteration of speed, etc., has been made.

13. (1) Where any lift works which consist, either wholly or in part, of major alterations have been carried out in respect of any lift and where any escalator works which consist, either wholly or in part, of the alteration of the speed, operation or design of the escalator have been carried out in respect of any escalator, the owner of the lift or escalator shall, before the normal use and operation thereof is resumed, cause the lift or escalator to be examined and tested by a registered lift engineer or a registered escalator engineer, as the case may be, so far as may be necessary to determine that those parts of the lift or escalator affected by such lift works or escalator works are in safe working order.

(2) When the registered lift engineer or the registered escalator engineer, as the case may be, is satisfied that such parts of the lift or escalator are in safe working order, he shall deliver to the owner of the lift or escalator a certificate in the prescribed form, and the owner shall deliver the same to the Director within seven days of his receipt thereof.

(3) When such certificate is delivered to the Director, he shall—

- (a) if he is satisfied that such parts of the lift or escalator are in safe working order, by notice in the prescribed form permit the use and operation of the lift or escalator to be resumed; or
- (b) if he is not so satisfied, refuse to permit the use or operation of the lift or escalator to be resumed.

(4) The Director shall be deemed to have permitted the use and operation of the lift or escalator to be resumed unless, within the period and in the manner prescribed by subsection (1) of section 14, he notifies the owner thereof that he refuses to permit the use or operation of the same to be resumed.

14. (1) Where, under the provisions of paragraph (b) of subsection (3) of section 12 and paragraph (b) of subsection (3) of section 13, respectively, the Director refuses to permit a new lift or escalator to be used or operated or refuses to permit the use or operation of a lift or escalator to be resumed, he shall, in writing within fourteen days of the receipt by him of the certificate of the registered lift engineer or registered escalator engineer, notify the owner of the lift or escalator that he so refuses and shall, at the same time, inform such owner of the ground for his refusal and of the work which is, in his opinion, necessary—

- (a) in the case of a refusal under the provisions of paragraph (b) of subsection (3) of section 12, to put the lift or escalator and all machinery and equipment connected therewith and the safety equipment provided therefor in safe working order; and
- (b) in the case of a refusal under the provisions of paragraph (b) of subsection (3) of section 13, to put those parts of the lift

Procedure upon refusal of Director under sections 12 and 13.

Form 7.

Form 8.

or escalator affected by the lift works or escalator works in safe working order.

(2) Save as provided in subsection (3) of section 33, the Director shall, when he is satisfied that such lift or escalator and all machinery and equipment connected therewith and the safety equipment provided therefor is in safe working order or that those parts of the lift or escalator affected by the lift works or escalator works are in safe working order, as the case may be, by notice in the prescribed form permit the lift or escalator to be used and operated or permit the use and operation of the lift or escalator to be resumed.

Forms 6 and 8.

15. (1) Where, under the provisions of paragraph (b) of subsection (3) of section 12 and paragraph (b) of subsection (3) of section 13, respectively, the Director refuses to permit a lift or escalator to be used or operated or refuses to permit the use or operation of a lift or escalator to be resumed, the owner of the lift or escalator may appeal against such refusal to an appeal board appointed under the provisions of section 16.

Owner may appeal against refusal of Director.

(2) Notice of any such appeal shall be given to the Director within fourteen days of such refusal.

16. (1) For the purposes of section 15, the Governor may, from time to time on application made to him by the Director, appoint an appeal board.

Appointment of appeal board.

(2) Subject to the provisions of subsection (3), every such board shall consist of the following members, each of whom shall be nominated for appointment by the Chairman of the Hong Kong Joint Overseas Group of Civil, Mechanical and Electrical Engineers' Institutions—

- (a) an authorized architect who is a corporate member of the Institution of Civil Engineers;
- (b) a corporate member of the Institution of Mechanical Engineers; and
- (c) a corporate member of the Institution of Electrical Engineers.

(3) A person who is employed full time in any office of emolument under the Crown shall not be eligible for appointment as a member of any appeal board.

(4) The members of any appeal board shall be remunerated at a rate according to the amount of work and the time occupied, and such remuneration shall be determined in each case by the Governor.

17. (1) If, after due inquiry, the appeal board is—

- (a) in the case of an appeal from a refusal of the Director under the provisions of paragraph (b) of subsection (3) of section 12, of opinion that the lift or escalator and all machinery and

Determination of appeal board and procedure thereafter.

equipment connected therewith and the safety equipment provided therefor is in safe working order; or

- (b) in the case of an appeal from a refusal of the Director under the provisions of paragraph (b) of subsection (3) of section 13, of opinion that those parts of the lift or escalator affected by the lift works or escalator works are in safe working order,

the board may direct that the Director shall, as soon as practicable, by notice in the prescribed form permit the lift or escalator to be used and operated or permit the use and operation of the lift or escalator to be resumed, as the case may be.

(2) If, after due inquiry, the appeal board is, in the case of an appeal from a refusal of the Director under the provisions of paragraph (b) of subsection (3) of section 12, of opinion that the lift or escalator and all machinery and equipment connected therewith and the safety equipment provided therefor is not in safe working order or is, in the case of an appeal from a refusal of the Director under the provisions of paragraph (b) of subsection (3) of section 13, of opinion that those parts of the lift or escalator affected by the lift works or escalator works are not in safe working order, and is of opinion, in either of such cases, that the work specified by the Director, pursuant to the provisions of subsection (1) of section 14, as being necessary to put the lift or escalator and all such machinery and equipment or such parts of the lift or escalator, as the case may be, in safe working order is not necessary, but that other work is so necessary, the board may specify the work which it considers to be necessary and may direct that the Director shall, when he is satisfied that such other work has been carried out, by notice in the prescribed form permit the lift or escalator to be used and operated or permit the use and operation of the lift or escalator to be resumed, as the case may be.

(3) Save as provided in subsections (1) and (2), the appeal board shall confirm the decision of the Director and, in such a case, the provisions of subsection (2) of section 14 shall apply as if there had been no appeal.

18. (1) A decision of an appeal board shall be final:

Provided that any person aggrieved by the decision as being erroneous in point of law may appeal to a judge of the Supreme Court, and upon any such appeal the judge may confirm, reverse or vary the decision of the appeal board or may remit the matter to the board with his opinion thereon.

(2) Notice of any such appeal shall be given within one month from the date of the decision of the appeal board.

Forms 6
and 8.

Forms 6
and 8.

Appeal to
Supreme
Court on
point of law.

(3) Save as otherwise provided in this Ordinance, the practice in relation to any such appeal shall be subject to any rules of court made under the Supreme Court Ordinance.

(Cap. 4).

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

PART IV.

Maintenance and examination of lifts and escalators and testing of safety equipment provided therefor.

19. The owner of every lift and the owner of every escalator shall, to the satisfaction of the Director, cause the lift or escalator, all machinery and equipment connected therewith and the safety equipment provided therefor to be cleaned, oiled and adjusted by a registered lift contractor or a registered escalator contractor, as the case may be, at intervals not exceeding one month.

Periodic
maintenance
of lifts and
escalators.

20. (1) Any lift works which consist, either wholly or in part, of major alterations in respect of a lift and any other lift works which may affect the safe working of a lift shall be carried out by a registered lift contractor.

Certain lift
works and
escalator
works to be
carried out
by registered
lift contractor
or registered
escalator
contractor.

(2) Any escalator works which consist, either wholly or in part, of the alteration of the speed, operation or design of an escalator and any other escalator works which may affect the safe working of an escalator shall be carried out by a registered escalator contractor.

21. The owner of every lift shall, at intervals not exceeding twelve months, cause the lift to be thoroughly examined by a registered lift engineer in order to determine whether the lift and all machinery and equipment connected therewith is in safe working order and, without prejudice to the generality of the foregoing, every such examination shall include, where applicable, an examination of the motor, brakes and control equipment of the lift, of the interlocking devices provided for the doors or gates of the lift-way and the car of the lift, and of the safety equipment provided for the lift.

Periodic
examination
of lifts.

22. The owner of every escalator shall, at intervals not exceeding six months, cause the escalator to be thoroughly examined by a registered escalator engineer in order to determine whether the escalator and all machinery and equipment connected therewith is in safe working order.

Periodic
examination
of escalators.

23. (1) In addition to the examination thereof required by the provisions of section 21, the owner of every lift shall cause the safety equipment provided therefor to be tested by a registered lift engineer—

Periodic
testing of
safety equip-
ment of lifts.

- (a) at intervals not exceeding twelve months, by the operation of the same without any load in the lift; and

(b) at intervals not exceeding five years, by the operation of the same with full rated load in the lift.

(2) Any test of any safety equipment made in accordance with the provisions of paragraph (b) of subsection (1) may be in lieu of the test thereof required, in respect of that period of twelve months, by the provisions of paragraph (a) of that subsection.

Periodic testing of safety equipment of escalators.

24. At intervals not exceeding twelve months, the owner of every escalator shall, in addition to the examination thereof required by the provisions of section 22, cause the safety equipment provided therefor to be tested by a registered escalator engineer by the operation of the same without any load on the escalator.

Power of Director to require lift or escalator to be examined or safety equipment to be tested.

25. (1) Where, within five weeks after the expiration of any period in which—

- (a) a lift or escalator is, by the provisions of sections 21 and 22, respectively, required to be examined; or
- (b) the safety equipment provided for any lift or escalator is, by the provisions of sections 23 and 24, respectively, required to be tested,

the Director has neither received a certificate in the prescribed form that the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided therefor, as the case may be, is in safe working order nor been notified that the same is not in safe working order, he may, by order in the prescribed form served upon the owner of the lift or escalator, require the owner to cause the lift or escalator and all machinery and equipment connected therewith to be examined or the safety equipment provided therefor to be tested, or both, as the case may be, in accordance with the provisions of section 21, 22, 23 or 24.

Form 9.

(2) Where the Director is satisfied that any lift works which consisted, either wholly or in part, of major alterations to a lift or that any other lift works which may affect the safe working of a lift have been carried out by some person other than a registered lift contractor, the Director may, by order in the prescribed form served upon the owner of the lift, require the owner to cause the lift and all machinery and equipment connected therewith to be examined, or the safety equipment provided therefor to be tested without any load in the lift, or both, by a registered lift engineer.

Form 10.

(3) Where the Director is satisfied that any escalator works which consisted, either wholly or in part, of the alteration of the speed, operation or design of an escalator or that any other escalator works which may affect the safe working of an escalator have been carried out by some person other than a registered escalator contractor, the Director may, by order in the prescribed form served upon the owner of the

Form 10.

escalator, require the owner to cause the escalator and all machinery and equipment connected therewith to be examined, or the safety equipment provided therefor to be tested, or both, by a registered escalator engineer.

26. (1) (a) Where, upon any examination under the provisions of section 21 or 22 or upon any examination in accordance with an order under section 25, the registered lift engineer or registered escalator engineer, as the case may be, is satisfied that the lift or escalator and all machinery and equipment connected therewith is in safe working order and where, upon any test under the provisions of section 23 or 24 or upon any test in accordance with an order under section 25, the registered lift engineer or registered escalator engineer, as the case may be, is satisfied that the safety equipment provided for the lift or escalator is in safe working order, he shall, within twenty-one days of the examination or test, as the case may be, deliver to the owner of the lift or escalator a certificate in the prescribed form.

Procedure upon examination or test.

- (b) The owner of the lift or escalator shall, within seven days of his receipt thereof, deliver such certificate to the Director.

Forms 11, 12, 13, 14 and 15.

(2) Where, upon any examination under the provisions of section 21 or 22 or upon any examination in accordance with an order under section 25, the registered lift engineer or registered escalator engineer, as the case may be, is not satisfied that the lift or escalator and all machinery and equipment connected therewith is in safe working order and where, upon any test under the provisions of section 23 or 24 or upon any test in accordance with an order under section 25, the registered lift engineer or registered escalator engineer, as the case may be, is not satisfied that the safety equipment provided for the lift or escalator is in safe working order, he shall—

- (a) if he is of opinion that any further use or operation of the lift or escalator would be, or would be likely to be, dangerous, forthwith report the fact that he is not so satisfied to the Director and to the owner of the lift or escalator; or
- (b) if he is of opinion that no immediate danger will arise from the further use and operation of the lift or escalator, report the fact that he is not so satisfied to the owner of the lift or escalator, and where—

(i) within a period of fourteen days from the date of such report, the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided for the lift or escalator, or both, as the case may be, has been put in safe working order to his satisfaction, shall give his certificate in the manner provided by paragraph (a) of subsection (1); or

(ii) upon the expiration of such period the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided for the lift or escalator, or both, as the case may be, has or have not been put in safe working order to his satisfaction, shall forthwith report that he is not satisfied that the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided for the lift or escalator, or both, as the case may be, is or are in safe working order to the Director.

Power of Director to prohibit use and operation of lift or escalator.

27. (1) Where the Director—

- (a) is not satisfied that the provisions of section 19 are being complied with in respect of a lift or escalator; or
- (b) has, within twenty-one days of the service of an order under section 25, neither received a certificate in the prescribed form that the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided therefor, or both, as the case may be, is or are in safe working order nor been notified that the same is or are not in safe working order; or
- (c) has, under subsection (2) of section 26, received a report from a registered lift engineer or a registered escalator engineer that such engineer is not satisfied that a lift or escalator and all machinery and equipment connected therewith or the safety equipment provided for a lift or escalator, or both, as the case may be, is or are in safe working order; or
- (d) is, at any time, satisfied that any lift or escalator is in any respect not in safe working order,

Form 16. he may, by order in the prescribed form served upon the owner of the lift or escalator, prohibit the use and operation of the lift or escalator.

(2) Any such order shall continue in operation until, as the case may be, the Director has received, or is, under the provisions of paragraph (c) of subsection (2) of section 36, deemed to have received, a certificate in the prescribed form from a registered lift engineer or a registered escalator engineer certifying that the lift or escalator and all machinery and equipment connected therewith or the safety equipment, or both, is or are in safe working order or has received a certificate in the prescribed form from a registered lift contractor or registered escalator contractor certifying that the lift or escalator has been cleaned, oiled and adjusted in accordance with the provisions of section 19, and has, in the prescribed form, permitted the use and operation of the lift or escalator to be resumed.

Form 17.

Form 18.

Form 19.

PART V.

Offences.

28. (1) Any person who—

- (a) forges any certificate required by, under or for the purposes of this Ordinance;
- (b) gives or signs any such certificate knowing it to be false in a material particular;
- (c) knowingly utters or makes use of any such certificate so forged or false;
- (d) knowingly utters or makes use of as applying to any lift or escalator any such certificate which does not so apply; or
- (e) makes any statement which is false in a material particular in an application under section 6,

Certain offences.

