

HONG KONG

No. 1 OF 1962.



I assent.

Clarence Burgess
Governor's Deputy.

18th January, 1962.

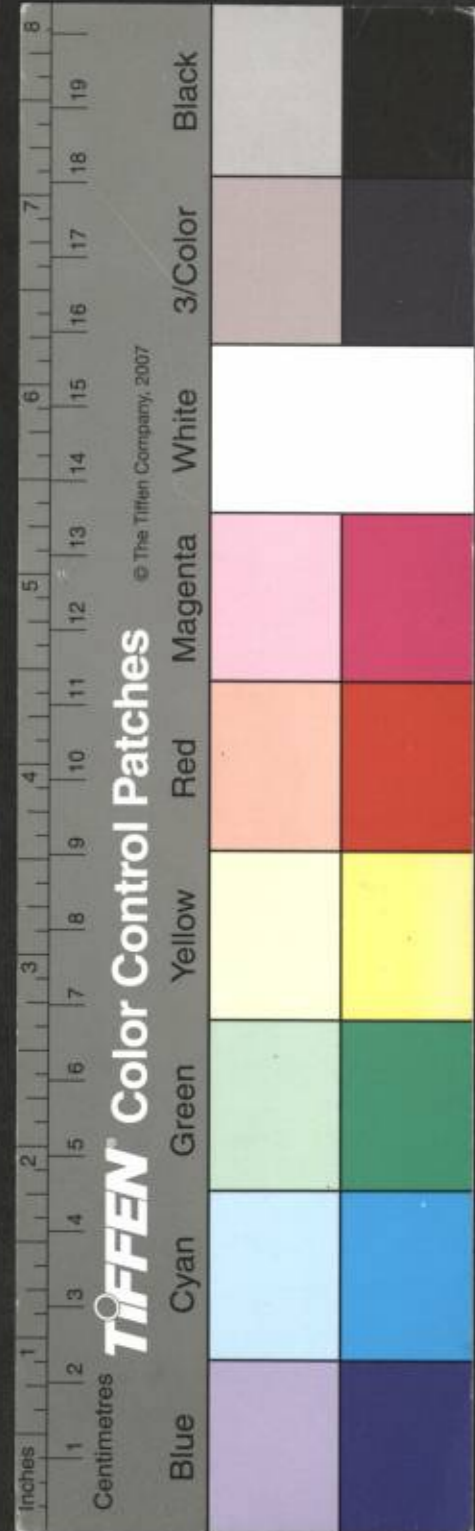
An Ordinance to amend the New Territories Ordinance, Chapter 97,
and to validate certain acts purported to have been done there-
under.

[19th January, 1962.]

WHEREAS it is desired to amend the New Territories Ordinance in Preamble.
certain respects:

AND WHEREAS—

- (a) section 7 of the said Ordinance authorizes the Governor in certain cases to exempt land in the New Territories from the provisions of Part II thereof;
- (b) certain public officers, acting on behalf of the Governor, have purported to exempt certain pieces or parcels of such land from the said provisions;
- (c) doubts have arisen as to the validity of such purported exemptions; and
- (d) it is desired to remove such doubts by validation of such purported exemptions:



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

Short title. 1. This Ordinance may be cited as the New Territories (Amendment and Validation) Ordinance, 1962.

Amendment of section 7. (Cap. 97). 2. Section 7 of the New Territories Ordinance (hereinafter referred to as the principal Ordinance) is amended—

- (a) in subsection (2) by the deletion of the words "by a memorandum under his hand"; and
- (b) in subsection (3) by the deletion of the words "by a memorandum in writing under his hand".

Repeal and replacement of section 23. 3. Section 23 of the principal Ordinance is repealed and replaced by the following section—

"Certification of memorials. 23. For the purposes of this Ordinance, where a memorial of any deed, will or other instrument is certified by the Land Officer as correct, it shall not be necessary for such memorial to be verified in accordance with the provisions of section 7 of the Land Registration Ordinance." (Cap. 128).

Repeal and replacement of section 27. 4. Section 27 of the principal Ordinance is repealed and replaced by the following—

"Form of conveyances. Schedule. 27. (1) A conveyance of any land subject to the provisions of this Ordinance may be made in one of the forms set out in the Schedule subject to such variations as circumstances may require. The Land Officer may prescribe such other forms as he may deem necessary for facilitating dealings with land.

(2) The provisions of this Part which relate to conveyances shall apply only to such conveyances as are made in one of the forms set out in the Schedule or in such other form as may be prescribed by the Land Officer to facilitate dealings with land.

(3) Nothing in this section shall be construed as requiring that a conveyance shall be made in one of the forms set out in the Schedule or prescribed by the Land Officer pursuant to the provisions of subsection (1).

(4) No conveyance made on or after the 28th day of October, 1910, shall be invalid by reason solely that such conveyance was not made in one of the forms specified in the Schedule or in a form prescribed by the Land Officer to facilitate dealings with land."

5. Section 28 of the principal Ordinance is amended by the deletion of all words preceding paragraph (a) and the substitution therefor of the following—

Amendment of section 28.

"28. In a conveyance on sale made in Form A in the Schedule the following covenants shall be deemed to be included—"

6. Subsection (1) of section 29 of the principal Ordinance is amended by the deletion of all words preceding paragraph (a) and the substitution therefor of the following—

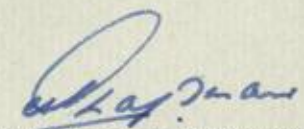
Amendment of section 29.

"29. (1) In a conveyance by way of mortgage (when it is the intention of the parties that the mortgagee shall not enter into possession until default is made in payment of the mortgage money) made in Form B in the Schedule the following covenants by the mortgagor with the mortgagee shall be deemed to be included—"

7. Where any public officer acting on behalf of the Governor has, before the coming into operation of this Ordinance, by any memorandum purported to exempt any land from the provisions of Part II of the principal Ordinance that might at the time of the making of such memorandum have been lawfully so exempted by the Governor in accordance with powers conferred by section 7 of the principal Ordinance such memorandum shall have effect, and shall be deemed always to have had effect, as if it had been made by the Governor in accordance with the powers conferred by such section as amended by section 2 of this Ordinance.

Validation of certain purported exemptions of land from Part II of the principal Ordinance.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 17th day of January, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR10/3231/52)

HONG KONG

No. 2 OF 1962.



I assent.

Claude Young
Governor's Deputy.

18th January, 1962.

An Ordinance to amend the Wild Birds and Wild Mammals Protection Ordinance, 1954.

[19th January, 1962.]

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 Wild Birds and Wild Mammals Protection (Amendment) Ordinance, 1962. Short title.

2. The Wild Birds and Wild Mammals Protection Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is amended by the deletion of the First Schedule and the substitution therefor of the following new Schedule— Amendment
of First
Schedule.
(8 of 1954).

"FIRST SCHEDULE. [ss. 2 & 6.]

GAME

CLOSE SEASON

Resident Birds.

Chinese Francolin (Partridge)	From 15th February to 31st October, both days inclusive.
Dove, including Spotted-Neck Dove	From 1st March to 14th October, both days inclusive.

Migratory Birds.

- Snipe
- Woodcock
- Grey Plover
- Golden Plover
- Teal
- Wild Duck
- Wild Goose
- Quail (other than quail bred in captivity)
- Dove, including Eastern Turtle or Scaly Dove and Red Turtle or Rock Dove

From 1st May to 31st August, both days inclusive.

From 1st March to 14th October, both days inclusive."

Amendment of Second Schedule.

3. The Second Schedule to the principal Ordinance is amended under the heading "Mammals" by the addition at the end thereof of the following—

- "Deer
- Wild Pig".

Amendment of Fourth Schedule.

4. The Fourth Schedule to the principal Ordinance is amended—

(a) under the heading "Area A." by the deletion of the words "Forestry Reserve" and the substitution therefor of the following—

"Forest and Plantation";

(b) by the addition at the end thereof of the following—

"Area D. The Shek Pik Reservoir Direct Catchment Area being all that area bounded by a line starting at the grid reference HQ007635 thence extending westwards to the grid reference GQ992641; then south through the grid references GQ982634, GQ977626, GQ971618 to the grid reference GQ969615; then extending eastwards to join the main dam; then eastwards to the grid reference GQ991606; then north through the grid references HQ001618 and HQ004627 to the starting point at grid reference HQ007635."

Amendment of Sixth Schedule. (Form 2).

5. The Sixth Schedule to the principal Ordinance is amended by the deletion of Form 2 and the substitution therefor of the following new Form—

"FORM 2.
 THE WILD BIRDS AND WILD MAMMALS PROTECTION
 ORDINANCE, 1954.
 (No. 8 of 1954).
 GAME LICENCE.
 (Section 12).

This game licence is issued to of and entitles him to

hunt the following birds during the shooting seasons prescribed below, and subject to such restrictions as may be imposed under the Ordinance.

Resident Birds.

SHOOTING SEASON.

- Chinese Francolin (Partridge) From 1st November to 14th February, both days inclusive.
- Dove including Spotted-Neck Dove From 18th October to the last day of February, both days inclusive.

Migratory Birds.

- Snipe including Painted Snipe
- Woodcock
- Grey Plover
- Golden Plover
- Teal
- Wild Duck
- Wild Goose
- Quail (other than quail bred in captivity)
- Dove, including Eastern Turtle or Scaly Dove and Red Turtle or Rock Dove.

From 1st September to 1st April, both days inclusive.

From 15th October to the last day of February, both days inclusive.

CONDITIONS.

- (i) This licence is valid from to
- (ii) The licensee must carry this licence with him when engaged on or setting out for or returning from any shooting expedition, and must produce it when required to do so by any magistrate, justice of the peace, police officer, game warden or honorary game warden.
- (iii) This licence is not transferable.

Fee \$75.

Hong Kong,, 19

Signature of Holder.

Licensing Authority.

The attention of the licensee is drawn to the provisions of the Wild Birds and Wild Mammals Protection Ordinance, 1954 (No. 8 of 1954)."

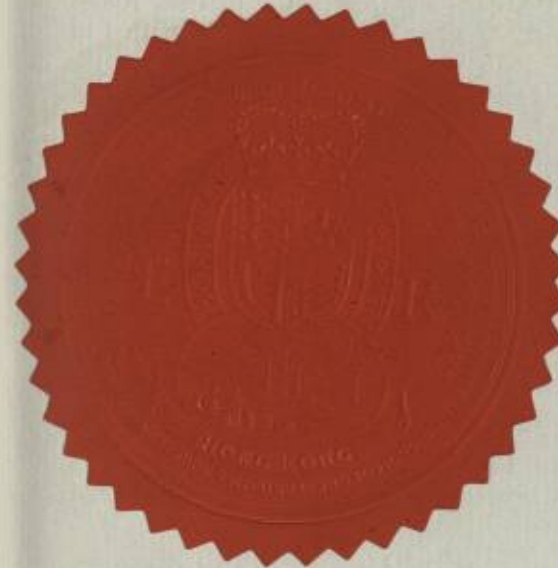
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 17th day of January, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

[Signature]
Deputy Clerk of Councils.