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

(2) In the event of any contravention of the provisions of subsection (2) of section 39, the owner of the lift or escalator shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months unless he shows that such contravention occurred without his consent or connivance and that he had taken all reasonable steps to prevent the same.

(3) Any person who—

- (a) contravenes the provisions of section 32, subsection (2) or (3) of section 33 or subsection (5) of section 40;
- (b) removes or defaces any order or any copy thereof posted on any building under the provisions of this Ordinance;
- (c) fails to comply with any conditions imposed under the provisions of subsection (1) of section 45; or
- (d) obstructs the Director, or any public officer authorized by him, in the execution of his powers or functions under the provisions of this Ordinance,

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

29. (1) No new lift or escalator shall be used or operated by any person for any purpose, except by or under the direction of the Director or a registered lift engineer or a registered escalator engineer, as the case may be, in connexion with the examination or testing thereof or the testing of the safety equipment provided therefor or by or under the direction of a registered lift contractor or a registered escalator contractor, as the case may be, in connexion with the carrying out of any

Prohibition of use and operation of lifts and escalators in certain cases, and offences in connexion therewith.

work for the installation thereof, until the Director has under the provisions of paragraph (a) of subsection (3) of section 12 or subsection (2) of section 14 or paragraph (a) of subsection (2) of section 36 or pursuant to the direction of an appeal board given under the provisions of subsection (1) or (2) of section 17, permitted the lift or escalator to be used and operated or is, under the provisions of subsection (4) of section 12, deemed to have permitted the lift or escalator to be used and operated.

(2) No lift in respect of which lift works which consist, either wholly or in part, of major alterations are being, or have been, carried out and no escalator in respect of which escalator works which consist, either wholly or in part, of the alteration of the speed, operation or design of the escalator are being, or have been, carried out shall be used or operated by any person for any purpose, except by or under the direction of the Director or a registered lift engineer or a registered escalator engineer, as the case may be, in connexion with the examination or testing thereof or of a registered lift contractor or a registered escalator contractor, as the case may be, in connexion with the carrying out of such lift works or escalator works, until the Director has, under the provisions of subsection (3) of section 13 or subsection (2) of section 14 or paragraph (b) of subsection (2) of section 36 or pursuant to the direction of an appeal board given under the provisions of subsection (1) or (2) of section 17, permitted the use and operation of the lift or escalator to be resumed or is, under the provisions of subsection (4) of section 13, deemed to have permitted the use and operation of the lift or escalator to be resumed.

(3) A lift or escalator in respect of which an order has been made under the provisions of section 27 shall not, during the continuance in operation of such order, be used or operated by any person for any purpose, except by or under the direction of the Director or a registered lift engineer or a registered escalator engineer, as the case may be, in connexion with the examination or testing thereof or a registered lift contractor or a registered escalator contractor, as the case may be, in connexion with the cleaning, oiling or adjusting thereof or the carrying out of any repairs or other work thereto necessary to put such lift or escalator in safe working order.

(4) In the event of any contravention of subsection (1), (2) or (3), the owner of the lift or escalator shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months unless he shows to the satisfaction of the court that such contravention occurred without his consent or connivance and that he had taken all reasonable steps to prevent the use and operation of the lift or escalator.

(5) Where any person has been convicted of an offence under subsection (4), he shall, in addition to the penalty provided therefor, be liable to a fine of five hundred dollars for each day during which it is proved to the satisfaction of the court that there has been a further contravention of subsection (1), (2) or (3), as the case may be, unless he shows that such further contravention occurred without his consent or connivance and that he had taken all reasonable steps to prevent the use and operation of the lift or escalator.

30. (1) Any person who shall by himself, or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive for himself, or for any other person, any gift, loan, fee, reward or advantage whatsoever as an inducement to, or reward for, or otherwise on account of any registered lift engineer or registered escalator engineer giving any certificate required by, under or for the purposes of this Ordinance or forbearing to make any report so required or doing or forbearing to do anything in respect of the giving of any such certificate or the making of any such report shall be guilty of an offence. Corruption.

(2) Any person who shall by himself, or by or in conjunction with any other person, corruptly give, promise or offer any gift, loan, fee, reward or advantage whatsoever to any person, whether for the benefit of that person or another person, as an inducement to or reward for or otherwise on account of any registered lift engineer or registered escalator engineer giving any certificate required by, under or for the purposes of this Ordinance or forbearing to make any report so required or doing or forbearing to do anything in respect of the giving of any such certificate or the making of any such report shall be guilty of an offence.

(3) Any person who is guilty of an offence under subsection (1) or (2) shall be liable—

- (a) on summary conviction to a fine of five thousand dollars and to imprisonment for two years; and
- (b) on conviction on indictment to a fine of ten thousand dollars and to imprisonment for five years.

(4) A prosecution under this section shall not be instituted except by or with the consent of the Attorney General.

31. Where a person by whom an offence under this Ordinance has been committed is a company, every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent. Liability of directors, etc. where company convicted of offence.

PART VI.

Supplementary and miscellaneous provisions.

Duty of owner to report place at which lift or escalator installed in certain cases.

Lifts and escalators to be numbered in certain cases, etc.

32. Any person who is, at the commencement of this Ordinance, the owner of a lift or escalator shall, in writing within one month of the commencement thereof, notify the Director of the place at which the lift or escalator is installed.

33. (1) Where more than one lift or escalator is installed in any building, each lift or escalator shall be marked with a number so as to enable the lift or escalator to be identified as the lift or escalator to which any certificate, order, notice or report given or made under the provisions of this Ordinance relates.

(2) Where, at the commencement of this Ordinance, more than one lift or escalator is installed in any building, the owner of the lifts or escalators shall, within three months of the commencement thereof, send to the Director a plan showing the position of the lifts or escalators in the building and the numbers with which they have been so marked.

(3) Where, after the commencement of this Ordinance, more than one lift or escalator is installed in any building, the owner of the lifts or escalators shall send such a plan to the Director before or at the same time as the certificate issued under the provisions of subsection (2) of section 12, or, where an application is made to the Director under section 36, before, or at the same time as, such application is made, and the Director may refuse to permit the use and operation of the lifts or escalators, as the case may be, until he has received such plan.

(4) If any person fails to comply with the provisions of subsection (2) or (3), the Director may so mark the lifts or escalators (if they have not already been so marked) and cause to be prepared, and send to the owner of the lifts or escalators, a plan showing the position of the same in the building and the numbers marked thereon, and may recover the cost, which may include supervision charges, of preparing such plan and of any work involved therein by action in the District Court, if the sum claimed does not exceed five thousand dollars, or in the Supreme Court.

Director to be notified where major alterations are to be carried out to lift and where speed, operation or design of escalator is to be altered.

34. Where any lift works which consist, either wholly or in part, of major alterations are to be carried out in respect of any lift and where any escalator works which consist, either wholly or in part, of the alteration of the speed, operation or design of the escalator are to be carried out in respect of any escalator, the registered lift contractor or registered escalator contractor, as the case may be, engaged to carry out such lift works or escalator works shall, as soon as practicable and, in any event, before such works are commenced, in writing notify the Director of the works which are to be carried out.

35. (1) Subject to the provisions of subsection (2), a registered lift engineer or a registered escalator engineer, as the case may be, may, for the purposes of any examination under the provisions of subsection (1) of section 12 or subsection (1) of section 13 or section 21 or 22 or in accordance with an order under section 25, carry out such tests as he considers necessary of the lift or escalator, the safety equipment provided therefor and the other machinery and equipment connected therewith.

(2) No tests of the safety equipment provided for any lift or escalator shall be made, for the purposes of any such examination, with any load in the lift or on the escalator.

36. (1) Where, upon an examination and test under the provisions of section 12 or upon an examination under the provisions of section 21 or 22 or upon a test under the provisions of section 23 or 24 or upon an examination or test, or both, in accordance with an order under section 25, a registered lift engineer or a registered escalator engineer is of opinion that the lift or escalator or the machinery and equipment connected therewith or the safety equipment provided therefor, as the case may be, is not in safe working order and where, upon an examination and test under the provisions of section 13, such engineer is of opinion that those parts of the lift or escalator affected by the lift works or escalator works are not in safe working order, the owner of the lift or escalator may, if he considers himself aggrieved by the decision of such engineer, apply in writing to the Director, and thereupon the provisions of subsection (2) shall apply.

(2) Upon an application under subsection (1), the Director may examine the lift or escalator and the machinery and equipment connected therewith or test the safety equipment provided for the lift or escalator, or both, as the case may be, and—

(a) if the application is in respect of an examination and test under the provisions of section 12 and the Director is satisfied that the lift or escalator and all machinery and equipment connected therewith and the safety equipment provided therefor is in safe working order, he shall, save as provided in subsection (3) of section 33, by notice in the prescribed form permit the lift or escalator to be used and operated;

(b) if the application is in respect of an examination and test under the provisions of section 13 and the Director is satisfied that those parts of the lift or escalator affected by the lift works or escalator works are in safe working order, he shall by notice in the prescribed form permit the use and operation of the lift or escalator to be resumed;

(c) if the application is in respect of an examination under the provisions of section 21 or 22 or a test under the provisions of

Registered lift or escalator engineer authorized to make tests for purposes of examination under section 12, 13, 21 or 22 or in accordance with an order under section 25.

Right of owner of lift or escalator aggrieved by decision of engineer to apply to Director, and procedure thereon.

Form 6.

Form 8.

section 23 or 24 or an examination or test, or both, in accordance with an order under section 25 and the Director is satisfied that the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided therefor, or both, as the case may be, is in safe working order, the provisions of this Ordinance shall apply as if the Director had, at the date of such examination or test, or both, received a certificate in the prescribed form from a registered lift engineer or a registered escalator engineer, as the case may be, certifying that the lift or escalator and all such machinery and equipment or such safety equipment, or both, as the case may be, is in safe working order; or

- (d) if, in the case of an application in respect of an examination and test under the provisions of section 13, the Director is not satisfied that those parts of the lift or escalator affected by the lift works or escalator works are in safe working order, and if, in the case of any other application, the Director is not satisfied that the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided therefor, or both, as the case may be, is in safe working order, the provisions of this Ordinance shall apply as if such application had not been made.
- (3) For the avoidance of doubt, it is hereby declared that—
- (a) where, at the time an application is made to the Director under the provisions of subsection (1), the Director has, in exercise of the powers vested in him by the provisions of section 27, by order prohibited the use and operation of the lift or escalator, the making of such application shall not stay the operation of such order; and
- (b) the making of an application to the Director under the provisions of subsection (1) shall not prevent the Director from exercising the power vested in him by the provisions of section 27 of prohibiting the use and operation of the lift or escalator.

Delegation
of powers.

37. The Director may delegate to any officer of the Public Works Department, either generally or particularly, such of his powers or functions under the provisions of this Ordinance as he may consider expedient:

Provided that no delegation made hereunder shall preclude the Director from exercising or performing at any time any of the powers or functions so delegated.

Powers of
entry.

38. (1) The Director, or any public officer authorized in writing by him in that behalf, may, during the hours of daylight, enter and where necessary, in the presence of a police officer, break into any

premises, other than a part of any premises which is actually used for dwelling purposes, for the purpose of ascertaining whether the provisions of this Ordinance or the requirements of any order made thereunder have been or are being complied with or of examining, testing or inspecting any lift or escalator or of disconnecting the supply of electricity to any lift or escalator or for the purposes of section 33.

(2) Pursuant to a warrant issued under the provisions of subsection (3), the Director or any such public officer may for any of the purposes specified in subsection (1) enter and, where necessary, in the presence of a police officer break into any part of any premises which is actually used for dwelling purposes.

(3) If a magistrate is satisfied by information on oath that, for any of the purposes specified in subsection (1), it is necessary for the Director or any such public officer to enter any part of any premises which is actually used for dwelling purposes, he may by warrant under his hand authorize the Director or such officer to enter such part and, if necessary, to break into such part in the presence of a police officer.

39. (1) Where, in contravention of an order made under the provisions of section 27, a lift or escalator has been used or operated, the Director may disconnect the supply of electricity to the lift or escalator and may so seal the wires as to prevent, so far as possible, the reconnexion of the supply of electricity and may carry out such work as may be necessary in connexion with such disconnexion and sealing.

(2) Where, pursuant to the provisions of subsection (1), the supply of electricity to a lift or escalator has been disconnected, such supply shall not be reconnected without the permission in writing of the Director.

Power of
Director to
disconnect
supply of
electricity
in event of
contravention
of order
under section
27.

40. (1) Whenever the Director—

- (a) has received a certificate issued by a registered lift engineer or a registered escalator engineer pursuant to, or for the purposes of, the provisions of—

- (i) subsection (2) of section 12;

- (ii) paragraph (a) of subsection (1) of section 26;

- (iii) sub-paragraph (i) of paragraph (b) of subsection (2) of section 26;

- (iv) subsection (2) of section 27; or

- (b) is, under the provisions of paragraph (c) of subsection (2) of section 36, deemed to have received a certificate from a registered lift engineer or a registered escalator engineer certifying that a lift or escalator and all machinery and equipment connected therewith or the safety equipment provided for a lift or escalator, or both, is or are in safe working order,

Director to
issue certi-
ficate as to
date of last
examination
of lift or
escalator
and last test
of safety
equipment in
certain cases.

he shall, save as provided in subsection (3), deliver to the owner of the lift or escalator a certificate in the appropriate prescribed form specifying, in accordance with the provisions of subsection (2), the date on which the lift or escalator and all machinery and equipment connected therewith was last examined, and the date on which the safety equipment provided therefor was last tested, by a registered lift engineer or a registered escalator engineer, as the case may be.

(2) The date specified by the Director in any certificate delivered by him pursuant to the provisions of subsection (1) as the date of such examination or test shall be—

- (a) the date certified by a registered lift engineer or a registered escalator engineer in any certificate which was issued by such engineer pursuant to, or for the purposes of, any of the provisions of this Ordinance specified in paragraph (a) of subsection (1) and which is in the possession of the Director at the time he issues his certificate to be the date on which the lift or escalator and all such machinery and equipment was examined or the safety equipment provided therefor was tested; or
- (b) where such last examination or test was an examination or test in respect of which the Director is deemed by virtue of the provisions of paragraph (c) of subsection (2) of section 36 to have received a certificate from a registered lift engineer or a registered escalator engineer certifying that the lift or escalator and all machinery and equipment connected therewith or the safety equipment provided therefor is in safe working order, the date notified to him by the registered lift engineer or the registered escalator engineer in respect of whose decision the application under the provisions of subsection (1) of section 36 was made to be the date on which such examination or test was carried out.

(3) Where under the provisions of paragraph (b) of subsection (3) of section 12 the Director refuses to permit a new lift or escalator to be used or operated, he shall deliver the certificate prescribed in subsection (1) to the owner of the lift or escalator when, under the provisions of subsection (2) of section 14 or pursuant to the direction of an appeal board given under the provisions of subsection (1) or (2) of section 17, he permits the lift or escalator to be used and operated.

(4) Where, upon an application under the provisions of subsection (1) of section 36 in respect of an examination and test under the provisions of section 12, the Director permits a lift or escalator to be used and operated, he shall at the same time deliver to the owner of the lift or escalator the certificate prescribed in subsection (1).

(5) The owner of the lift or escalator shall post, or cause to be posted, in a conspicuous position in the lift or on the escalator any certificate delivered to him under the provisions of this section, and shall keep the same so posted until another such certificate is delivered to him.

41. Wherever in this Ordinance provision is made for service upon any person of any order, it shall be sufficient service if a copy of such order is—

Service of
orders.

- (a) delivered to the person upon whom it is to be served; or
- (b) posted upon a conspicuous part of the building in which the lift or escalator in respect of which such order is made is situated.

42. (1) Every certificate issued under the provisions of subsection (2) of section 12, subsection (2) of section 13 or under the provisions of section 26 or 27 by a registered lift engineer or a registered escalator engineer, except such a certificate issued by a registered lift engineer or a registered escalator engineer who is not, at the date of the issue of the certificate, employed by a registered lift contractor or a registered escalator contractor, shall be countersigned by a registered lift contractor or a registered escalator contractor, as the case may be.

Certificates to
be counter-
signed.

(2) A registered lift contractor or registered escalator contractor who countersigns any such certificate shall not, solely by reason thereof, incur any liability whatsoever in respect of the truth or accuracy of any matter or thing contained therein.

43. The fees or charges in respect of any matter or thing done pursuant to the provisions of this Ordinance by a registered lift engineer, registered escalator engineer, registered lift contractor or registered escalator contractor shall be such as may be agreed between the owner of the lift or escalator, as the case may be, and such engineer, or any person by whom he is employed, or such contractor.

Fees or
charges.

44. (1) No liability shall rest upon the Government or upon any public officer solely by reason of the fact that any lift or escalator and the machinery and equipment connected therewith is subject to examination or to cleaning, oiling and adjusting under the provisions of this Ordinance, or solely by reason of the fact that the safety equipment provided for any lift or escalator is subject to testing under the provisions of this Ordinance, or solely by reason of the carrying out of any such examination or test or the cleaning, oiling or adjusting of any lift or escalator in accordance with the provisions of this Ordinance or the carrying out of any other work pursuant to the provisions of this Ordinance, or solely by reason of the carrying out by the Director of an examination of a lift or escalator and all or any machinery and

Limitation
of public
liability.

equipment connected therewith or a test of the safety equipment provided for a lift or escalator, or both, upon an application under the provisions of subsection (1) of section 36, or solely by reason of any other matter or thing done or any certificate or report given or made under the provisions of this Ordinance.

(2) No matter or thing done by the Director or by any officer of the Public Works Department to whom the Director has, pursuant to the provisions of section 37, delegated any of his powers or functions or by any public officer acting under the direction of the Director shall, if it was done *bona fide* for the purpose of executing the provisions of this Ordinance, subject them personally to any action, liability, claim or demand whatsoever.

Power of Director to exempt lifts from certain provisions of Ordinance.

45. (1) Where the Director is satisfied that it is consistent with the interests of safety, he may, upon application in writing in that behalf, exempt any lift to which this section applies from all or any of the provisions of section 12, 13, 19, 21, 22, 23 or 24, and, in granting any such exemption, the Director may impose such conditions as to the maintenance or examination of the lift or the testing of any safety equipment provided therefor as he considers necessary.

(2) This section shall apply to any lift other than a lift which is used for carrying any person and which is driven by mechanical power.

Amendment of Schedule.

46. The Governor may by order amend, add to or vary any form contained in the Schedule or add any form thereto or delete any form therefrom.

Special provisions as to application of Ordinance where lessee of building responsible for lift or escalator.

47. (1) Where, under any agreement, the lessee or sub-lessee of any building is responsible for any lift or escalator which forms part of the building or has become annexed by operation of law to the building, this Ordinance shall, subject to the provisions of subsection (2), apply, during the continuance in force of such agreement, as if any reference to the owner of a lift or escalator were a reference to such lessee or sub-lessee.

(2) This section shall not apply until the owner of such lift or escalator has notified the Director of the name of the person who is, under such agreement, responsible for the lift or escalator.

Saving of agreement between owner of lift or escalator and registered lift engineer, etc., as to liability.

48. (1) Any term agreed between a registered lift engineer or a registered escalator engineer or any person by whom a registered lift engineer or a registered escalator engineer is employed, or both, and the owner of a lift or escalator, as the case may be, limiting the liability of, or exempting from any liability, the registered lift engineer or the registered escalator engineer or any person by whom he is employed or the servants or agents of the registered lift engineer or the registered escalator engineer or of the person by whom he is employed, or all of them, in respect of any examination or test of the lift or escalator or

any test of the safety equipment provided therefor made, or any certificate or report given or made, under the provisions of this Ordinance, shall not be affected by any of the provisions of this Ordinance.

(2) Any term agreed between a registered lift contractor or a registered escalator contractor and the owner of a lift or escalator, as the case may be, limiting the liability of, or exempting from any liability, the registered lift contractor or the registered escalator contractor, or his servants or agents, or all of them, in respect of any certificate or report given or made under the provisions of this Ordinance or in respect of any lift works or escalator works carried out in respect of the lift or escalator pursuant to the provisions of this Ordinance, shall not be affected by any of the provisions of this Ordinance.

49. The provisions of this Ordinance shall be in addition to, and not in derogation of any of, the provisions of the Prevention of Corruption Ordinance, the Mining Ordinance, 1954, the Factories and Industrial Undertakings Ordinance, 1955 and the Buildings Ordinance, 1955.

Saving of certain Ordinances. (Cap. 215). (33 of 1954). (34 of 1955). (68 of 1955).

50. It is hereby declared that, for the purposes of the proviso to subsection (1) of section 35 of the Buildings Ordinance, 1955, the provisions of this Ordinance shall be in substitution for the provisions of subsections (4) and (5) of section 34 of the Buildings Ordinance repealed by the said section 35.

Provisions of Ordinance to be in substitution for certain provisions of Buildings Ordinance. (Cap. 123).

51. (1) The provisions of subsection (1) of section 20 shall not apply to any lift works which are in the course of being carried out at the commencement of this Ordinance.

Transitional provisions.

(2) The provisions of subsection (2) of section 20 shall not apply to any escalator works which are in the course of being carried out at the commencement of this Ordinance.

SCHEDULE.

[ss. 2 and 45.]

GOVERNMENT OF HONG KONG.

FORM 1.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 6(1).

Application for inclusion in register of lift engineers.

To the Director of Public Works.

I hereby make application to be included in the register of lift engineers.

1. Full names

.....

2. Address (a) Business
- (b) Residence
3. Qualifications and experience in lift works
4. Name of registered lift contractor by whom applicant is employed
-
- Signature of applicant.

GOVERNMENT OF HONG KONG.

FORM 2.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 6(1).

Application for inclusion in register of escalator engineers.

To the Director of Public Works.

I hereby make application to be included in the register of escalator engineers.

1. Full names
2. Address (a) Business
- (b) Residence
3. Qualifications and experience in escalator works
4. Name of registered escalator contractor by whom applicant is employed

Signature of applicant.

GOVERNMENT OF HONG KONG.

FORM 3.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 6(2).

Certificate of registration of lift engineer.

Certificate No., 19

I certify that
has been included in the register of lift engineers kept under section 5 of the Lifts and Escalators (Safety) Ordinance, 1960.

Director of Public Works.

GOVERNMENT OF HONG KONG.

FORM 4.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 6(2).

Certificate of registration of escalator engineer.

Certificate No., 19

I certify that
has been included in the register of escalator engineers kept under section 5 of the Lifts and Escalators (Safety) Ordinance, 1960.

Director of Public Works.

GOVERNMENT OF HONG KONG.

FORM 5.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 12(2).

Certificate on examination of new lift or escalator and on testing of safety equipment provided therefor.

To the Director of Public Works., 19

I, ... registered lift engineer/registered escalator engineer, certify that the new lift/escalator installed at (No. and name of street and, where more than one lift or escalator is installed in the building, specify

No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) was examined and the safety equipment provided therefor was tested, in accordance with the provisions of section 12(1) of the Lifts and Escalators (Safety) Ordinance, 1960, by me on the day of 19

I am satisfied that, on the day of 19, the above lift/escalator was in safe working order.

.....
Signature of registered lift engineer/
registered escalator engineer.

.....
Signature of registered lift contractor/
registered escalator contractor.

GOVERNMENT OF HONG KONG.

FORM 6.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Sections 12(3)(a), 14(2), 17(1) and (2) and 36(2)(a).

Permit to use and operate a new lift or escalator.

Public Works Department,
Hong Kong.

....., 19

Pursuant to the provisions of—

- | | | |
|--|---|---|
| Delete
whichever
is inappli-
cable. | { | (a) paragraph (a) of subsection (3) of section 12 |
| | | (b) subsection (2) of section 14 |
| | | (c) subsection (1) of section 17 |
| | | (d) subsection (2) of section 17 |
| | | (e) paragraph (a) of subsection (2) of section 36 |

of the Lifts and Escalators (Safety) Ordinance, 1960.

I hereby permit the use and operation of the new lift/escalator installed at (No. and name of street and, where more than one lift or escalator is installed in the building, specify No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalator (Safety) Ordinance, 1960)

.....
Director of Public Works.

GOVERNMENT OF HONG KONG.

FORM 7.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 13(2).

Certificate on examination and testing of lift in respect of which lift works consisting of major alterations have been carried out or of escalator in respect of which escalator works consisting of the alteration of the speed, operation or design thereof have been carried out.

....., 19

To the Director of Public Works.

* I, ..., registered lift engineer, certify that the lift installed at (No. and name of street and, where more than one lift is installed in the building, specify No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) in respect of which lift works consisting of major alterations have been carried out was examined and tested by me, in accordance with the provisions of section 13(1) of the Lifts and Escalators (Safety) Ordinance, 1960, on the day of 19

* I, ..., registered escalator engineer, certify that the escalator installed at (No. and name of Street, and, where more than one escalator is installed in the building, specify No. of escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) in respect of which escalator works consisting of the alteration of the speed/operation/design thereof have been carried out was examined and tested by me, in accordance with the provisions of section 13(1) of the Lifts and Escalators (Safety) Ordinance, 1960, on the day of 19

I am satisfied that, on the day of 19, those parts of the lift/escalator affected by the above lift works/escalator works were in safe working order.

.....
Signature of registered lift engineer/
registered escalator engineer.

.....
Signature of registered lift contractor/
registered escalator contractor.

* Delete whichever is inapplicable.

GOVERNMENT OF HONG KONG.

FORM 8.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Sections 13(3)(a), 14(2), 17(1) and (2) and 36(2)(b).

Permit to resume use and operation of lift in respect of which major alterations have been made or of escalator in respect of which there has been an alteration of speed, operation or design.

Public Works Department,
Hong Kong.

....., 19

Pursuant to the provisions of—

- Delete whichever is inapplicable.
- (a) paragraph (a) of subsection (3) of section 13
 - (b) subsection (2) of section 14
 - (c) subsection (1) of section 17
 - (d) subsection (2) of section 17
 - (e) paragraph (b) of subsection (2) of section 36

of the Lifts and Escalators (Safety) Ordinance, 1960.

* I hereby permit the resumption of the use and operation of the lift installed at (No. and name of street and, where more than one lift is installed in the building, specify No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) in respect of which lift works consisting of major alterations have been carried out.

* I hereby permit the resumption of the use and operation of the escalator installed at (No. and name of street and, where more than one escalator is installed in the building, specify No. of escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) in respect of which escalator works consisting of the alteration of the speed/operation/design of the escalator have been carried out.

.....
Director of Public Works.

* Delete whichever is inapplicable.

GOVERNMENT OF HONG KONG.

FORM 9.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 25(1).

Order requiring lift or escalator to be examined or the safety equipment provided therefor to be tested, or both.

Public Works Department,
Hong Kong.

....., 19

In exercise of the powers vested in me by subsection(1) of section 25 of the Lifts and Escalators (Safety) Ordinance, 1960, I hereby require—

- * (a) the lift/escalator installed at (No. and name of street and, where more than one lift or escalator is installed in the building, specify No. of lift or escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960)
and all machinery and equipment connected therewith to be examined in accordance with provisions of section 21/22 of the Lifts and Escalators (Safety) Ordinance, 1960.
- * (b) the safety equipment provided for the lift/escalator installed at (insert situation and No., as above, of lift or escalator)
to be tested in accordance with the provisions of section 23/24 of the Lifts and Escalators (Safety) Ordinance, 1960.

This order is made on the ground or grounds specified hereunder.

- * (i) I have, within five weeks after the expiration of the period within which, in accordance with the provisions of section 21/22 of the Lifts and Escalators (Safety) Ordinance, 1960, the above lift/escalator is required to be examined neither received a certificate that the above lift/escalator is in safe working order nor been notified that the same is not in safe working order.
- * (ii) I have, within five weeks after the expiration of the period within which, in accordance with the provisions of section 23/24 of the Lifts and Escalators (Safety) Ordinance, 1960, the safety equipment provided for the above lift/escalator is required to be tested neither received a certificate that such safety equipment is in safe working order nor been notified that the same is not in safe working order.

.....
Director of Public Works.

Note: Attention is drawn to the provisions of section 27(1) of the Lifts and Escalators (Safety) Ordinance, 1960, which empowers the Director of Public Works to prohibit the use and operation of a lift or escalator if, within twenty-one days of the service of an order under section 25(1) thereof, he has neither received a certificate from a registered lift engineer or registered escalator engineer that the lift or escalator or the safety equipment provided therefor, as the case may be, is in safe working order nor been notified that the same is not in safe working order.

* Delete if inapplicable.

GOVERNMENT OF HONG KONG.

FORM 10.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 25(2) or (3).

Order requiring lift or escalator to be examined or the safety equipment provided therefor to be tested, or both.

Public Works Department,
Hong Kong.