(Secretariat GR13/3231/53)

HONG KONG

No. 3 OF 1962.



I assent.

Governor.

15th February, 1962.

An Ordinance to remove doubt as to the validity of certain rules purporting to be made in exercise of the powers conferred by the Merchant Shipping Ordinance, 1953.

[16th February, 1962.]

WHEREAS—

Preamble.

- (a) subsection (3) of section 117 of the Merchant Shipping Ordinance, 1953, provides that rules or regulations authorized to be made under the provisions of the said Ordinance may be promulgated by publication in the *Gazette* or if the Governor in Council thinks fit by publication in the *Gazette* of rules or regulations signifying the approval of the Governor in Council to the coming into operation of such rules or regulations;
- (b) the Merchant Shipping (Masters and Mates Certificates) Rules, 1953, purporting to be made in exercise of the powers conferred by section 6 of the said Ordinance, signified the approval of the Governor in Council to the coming into operation of certain rules entitled the Certificates of Competency (Masters

and Mates) Rules and referred to in the said Merchant Shipping (Masters and Mates Certificates) Rules, 1953, as "Table I made under section 118(3)" of the said Ordinance;

- (c) the said section 6 has never conferred power to make the said Merchant Shipping (Masters and Mates Certificates) Rules, 1953, but confers power to make the said Table I referred to therein;
- (d) the said Table I does not purport to be made in exercise of the powers contained in the said section 6 and the said Merchant Shipping Ordinance, 1953, has never contained any section "118(3)" as aforesaid;
- (e) it is desirable to remove doubt arising from the aforesaid circumstances as to the validity of the said rules entitled the Certificates of Competency (Masters and Mates) Rules and referred to as the said Table I:

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

Short title.

1. This Ordinance may be cited as the Merchant Shipping (Certificates of Competency (Masters and Mates) Rules) (Validation and Commencement) Ordinance, 1962.

Validation and commencement of Table I. (14 of 1953).

2. The Certificates of Competency (Masters and Mates) Rules (hereinafter referred to as Table I) shall be deemed for all purposes to have been duly made on the 31st day of July, 1953, by the Governor in Council in exercise of the powers conferred by section 6 of the Merchant Shipping Ordinance, 1953, and to have come into operation on the commencement of that Ordinance.

Proof of copy of Table I.

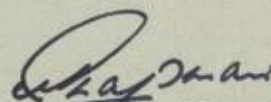
3. A copy of Table I purporting to be printed by the Government Printer shall, for all purposes until the contrary is proved, be deemed to be an authentic copy of such Table I as enacted.

Revocation of the Merchant Shipping (Masters and Mates Certificates) Rules, 1953. (G.N.A. 108/53).

4. The Merchant Shipping (Masters and Mates Certificates) Rules, 1953, are revoked.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 14th day of February, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

(Secretariat GR4/5061/54)

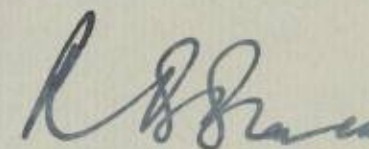

Deputy Clerk of Councils.

HONG KONG

No. 4 OF 1962.



I assent.



Governor.

15th February, 1962.

An Ordinance to amend the Dangerous Drugs Ordinance, Chapter 134.

[16th February, 1962.]

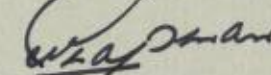
BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Dangerous Drugs (Amendment) Ordinance, 1962. Short title.

2. Section 17 of the Dangerous Drugs Ordinance is amended in subsection (2) by the deletion of the word "shall" and the substitution therefor of the following— Amendment of section 17. (Cap. 134).

"shall, except where some other penalty therefor is prescribed by regulations made under section 11,".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 14th day of February, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat CR5/3281/51)



HONG KONG

No. 5 OF 1962.



I assent.

Governor.

15th February, 1962.

An Ordinance to amend the Legal Practitioners Ordinance, Chapter 159.

[16th February, 1962.]

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 Legal Practitioners (Amendment) Ordinance, 1962. Short title.

2. The Legal Practitioners Ordinance is amended by the addition after section 34 of the following— Addition of new sections 34A, 34B, 34C, 34D and 34E. (Cap. 159)

^aEstablishment of Committee of Enquiry.

34A. (1) Without derogating from the right of the Court to act on its own motion under section 34, the Chief Justice, upon application being made in writing by the Attorney General or by the Committee of the Hong Kong Bar Association (hereinafter referred to as the Bar Committee), shall have power to appoint a Committee of Enquiry to exercise the function set out in section 34B.

- (2) The Committee of Enquiry shall consist of—
- (a) one of Her Majesty's Counsel for Hong Kong, being a member of the Bar of Hong Kong, unless the Chief Justice is of the opinion that in the circumstances of the case such an appointment is impracticable or inadvisable; and
- (b) not less than two nor more than four, or in the event of no appointment being made under paragraph (a) not less than three nor more than five, members being members of the Hong Kong Bar who shall be practising barristers and shall have practised in Hong Kong for not less than five years.

(3) The expenses incurred by the Committee of Enquiry, including those of briefing counsel under section 34C, and payment of witnesses' expenses shall be paid out of general revenue upon a certificate issued by the Attorney General.

Function of
Committee of
Enquiry.

34B. (1) The Committee of Enquiry shall inquire into any complaint against a barrister laid before it by the Attorney General, or by the Solicitor General when appointed for the purpose by the Attorney General, or by the Bar Committee and shall—

- (a) submit its findings in the form of a report to the Registrar, which report shall include its findings of fact and law and shall be open to the inspection of the barrister concerned, his advocate (if any) and also the Attorney General, or the Solicitor General when appointed for the purpose by the Attorney General, or of the Bar Committee when the complaint is laid by it but shall not be open to public inspection; and
- (b) where it is the opinion of the Committee of Enquiry that a *prima facie* case of a misconduct has been made out, lay a signed copy of its report before the Full Court, together with the evidence taken and the documents put in evidence at the hearing.

(2) The laying of a complaint before the Committee of Enquiry shall be in the discretion of the Attorney General or of the Bar Committee, as the case may be:

Provided that where a judge refers any complaint to the Attorney General or to the Bar Committee, the same shall be laid before the Committee of Enquiry.

(Cap. 86).

(3) For the purposes of conducting an inquiry the Committee of Enquiry shall have all the powers which are set out in section 3 of the Commissioners Powers Ordinance as though the same had been specifically conferred upon it in the manner required by the provisions of that Ordinance.

(4) All proceedings by the Committee of Enquiry and any report made in accordance with the provisions of subsection (1) shall be deemed to be privileged.

Powers of the
Full Court.

34C. (1) Where a report is laid before the Full Court under section 34B, it may set down the same for hearing, and the Registrar shall give not less than fourteen days' notice of the date of such hearing to the barrister concerned, to the Attorney General and to the Committee of Enquiry and at the same time shall forward to each a copy of the report of the Committee of Enquiry.

(2) At a hearing set down under subsection (1)—

- (a) counsel may appear on behalf of the barrister concerned and the Committee of Enquiry may be represented by counsel or by the Attorney General or Solicitor General; and
- (b) the Full Court shall afford to the barrister concerned or his counsel opportunity to make representation as to whether the hearing should be in public or in private; and
- (c) the Full Court shall consider the report of the Committee of Enquiry, and may call for the record of the evidence taken before the Committee of Enquiry, and may take such other evidence, including any documents that were before the Committee of Enquiry, as it shall see fit.

(3) On completion of the hearing the Full Court may—

- (a) censure the barrister; or
- (b) suspend him from practising for such period as it may specify; or
- (c) order that his name be struck off the roll.

(4) Any order made under subsection (3) shall be published in the *Gazette* unless the Full Court shall otherwise direct, and may be published in such manner as the Full Court may direct.

Variation of
order of the
Full Court.

34D. (1) Without derogating from the power of the Chief Justice under section 37 to order the replacement on the roll of the name of a barrister who has been struck off

the same, and subject to the provisions of subsection (2) any barrister who has been suspended from practising or whose name has been struck off the roll may apply to the Full Court for an order to vary or discharge the order suspending him or striking his name off the roll.

(2) No application shall be made under subsection (1)—

- (a) in the case of an order of suspension, until the expiration of two years from the date of such order or of half the period of suspension, whichever is the less; or
- (b) in the case of an order striking the name of the barrister off the roll, until the expiration of two years from the date of such order,

and in either case where such an application has been made and determined, no further application shall be made until the expiration of two years from the date of such determination:

Provided that the barrister may at any time apply to a judge in Chambers for permission to make such application on the grounds that new material facts have come to light since the making of the order which it is sought to vary or discharge, and where the judge is of opinion that such facts should be placed before the Full Court, he shall grant such application.

(3) At the hearing of the application the Full Court may—

- (a) reduce the period of suspension, or
- (b) discharge the order of suspension or the order striking the name of the barrister off the roll, as the case may be, or
- (c) confirm the original order, and
- (d) make such order as to costs as it shall see fit.

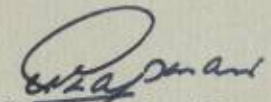
Rules.

34E. The Chief Justice may make rules to provide for—

- (a) the laying of a complaint before the Committee of Enquiry;
- (b) the conduct of the inquiry;
- (c) the submission of the report of the Committee of Enquiry to the Full Court;
- (d) the procedure for considering such report;

- (e) the procedure for making an application to vary or discharge an order of the Full Court;
- (f) the procedure for hearing such application.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 14th day of February, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat CR L/M 586/61)

HONG KONG

No. 6 OF 1962.



I assent.

Governor.

15th February, 1962.

An Ordinance to make amended provision for the incorporation of the Trustees of the Union Church in Hong Kong.

[1st May, 1962.]

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 Union Church Incorporation Ordinance, 1962, and shall come into operation on the 1st day of May, 1962.

Short title
and com-
mencement.

2. In this Ordinance, unless the context otherwise requires—
“adherent” means a person who has been listed as an adherent in accordance with the provisions of section 9;

Inter-
pretation.

“Chairman” and “Vice-Chairman” mean respectively the chairman and vice-chairman of the committee of management appointed in accordance with the provisions of subsection (4) of section 12;

“Church” means the Minister and members of Union Church, Kennedy Road, Hong Kong, and the buildings thereat;

“committee” means the committee of management elected in accordance with the provisions of section 12 including any person co-opted to be a member thereof;

"Corporation" means "The Trustees of the Union Church in Hong Kong" incorporated under section 3;

"deacon" means a member of the Deacons' Court;

"Deacons' Court" means the Deacons' Court established in accordance with the provisions of section 14;

"general meeting" means a general meeting of the members of the Church;

"member" means any person who has been enrolled as a full member or as an associate member in accordance with the provisions of section 8 and who is still so enrolled;

"Minister" means the minister of Union Church or, if at any time there shall be more than one minister, the senior minister in Hong Kong, appointed in accordance with the provisions of subsection (1) or (2) of section 16 or an acting minister appointed in accordance with the provisions of subsection (3) of that section;

"prescribed" means prescribed by rules made under section 18;

(Cap. 318). "repealed Ordinance" means the Union Church Incorporation Ordinance;

"secretary" and "treasurer" mean respectively the honorary secretary and the honorary treasurer elected in accordance with the provisions of section 13;

"voting member" means a member who, in accordance with the provisions of subsection (2) of section 11, is entitled to vote at a general meeting of the Church.