....., 19

In exercise of the powers vested in me by subsection (2)/(3) of section 25 of the Lifts and Escalators (Safety) Ordinance, 1960, I hereby require—

- * (a) the lift/escalator installed at (No. and name of street and, where more than one lift or escalator is installed in the building, specify No. of lift/escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960)
to be examined by a registered lift engineer/registered escalator engineer; and

- * (b) the safety equipment provided for the lift/escalator installed at (insert situation and No., as above, of lift or escalator)
-
- to be tested without any load in the lift/on the escalator by a registered lift engineer/registered escalator engineer.

.....
Director of Public Works.

Note: Attention is drawn to the provisions of section 27(1) of the Lifts and Escalators (Safety) Ordinance, 1960, which empowers the Director of Public Works to prohibit the use and operation of a lift or escalator if, within twenty-one days of the service of an order under section 25(2)/(3) thereof, he has neither received a certificate from a registered lift engineer or registered escalator engineer that the lift or escalator or the safety equipment provided therefor, or both, as the case may be, is in safe working order nor been notified that the same is not in safe working order.

* Delete if inapplicable.

GOVERNMENT OF HONG KONG.

FORM 11.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Sections 21 and 26(1)(a).

Certificate on periodic examination of lift.

....., 19

To the Director of Public Works.

I, ..., registered lift engineer, certify that the lift installed at (No. and name of street and, where more than one lift is installed in the building, specify No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960)

..... was examined, in accordance with the provisions of section 21 of the Lifts and Escalators (Safety) Ordinance, 1960, by me on the day of, 19.....

I am satisfied that, on the day of 19....., the above lift was in safe working order.

.....
Signature of registered lift engineer.

.....
Signature of registered lift contractor.

GOVERNMENT OF HONG KONG.

FORM 12.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Sections 22 and 26(1)(a).

Certificate on periodic examination of escalator.

....., 19

To the Director of Public Works.

I, ..., registered escalator engineer, certify that the escalator installed at (No. and name of street and, where more than one escalator is installed in the building, specify No. of escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960)

..... was examined, in accordance with the provisions of section 22 of the Lifts and Escalators (Safety) Ordinance, 1960, by me on the day of, 19.....

I am satisfied that, on the day of 19....., the above escalator was in safe working order.

.....
Signature of registered escalator engineer.

.....
Signature of registered escalator contractor.

GOVERNMENT OF HONG KONG.

FORM 13.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Sections 23 and 26(1)(a).

Certificate on periodic testing of safety equipment provided for a lift.

....., 19

To the Director of Public Works.

* I, ..., registered lift engineer, certify that the safety equipment provided for the lift installed at (No. and name of street and, where more than one lift is installed in the building, specify No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts Escalators (Safety) Ordinance, (1960)

..... was tested, in accordance with the provisions of paragraph (a) of subsection (1) of section 23 of the Lifts and Escalators (Safety) Ordinance, 1960, by me on the day of 19.....

* I, ..., registered lift engineer, certify that the safety equipment provided for the lift installed at (No. and name of street and, where more than one lift is installed in the building, specify No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) was tested, in accordance with the provisions of paragraph (b) of subsection (1) of section 23 of the Lifts and Escalators (Safety) Ordinance, 1960, by me on the day of 19

I am satisfied that, on the day of, 19....., the safety equipment provided for the above lift was in safe working order.

.....
Signature of registered lift engineer.

.....
Signature of registered lift contractor.

* Delete whichever is inapplicable.

GOVERNMENT OF HONG KONG.

FORM 14.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Sections 24 and 26(1)(a).

Certificate on periodic testing of safety equipment provided for an escalator.

To the Director of Public Works., 19

I, ..., registered escalator engineer, certify that the safety equipment provided for the escalator installed at (No. and name of street and, where more than one escalator is installed in the building, specify No. of escalator marked thereon and shown on plan prepared in accordance with section 33 of the lifts and Escalators (Safety) Ordinance, 1960) was tested, in accordance with the provisions of section 24 of the Lifts and Escalators (Safety) Ordinance, 1960, by me on the day of 19

I am satisfied that, on the day of 19....., the safety equipment provided for the above escalator was in safe working order.

.....
Signature of registered escalator engineer.

.....
Signature of registered escalator contractor.

GOVERNMENT OF HONG KONG.

FORM 15.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Sections 25 and 26(1)(a).

Certificate on examination of lift or escalator or testing of safety equipment provided therefor, or both, pursuant to an order under section 25.

To the Director of Public Works., 19

I, ..., registered lift engineer/registered escalator engineer, certify that—

*(a) the lift/escalator installed at (No. and name of street and, where more than one lift/escalator is installed in the building, specify No. of lift/escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) was examined by me in accordance with an order under subsection (1)/(2)/(3) of section 25 of the Lifts and Escalators (Safety) Ordinance, 1960 on the day of 19

*(b) the safety equipment provided for the lift/escalator installed at (insert situation and No., as above, of lift or escalator) was tested by me in accordance with an order under subsection (1)/(2)/(3) of section 25 of the Lifts and Escalator (Safety) Ordinance, 1960 on the day of 19

I am satisfied that, on the day of 19....., * the above lift/escalator and * the safety equipment provided for the above lift/escalator was in safe working order.

.....
Signature of registered lift engineer/
registered escalator engineer.

.....
Signature of registered lift contractor/
registered escalator contractor.

* Delete if inapplicable.

GOVERNMENT OF HONG KONG.

FORM 16.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 27(1).

Order prohibiting use and operation of lift or escalator.

Public Works Department,
Hong Kong.

....., 19

In exercise of the powers vested in me by section 27(1) of the Lifts and Escalators (Safety) Ordinance, 1960, I hereby prohibit the use and operation of the lift/escalator installed at (No. and name of street and, where more than one

lift or escalator is installed in the building, specify No. of lift or escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960)

on the ground or grounds indicated hereunder.

- *(a) I have received a report from a registered lift engineer/registered escalator engineer that he is not satisfied that the above lift/escalator and the machinery and equipment connected therewith is in safe working order.
- *(b) I have received a report from a registered lift engineer/registered escalator engineer that he is not satisfied that the safety equipment provided for the above lift/escalator is in safe working order.
- *(c) I have, within twenty one days of the service of my order under section 25 of the Lifts and Escalators (Safety) Ordinance, 1960 in respect of the above lift/escalator, neither received a certificate from a registered lift engineer/registered escalator engineer that—
 - *(i) the above lift/escalator and the machinery and equipment connected therewith; and
 - *(ii) the safety equipment provided for the above lift/escalator, is in safe working order, nor been notified that the same is not in safe working order.
- *(d) I am not satisfied that the provisions of section 19 of the Lifts and Escalators (Safety) Ordinance, 1960, have been complied with in respect of the above lift/escalator.
- *(e) I am satisfied that the above lift/escalator is not in safe working order.

.....
Director of Public Works.

Note 1. This order will, by virtue of the provisions of subsection (2) of section 27 of the Lifts and Escalators (Safety) Ordinance, 1960, continue in operation until I have, or am, under section 36(2)(c) of the Ordinance, deemed to have received the certificate specified hereunder and I have, in the prescribed form, permitted the use and operation of the lift/escalator to be resumed.

- *(a) A certificate from a registered lift engineer/registered escalator engineer that—
 - *(i) the above lift/escalator and all machinery and equipment connected therewith;
 - *(ii) the safety equipment provided for the above lift/escalator, is in safe working order.
- *(b) A certificate from a registered lift contractor/registered escalator contractor that the above lift/escalator has been cleaned, oiled and adjusted.

Note 2. Attention is drawn to the provisions of section 29(3) and (4) of the Lifts and Escalators (Safety) Ordinance, 1960, which provide that, if a lift or escalator is used or operated during the continuance in operation of an order under section 27(1) thereof, the owner of the lift or escalator shall be guilty of an offence and liable to a fine of \$5,000 and to imprisonment for 6 months unless he shows to the satisfaction of the court that the lift or escalator was used and operated without his consent or connivance and that he had taken all reasonable steps to prevent the use and operation of the same.

Note 3. Attention is also drawn to the provisions of section 39 of the Lifts and Escalators (Safety) Ordinance, 1960, which empower the Director of Public Works to disconnect the supply of electricity to a lift or escalator if an order under section 27(1) thereof is contravened.

* Delete if inapplicable.

GOVERNMENT OF HONG KONG.

FORM 17.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 27(2).

Certificate from registered lift engineer/registered escalator engineer.

To the Director of Public Works., 19

I, ..., registered lift engineer/registered escalator engineer, certify that—

- *(a) the lift/escalator installed at (No. and name of street and, where more than one lift or escalator is installed in the building, specify No. of lift or escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) and all machinery and equipment connected therewith is now in safe working order;
- *(b) the safety equipment provided for the lift/escalator installed at (insert situation and No., as above, of lift or escalator) is now in safe working order.

.....
*Signature of registered lift engineer/
registered escalator engineer.*

.....
*Signature of registered lift contractor/
registered escalator contractor.*

* Delete if inapplicable.

GOVERNMENT OF HONG KONG.

FORM 18.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 27(2).

Certificate from registered lift contractor/registered escalator contractor.

To the Director of Public Works., 19

I/We, ..., registered lift contractor/registered escalator contractor, certify that the lift/escalator installed at (No. and name of street and, where more than one lift or escalator is installed in the building, specify No. of lift or escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) has now been cleaned, oiled and adjusted.

.....
*Signature of registered lift contractor/
registered escalator contractor.*

GOVERNMENT OF HONG KONG.

FORM 19.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 27(2).

*Permit to resume use and operation of lift or escalator.*Public Works Department,
Hong Kong.

19

I hereby permit the use and operation of the lift/escalator installed at (No. and name of street and, where more than one lift or escalator is installed in the building, specify No. of lift or escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960)

to be resumed.

Director of Public Works.

GOVERNMENT OF HONG KONG.

FORM 20.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 40.

Certificate as to date of last examination of lift and last test of safety equipment provided therefor by a registered lift engineer.

19

*According to a certificate issued by a registered lift engineer —

*I have been notified by a registered lift engineer that —

- (a) the lift installed at (No. and name of street and, where more than one lift is installed in the building, specify No. of lift marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) was examined by a registered lift engineer on the day of 19.....;
- (b) the safety equipment provided for the above lift was tested by a registered lift engineer on the day of 19.....

Pursuant to the provisions of subsections (1) and (2) of section 40 of the Lifts and Escalators (Safety) Ordinance, 1960, I certify that the above lift and its machinery and equipment was last examined on the day of 19..... and that the safety equipment provided therefor was last tested on the day of 19.....

Director of Public Works.

* Delete whichever is inapplicable.

GOVERNMENT OF HONG KONG.

FORM 21.

LIFTS AND ESCALATORS (SAFETY) ORDINANCE, 1960.

Section 40.

Certificate as to date of last examination of escalator and last test of safety equipment provided therefor by a registered escalator engineer.

19

*According to a certificate issued by a registered escalator engineer —

*I have been notified by a registered escalator engineer that —

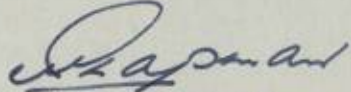
- (a) the escalator installed at (No. and name of street and, where more than one escalator is installed in the building, specify No. of escalator marked thereon and shown on plan prepared in accordance with section 33 of the Lifts and Escalators (Safety) Ordinance, 1960) was examined by a registered escalator engineer on the day of 19.....;
- (b) the safety equipment provided for the above escalator was tested by a registered escalator engineer on the day of 19.....

Pursuant to the provisions of subsections (1) and (2) of section 40 of the Lifts and Escalators (Safety) Ordinance, 1960, I certify that the above escalator and its machinery and equipment was last examined on the day of 19..... and that the safety equipment provided therefor was last tested on the day of 19.....

* Delete whichever is inapplicable.

Director of Public Works.

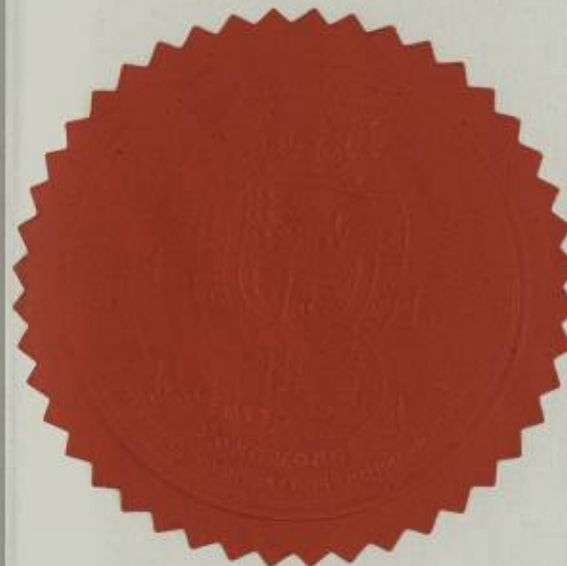
Passed the Legislative Council of Hong Kong, this 21st day of September, 1960.


Deputy Clerk of Councils.

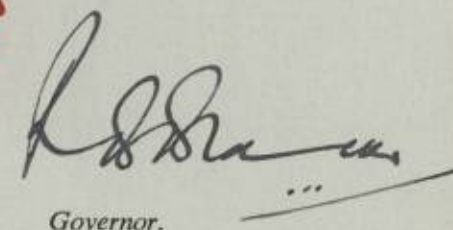
(Secretariat GR3244/57)

HONG KONG

No. 45 of 1960.



I assent.


Governor.

22nd September, 1960.

An Ordinance to amend the Defences (Firing Areas) Ordinance,
Chapter 196.

[23rd September, 1960.]

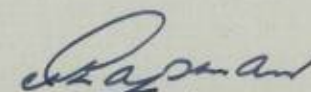
BE it enacted by the Governor of Hong Kong, with the advice and
consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Defences (Firing Areas) Short title.
(Amendment) Ordinance, 1960.

2. Subsection (9) of section 4 of the Defences (Firing Areas) Ordinance is deleted.

Amendment
of section 4.
(Cap. 196).

Passed the Legislative Council of Hong Kong, this 21st day of
September, 1960.


Deputy Clerk of Councils.

(Secretariat BL2/4941/54)

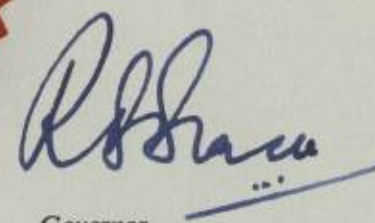


HONG KONG

No. 46 OF 1960.



I assent.



Governor.

13th October, 1960.

An Ordinance to amend the Urban Council Ordinance, 1955.

[14th October, 1960.]

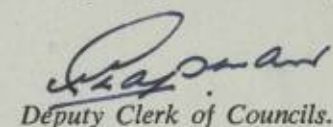
BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Urban Council (Amendment) (No. 2) Ordinance, 1960. Short title.

2. Section 19 of the Urban Council Ordinance, 1955 is amended in paragraph (a) of subsection (1) by the deletion of the words "1st day of September in each alternate year" and the substitution therefor of the following— Amendment of section 19. (14 of 1955).

"1st day of October in each alternate year".

Passed the Legislative Council of Hong Kong, this 12th day of October, 1960.

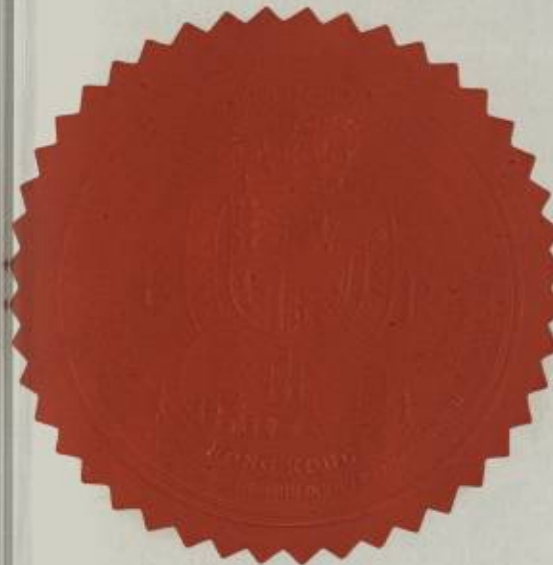

Deputy Clerk of Councils.

(Secretariat CR8/3231/59)



HONG KONG

No. 47 OF 1960.



I assent.

Governor.

27th October, 1960.

An Ordinance to amend the Places of Public Entertainment Ordinance,
Chapter 172.

[28th October, 1960.]

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

1. This Ordinance may be cited as the Places of Public Entertainment (Amendment) Ordinance, 1960. Short title.

2. Section 4 of the Places of Public Entertainment Ordinance (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following— Repeal and replacement of section 4. (Cap. 172).

"Cinematograph displays.

4. (1) No person shall advertise, present or carry on any cinematograph display to which the public are invited or have access or which persons may attend by reason of being members of any club, association or other organization, incorporated or unincorporated, or cause any such display to be advertised, presented or carried on, unless every film, and every poster, picture or figure exhibited and

the text of every advertisement used in connexion with such display has been approved for exhibition in accordance with the provisions of this Ordinance.

(2) For the purposes of this section, if any film or any poster exhibited in connexion therewith is altered in any way whatsoever after being approved for exhibition as required in subsection (1) such film or such poster, as the case may be, shall be deemed not to have been so approved.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine of two thousand dollars."

Amendment
of section 8.

3. Section 8 of the principal Ordinance is amended—

- (a) in subsection (1) by the deletion of the words and full stop "from the Commissioner of Police." and the substitution therefor of the following—

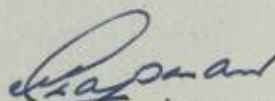
"granted by the Commissioner of Police either generally or in any particular case as may appear to him expedient."; and

- (b) by the deletion of subsection (2) and the substitution therefor of the following—

"(2) The Commissioner of Police may in his discretion grant, refuse, cancel or grant subject to such conditions as he may think fit, any permit referred to in subsection (1):

Provided that no such permit shall be granted in the name of more than one person."

Passed the Legislative Council of Hong Kong, this 26th day of October, 1960.


Deputy Clerk of Councils.

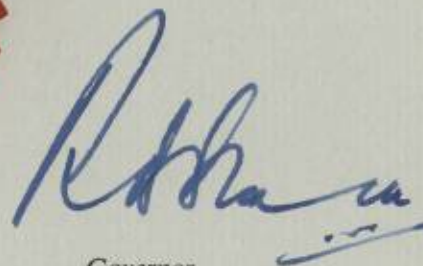
(Secretariat GR3/516/46II)

HONG KONG

No. 48 OF 1960.



I assent.



Governor.

27th October, 1960.

An Ordinance to validate an undertaking for reclamation and other works over and upon unleased Crown foreshore and sea-bed situate at Gin Drinkers Bay and to make provision for any claims for compensation arising either out of such works or out of works previously validated.

[28th October, 1960.]

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

1. This Ordinance may be cited as the Public Reclamations and Works (Gin Drinkers Bay) Ordinance, 1960. Short title.

2. (1) All public and private rights of navigation or fishing and all public and private rights of access, user, possession or occupation and all other public or private rights (if any) in, upon and over the Crown foreshore, sea-bed and land occupied by the undertaking in progress set out in the Schedule, and existing prior to the commencement of such undertaking shall be deemed to have been extinguished and to have ceased to exist on such commencement; and such undertaking is validated for all purposes notwithstanding that such works

Validation of
undertaking
and extin-
guishment
of rights.
Schedule.

may have been undertaken or commenced without regard to such rights (if any) and without the authority of any enactment extinguishing such rights.

(2) Save as is provided by this Ordinance, no claim shall at any time be made or action brought or continued in respect of the extinguishment under this section in whole or in part of any public or private right or the injurious affection of any land or other property resulting therefrom.

Claims for
compensation.

(53 of 1955).

3. (1) Any person having a claim of private right in respect of the undertaking validated under section 2, or in respect of the undertaking validated under section 2 of the Public Reclamations and Works (Gin Drinkers Bay) Ordinance, 1955, may within two months of the coming into operation of this Ordinance submit a claim for compensation in respect of the extinguishment of such private right.

(27 of 1956).

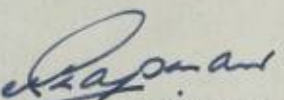
(2) The provisions of the Public Reclamations and Works Ordinance, 1956, shall apply in respect of such claims for compensation.

SCHEDULE.

Undertaking validated under section 2.

A reclamation in Gin Drinkers Bay of approximately 103.6 acres of Crown foreshore and sea-bed bounded on the west by a rubble mound approximately 1,550 feet long joining the Crown foreshore of Tsing Chau Island to the mainland at a point adjacent to the southern boundary of Tsuen Wan Permanent Cemetery, Demarcation District 446 Lot No. 262, on the north by the high water mark of the foreshore of the mainland, on the south by the high water mark of the foreshore of Tsing Chau Island and on the north-east and south-east by a line marked CBA on plan No. P.1554A signed by the Director of Public Works and deposited in the Land Office and showing and delineating in red the limits and extent of such reclamation.

Passed the Legislative Council of Hong Kong, this 26th day of October, 1960.

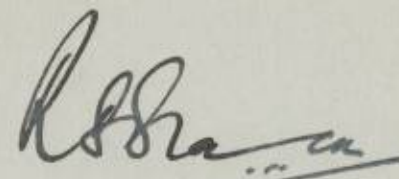

Deputy Clerk of Councils.

(Secretariat BL1/1/3251/59)

HONG KONG

No. 49 OF 1960.

I assent.



Governor.

10th November, 1960.

An Ordinance to amend the University Ordinance, 1958.

[1st September, 1958.]

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

1. This Ordinance may be cited as the University (Amendment) Ordinance, 1960, and shall be deemed to have had effect as from the 1st day of September, 1958.

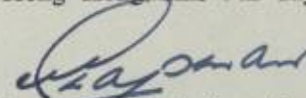
Short title
and com-
mencement.

2. Section 9 of the University Ordinance, 1958 is amended by the deletion from subsection (1) of the words and commas “, Medicine, Engineering and Architecture,” and the substitution therefor of the following—

Amendment
of section 9.
(13 of 1958).

“and Medicine, and a Faculty of Engineering and Architecture.”

Passed the Legislative Council of Hong Kong, this 9th day of November, 1960.

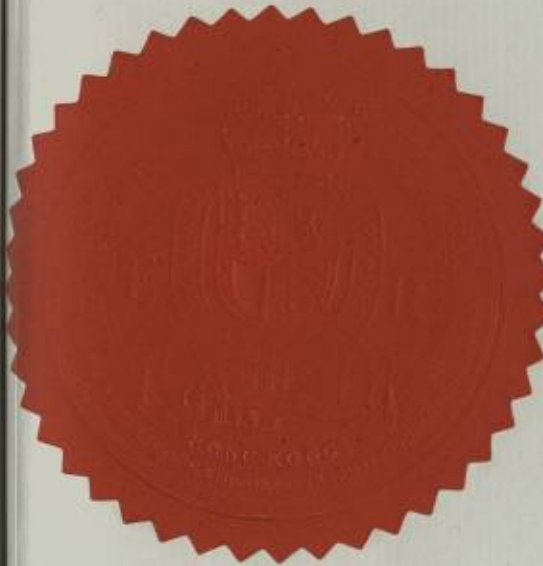

Deputy Clerk of Councils.

(Secretariat GR48/3231/55)



HONG KONG

No. 50 OF 1960.



I assent.

Governor.

10th November, 1960.

An Ordinance to amend the Road Traffic Ordinance, 1957.

[11th November, 1960.]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance, 1960. Short title.

2. The Road Traffic Ordinance, 1957, is amended by the addition after section 14 of the following new section— Addition of new section 14A.

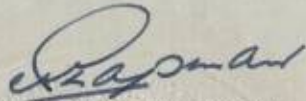
"Exemption of fire engines, etc. from control by traffic lights.

14A. (1) The provisions of any enactment imposing control by traffic lights on motor vehicles shall not apply to any motor vehicle on an occasion when it is being used for police, fire brigade or ambulance purposes, so long as the approach of the vehicle to the traffic lights is indicated by the sounding of a gong, bell or siren and if compliance with those provisions would be likely to hinder the use of the vehicle on that occasion for any of those purposes.

(39 of 1957).

(2) Nothing in this section shall affect any civil claim for injury or damage to a person or to property."

Passed the Legislative Council of Hong Kong, this 9th day of November, 1960.


Deputy Clerk of Councils.

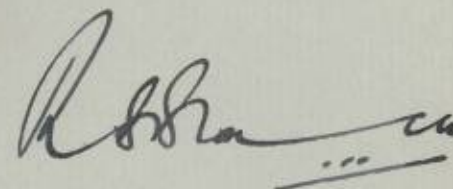
(Secretariat GR4/2361/59)



HONG KONG

No. 51 OF 1960.

I assent.



Governor.

10th November, 1960.

An Ordinance to amend the Foreshores and Sea Bed Ordinance, Chapter 127.

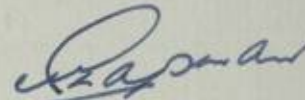
[11th November, 1960.]

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

1. This Ordinance may be cited as the Foreshores and Sea Bed (Amendment) Ordinance, 1960. Short title.
Amendment
of section 3.
(Cap. 127).

2. Section 3 of the Foreshores and Sea Bed Ordinance is amended by the deletion of subsection (8).

Passed the Legislative Council of Hong Kong, this 9th day of November, 1960.

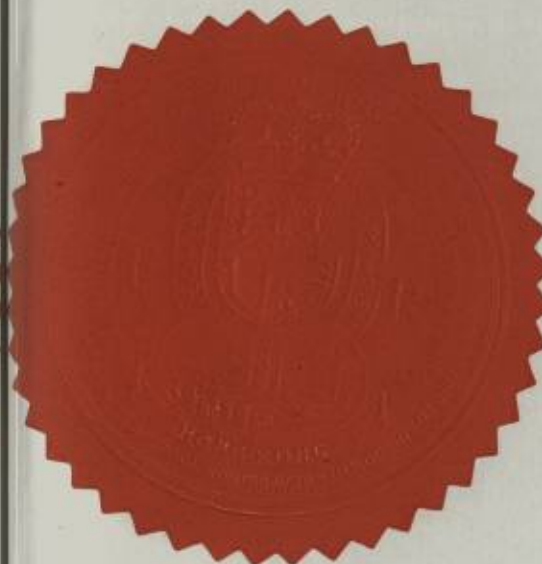

Deputy Clerk of Councils.

(Secretariat BL L/M 388/60)



HONG KONG

No. 52 OF 1960.



I assent.

Governor.

10th November, 1960.

An Ordinance to amend the Prisons Ordinance, 1954.

[11th November, 1960.]

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

1. This Ordinance may be cited as the Prisons (Amendment) Short title. Ordinance, 1960.

2. Section 2 of the Prisons Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is amended—

Amendment
of section 2.
(17 of 1954).

- (a) in the definition "Commissioner" by the deletion of the words "or an Assistant Commissioner";
- (b) in the definition "senior officer" by the deletion of the words "Assistant Commissioner" and the substitution therefor of the following—

"Deputy Commissioner"; and

(c) in the definition "subordinate officers"—

(i) by the deletion of the words "hospital supervisors and assistant hospital supervisors" and the substitution therefor of the followings—

"hospital chief officers, hospital assistant chief officers and hospital principal officers"; and

(ii) by the deletion of the words "principal leaders, assistant principal leaders and leaders."

Amendment
of section 3.

3. Section 3 of the principal Ordinance is amended in subsection (2) by the deletion of the words "Assistant Commissioner" and the substitution therefor of the following—

"Deputy Commissioner".

Amendment
of section 5.

4. Section 5 of the principal Ordinance is amended—

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

(b) by the insertion after the words and comma "Lai Chi Kok Prison," of the following—

"Chi Ma Wan Prison and Tai Lam Prison".

Repeal of
section 18.

5. Section 18 of the principal Ordinance is repealed.

Addition of
new section
26A.

6. The principal Ordinance is amended by the addition after section 26 of the following new section—

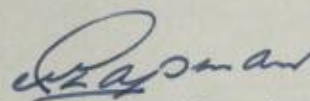
"Powers of
delegation.

26A. (1) Save where the contrary intention appears from the context of any enactment and subject to any special instructions of the Commissioner, the Deputy Commissioner may exercise and discharge any of the rights and duties which the Commissioner by any enactment is entitled to exercise or required to discharge.

(2) Save where the contrary intention appears from the context of any enactment and subject to any special instructions of the Governor, the Commissioner may authorize any senior officer by name, office or appointment, to exercise and discharge any of the rights and duties which the Commissioner by any enactment is entitled to exercise or required to discharge.

(3) For avoidance of doubt nothing in this section shall be deemed to derogate from any power of delegation conferred upon the Commissioner by the provisions of any other enactment."

Passed the Legislative Council of Hong Kong, this 9th day of November, 1960.


Deputy Clerk of Councils.

(Secretariat GR48/2961/46II)

HONG KONG

No. 53 OF 1960.



I assent.

Governor.

24th November, 1960.

An Ordinance to amend the Police Force Ordinance, Chapter 232.