Incorporation.

3. The Trustees for the time being of the Union Church in Hong Kong shall be a body corporate and shall have the corporate name, "The Trustees of the Union Church in Hong Kong", and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal, and may from time to time, break, change, alter and make anew the said seal as to the Corporation may seem fit.

Vesting of property.

4. All property of whatsoever kind and description, which immediately before the commencement of this Ordinance was vested in the "The Trustees of the Union Church in Hong Kong" in accordance with the provisions of the repealed Ordinance, is hereby vested in the Corporation.

Powers of Corporation.

5. (1) The Corporation shall have power to acquire, accept and grant leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate, and also to build, rebuild, alter, vary, renew, maintain and repair any building, messuage or tenements, and also to invest monies upon mortgages of any lands, buildings, messuages or tenements, or in debentures, stocks, funds, shares or securities of any government, municipality, corporation, or company, and also to purchase, acquire and possess

goods and chattels of what nature and kind soever and to sue, carry on and defend all legal arbitration and other proceedings.

(2) Notwithstanding the provisions of subsection (1), the Corporation shall be subject to the provisions of the Charities (Land Acquisition) Ordinance, 1958. (23 of 1958).

(3) The Corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, pledge, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities or goods and chattels whatsoever, which are for the time being vested in or belonging to the Corporation, upon such terms as to the Corporation may seem fit.

6. (1) All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed in the presence of two or more of the trustees, and shall also be signed by the Chairman or, if he shall be absent from the Colony or otherwise for any good reason unable to act, by the Vice-Chairman, and by such trustees so present, and such signing shall be and be taken as sufficient evidence of the due sealing thereof. Execution of deeds.

(2) The seal shall be kept in the custody of the Chairman of Trustees elected in accordance with the provisions of subsection (6) of section 15 or, if no Chairman of Trustees shall have been elected or if he shall be absent from the Colony or otherwise for any good reason be unable to act, in the custody of the person who has been trustee for the longest period.

7. The Corporation shall hold the property vested in it in accordance with the provisions of section 4 and all property subsequently acquired by it and any other premises which may be substituted therefor and all the other property of the Church upon trust for the purpose of a church for the public worship of God and for preaching the Gospel of the Lord Jesus Christ according to the principles and usages of Protestant Christians, and for the sole object of spreading the knowledge of Christ, as shall seem most agreeable to the Word of God and not for the purpose of introducing or supporting presbyterianism, independency, episcopacy or any other form of church order and government about which there may be difference of opinion, but under such form of church government as the members shall direct, and also, subject to such direction, for the instruction of children and adults, and for religious and philanthropic purposes and for the providing of a residence for the Minister, provided that the Church shall always accept as its primary standards the Word of God as witnessed to by the scriptures of the Old and New Testaments, the Trinitarian Doctrine of the Christian Faith and the Sacraments of Baptism and the Lord's Supper. Trusts.

Members.

8. Every member of the Church shall have been baptized in or in accordance with the rites of a Christian Church and shall be either—

- (a) a full member, that is to say, a person who has been received into the Church by—
 - (i) profession of faith,
 - (ii) letter of transfer from another Christian Church, or
 - (iii) re-affirmation of faith, or
- (b) an associate member, that is to say, a person who is a regular member of a Christian Church other than the Church and who signifies his desire to worship with and to help and support the Church while he is in the Colony but still to retain his membership of his own church,

who has been enrolled as such in such manner as may be prescribed:

Provided that, subject and in such manner as may be prescribed, any person who was on the mailing list of the Church immediately before the commencement of this Ordinance may be so enrolled.

Adherents.

9. Any person who, though not a member of a Christian Church, wishes to take part in the worship and other activities of the Church while he is resident in the Colony may, subject as may be prescribed, be listed as an adherent.

General meetings.

10. (1) The annual general meeting of the Church shall be held in the month of March in each year or as soon as is practicable thereafter.

(2) A special general meeting may be called at any time by the Minister or by the committee and shall be called by the Minister if he shall receive a requisition, stating the purpose for which the meeting is required and signed by not less than forty voting members.

(3) Notice of every general meeting shall be given at each service held in the Church on not less than two Sundays immediately preceding such meeting at the usual time in the usual manner for giving notices during divine service and the meeting shall be held not earlier than the Wednesday next following the second of such Sundays.

(4) Save as may be otherwise prescribed, no motion shall be carried at a general meeting unless it shall receive the votes of not less than two-thirds of the voting members present and voting plus one.

Business at a general meeting.

11. (1) At every general meeting, the chair shall be taken by the Chairman or, in his absence by the Vice-Chairman or, if both the Chairman and the Vice-Chairman shall be absent, by such person as the meeting shall elect as Chairman for the purpose of such meeting.

(2) At every general meeting every member shall be entitled to attend and to speak at such meeting but only a member who is over

the age of eighteen years and who has been enrolled as a member for not less than six months shall be entitled to vote at a general meeting:

Provided that at any general meeting held within one year of the commencement of this Ordinance, every member who is over the age of eighteen years shall be entitled to vote.

(3) The quorum for a general meeting shall be such number as may be prescribed or, if no quorum is prescribed, forty voting members:

Provided that if at a general meeting there is not a quorum, the Chairman shall adjourn the meeting for a period of not less than three weeks and notice of such adjourned meeting shall be given in accordance with the provisions of subsection (3) of section 10 and at such adjourned meeting the quorum shall be the number of voting members there present.

12. (1) There shall be a committee of management which shall be responsible for the management of the Church property and the temporal affairs of the Church.

Committee of management.

(2) The committee shall consist of twelve voting members, or such other number as may be prescribed, elected at the annual general meeting together with the following ex-officio members—

- (a) the Minister;
- (b) the secretary; and
- (c) the treasurer.

(3) The committee shall hold office from the first day of the month next following the date of its election until the date on which a new committee elected by the Church at its annual general meeting shall assume office.

(4) At its first meeting, the committee shall elect from its elected members a chairman and vice-chairman and at any subsequent meeting may elect therefrom a temporary chairman or a temporary vice-chairman in substitution for any chairman or vice-chairman so elected if either such officer shall be absent from the Colony or otherwise for any good reason be unable to act.

(5) The committee shall have power to co-opt to the committee any voting member.

13. (1) There shall be an honorary secretary and an honorary treasurer who shall be voting members elected by the Church at its annual general meeting and who shall hold office from the first day of the month next following the date of such election until replaced by other officers similarly elected.

Officers.

(2) If an honorary secretary or an honorary treasurer shall be absent from the Colony or otherwise for any good reason be unable to act the committee may elect a member of the committee to hold such office during his absence or inability.

Deacons' Court.

14. (1) There shall be a Deacons' Court which shall be responsible with the Minister for all matters relating to the spiritual welfare of the Church and shall carry out such other duties as may be prescribed.

(2) The Deacons' Court shall consist of the Minister and such other persons as shall be nominated and approved as deacons or received as deacons in accordance with the provisions of subsection (3).

(3) Every deacon shall be either—

- (a) nominated by the Deacons' Court, subject to approval by a general meeting of the Church in such manner as may be prescribed, and inducted as a deacon by the Minister; or
- (b) if he had previously been elected and received into any other Christian church in an office equivalent to that of deacon, received as a deacon, by the Deacons' Court.

(4) No person shall be nominated to be a deacon or be received as a deacon unless he is a voting member and a communicant.

(5) Every member who is inducted as a deacon or is received as a deacon shall continue to hold office as a deacon until he ceases to be a member or resigns.

(6) The Minister shall act as Moderator at every meeting of the Deacons' Court at which he is present and, if he is absent, a deacon, who shall be selected by the deacons present at such meeting, shall act as Moderator.

(7) There shall be a clerk to the Deacons' Court who shall be elected at the first meeting of the Deacons' Court held after the annual general meeting of the Church and who shall be responsible for the summoning of meetings of the Deacons' Court and the maintenance of the minutes of the Deacons' Court and for carrying out such other duties as the Deacons' Court may decide.

(8) The Deacons' Court shall meet at intervals of not less than two months.

Trustees.

15. (1) There shall be not more than ten and not less than three trustees.

(2) Each trustee shall be a voting member and shall be elected by the members of the Church at a general meeting in such manner as shall be prescribed and shall hold office until he ceases to be a member, resigns or has been absent from the Colony for a continuous period of not less than two years.

(3) If the number of trustees falls below four, at least one additional trustee shall be elected as soon as is practicable thereafter.

(4) When a person has been elected to be a trustee, the secretary shall, within three weeks after his election or within such further time as may be allowed by the Governor, furnish to the Governor such evidence as the Governor may require of the election of such person.

(5) A notification in the *Gazette* under the hand of the Colonial Secretary that such evidence has been furnished to the Governor by the secretary shall be conclusive evidence of such election.

(6) The trustees, in such manner as they may consider appropriate, may from time to time elect one of their number to be Chairman of Trustees for the purpose of summoning and presiding at meetings of trustees.

16. (1) Each Minister, on first appointment, shall be selected at a general meeting in such manner as may be prescribed, on the joint recommendation of the Deacons' Court and the committee, meeting together and, on such selection, shall be appointed by the committee upon such terms as may be agreed. Minister.

(2) The appointment of a Minister may be renewed by the committee on the joint recommendation of the Deacons' Court and of the committee, meeting together, subject to approval by a general meeting, in such manner as may be prescribed.

(3) The Deacons' Court and the committee meeting together may appoint any person to act as Minister during the absence from the Colony or inability to perform his duties, through illness or for any other cause, of any person appointed as Minister under this section.

17. The Minister, trustees, Hon. Secretary, Hon. Treasurer, Chairman, Vice-Chairman, deacons and members of the general committee appointed or deemed to have been appointed in accordance with the provisions of the repealed Ordinance and holding office immediately before the commencement of this Ordinance shall be deemed to have been elected or appointed, as the case may be, for all purposes, in accordance with the provisions of this Ordinance. Transitional provisions.

18. (1) The Deacons' Court and the committee, meeting together, may, by rules, prescribe or provide for— Rules.

- (a) the selection and appointment of ministers of the Church;
- (b) the election of trustees, members of the committee and office-bearers of the Church;
- (c) the enrolment of full members, associate members and adherents;

- (d) the preparation of a list of full members, associate members and adherents based on the mailing list of the Church provided under the repealed Ordinance immediately before the commencement of this Ordinance;
- (e) the removal from the list of full members, associate members or adherents, of the name of any person thereon;
- (f) the keeping of registers of full members, associate members, adherents and communicants and of baptisms and marriages;
- (g) the holding of joint meetings of the Deacons' Court and of the committee;
- (h) the holding of meetings of the committee and the quorum and the conduct of business at such meetings;
- (i) the holding of general meetings and the quorum and conduct of business at such meetings;
- (j) the appointment of any additional officers and servants of the Church;
- (k) fees to be charged by the committee to members, adherents and non members;
- (l) the keeping of accounts and of monies received by or on behalf of the Church;
- (m) general carrying into effect the provisions of this Ordinance.