[25th November, 1960.]

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

1. This Ordinance may be cited as the Police Force (Amendment) Ordinance, 1960. Short title.

2. The Police Force Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after section 6 of the following new section— Addition of
new section
6A.
(Cap. 232).

*"Delegation
of powers.*

6A. (1) Save where the contrary intention appears from the context of any enactment and subject to any special instructions of the Commissioner, a Deputy Commissioner may exercise or discharge any of the powers or duties which the Commissioner by any enactment is entitled to exercise or required to discharge.

(2) Save where the contrary intention appears from the context of any enactment and subject to any special instructions of the Governor, the Commissioner may

authorize any police officer not below the rank of sub-inspector, by name, office or appointment, to exercise or discharge any of the powers or duties which the Commissioner by any enactment is entitled to exercise or required to discharge.

(3) For the avoidance of doubt nothing in this section shall be deemed to derogate from any power of delegation conferred upon the Commissioner by the provisions of any other enactment."

Amendment
of section 12.

3. Section 12 of the principal Ordinance is amended by the deletion of the words "according to the terms of the Regulations for His Majesty's Colonial Service" and the substitution therefor of the following—

"according to the terms of the Colonial Regulations".

Amendment
of section 14.

4. Section 14 of the principal Ordinance is amended in subsection (3) by the insertion after the word "dismissed" of the following—

"in accordance with the provisions of section 31A or".

Addition of
new section
14A.

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

"Termination
of service
in the public
interest.

14A. The service of any police officer may be terminated in accordance with the Colonial Regulations on the ground that, having regard to the conditions of the public service, the usefulness of the police officer thereto and all other circumstances of the case, such termination is desirable in the public interest."

Amendment
of section 28.

6. Section 28 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by the deletion of the full stop after the words "in addition to any other punishment inflicted" and the substitution therefor of a semi-colon;

(ii) by the insertion thereafter of the following—

"(iii) severe reprimand;

(iv) reprimand; or

(v) caution."; and

(iii) by the deletion of the words "In lieu of" to the end of subsection (1);

(b) by the addition after subsection (1) of the following new subsection—

"(1A) In lieu of or in addition to any of the punishments specified in subsection (1), any non-commissioned

officer or constable found guilty under that subsection may—

(a) be dismissed from the Police Force by the Commissioner and, in the case of a non-commissioned officer, shall be reduced to the ranks before dismissal; or

(b) be ordered by the Commissioner to resign forthwith from the Police Force and if he fails to do so he shall be dismissed, and in either case he shall not receive salary in lieu of notice."

(c) in subsection (2)—

(i) by the deletion of the words "A constable who shall be found guilty" and the substitution therefor of the following—

"Any non-commissioned officer or constable who is found guilty"; and

(ii) by the deletion of the words "imposed under subsection (2)" and the substitution therefor of the following—

"imposed under that subsection"; and

(d) by the repeal of subsection (4) and the replacement thereof by the following—

"(4) Upon any appeal under subsection (3), or of his own motion, the Commissioner may—

(a) confirm or vary any finding of the appropriate tribunal or substitute therefor any finding at which such tribunal could have arrived upon the evidence, including any additional evidence adduced upon the appeal, or

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

and may in any event confirm or remit any punishment imposed by such tribunal or by such other tribunal, as the case may be, or may substitute therefor any other punishment which such tribunal or such other tribunal was entitled by this section to impose:

Provided that, where the Commissioner acts of his own motion, he shall not—

(i) substitute for any punishment imposed by such tribunal, or by such other tribunal, as the case may be, any greater punishment without first calling upon the offender to show cause why such punishment should not be increased; or

- (ii) substitute for a finding of not guilty a finding of guilty; or
- (iii) order a rehearing of the case where the finding was a finding of not guilty.

(5) Upon any appeal under subsection (3), the Commissioner may if he thinks fit permit the appellant to appear before him in person in support of his appeal and may in such case hear such additional evidence as he may, subject to police regulations, consider relevant.”.

Amendment
of section 29.

7. Section 29 of the principal Ordinance is amended—

- (a) in subsection (2) by the deletion of the words “Any such inspector aggrieved by such punishment” and the substitution therefor of the following—

“If any such inspector considers himself aggrieved by such finding or punishment he”; and

- (b) in subsection (5)—

(i) by the deletion of the full stop at the end of paragraph (c) thereof and the substitution therefor of a semi-colon followed by the word “or”; and

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

“(d) if, in his opinion, the proceedings disclose grounds for so doing, without further proceedings require the inspector to retire in the public interest in accordance with the provisions of the Colonial Regulations.”.

Addition of
new section
31A.

8. The principal Ordinance is amended by the addition after section 31 of the following new section—

“Dismissal
of police
officers in
control of
unexplained
pecuniary
resources.

31A. (1) Where it appears to the Governor that any inspector, non-commissioned officer or constable (hereinafter in this section referred to as the police officer) is or has been—

(a) maintaining a standard of living above that which is commensurate with, or

(b) in control of pecuniary resources in excess of, his official emoluments the Governor may, after consultation with the Attorney General, direct that such police officer be notified in writing by the Commissioner of the grounds on which the allegations against him are based, and be called upon to give an explanation in writing before a date to be specified.

(2) If, when so called upon, the police officer fails to give any explanation, or fails to give an explanation which satisfies the Governor, the Governor may refer the matter to a Tribunal consisting of—

(a) a judge of the Supreme Court or of the District Court or a magistrate nominated, as occasion requires, by the Chief Justice, and such judge or magistrate shall be chairman of the Tribunal; and

(b) two other public officers appointed by the Governor.

(3) Upon such reference the Tribunal shall inquire into the matter referred.

(4) The police officer shall be notified by the Commissioner of the day appointed for the hearing by the Tribunal and that he will be required to appear before it.

(5) At the inquiry the Government may be represented by the Attorney General or by a public officer nominated by him and the police officer may be represented by solicitor or counsel or by another public officer.

(6) (a) The police officer shall be entitled to be present throughout the hearing and to cross-examine any witnesses called on behalf of the Government and to give evidence himself and to call witnesses on his own behalf.

(b) No documentary evidence shall be adduced on behalf of the Government unless the police officer has previously been supplied with a copy thereof or been given access thereto.

(c) Evidence shall not be taken on oath.

(7) If at the inquiry it is proved that the police officer is or has been—

(a) maintaining a standard of living above that which is commensurate with, or

(b) in control of pecuniary resources in excess of, his official emoluments the onus of explaining how he is or has been able to maintain such a standard of living or how such pecuniary resources came under his control shall lie upon the police officer.

(8) The Tribunal, having inquired into the matter, shall make a report to the Governor; and if the Governor is of opinion that the report should be amplified in any respect or that further inquiry is desirable, he may refer

any matter back to the Tribunal for further inquiry or report accordingly, or may himself, in the presence of the police officer subject to the inquiry, hear such further evidence as he may think necessary.

(9) If after considering the report of the Tribunal, together with such further report or evidence, if any, the Governor is of opinion that the police officer has failed to give a satisfactory explanation of his standard of living or his pecuniary resources, the police officer shall be liable to be dismissed:

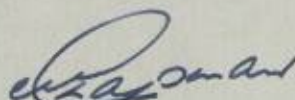
Provided that no police officer shall be dismissed by virtue of this section without the approval of the Secretary of State.

(10) If the Governor is of the opinion that the police officer should not be dismissed but that the proceedings disclose grounds for requiring him to retire in the public interest he may so require him:

Provided that no police officer who holds an appointment which is subject to the approval of the Secretary of State or who was selected for appointment by the Secretary of State shall be required to retire by virtue of this section without the approval of the Secretary of State.

(11) Notwithstanding anything contained in this Ordinance the provisions of the Colonial Regulations relating to interdiction and suspension and to the payments of emoluments and allowances thereon shall apply to all police officers in the case of proceedings under this section."

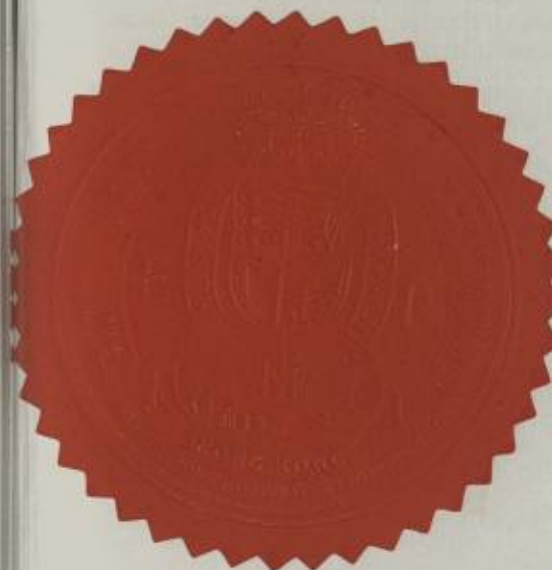
Passed the Legislative Council of Hong Kong, this 23rd day of November, 1960.


Deputy Clerk of Councils.

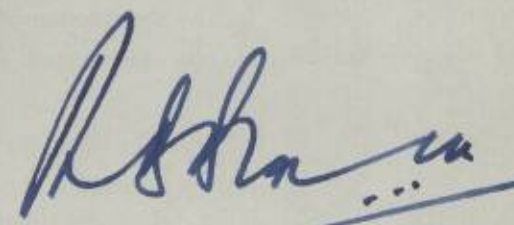
(Secretariat GR44/3231/50)

HONG KONG

No. 54 of 1960.



I assent.



Governor.

8th December, 1960.

An Ordinance further to amend the Resettlement Ordinance, 1958.

[9th December, 1960.]

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

1. This Ordinance may be cited as the Resettlement (Amendment) Ordinance, 1960. Short title.

2. The long title of the Resettlement Ordinance, 1958 (hereinafter referred to as the principal Ordinance) is deleted and replaced by the following— Replacement of long title. (16 of 1958).

"An Ordinance to provide for the clearance of squatters and unlawful structures and for the resettlement of squatters and other persons in need of accommodation."

3. The heading to Part II of the principal Ordinance is deleted and replaced by the following— Replacement of heading to Part II.

"Clearance of squatters and unlawful structures."

Amendment
of section 20.

4. Subsection (1) of section 20 of the principal Ordinance is amended—

- (a) by the deletion of the words "who desires to be accommodated in a cottage resettlement area or in a resettlement estate or who resides in an unlawful structure"; and
- (b) by the insertion after the word "person" where it occurs for the second time of the following—
"or any other person".

Amendment
of sections
24 and 37.

5. Sections 24 and 37 of the principal Ordinance are amended by the deletion wherever they occur of the words "for the resettlement of such persons as by reason of their association with the Colony or otherwise appear to him to merit assistance".

Amendment
of section 33.

6. Section 33 of the principal Ordinance is amended—

- (a) by the deletion of the words "in a dwelling"; and
- (b) by the insertion after the word "trespasser" of the following—
"between such hours".

Amendment
of section 35.

7. Section 35 of the principal Ordinance is amended—

- (a) in subsection (1)—
 - (i) by the deletion of the words "in any dwelling"; and
 - (ii) by the deletion of the words "the dwelling" and the substitution therefor of the following—
"the resettlement estate"; and
- (b) in subsection (2) by the deletion of the words "such dwelling" and the substitution therefor of the following—
"the resettlement estate".

Addition of
new sec-
tion 53.

8. The principal Ordinance is amended by the addition, after section 52, of the following new section—

"Obstruction
of authorized
officer an
offence.

53. Any person who resists or obstructs any authorized officer in the exercise of his powers under provisions of this Ordinance shall be guilty of an offence and liable to a fine of one thousand dollars and to imprisonment for six months."

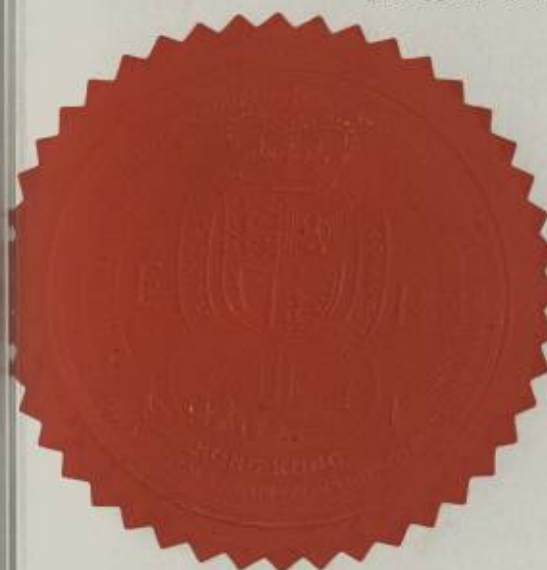
Passed the Legislative Council of Hong Kong, this 7th day of December, 1960.

[Signature]
Deputy Clerk of Councils.

(Secretariat CR3/4802/53)

HONG KONG

No. 55 OF 1960.



I assent.

[Signature]

Governor.

8th December, 1960.

An Ordinance to amend the Bills of Exchange Ordinance, Chapter 19.

[1st April, 1961.]

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

1. This Ordinance may be cited as the Bills of Exchange (Amendment) Ordinance, 1960, and shall come into operation on 1st day of April, 1961.

Short title
and com-
mencement.

2. Part III of the Bills of Exchange Ordinance is amended by the repeal of sections 82 and 84 and the substitution therefor of the following new sections—

Amendment
of Part III
of Cap. 19.

"Protection
of bankers
paying
unendorsed
or irregularly
endorsed
cheques, etc.

84A. (1) Where a banker in good faith and in the ordinary course of business pays a cheque drawn on him which is not endorsed or is irregularly endorsed, he does not, in doing so, incur any liability by reason only of the absence of, or irregularity in, endorsement, and he is deemed to have paid it in due course.

(2) Where a banker in good faith and in the ordinary course of business pays any such instrument as the following, namely—

- (a) a document issued by a customer of his which, though not a bill of exchange, is intended to enable a person to obtain payment from him of the sum mentioned in the document;
- (b) a draft payable on demand drawn by him upon himself, whether payable at the head office or some other office of his bank,

he does not, in doing so, incur any liability by reason only of the absence of, or irregularity in, endorsement, and the payment discharges the instrument.

Rights of
bankers
collecting
cheques not
endorsed by
holders.

84B. A banker who gives value for, or has a lien on, a cheque payable to order which the holder delivers to him for collection without endorsing it, has such (if any) rights as he would have had if, upon delivery, the holder had endorsed it in blank.

Unendorsed
cheques as
evidence of
payment.

84C. An unendorsed cheque which appears to have been paid by the banker on whom it is drawn is evidence of the receipt by the payee of the sum payable by the cheque.