(2) Any rule made in accordance with the provisions of this section shall be signed by the secretary and by the clerk to the Deacons' Court and shall be displayed in a prominent place in the Church premises for not less than one month and shall not come into operation until the expiry of such period:

Provided that any rule may be revoked at a general meeting.

19. In the event of the Corporation failing to use, occupy and enjoy the present buildings of the Church, or any other premises which may be substituted therefor, for the purposes mentioned in section 7, for a period of more than two years at any one time, then the Corporation shall hold the said premises with the erections and buildings thereon, and all monies, goods and chattels then belonging to the Corporation, in trust for the London Missionary Society Incorporated under the London Missionary Society Incorporation Ordinance, absolutely.

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

21. The Union Church Incorporation Ordinance is repealed.

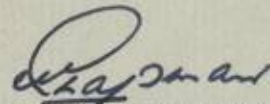
Property to be held in trust for London Missionary Society in certain events.

(Cap. 296).

Saving.

Repeal.
(Cap. 318).

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 14th day of February, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR11/3231/61)

HONG KONG

No. 7 OF 1962.



I assent.

Governor.

1st March, 1962.

An Ordinance to amend the Housing Ordinance, 1954.

[2nd March, 1962.]

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 Housing (Amendment) Ordinance, 1962. Short title.

2. Sections 4 and 5 of the Housing Ordinance, 1954 (hereinafter referred to as the principal Ordinance) are repealed and replaced by the following sections— Repeal and replacement of sections 4 and 5. (18 of 1954).

^aGeneral powers and duties of the Authority.

4. (1) The Authority shall exercise its powers and discharge its duties under this Ordinance so as to secure the provision of housing accommodation together with such buildings (other than dwellings) and such amenities ancillary thereto as the Authority thinks fit for such kinds or classes of persons as the Governor may from time to time approve.

(2) Subject to the provisions of this Ordinance, the Authority may, with the approval of the Governor, and shall, if so directed by the Governor, exercise all or any of the powers conferred by this section or otherwise conferred by this Ordinance.

(3) The Authority shall have the following powers—

- (a) to acquire and hold property of any description, and subject to the terms and conditions upon which the same is held and to any by-laws in that behalf, dispose of any such property;
- (b) to construct new houses, hostels or flats, together with premises or structures ancillary thereto, in the Colony for the provision of the accommodation referred to in subsection (1) and to acquire, alter, enlarge, improve, repair or demolish houses or buildings for the purpose of providing such accommodation;
- (c) to construct, acquire, alter, enlarge, improve any temporary buildings which may be, or may be made, suitable for residential purposes;
- (d) to provide fixtures, fittings or furniture in houses, hostels or other buildings acquired by or under the control of the Authority, and to let, lend or hire such fixtures, fittings or furniture on such terms and conditions as to payment or otherwise as the Authority may think fit;
- (e) to manage any housing accommodation, together with any premises, structures and grounds ancillary thereto, provided by or otherwise under the control of the Authority and to promote the welfare and comfort of the tenants or occupiers thereof;
- (f) to develop land and to lay out streets, roads and open spaces for the purpose of providing such housing accommodation or in connexion therewith;
- (g) to undertake and execute any lawful trust which has for its object the furtherance of the provision of such housing accommodation in the Colony or any other object similar or incidental to any of the purposes of the Authority;
- (h) to accept gifts and donations whether of property or otherwise and whether subject to any special trust or not;

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

(4) The policy of the Authority shall be directed to securing that, in any period of three successive financial years after the 1st day of April, 1959, its revenues shall not be less than sufficient to meet all its outgoings other than those properly chargeable to capital account.

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

Property
vested in
the Crown.

3. Section 11 of the principal Ordinance is repealed and replaced by the following section—

Repeal and
replacement
of section
11.

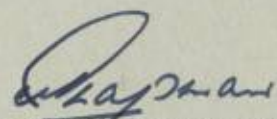
"Incorporation.

(23 of 1958).

11. (1) The Hong Kong Housing Authority shall be a body corporate with perpetual succession and a common seal and, for the purposes of this Ordinance, with a capacity to acquire and hold land without licence under the Charities (Land Acquisition) Ordinance, 1958, and to sue and be sued in the corporate name of the Hong Kong Housing Authority.

(2) In the exercise of any power or the discharge of any duty under this Ordinance the Authority shall be deemed to act in its corporate capacity, and the word "Authority" in this Ordinance shall be construed as a reference to the corporation established by this section."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 28th day of February, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat CR18/736/50IV)

HONG KONG

No. 8 OF 1962.



I assent.

Governor.

20th March, 1962.

An Ordinance to amend the Quarantine and Prevention of Disease Ordinance, Chapter 141.

[23rd March, 1962.]

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 Quarantine and Prevention of Disease (Amendment) Ordinance, 1962. Short title.

2. Section 2 of the Quarantine and Prevention of Disease Ordinance is amended by the addition, in subsection (1), after the definition "building" of the following— Amendment of section 2. (Cap. 141).

““cholera” includes enteritis choleraformis El Tor;”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of March, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

Clerk of Councils.

(Secretariat GR6/3921/61)



HONG KONG

No. 9 OF 1962.



I assent.

Governor.

30th March, 1962.

An Ordinance to apply a sum not exceeding one thousand two hundred and twenty-six million, four hundred and thirty-six thousand, one hundred and ten dollars to the Public Service of the financial year ending the 31st day of March, 1963.

[1st April, 1962.]

WHEREAS the expenditure required for the service of this Colony Preamble.
for the financial year ending on the 31st day of March, 1963, has been
estimated at the sum of one thousand two hundred and twenty-six
million, four hundred and thirty-six thousand, one hundred and ten
dollars:

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

1. This Ordinance may be cited as the Appropriation (1962-63) Short title.
Ordinance, 1962.

Appropriation from the general revenues and other funds.

Schedule.

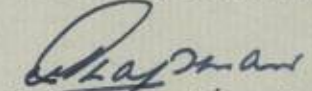
2. A sum not exceeding one thousand two hundred and twenty-six million, four hundred and thirty-six thousand, one hundred and ten dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April, 1962, and ending on the 31st day of March, 1963, and the said sum so charged may be expended in the manner expressed in the Schedule.

SCHEDULE. [s. 2.]

Number of vote.	Head of Expenditure.	Amount of vote.
		\$
21.	His Excellency the Governor's Establishment	511,700
22.	Agriculture and Forestry Department	7,574,300
23.	Audit Department	1,174,000
24.	Census Department	72,300
25.	Civil Aviation Department	8,434,900
26.	Colonial Secretariat and Legislature	5,533,000
27.	Commerce and Industry Department	9,956,600
28.	Co-operative Development and Fisheries Department ...	2,538,200
29.	Defence: R.H.K.D.F. Headquarters	155,200
30.	Defence: Hong Kong Regiment (The Volunteers)	2,056,500
31.	Defence: Hong Kong Royal Naval Reserve	1,008,000
32.	Defence: Hong Kong Auxiliary Air Force	531,800
33.	Defence: Essential Services Corps and Directorate of Manpower	159,500
34.	Defence: Auxiliary Fire Service	519,500
35.	Defence: Auxiliary Medical Service	1,268,700
36.	Defence: Civil Aid Services	2,160,100
37.	Defence: Registration of Persons Office	1,631,600
38.	Defence: Miscellaneous Measures	26,540,000
39.	Education Department	59,247,000
40.	Fire Services Department	13,435,400
41.	Immigration Department	2,554,100
42.	Information Services Department	2,475,200
43.	Inland Revenue Department	4,638,900
44.	Judiciary	5,315,800
45.	Kowloon-Canton Railway	16,326,800
46.	Labour Department: Labour Division	2,481,100
47.	Labour Department: Mines Division	221,600
48.	Legal Department	1,563,500
49.	Marine Department	17,245,100
50.	Medical and Health Department	72,176,900
51.	Miscellaneous Services	19,969,200
52.	New Territories Administration	8,960,400

Number of vote.	Head of Expenditure.	Amount of vote.
		\$
53.	Pensions	24,880,000
54.	Police Force: Hong Kong Police	71,316,100
55.	Police Force: Auxiliary Police	1,342,900
56.	Post Office	35,353,400
57.	Printing Department	4,528,200
58.	Prisons Department	12,238,900
59.	Public Debt	5,916,310
60.	Public Enquiry Service	287,800
61.	Public Services Commission	54,700
62.	Public Works Department	47,152,100
63.	Public Works Recurrent	45,122,000
64.	Public Works Non-Recurrent	437,833,800
65.	Radio Hong Kong	3,746,300
66.	Rating and Valuation Department	1,691,900
67.	Registrar General's Department	2,531,200
68.	Registry of Trade Unions	261,900
69.	Resettlement Department	13,225,200
70.	Royal Observatory	2,591,300
71.	Secretariat for Chinese Affairs	1,576,600
72.	Social Welfare Department	8,253,100
73.	Stores Department	13,519,600
74.	Subventions: Social Welfare	4,368,200
75.	Subventions: Medical	27,792,900
76.	Subventions: Education	106,751,000
77.	Subventions: Miscellaneous	3,411,700
78.	Treasury	3,061,300
79.	Urban Services Department and Urban Council	38,865,000
80.	Urban Services Department: City Hall	1,598,000
81.	Urban Services Department: Housing Division	2,441,500
82.	Urban Services Department: New Territories Division	3,489,800
83.	Colonial Development and Welfare Schemes	10,000
84.	World Refugee Year Schemes	2,786,500
TOTAL		<u>\$1,226,436,110</u>

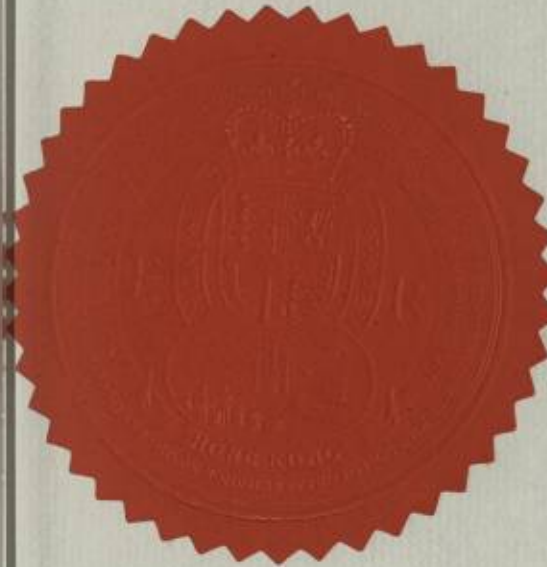
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 30th day of March, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR3/2291/62)

HONG KONG

No. 10 OF 1962.