Protection
of bankers
collecting
payment of
cheques, etc.

84D. (1) Where a banker, in good faith and without negligence—

- (a) receives payment for a customer of an instrument to which this section applies; or
- (b) having credited a customer's account with the amount of such an instrument, receives payment thereof for himself,

and the customer has no title, or a defective title, to the instrument, the banker does not incur any liability to the true owner of the instrument by reason only of having received payment thereof.

(2) This section applies to the following instruments, namely—

- (a) cheques;
- (b) any document issued by a customer of a banker which, though not a bill of exchange, is intended to enable a person to obtain payment from that banker of the sum mentioned in the document;
- (c) any document issued by a public officer which is intended to enable a person to obtain payment from the Accountant General of the sum mentioned in the document but is not a bill of exchange;

- (d) any draft payable on demand drawn by a banker upon himself, whether payable at the head office or some other office of his bank.

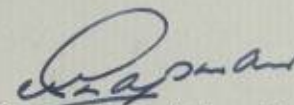
(3) A banker is not to be treated for the purposes of this section as having been negligent by reason only of his failure to concern himself with absence of, or irregularity in, endorsement of an instrument.

Application
of provisions
of this part
to instru-
ments not
being bills
of exchange.
Saving.

84E. The provisions of this part of this Ordinance relating to crossed cheques shall, so far as applicable, have effect in relation to instruments (other than cheques) to which section 84D applies as they have effect in relation to cheques.

84F. The provisions of this part of this Ordinance do not make negotiable any instrument which, apart from such provisions, is not negotiable."

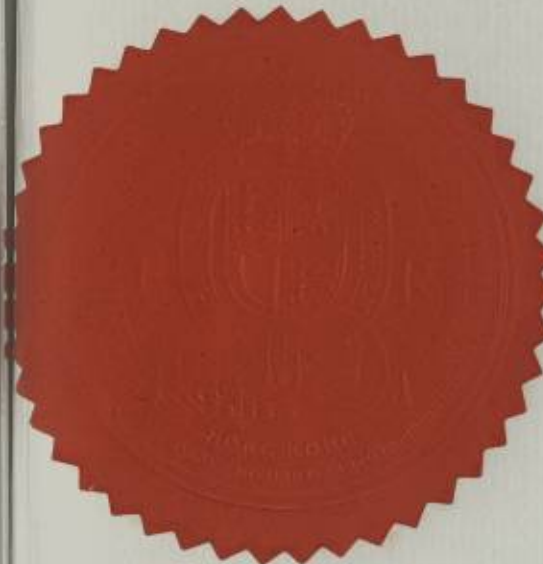
Passed the Legislative Council of Hong Kong, this 7th day of December, 1960.


Deputy Clerk of Councils.

(Secretariat GR3/3281/58)

HONG KONG

No. 56 OF 1960.



I assent.

Governor.

8th December, 1960.

An Ordinance to amend the Buildings Ordinance, 1955, (Application to the New Territories) Ordinance, 1960.

[9th December, 1960.]

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

1. This Ordinance may be cited as the Buildings Ordinance, 1955, Short title, (Application to the New Territories) (Amendment) Ordinance, 1960.

2. Section 2 of the Buildings Ordinance, 1955, (Application to the New Territories) Ordinance, 1960, (hereinafter referred to as the principal Ordinance) is amended by the deletion from paragraph (a) thereof of the definitions of the expressions "District Commissioner" and "permitted building".

Amendment
of section 2.
(27 of 1960).

Repeal and
replacement
of section 4.

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

"Power of
Governor
in Council to
exempt from
principal
Ordinance
such building
works as he
may specify.

4. (1) The Governor in Council may by regulation provide that such of the provisions of the principal Ordinance, and such of the provisions of the regulations made under that Ordinance, as may be specified shall not apply to building works for the erection, alteration or demolition of, or which are otherwise connected with, such buildings, situated or to be situated in the New Territories, as may be specified.

(2) Regulations made under this section may make such transitional provisions as the Governor in Council may consider necessary."

Deletion of
Schedule.

4. The principal Ordinance is amended by the deletion therefrom of the Schedule thereto.

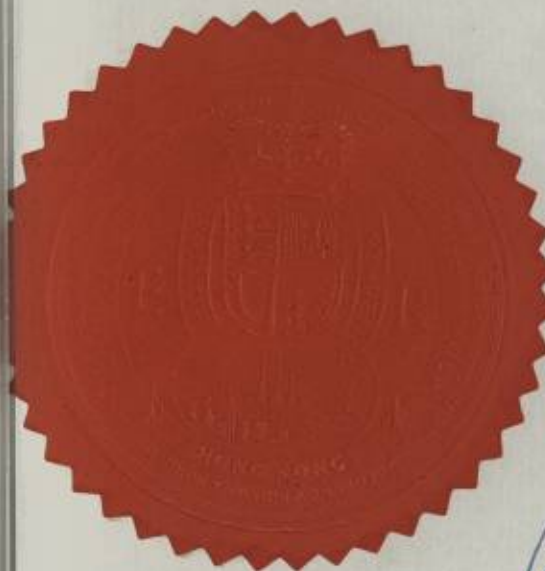
Passed the Legislative Council of Hong Kong, this 7th day of December, 1960.


Deputy Clerk of Councils.

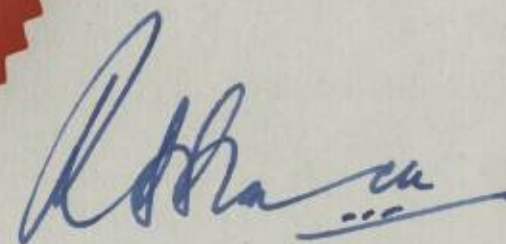
(Secretariat BL6/736/48)

HONG KONG

No. 57 OF 1960.



I assent.



Governor.

8th December, 1960.

An Ordinance to repeal and re-enact, subject to modification, the Midwives Ordinance, Chapter 162.

[9th December, 1960.]

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

PART I.

Citation and Interpretation.

1. This Ordinance may be cited as the Midwives Registration Short title. Ordinance, 1960.

2. In this Ordinance, unless the context otherwise requires—
"Board" means the Midwives Board of Hong Kong established under section 3;

Interpreta-
tion.

"chairman" means the chairman of the Board;

"Director" means the Director of Medical and Health Services;

"member" means a member of the Board;

"prescribed" means prescribed by regulations made under section 23;

"register" means the register of midwives kept in accordance with section 5, and "registered" shall be construed accordingly;

"secretary" means the secretary of the Board.

PART II.

The Midwives Board of Hong Kong.

3. (1) There shall be established within the Colony a Board to be called the Midwives Board of Hong Kong.

(2) The Board shall consist of—

- (a) the Director;
- (b) the Principal Matron of the Medical and Health Department;
- (c) the Supervisor of Midwives of the Medical and Health Department;
- (d) one medical practitioner registered under the Medical Registration Ordinance, 1957, to be nominated by the University of Hong Kong and appointed by the Governor;
- (e) three registered midwives, to be nominated respectively as to one each by the Tung Wah Group of Hospitals, the Alice Ho Miu Ling Nethersole Hospital and the Hong Kong Sanatorium and Hospital, and appointed by the Governor;
- (f) three registered midwives, to be nominated by the Hong Kong Nurses and Midwives Association and appointed by the Governor.

(3) Any member appointed by the Governor shall hold office for a period of three years, or such lesser period as the Governor may appoint, and shall be eligible for re-appointment from time to time.

(4) If any member appointed by the Governor is temporarily absent from the Colony or is for any other reason unable to attend to the business of the Board, the Governor may appoint an additional member during the absence or disability of that member.

Establishment and composition of Midwives Board.

(25 of 1957).

(5) The Director shall be the standing chairman of the Board and shall take the chair at all meetings of the Board at which he is present; but if he is absent from any meeting those members being present thereat shall elect one of their number to act as chairman for the purpose of that meeting.

(6) There shall be a secretary of the Board and a legal adviser to the Board, both of whom shall be appointed by the Governor.

4. (1) The Board shall meet at such times and in such places— Meetings of the Board.

(a) as the chairman may from time to time appoint; or

(b) as may be requested in writing addressed to the chairman by not less than five members.

(2) At any meeting of the Board five members shall be a quorum.

(3) The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board or by any defect in the appointment thereto of any member.

(4) All questions for determination at any meeting of the Board shall be decided by a majority vote of the members present at such meeting and voting thereon:

Provided that nothing in this subsection shall be construed to prevent any question for determination by the Board being so determined by a majority opinion of the members upon circulation to them of papers relating thereto.

(5) The chairman at any meeting of the Board shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote except at an inquiry under section 10 at which he shall have only an original vote.

(6) The Board may make standing orders for regulating the procedure at, or in connexion with, its meetings.

PART III.

Registration of Midwives.

5. (1) The Board shall cause a register of midwives to be kept which shall contain such particulars as may from time to time be prescribed. Register of midwives.

(2) The roll kept in accordance with the provisions of the Midwives Ordinance repealed by this Ordinance shall be deemed to be the register required to be kept, and to have been kept, by virtue of this section and shall continue to be maintained in accordance with the provisions of this Ordinance; and every woman whose name appears thereon at the commencement of this Ordinance shall be deemed to have been registered as a midwife in accordance with section 8 of this Ordinance.

(3) The register or a copy thereof shall be open to inspection free of charge during usual business hours by any person upon application in writing addressed to the secretary.

(4) Each entry in the register shall include, with respect to the woman to whom the entry relates, an indication of the manner in which she became entitled to registration as a midwife.

(5) The Board shall cause to be published in the *Gazette* each year as soon as may be—

- (a) after the first day of January, a list containing the name, address and date of registration or re-registration, as the case may be, of every woman whose name appeared on the register on such first day of January; and
- (b) after the first day of July, a list containing the name, address and date of registration or re-registration, as the case may be, of every woman whose name has been added to or deleted from the register between the first day of January and such first day of July, both dates being inclusive.

(6) A copy of the *Gazette* containing either of the lists last published in accordance with the provisions of subsection (5) shall be *prima facie* evidence that all of the women specified therein are registered midwives; and the absence of the name of any woman from the list last published under paragraph (a) or shown as having been deleted from the register by any list published subsequently thereto under paragraph (b) of that subsection shall be *prima facie* evidence that such woman is not a registered midwife:

Provided that a certificate under the hand of the Director certifying that any woman is registered or that any woman is not registered shall

be conclusive evidence that such woman is or is not a registered midwife, as the case may be.

(7) Any person who wilfully makes, or causes to be made, any falsification in any matter relating to the register, or the registration of any name therein, shall be guilty of an offence and liable upon summary conviction to a fine of one thousand dollars and imprisonment for three months.

6. (1) The secretary may from time to time amend the register as to the address or other relevant particulars relating to any woman whose name appears thereon upon his being satisfied that such amendment is necessary for the purpose of preserving the accuracy of the register. Correction of the register.

(2) Subject to the provisions of section 14, the secretary shall add to or delete from the register the name of any woman whose name the Board directs shall be added thereto or deleted therefrom, as the case may be.

(3) The Board may direct that the name of any woman be removed from the register who—

- (a) dies;
- (b) has left the Colony without giving to the secretary notice of intention to return;
- (c) has not supplied the secretary with an address in the Colony at which notices from the Board may be served upon her:

Provided that—

- (i) this paragraph shall not apply to any registered midwife in the service of the Government; and
- (ii) any woman who fails to acknowledge within twelve months after the date of despatch the receipt of a registered letter or a telegram addressed to her at her last address as recorded in the register shall be deemed not to have supplied the secretary with an address under this paragraph.

7. (1) Subject to the provisions of this Ordinance, no woman shall be qualified to be registered under this Ordinance unless she has satisfied the Board that she— Qualification for registration.

- (a) has attained the age of twenty-one years; and
- (b) is a woman of good character;

and in addition thereto—

- (c) has completed such training as may be prescribed and has passed such examinations as may be required by the Board; or

(14 & 15
Geo. 6, c. 53).

(14 & 15
Geo. 16,
c. 54).

- (d) is a certified midwife within the meaning of the Midwives Act, 1951; or
- (e) is a certified midwife within the meaning of the Midwives (Scotland) Act, 1951; or
- (f) is duly certified as a midwife by the Joint Nursing and Midwives Council for Northern Ireland; or
- (g) possesses a certificate to practise as a midwife issued by such certifying body, other than the above, as may be recognized by the Board from time to time.

(2) Notwithstanding anything contained in subsection (1), the Board may require any applicant for registration to prove her competency in midwifery by examination conducted by examiners appointed by the Board.

Registration.

8. (1) Any woman who considers herself qualified to be registered as a midwife may apply in the manner prescribed to the secretary for registration.

(2) If, after due inquiry, the Board is satisfied that the applicant is qualified in accordance with section 7 to be registered, the Board shall, upon payment of the prescribed fee, direct that her name be entered upon the register:

Provided that if the Board is satisfied that the applicant for registration—

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

the Board may, in its discretion, order that the name of the applicant be not entered upon the register.

(3) Such provisions of section 10 as are capable of application to an inquiry held for the purposes of this section shall apply to any such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it applicable.

Certificate of
registration.
Form 2.

9. (1) When the name of any woman is registered under section 8, the secretary shall issue to her a certificate in the form prescribed.

(2) If any certificate issued under subsection (1) is lost or destroyed or if for any other reason a woman to whom such certificate was issued requires a duplicate thereof, the secretary, upon being satisfied as to the loss or destruction of the original certificate or as to the propriety of the reason for which the duplicate is otherwise required, shall, upon payment of the fee prescribed, issue to such woman a certified copy of the original certificate.

(3) Any certificate issued in accordance with the provisions of the Midwives Ordinance repealed by this Ordinance shall be deemed to have been validly issued in accordance with the provisions of this Ordinance. (Cap. 162).

(4) If the name of any registered midwife is removed from the register by order of the Board made under section 10, such midwife shall forthwith return to the secretary the certificate and any certified copy thereof issued to her in accordance with the provisions of this section or, if such certificate or such copy has been lost or destroyed, she shall deliver to the secretary a statement in writing signed by her to that effect.

(5) If any midwife fails to comply with any of the provisions of subsection (4) she shall be guilty of an offence and liable to a fine of two hundred and fifty dollars.

PART IV.

Disciplinary Proceedings and Offences.

10. (1) If, after due inquiry in accordance with regulations made under section 23, the Board is satisfied that any registered midwife— Disciplinary powers of Board.