I assent.

Governor.

30th March, 1962.

An Ordinance to authorize and control the promotion and conduct of Government lotteries and matters ancillary thereto.

[31st March, 1962.]

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 Government Lotteries Ordinance, 1962. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpre-
"Chairman" means the chairman of the Government Lotteries Manage- tation.
ment Committee;

"Committee" means the Government Lotteries Management Committee appointed in accordance with section 3;

"lottery" means any scheme for distributing prizes by lot or chance which is promoted and conducted by the Committee;

"ticket" in relation to any lottery or proposed lottery, means any document issued by the Committee evidencing the claim of a person to participate in the chances of such lottery;

"member", in relation to the Committee, includes the Chairman.

Appointment and constitution of the Committee.

3. (1) The Governor may by notification in the *Gazette* appoint a standing committee to be known as the Government Lotteries Management Committee.

(2) The Committee shall consist of a Chairman and not less than three nor more than five members who shall be appointed from time to time by the Governor by notification in the *Gazette*.

Meetings of the Committee.

4. (1) The Committee shall meet at such times and at such places as the Chairman may from time to time appoint.

(2) At any meeting of the Committee the Chairman shall preside: Provided that if at any meeting the Chairman is absent there shall preside either—

- (a) such member as the Chairman may in his discretion direct to preside for the purposes of that meeting; or
- (b) in the absence of any such direction by the Chairman, one member of the Committee elected from among those members present at such meeting.

(3) At any meeting of the Committee three members shall be a quorum.

(4) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereof.

(5) Any question to be determined at a meeting of the Committee shall be determined by a majority of the members present and voting thereon.

(6) The Chairman at any meeting of the Committee shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote.

(7) The Committee may make standing orders for regulating the procedure at, and in connexion with, its meetings.

Duties of the Committee.

5. It shall be the duty of the Committee from time to time to conduct or cause to be conducted lotteries and to do such other things as the Governor may, subject to the provisions of this Ordinance or any rules made thereunder, direct in connexion therewith.

Proceeds of lotteries.

6. (1) Sixty per cent, or as close to that proportion as is practicable, of the proceeds of the sale of tickets shall be apportioned as prizes in such manner as the Committee, subject to any direction of the Governor, may from time to time determine and the remainder shall be paid into the general revenue of the Colony and allocated to expenditure for the purposes of social welfare.

(2) The Financial Secretary shall cause to be published in the *Gazette* not later than the 30th day of September, or such later date as

the Governor in his discretion may permit, next following any period of twelve months ending the preceding 31st day of March in which any lotteries have been held, a statement—

- (a) in respect of such period of twelve months showing—
 - (i) the total sum of money derived from such lotteries and paid into the general revenue of the Colony; and
 - (ii) the total sum of money paid out of the general revenue of the Colony for the purposes of social welfare; and
- (b) in respect of the period of twelve months immediately preceding such period, showing the total sum of money paid out of the general revenue of the Colony, for the purpose of social welfare.

(3) Notwithstanding anything contained in subsection (1), the proportion allocated to prizes may be varied from time to time by resolution of the Legislative Council.

7. Notwithstanding anything contained in section 6, expenses arising out of the conduct of any lottery or the operation of the Committee may be paid out of the general revenue of the Colony or, subject to the approval of the Financial Secretary, deducted from any sum of money to be paid into the general revenue in accordance with the provisions of such section 6 before such payment into the general revenue is made.

Expenses in connexion with lotteries.

- 8. The Governor may make rules prescribing or providing for—
 - (a) the appointment of and the conditions to be observed by agents for the sale of tickets for lotteries and the rights, liabilities and obligations of such agents and commissions payable in connexion therewith;
 - (b) the form and contents of tickets for lotteries;
 - (c) the information to be published concerning lotteries and the manner in which such information shall be published;
 - (d) the manner in which any drawing for the allotment of prizes shall be undertaken, including the persons who shall be present at any such drawing and their powers and duties in relation thereto;
 - (e) the manner in which any dispute or difficulty which may arise as to the conduct of any lottery or the drawing for the allotment of any prize in respect thereof shall be determined;
 - (f) the time within which and the manner in which lottery prizes shall be claimed;
 - (g) the disposal of unclaimed prizes or money or prizes or money as to which any dispute has arisen;

Rules.

(h) such other matters as the Governor may consider expedient to give effect to the purposes of this Ordinance.

Obstruction
at draw of
lottery.

9. Any person who obstructs or impedes the drawing of any lottery, or creates any disturbance at or near any place at which any lottery is being or is about to be drawn, shall be guilty of an offence and liable upon summary conviction to a fine of one thousand dollars and three months imprisonment.

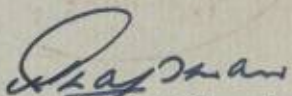
Application
of Forgery
Ordinance.
(Cap. 209).

10. For avoidance of doubt, every ticket shall be deemed to be a document to which the provisions of subsection (1) of section 6 of the Forgery Ordinance apply.

Gambling
Ordinance not
to apply to
Government
lotteries.
(Cap. 148).

11. Nothing contained in the Gambling Ordinance shall apply to any lottery to which the provisions of this Ordinance apply.

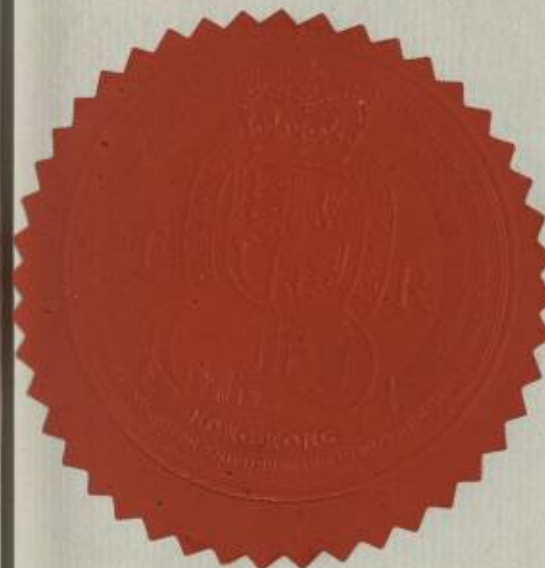
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 30th day of March, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

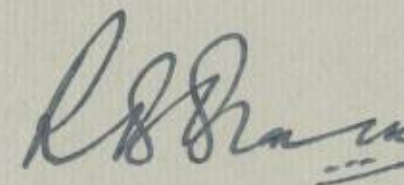
(Secretariat CR15/3371/60)

HONG KONG

No. 11 OF 1962.



I assent.



Governor.

18th April, 1962.

An Ordinance further to amend the Criminal Procedure Ordinance,
Chapter 221.

[19th April, 1962.]

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 Criminal Procedure Short title.
(Amendment) Ordinance, 1962.

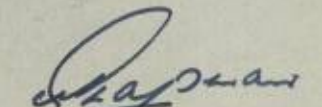
2. Section 50 of the Criminal Procedure Ordinance is amended by the insertion therein, after subsection (2), of the following new subsections— Amendment
of section 50.
(Cap. 221).

“(3) Where the accused person is a corporation, a plea in writing may be entered by its representative, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

(Cap. 227).

(4) In this section and in section 87 of the Magistrates Ordinance, the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section or by section 87 of the Magistrates Ordinance authorized to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose. A representative for the purposes of this section and section 87 of the Magistrates Ordinance need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section or of section 87 of the Magistrates Ordinance shall be admissible without further proof as *prima facie* evidence that that person has been so appointed."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 18th day of April, 1962, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

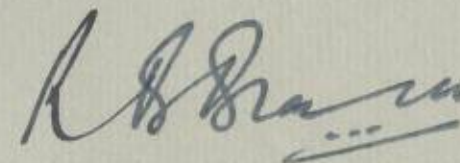
(Secretariat GR2/3231/54)

HONG KONG

No. 12 OF 1962.



I assent.



Governor.

18th April, 1962.

An Ordinance to amend the Medical Registration Ordinance, 1957.

[19th April, 1962.]

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 Medical Registration Short title. (Amendment) Ordinance, 1962.

2. Section 14 of the Medical Registration Ordinance, 1957, Amendment of section 14. (hereinafter referred to as the principal Ordinance) is amended by the deletion of subsection (5) and the substitution therefor of the following— (25 of 1957).

"(5) A certificate under the hand of the Registrar stating that the name of a person is or is not at any date or was or was not at any date registered or provisionally registered, as the case may be, shall be conclusive evidence in all courts of law of the facts stated in such certificate."

Amendment
of section 20.

3. Section 20 of the principal Ordinance is amended in subsection (1) by the deletion of paragraph (iv) and the substitution thereof of the following—

“(iv) make any such order as aforesaid but suspend the application thereof, subject to such conditions as the Council may think fit, for a period, or periods in the aggregate, not exceeding two years.”

Amendment
of section 29.

4. Section 29 of the principal Ordinance is amended—

(a) in subsection (1) by the deletion of the words “foreign country” and the substitution thereof of the following—

“foreign or Commonwealth country”; and

(b) by the deletion of subsection (3).

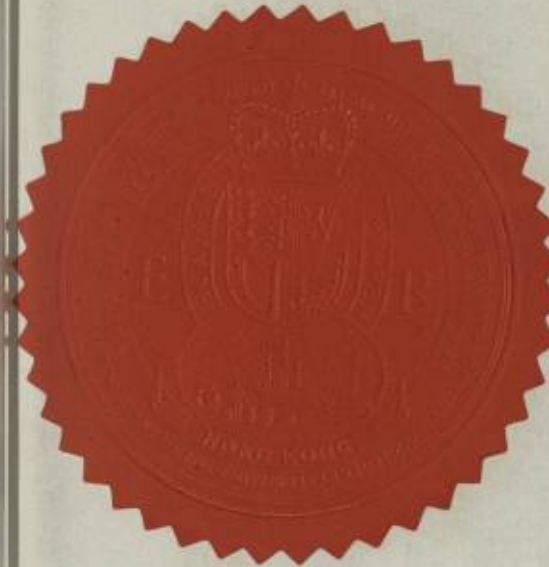
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 18th day of April, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

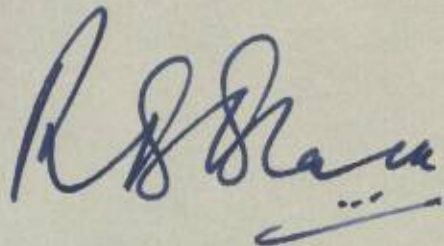
(Secretariat CR8/3231/53)

HONG KONG

No. 13 OF 1962.



I assent.



Governor.

24th May, 1962.

An Ordinance to amend the Pensions Ordinance, Chapter 89.

[25th May, 1962.]

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 Pensions (Amendment) Ordinance, 1962. Short title.

2. Section 2 of the Pensions Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definition “public service” and the substitution thereof of the following— Amendment
of section 2.
(Cap. 89).

““public service” means—

- (a) service in a civil capacity under the Government of the Colony or any other country or territory in the Commonwealth;
- (b) service under the East Africa High Commission, the East African Railways and Harbours Administration, the East African Posts and Telecommunications Administration or the East African Common Services Organization;

- (c) service which is pensionable—
- (i) under the Oversea Superannuation Scheme;
 - (ii) under any Acts relating to the superannuation of teachers in the United Kingdom;
 - (iii) under a local authority in the United Kingdom; or
 - (iv) under the National Health Service of the United Kingdom;
- (d) any other service that the Secretary of State, or the Governor after consultation with the Secretary of State, has determined to be public service for the purposes of this Ordinance;
- (e) except for the purposes of computation of a pension or gratuity and of section 9, service in respect of which a pension may be granted under the Governor's Pensions Act, 1957; and
- (f) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa established by the Eastern Africa Court of Appeal Order in Council, 1961;".

Amendment
of section 7.

3. Section 7 of the principal Ordinance is amended by the deletion of the full stop at the end thereof and the substitution therefor of a colon and by the addition thereafter of the following—

"Provided that this section shall not apply to an officer whose services are terminated while he is still on probation."

Amendment
of section 9.

4. Section 9 of the principal Ordinance is amended by the deletion in the proviso to subsection (2) of the words "four-thirds of its actual amount." and the substitution therefor of the following—

"—

- (a) where the right to commute any part of a pension in return for payment of a gratuity has been exercised, the amount if that right had not been exercised; or
- (b) in all other cases, four-thirds of its actual amount."

Repeal and
replacement
of section 16.

5. Section 16 of the principal Ordinance is repealed and replaced by the following—

"Gratuity
where officer
dies in the
service or
after retire-
ment.

16. (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while serving under the Government, the Governor may grant to his legal personal representative, or in the case the gratuity does not exceed five thousand dollars, to such person as the Governor shall name as the recipient, a gratuity of an amount not exceeding his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater.

(Vol. IX,
p. 6).

(2) Where an officer dies after retirement from service under the Government having been granted, or having become eligible for, a pension under this Ordinance and the sums paid or payable to him at the date of his death on account of such pension, including any sum awarded by way of gratuity under regulation 23 of the Pensions Regulations and any pension or gratuity paid or payable in respect of his service under any Scheduled Government (as defined in regulation 8 of the Pensions Regulations) but excluding any additional pension awarded in accordance with the provisions of paragraph (b) of regulation 22 or subparagraph (ii) of paragraph (1) of regulation 31 of the Pensions Regulations, are less in total than the amount of his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater, the Governor may grant, to his legal personal representative or, where that gratuity does not exceed five thousand dollars, to such person as the Governor shall name as the recipient, a gratuity equal to the deficiency.

(3) A gratuity granted under subsection (1) or (2) to the legal personal representative shall form part of the estate of the officer for purposes of distribution but, nevertheless, no estate duty shall be payable in respect thereof and its addition to the principal value of the estate shall not be taken into consideration for the purpose of increasing the rate of which estate duty on the remainder of the estate may be payable.

(4) The provisions of this section shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this section are payable under the Oversea Superannuation Scheme in respect of such death.

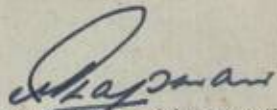
(5) In this section—

- (a) "annual pensionable emoluments" means the annual pensionable emoluments enjoyed by the officer at the termination of his service with the Government;
- (b) "commuted pension gratuity" means the maximum gratuity, if any, which might have been granted to the officer under regulation 23 of the Pensions Regulations if his pensionable service had been wholly in this Colony and if, in the case of such officer as is described in subsection (1), on the date of his death he had retired in the circumstances described in paragraph (e) of section 6 and

had elected to receive a gratuity and reduced pension or, in the case of such officer as is described in subsection (2), he had before the date of his retirement, elected to receive a gratuity and reduced pension.

(6) For the purposes of this section an officer who has not been confirmed in his office and who dies in the circumstances mentioned in subsection (1) of section 17 shall be deemed to have been confirmed in his office."

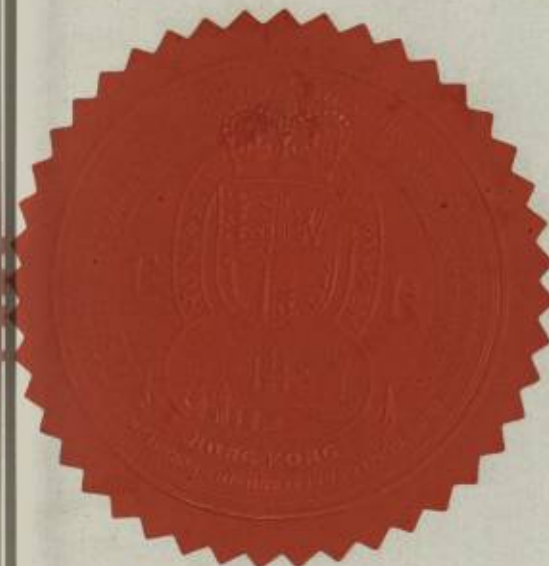
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 23rd day of May, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

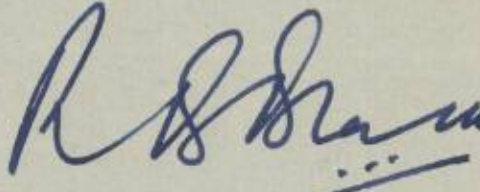
(Secretariat PR5/4370/60II)

HONG KONG

No. 14 OF 1962.



I assent.



Governor.

24th May, 1962.

An Ordinance to provide for a minimum of six months notice of termination of certain tenancies, and for purposes connected therewith.

[14th April, 1962.]

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 Tenancy (Notice of Termination) Ordinance, 1962, and shall be deemed to have had effect as from the 14th day of April, 1962. Short title and commencement.

2. (1) Save as otherwise provided in this section this Ordinance shall apply to every tenancy (which expression shall wherever it occurs in this Ordinance include sub-tenancies save where the context otherwise requires) whether the same be effected orally or in writing and notwithstanding any provision in such tenancy, including any provision purporting specifically to exclude the provisions of this Ordinance. Application.

(2) This Ordinance shall not apply to the following—

- (a) a tenancy for a fixed term of three years or more the agreement for which contains no provision for earlier determination of the same other than for breach of any of the provisions of the agreement;
- (Cap. 255.) (b) a tenancy of premises to which the Landlord and Tenant Ordinance applies, or of premises in respect of which there is in existence an order made under section 31 of that Ordinance;
- (8 of 1952.) (c) a tenancy to which the Tenancy (Prolonged Duration) Ordinance, 1952, applies;
- (d) a tenancy in respect of which a valid notice to quit was given prior to the 14th day of April, 1962, including a tenancy arising by reason of a tenant holding over in such circumstances;
- (e) a tenancy of land unbuilt on, but such a tenancy shall cease to be excluded so soon as there is built on the land in accordance with the provisions of the agreement for the tenancy any building of a permanent nature;
- (Cap. 116.) (f) a tenancy of agricultural land, which expression shall have the meaning assigned to it by the Rating Ordinance, including such a tenancy where there exists on the land any dwelling house occupied by persons working the land;
- (g) a tenancy where the landlord is the employer and the tenant is the employee in possession of the premises in accordance with the terms and conditions of his employment where such terms and conditions require him to vacate the accommodation upon ceasing to be so employed;
- (h) a tenancy held from the Crown.

(3) In addition to the tenancies excluded by virtue of subsection (2), this Ordinance shall not apply to a tenancy devised for a particular purpose and in the circumstances effective for fulfilling that purpose only if it is for a short term terminable without the period of notice required under section 3. A dispute as to whether a tenancy is excluded by reason of this subsection shall not be justiciable in the courts but shall be determined by the Secretary for Chinese Affairs in a summary manner on application in writing being made to him, and his decision shall be final and binding.

Minimum length of notice to determine tenancy.

3. (1) Save where vacant possession is given up or where a tenant surrenders his tenancy in exchange for a new tenancy no tenancy, whether existing at the date of commencement of this Ordinance or created thereafter, shall cease or be determined without a written notice of termination being served by the landlord or tenant on the other

party. No such notice shall be valid unless it is served not less than six months on the part of the landlord, or one month on the part of the tenant, before the date on which it is to take effect. Such notice may be served six months, or one month as the case may be, before a tenancy for a fixed term would otherwise have terminated.

(2) Nothing in this section shall be construed as permitting any tenancy to be determined earlier than would have been the case had this Ordinance not been enacted, or as affording any tenant any security of tenancy beyond the period of six months required for a notice of termination.

(3) Where notice of termination is served on a tenant and in addition is posted on three successive days, together with a copy in Chinese, upon the main door or entrance of the premises affected, such notice of termination shall take effect terminating also any sub-tenancies created under the tenancy to which it relates.

(4) When but for the enactment of this Ordinance a tenancy would have terminated, such tenancy shall continue at the same rent until the expiry of a notice given under this section upon such of the covenants, conditions and other terms of the original tenancy as are appropriate to a month to month tenancy. In the absence of any express covenant and condition there shall also be implied a covenant to pay rent and a condition for forfeiture for non-payment within fifteen days of the due date.

(5) A notice of termination may be served in any manner which would constitute effective service of a notice to quit.

4. (1) An agreement between a landlord and tenant, or between a prospective landlord and tenant which makes provision for the termination of the tenancy by the giving of notice of shorter duration than that required under section 3, may be submitted by the parties jointly to the Secretary for Chinese Affairs, who may endorse thereon his ratification of such agreement if satisfied—

- (a) that both parties understand the effect thereof; and
(b) that no sub-tenants are prejudiced thereby.

Upon ratification the tenancy to which such agreement refers shall be excluded from the further application of this Ordinance.

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

(3) The Secretary for Chinese Affairs may authorize by name or office such officers of his department as he may think fit to exercise on his behalf his functions under subsection (3) of section 2 and under this section.

Exclusion of tenancies from Ordinance.

Landlord may substitute notice.

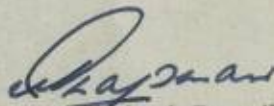
5. Where subsequent to the giving of a notice by the landlord under section 3 the tenancy is excluded from the application of this Ordinance, the landlord may thereupon substitute for such notice a notice to quit of such duration as would validly determine the tenancy but for the enactment of this Ordinance. Such substituted notice shall take effect notwithstanding the existence of the notice given under section 3.

Saving of rights arising out of breach of tenancy.

6. Nothing contained in this Ordinance shall affect any right or remedy arising, either before or after the commencement of this Ordinance, out of any breach of condition or other term in any tenancy or out of any condition providing for a right of re-entry in the event of the tenant's business being wound up, the tenant suffering execution to be levied or a receiving order in bankruptcy to be made, assigning the lease for the benefit of creditors or entering any agreement or making any arrangement with creditors for the liquidation of debts by composition or otherwise:

Provided that a covenant to yield up possession on a specified date shall be construed as a covenant to yield up possession on such later date as may be necessary to permit the giving of notice of termination as required by this Ordinance.