- (a) has been convicted, in the Colony or elsewhere, of any offence punishable with imprisonment;
- (b) has been guilty, in the Colony or elsewhere, of unprofessional conduct;
- (c) has obtained registration by fraud or misrepresentation;
- (d) was not at the time of registration qualified to be registered;
- (e) has contravened any prohibition imposed under the provisions of section 19; or
- (f) has failed to comply with any direction of the Board issued under section 24,

the Board, in its discretion, may—

- (i) order that the name of such midwife be removed from the register;
- (ii) order that the name of such midwife be removed from the register for such specified period as it may think fit;
- (iii) order that such midwife be reprimanded; or
- (iv) postpone judgment on the case for any period not exceeding two years,

and may, in any case, make such order as the Board thinks fit with regard to the payment of costs of the secretary or of any complainant or of the registered midwife.

(2) Any costs awarded in pursuance of subsection (1) may be recovered summarily as a civil debt in accordance with sections 65 and 66 of the Magistrates Ordinance.

(Cap. 227).

(3) For the purposes of section 8 and this section, "unprofessional conduct" means an act or omission of a registered midwife which could be reasonably regarded as disgraceful or dishonourable by registered midwives of good repute and competency.

(4) Nothing in this section shall be construed to require the Board to inquire into the question whether a registered midwife was properly convicted but the Board may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.

(5) In any inquiry under this section as to whether a midwife has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

(6) Within thirty days after the expiration of the time within which an appeal against an order made by the Board in accordance with the provisions of subsection (1) may be made to the Full Court in accordance with the provisions of section 15, or if such appeal has been made, within thirty days after the decision of the Full Court affirming or varying such order, the Board shall cause the order or the order as so varied, as the case may be, to be published in the *Gazette*, and may cause an account of the proceedings at the inquiry at which such order was made to be so published together with sufficient particulars to acquaint the public with the nature of the offence to which the order relates.

11. (1) For the purpose of any inquiry under section 8 or 10 the Board shall have the following powers—

- (a) to take evidence and examine witnesses on oath;
- (b) to summon any person to attend the inquiry to give evidence or to produce any document or other thing in his possession and to examine him as a witness or to require him to produce any document or other thing in his possession;
- (c) to admit or exclude the public or any member of the public from the inquiry;
- (d) to admit or exclude the press from the inquiry; and
- (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Board may have been reasonably expended by him by reason of his attendance.

Powers of the Board with regard to obtaining evidence and the conduct of proceedings.

(2) Summonses to witnesses may be in such form as may be prescribed and shall be signed by the chairman or secretary.

12. Any person who, being summoned to attend as a witness or to produce any document or other thing at any inquiry held in accordance with the provisions of section 10, refuses or neglects to do so or to answer any question put to him by or with the leave of the Board shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for three months:

Penalty for failure to give evidence.

Provided that no person shall be required to answer any question or produce any document or other thing which, in the opinion of the Board, may tend to incriminate himself; and every witness shall, in respect of any evidence given by him before the Board, be entitled to the same privileges to which he would be entitled if he were giving evidence before a court of justice.

13. The complainant in any inquiry held in accordance with the provisions of section 10 and the woman whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or solicitor or by a friend throughout the inquiry.

Appearance of counsel, etc.

14. (1) The secretary shall cause a copy of any order made under subsection (1) of section 10 or of any order refusing registration made under subsection (2) of section 8 to be served, as soon as may be after the making of the order, upon the woman concerned, either personally or by registered post addressed to her at the last address known to the secretary.

Provisions relating to orders of the Board.

(2) The secretary shall not remove the name of any midwife from the register before the expiration of thirty days after the service upon her of the copy of the order referred to in subsection (1), or, in the case of an appeal against such order, until after the determination of the appeal.

(3) Any midwife whose name is removed from the register in accordance with the provisions of this Ordinance, or whose name, prior to the commencement of this Ordinance was removed in accordance with the provisions of the Midwives Ordinance repealed by this Ordinance from the roll of certified midwives kept in accordance with that Ordinance, may apply to the Board for restoration of her name to the register, and the Board, in its discretion, and after such inquiry and subject to such conditions as it may consider expedient, may either allow or refuse the application, and, if it allows the application, shall direct the secretary to restore the name of the applicant to the register and thereupon the secretary shall restore the name accordingly.

(Cap. 162).

Appeals.

15. (1) Any woman who considers herself aggrieved by any order of the Board made in accordance with the provisions of section 8 refusing her registration or by any order made in accordance with the provisions of section 10 may appeal therefrom to the Full Court and the Full Court may affirm, vary or reverse the decision of the Board, and may exercise any power which the Board might have exercised.

(2) The decision of the Full Court upon any appeal made under subsection (1) shall be final.

(Cap. 4).

(3) The procedure in relation to appeals under this section shall be subject to any rules of court made under the Supreme Court Ordinance:

Provided that the Full Court shall not hear any such appeal unless notice thereof has been given to the court within thirty days after the service upon the appellant in accordance with section 14 of a copy of the order to which the appeal relates.

PART V.

Miscellaneous Offences and Prohibitions.

Registration not to imply possession of medical qualifications. (25 of 1957).

16. Registration under this Ordinance shall not confer upon any woman any right or title to be registered under the Medical Registration Ordinance, 1957, or to assume a name, title or designation implying that she is by law recognized as a medical practitioner or that she is authorized to grant a medical certificate or a certificate of death or to undertake the charge of any case of abnormality or disease in connexion with parturition.

Penalty for acts falsely implying registration.

17. Any woman who, not being a registered midwife, uses the name or title of midwife, either alone or in combination with any other expression, or uses any name, title, description, uniform or badge implying that she is a registered midwife or is a person specially qualified to practise midwifery or is recognized by law as a midwife, shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and imprisonment for three months.

Prohibition of persons other than registered midwives attending for gain women in childbirth except under medical supervision. (25 of 1957).

18. If any person, being either a male person or a woman who is not a registered midwife, receives any remuneration for attending a woman in childbirth otherwise than under the direction and personal supervision of a registered medical practitioner within the meaning of the Medical Registration Ordinance, 1957, that person shall be guilty of an offence and liable, on summary conviction, to a fine of two thousand dollars and imprisonment for six months:

Provided that the provisions of this section shall not apply in the case of any person who, while undergoing training with a view to becoming a registered medical practitioner within the meaning of the

Medical Registration Ordinance, 1957, or a registered midwife under this Ordinance, attends a woman in childbirth as part of a course of practical instruction in midwifery recognized by the Board.

19. (1) If any registered midwife contracts any infectious disease within the meaning of the Quarantine and Prevention of Disease Ordinance, which, in the opinion of the Board, is likely to endanger the health of any woman attended by her in the course of her practice, the Board may prohibit such registered midwife from attending women in childbirth in any capacity during the continuance of such disease.

Power of Board to prohibit registered midwives suffering from certain diseases from attending women in childbirth. (Cap. 141).

(2) Any contravention of a prohibition imposed under this section shall constitute a ground for disciplinary proceedings under section 10.

20. (1) Where the Board orders that the name of any registered midwife be removed from the register under section 10 or that the name of any applicant for registration shall not be entered in the register under section 8, the Board may prohibit her from attending in any capacity women in childbirth.

Power of Board to prohibit disqualified midwives, etc. from attending women in childbirth.

(2) Any woman who acts in contravention of a prohibition imposed under this section shall be guilty of an offence and liable, on summary conviction, to a fine of two thousand dollars and imprisonment for six months, unless she proves that she acted in a case of emergency.

21. Any registered midwife who knowingly employs as her substitute any woman who is not a registered midwife shall be guilty of an offence and liable, on summary conviction, to a fine of two thousand dollars and imprisonment for six months.

Prohibition of employment by registered midwives of unregistered substitutes.

22. (1) Every registered midwife, before holding herself out as a practising midwife or commencing to practise as a midwife or, having ceased to practise as a midwife for any period exceeding five years, before recommencing so to practise shall—

Requirements as to notice of intention to practise.

(a) give notice in writing to the secretary of her intention so to do, and

(b) pay the prescribed fee,

and shall thereafter give a like notice and pay a like fee in the month of January in each year during which she continues to practise:

Provided that nothing contained in this subsection shall require any woman who has complied with the provisions of section 8 of the Midwives Ordinance repealed by this Ordinance to give notice under this subsection until the month of January next following the commencement of this Ordinance.

(Cap. 162).

(2) If any registered midwife omits to give notice as required by subsection (1), or knowingly makes or causes or procures any other person to make a false statement in any such notice, she shall be guilty of an offence and shall be liable, on summary conviction, to a fine of five hundred dollars.

(3) Any registered midwife who has ceased to practise as a midwife for any period exceeding five years may be prohibited by the Board from recommencing to practise until she has undergone such course of instruction or training or successfully proved her competency in midwifery by such examination conducted by examiners appointed by the Board as the Board, in its discretion, may consider appropriate.

(4) Any woman who acts in contravention of a prohibition imposed under subsection (3) shall be guilty of an offence and liable, on summary conviction, to a fine of two thousand dollars and to imprisonment for six months, unless she proves that she acted in a case of emergency.

(5) The provisions of this section shall not apply to any registered midwife employed in the service of the Government.

PART VI.

Regulations, Directions and Repeals.

Regulations.

23. The Governor in Council may by regulation prescribe or provide for—

- (a) the procedure to be adopted at meetings of the Board;
- (b) the duties of the legal adviser to the Board;
- (c) the nature of the particulars to be entered in the register and the mode in which it shall be kept;
- (d) the fees to be paid in connexion with registration, re-registration, certificates of registration and notices of intention to practise;
- (e) the manner in which applications for registration or re-registration shall be made;
- (f) examinations and courses of training in midwifery and fees to be paid in connexion therewith;
- (g) the procedure to be followed in relation to—
 - (i) preliminary investigations into complaints touching the conduct of registered midwives; and
 - (ii) inquiries held by the Board under sections 8 and 10;
- (h) matters relating to the conduct of the practice of midwifery;
- (i) generally giving effect to the provisions of this Ordinance.

24. (1) The Board may from time to time issue free of charge to registered midwives directions in writing, not being inconsistent with any of the provisions of this Ordinance or of any regulations made thereunder, relating to the conduct and the practice in midwifery: Directions to midwives.

Provided that—

- (i) one copy of every such direction shall be sent to each registered midwife at her registered address who is for the time being carrying on practice in the Colony; and
- (ii) copies are obtainable free of charge on request at every training school for midwives.

(2) Failure to comply with any direction issued in accordance with subsection (1) shall constitute a ground for disciplinary proceedings under section 10.

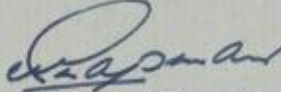
25. The following persons shall be exempted from registration and shall be deemed to be registered midwives— Exemption from registration.

- (a) persons serving on full pay in Her Majesty's Armed Forces as midwives while acting in the discharge of their duty; and
- (b) persons in full time employment by the Government as midwives while acting in the discharge of their duty.

26. The Midwives Ordinance is repealed.

Repeal of previous legislation. (Cap. 162).

Passed the Legislative Council of Hong Kong, this 7th day of December, 1960.


Deputy Clerk of Councils.

(Secretariat GR26/2961/46)

HONG KONG

No. 58 OF 1960.



I assent.

Governor.

22nd December, 1960.

An Ordinance to amend the Telecommunication Ordinance, Chapter 106, and to validate the charging of certain rates of payment for the transmission of messages.

[23rd December, 1960.]

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

1. This Ordinance may be cited as the Telecommunication Short title. (Amendment) Ordinance, 1960.

2. Subsection (2) of section 7 of the Telecommunication Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from paragraph (a) of the words "rates at which and the other".

Amendment
of section 7.
(Cap. 106).

3. The principal Ordinance is amended by the insertion after section 7 of the following new section—

Addition of
new section
7A.

"Power to
determine
rates.

7A. The Governor may by order provide for the rates at which messages shall be transmitted."

Certain rates deemed to have been in force from 1955, 1957 and from 1960. Schedule.

4. The rates, established in 1956 by order of the Governor in Council and set out in the second column of the Schedule, being the rates at which the messages specified in the first column of the Schedule might be transmitted, and the rates in respect thereof, established in 1957 and 1960 by agreement between the Government and Cable and Wireless Limited and set out in the third and fourth columns, respectively, of the Schedule shall be deemed to have been prescribed by regulations made under section 7 of the principal Ordinance and coming into operation on the 1st day of January, 1956, on the 1st day of October, 1957, and on the 1st day of September, 1960, respectively, these being the dates on which such rates were first charged.

Revocation of the Radiotelegrams (Charges) Regulations. (Vol. IX, p. 254).

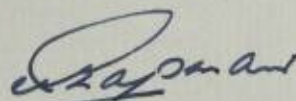
5. The Radiotelegrams (Charges) Regulations are hereby revoked.

SCHEDULE.

	Column II.	Column III.	Column IV.
<i>Land Station Charges.</i>			
(a) to ships or aircraft registered in the British Commonwealth			
Standard rate per word ...	50c. H.K. currency	55c. H.K. currency	70c. H.K. currency
(b) from ships or aircraft registered in the British Commonwealth			
(i) Standard rate per word.	8d. Sterling	8½d. Sterling	10d. Sterling
(ii) Ship Letter Telegram (SLT)			
Per 20 word (minimum) message	4/2d. Sterling	4/2d. Sterling	5/-d. Sterling
Additional words each.	2½d. Sterling	2½d. Sterling	3d. Sterling
(c) to ships or aircraft not registered in the British Commonwealth			
Standard rate per word ...	\$1.10 H.K. currency	\$1.10 H.K. currency	\$1.10 H.K. currency
(d) from ships or aircraft not registered in the British Commonwealth			
(i) Standard rate per word.	0.60 gold francs	0.60 gold francs	0.60 gold francs
(ii) Ship Letter Telegram (SLT)	4.00 gold francs	4.00 gold francs	4.00 gold francs
Additional words each.	0.20 gold francs	0.20 gold francs	0.20 gold francs

	Column II.	Column III.	Column IV.
<i>Charges for Ordinary Telegraph Transmission.</i>			
for internal transmission			
(i) to and from ships or aircraft registered in the British Commonwealth ...	2d. Sterling or 15c. H.K. currency	3d. Sterling or 20c. H.K. currency	3d. Sterling or 20c. H.K. currency
(ii) to and from ships or aircraft not registered in the British Commonwealth ...	0.15 gold francs or 30c. H.K. currency	0.15 gold francs or 30c. H.K. currency	0.15 gold francs or 30c. H.K. currency

Passed the Legislative Council of Hong Kong, this 21st day of December, 1960.


Deputy Clerk of Councils.

(Secretariat GR4/2306/53)

PUBLIC RECORDS OFFICE
OF HONG KONG

H.K.R.S. No. **30**

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