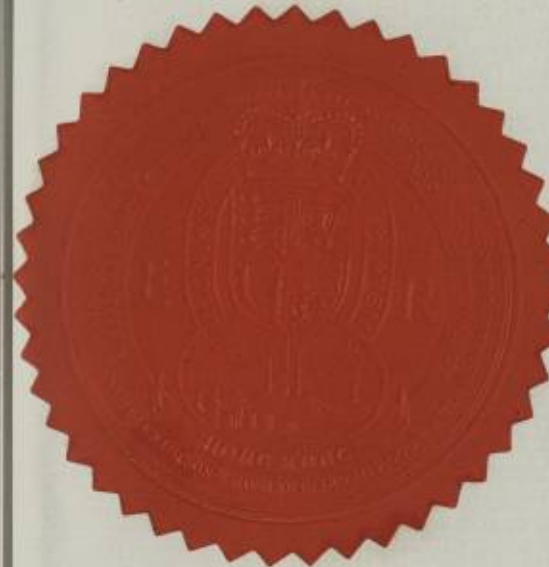
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 23rd day of May, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

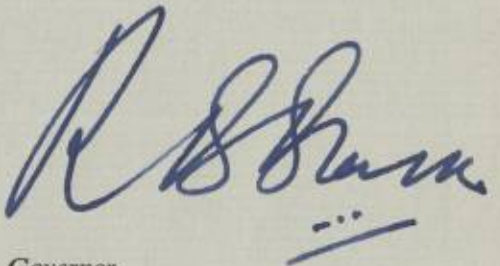
(Secretariat CR2/2321/62)

HONG KONG

No. 15 OF 1962.



I assent.



Governor.

24th May, 1962.

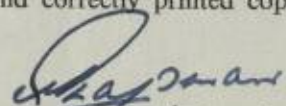
An Ordinance to amend the Separation and Maintenance Orders Ordinance, Chapter 16.

[25th May, 1962.]

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 Separation and Maintenance Orders (Amendment) Ordinance, 1962. Short title.
2. Subsection (1) of section 3 of the Separation and Maintenance Orders Ordinance is amended by the deletion from paragraph (a) of the words and commas “, under section 38 of the Offences against the Person Ordinance.”. Amendment of section 3. (Cap. 16).

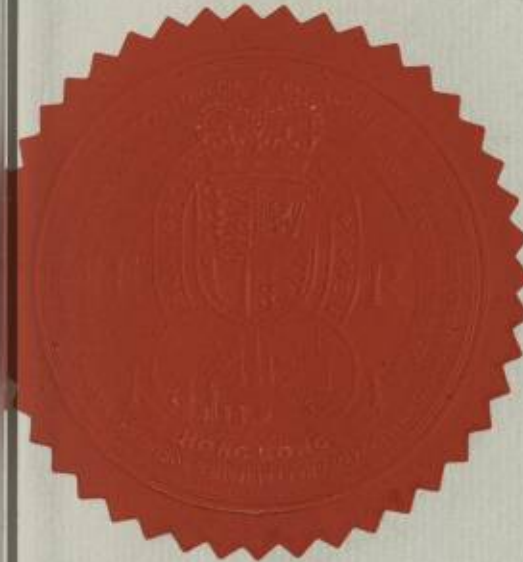
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 23rd day of May, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR43/3231/48)

HONG KONG

No. 16 OF 1962.



I assent.

Governor.

24th May, 1962.

An Ordinance to provide for the incorporation of St. Paul's College Council.

[25th May, 1962.]

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 St. Paul's College Council Short title.
Incorporation Ordinance, 1962.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
"Chairman" means the Chairman of the corporation;

"corporation" means the St. Paul's College Council incorporated under section 3;

"regulations" means the regulations of the corporation approved from time to time by its members for the time being in accordance with the regulations for the time being in force.

3. St. Paul's College Council shall be a body corporate and shall Incorporation.
have the corporate name "St. Paul's College Council" and in that name shall have perpetual succession and may sue and be sued in all courts

in the Colony and shall have and may use a common seal, and may from time to time break, change, alter and make anew the said seal as the corporation may deem fit.

Power of
corporation.

4. (1) The corporation shall have full power—

- (a) to manage, administer and operate St. Paul's College in accordance with the purpose for which it was originally founded, namely, the offering to Chinese youths of a modern, liberal education in the English language (but including the subject of Chinese language in the curriculum) upon Christian principles, Protestant and Evangelical, as professed by the Church of England, and now continued by the Chung Hua Sheng Kung Hui;
- (b) to acquire, accept, and grant leases of, purchase, take or otherwise hold and enjoy any lands, buildings, messuages or tenements of whatsoever nature or kind, and wheresoever situate;
- (c) to build, rebuild, alter, vary, renew, maintain and repair any buildings, messuages or tenements and to effect any improvement thereto;
- (d) to acquire, by purchase or otherwise, and possess vessels and other goods and chattels of whatsoever kind or nature;
- (e) to invest moneys on deposit in any bank in the British Commonwealth or upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgage, debentures, debenture-stocks, stocks, funds, shares or securities of any government, municipality, corporation or company;
- (f) to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, pledge, demise, let, reassign, transfer, or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, debenture-stocks, stocks, funds, shares, securities, vessels, goods and chattels, for the time being vested in or belonging to the corporation, upon such terms as the corporation may deem fit;
- (g) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscription;
- (h) to accept grant in aid and subsidy from the Education Department; and
- (i) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the corporation as provided by its regulations for the time being, or the purposes aforesaid or any of them.

(2) Notwithstanding the provisions of subsection (1) the corporation shall be subject to the provisions of the Charities (Land Acquisition) Ordinance, 1958.

(23 of 1958).

5. (1) All property and effects at the time of the coming into operation of this Ordinance belonging to and vested in the unincorporated St. Paul's College or in any trustees for it including all shares, stocks, funds, loans or securities held for and on behalf of the unincorporated St. Paul's College by its trustees, and all moneys, securities for money, goods, chattels and effects whatsoever shall, at the time of the coming into operation of this Ordinance, be transferred to and be and become vested in the corporation.

Vesting of
property.

(2) On the coming into operation of this Ordinance the corporation shall become liable for all debts and liabilities of the unincorporated St. Paul's College or incurred on its behalf by its trustees.

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

Members.

7. All the existing members of the unincorporated St. Paul's College Council at the date of the coming into operation of this Ordinance shall be the first members of the corporation.

Existing
members
to become
members.

8. (1) The regulations set forth in the Schedule hereto shall be the regulations of the corporation, but the same may be changed or amended by the corporation at any time and from time to time in accordance with the provisions of the said regulations for the time being in force.

Regulations.
Schedule.

(2) Subject to this section the regulations of the corporation and any amendments thereto shall be deemed to have been made under the terms of this Ordinance.

(3) There shall be no obligation on the corporation to obtain the approval of the Governor in Council to such regulations nor shall it be necessary to publish any such regulations.

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

Registration
with Registrar
of
Companies.

- (a) notice of the address of the principal office of the corporation and any change thereof;
- (b) a copy of the regulations and any amendment thereto, certified as correct by the Chairman; and
- (c) a list of the names and addresses of the office-bearers and members of the corporation and any change therein, certified as correct by the Chairman.

(2) Every notification in accordance with subsection (1) shall be made within twenty-eight days of the coming into operation of this Ordinance or within twenty-eight days of any change, amendment or appointment, as the case may be.

(3) Any person may inspect any of the documents registered under this section upon payment of such fee as may be prescribed under section 290 of the Companies Ordinance for the inspection of a document.

(Cap. 32).

(4) The corporation shall pay such fees for registering any document with any public registry as may be prescribed under section 290 of the Companies Ordinance for the registration with the Registrar of Companies of a document.

(5) The registration of the list mentioned in paragraph (c) of subsection (1) shall be conclusive evidence of the facts contained in such list.

Execution of deeds.

10. (1) All deeds, documents and other instruments requiring the seal of the corporation shall be sealed in the presence of the Chairman or, in his absence, the Bishop's Commissary appointed under the Bishop of Victoria Incorporation Ordinance and of the Principal of St. Paul's College or, in his absence, the Acting Principal and shall be signed by the Chairman or by the Bishop's Commissary and by the Principal or by the Acting Principal, as the case may be.

(Cap. 267).

(2) The seal shall be kept in the custody of the Chairman or, in his absence from the Colony, in the custody of the Bishop's Commissary.

Saving.

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

SCHEDULE.

[s. 8.]

ST. PAUL'S COLLEGE COUNCIL REGULATIONS.

Citation.

1. These regulations may be cited as the St. Paul's College Council Regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires—
 "Chairman" means the Chairman of the corporation;
 "College" means the St. Paul's College;
 "corporation" means the St. Paul's College Council incorporated under section 3 of the Ordinance;
 "regulations" means the regulations of the corporation approved from time to time by its members for the time being in accordance with the regulations for the time being in operation.

Composition of the corporation.

3. (1) The corporation shall be composed as follows—
 (a) *ex officio* members—
 (i) the Bishop for the time being of Victoria, Hong Kong, who shall be Chairman;
 (ii) the person for the time being occupying the position of Principal of the College, who shall be the Secretary of the corporation;

(iii) the person for the time being occupying the position of Chairman of the St. Paul's College Alumni Association;

(iv) the Vicar for the time being of the Parish in which the College is situated;

(b) nominated members—

(i) two persons nominated by the Synod of the Diocese of Hong Kong and Macao, or by its Standing Committee;

(ii) three persons nominated by the St. Paul's College Alumni Association;

(iii) one person nominated by the Master and Fellows of St. John's College;

(iv) four lay representatives of the Chung Hua Sheng Kung Hui, one each nominated by—

(I) St. John's Cathedral;

(II) St. Paul's Church;

(III) St. Stephen's Church;

(IV) St. Mary's Church; and

(c) co-opted members—

such other persons not exceeding four in number, at any time, as may be co-opted by the corporation from time to time.

(2) For the purpose of the nomination mentioned in sub-paragraphs (b) and (c) of paragraph (1), a copy of a Minute of the Synod of the Diocese of Hong Kong and Macao, or of its Standing Committee, of the St. Paul's College Alumni Association, of the Master and Fellows Meeting of St. John's College, of the Vestries of the Churches specified, and of the corporation respectively that the person has been nominated a member of the corporation shall be sufficient evidence of the appointment.

(3) A member of the corporation, other than an *ex officio* member, shall vacate office—

(a) if he shall fail to attend three successive meetings of the corporation;

(b) if he ceases to reside in Hong Kong for six calendar months without leave from the corporation; or

(c) at the expiration of one year from the date of his nomination,

but shall be eligible for re-nomination.

(4) A member of the corporation for the time being shall continue to act, in spite of the expiration of his term of office, until his successor shall have been appointed.

4. (1) There shall be at least three ordinary meetings of the corporation in each year.

Proceedings of the corporation.

(2) A special meeting of the corporation may be called by the Chairman at any time and shall be called at the request of at least three members of the corporation.

(3) No meeting shall be valid unless at least six members of the corporation are present in person, of whom one is either a person nominated by the Synod of the Diocese of Hong Kong and Macao or the Chairman.

(4) All meetings of the corporation shall be held in Hong Kong, either at the College or at such convenient place as shall be agreed upon by the corporation, or named in the notice convening the meeting.

(5) The Chairman shall at every meeting or, in his absence, a Chairman elected from amongst those present shall preside.

(6) At every meeting the Principal, as Secretary of the corporation, shall act as Secretary. In his absence the Acting Principal shall act as Secretary, or the meeting may appoint a Secretary from amongst those present.

(7) The corporation may by resolution passed by two-thirds majority of the members present at any such meeting from time to time make and amend such regulations as they may at their discretion deem desirable for the administration of the corporation and the management of the premises and property of the corporation of whatever description:

Provided that no amendment be made to regulation 3, 4, 5, or 6 except with the prior consent of the Diocesan Synod of the Diocese of Hong Kong and Macao, or of its Standing Committee.

(8) All other business brought before the meeting shall be decided by a majority of votes of the members present and willing to vote, and in case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

(9) Minutes of the proceedings of every meeting of the corporation shall be entered in a book to be kept for that purpose and after confirmation signed by the Chairman of such meeting or of the following meeting, and shall when so entered and signed be *prima facie* evidence of the facts therein stated.

(10) In the case of ordinary meetings, the Secretary of the corporation shall decide the date on which it will be held, and he shall send a notice to each member of the corporation at least seven days before the holding of the meeting. In the case of special meetings the Secretary shall likewise after receipt of the request aforesaid send a notice to each member of the corporation at least seven days before the holding of the meeting.

Functions of
the corporation.

5. The functions of the corporation shall be—

- (a) to provide and maintain all necessary buildings and lands, furniture, equipment and apparatus for the use of the College;
- (b) to take all measures necessary for raising funds and for carrying on the work and administering the affairs of the College and the corporation;
- (c) to recommend to the Bishop for the time being of Victoria, Hong Kong a suitable candidate for the position of Principal of the College;
- (d) to appoint from amongst its members an Honorary Treasurer;
- (e) to appoint an auditor for auditing the accounts of the College;
- (f) to confirm all appointments of staff made by the Principal and to terminate such appointments;
- (g) to fix the salaries and emoluments of the Principal, assistant masters, clerks, servants and any other persons employed by the College;
- (h) to fix the scale of fees and other charges to be paid by the students;
- (i) to make, revoke and alter regulations for the procedure of the corporation and for the management of the corporation.

The Principal.

6. (1) The Bishop for the time being of Victoria, Hong Kong shall, upon the recommendation of the corporation, appoint, or terminate the appointment of the Principal, who shall be a member of the Chung Hua Sheng Kung Hui, or a Church in communion therewith. During the temporary absence of the Principal the corporation may appoint an Acting Principal who shall, while acting, be a member of the corporation. If the corporation shall have failed to recommend a person acceptable to the Bishop for the time being of Victoria, Hong Kong as the Principal of the College within the period of six months from the date of vacancy of the post the Bishop for the time being of Victoria, Hong Kong shall have the sole right to appoint the Principal to fill the vacancy.

(2) The Principal, or in his absence the Acting Principal, shall be responsible for the appointment of all members of staff, such appointment being subject to confirmation by the corporation; and for the internal management and discipline of the College and shall present a report thereon to the corporation not later than November in each year.

(3) The Principal, or in his absence the Acting Principal, shall be responsible for the payment of all receipts of the College into the credit of an account in an approved bank as soon as conveniently may be, and all cheques on this account shall be signed as may be directed from time to time by the corporation.

(4) The corporation may at any time and from time to time delegate any of its powers and functions to the Principal.

7. (1) For the purposes of the Education Ordinance, 1952, the following members of the corporation shall be registered as Managers of the schools—

- (a) the Bishop for the time being of Victoria, Hong Kong;
- (b) the person for the time being occupying the position of Principal of the College;
- (c) the Vicar for the time being of the Parish in which the College is situated.

(2) For the same purposes the Principal of the College shall also be registered as Supervisor of the schools.

(3) The registered Managers and Supervisor are legally responsible to Government for the administration of the schools, but in any case in which they must act on behalf of the corporation, they must comply with the regulations and decisions of the corporation.

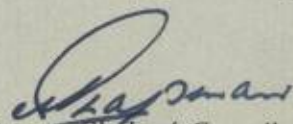
8. (1) The Hon. Treasurer shall be responsible for the general supervision of the finances. He shall arrange for the accounts to be audited by such person as shall be appointed for that purpose by the corporation and shall present a report thereon to the corporation as soon as possible after the close of the financial year.

(2) In every year whenever possible the corporation shall set aside a sum to the credit of a reserve fund as provision for extension, maintaining or replacing buildings, or for unforeseen circumstances.

9. (1) All cheques drawn on the banking accounts of the corporation and all orders for payment, promissory notes, and other negotiable instruments made or issued by the corporation shall be signed by the Principal, or in his absence by the Acting Principal, and, in addition, either by the Treasurer of the corporation or the Secretary of the College, or by such other person or persons as the corporation shall from time to time appoint.

(2) All other contracts and instruments entered into by the corporation in the ordinary course of business shall be signed by the Chairman and the Principal, or such other person or persons as the corporation shall from time to time appoint.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 23rd day of May, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR3/3231/62)

Managers and
Supervisor.
(33 of 1952,
1958 Reprint).

Finance.

Signature of
document.

HONG KONG

No. 17 OF 1962.



I assent.

Governor.

14th June, 1962.

An Ordinance to make provision for the establishment of a trust fund to be known as the Community Relief Trust Fund and for the due administration thereof and for purposes connected with the matters aforesaid.

[15th June, 1962.]

WHEREAS—

Preamble.

- (1) In response to appeals made from time to time, members of the public donated sums of money for the aid and relief of persons who suffered loss as a result of Typhoon Mary, the Hung Hom Valley Hill fire, the Yuen Long floods and the New Kowloon Squatter Area fire, and for the establishment of a Community Relief Fund:
- (2) Sums of money have been paid thereout for the attainment of the objects of the funds referred to in the first recital and various balances remain:
- (3) It is considered expedient to establish a single fund to be known as the Community Relief Trust Fund to be applied for objects similar to and to include those referred to in the

first recital and to vest the said balances together with any further sums which may be donated for these objects in the Director of Social Welfare Incorporated as trustee, and to provide for the administration of the said fund by a committee appointed for that purpose:

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

Short title.

1. This Ordinance may be cited as the Community Relief Trust Fund Ordinance, 1962.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“committee” means the committee appointed under section 5.

Establishment and vesting of fund.

3. (1) There is hereby established a trust fund to be known as the Community Relief Trust Fund (hereinafter referred to as the fund), which shall, on a day to be appointed by the Governor by notice in the *Gazette* (hereinafter referred to as the vesting day), be transferred to and vested in the Director of Social Welfare Incorporated as trustee.

(2) The fund shall consist of the balances of the sums of money referred to in the preamble on the vesting day together with such other moneys and assets as may from time to time after the vesting day be donated to or acquired by the trustee on the trusts hereinafter set out.

(3) Any trusts which may have existed with regard to the funds referred to in the preamble, shall be deemed to have been extinguished upon the vesting day.

Objects of the trust fund.

4. (1) The trustee shall hold and stand possessed of the fund upon trust to apply the same in such manner and to such extent as the committee may advise for the following objects—

- (a) to make grants and loans to persons who appear to the committee to be in need thereof as a result of fire, flood, tempest, typhoon or other occurrence which has caused suffering or loss to an extent which, in the opinion of the committee, merits relief;
- (b) in the like circumstances to provide material assistance in whatever form appears to the committee to be just.

Establishment of committee.

5. (1) There shall be established a committee to be known as the Community Relief Trust Fund Committee.

(2) The committee shall consist of—

- (a) the Director of Social Welfare as *ex-officio* member and chairman;

- (b) the Secretary for Chinese Affairs as *ex-officio* member;
- (c) the District Commissioner, New Territories as *ex-officio* member;
- (d) two or more other members not being public servants appointed by the Governor:

Provided that the Secretary for Chinese Affairs and the District Commissioner, New Territories may each appoint a representative to perform their functions at any meeting.

(3) A member appointed by the Governor shall hold office for such period as may be specified in the letter of appointment, and may be re-appointed or removed by the Governor at his pleasure.

(4) The quorum necessary for the transaction of business by the committee may be fixed by standing orders made under section 7 and unless so fixed shall be three members.

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

6. Subject to the provisions of this Ordinance and the agreement of the trustee, the committee may determine all matters whatsoever touching the administration of the fund and the attainment of the objects thereof.

Control by committee.

7. (1) The committee may make standing orders—

- (a) governing their procedure in the transaction of business;
- (b) for the maintenance of good order at their meetings; and
- (c) generally for matters relating to the administration and management of the fund and the discharge of their duties.

Standing orders.

(2) A copy of such standing orders shall be furnished to the Colonial Secretary and they shall be subject to disallowance, alteration or amendment by the Governor.

(3) All questions arising at any meeting of the committee shall be decided by a majority of votes of members present, and, in case of an equality of votes, the chairman shall have a casting vote in addition to his original vote.

8. (1) The committee may from time to time appoint, upon such salary and upon such terms as they may think proper, a secretary, a treasurer and such other officials as they may think necessary for the purpose of carrying out the trusts and may employ any professional person to advise them on any point arising out of or in connexion with the said trusts.

Appointment of officers.

(2) All salaries and fees of any person or persons so appointed or employed shall be paid by the trustee out of the fund.

Investment
of moneys.

9. The trustee may invest any moneys of the fund in such investments, whether or not such investments are trust investments, as the committee may advise, subject, in the case of investments which are not trust investments, to the prior approval of the Financial Secretary and may remit moneys comprised in the fund through the Accountant General to the Crown Agents for investment in the name of the trustee.

Accounts.

10. (1) The trustee shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared for the period from the vesting day to the 31st day of March, 1963, and thereafter for every period of twelve months ending on the 31st day of March in each year, a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by the trustee.

(2) The accounts of the fund and the signed statement of the accounts shall be audited by an auditor appointed by the Governor and the auditor shall certify the statement subject to such report, if any, as he may think fit.

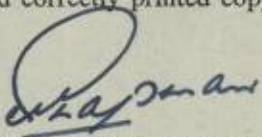
(3) A copy of the signed and audited statement of accounts together with the auditor's report, if any, and a report by the trustee on the administration of the fund during the period covered by the audited accounts shall be laid on the Table of the Legislative Council not later than the 30th day of September next following the end of such period, or so soon thereafter as the Governor, in his absolute discretion, may allow.

Cost of ad-
ministration
of the fund.

11. The cost of the administration of the fund, other than the salaries and fees paid under the provisions of subsection (2) of section 8, shall be a charge on the general revenue of the Colony:

Provided that the Financial Secretary may direct that an annual supervision fee to be determined by him shall be charged against the income of the fund and paid into the general revenue of the Colony.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 13th day of June, 1962, and is found by me to be a true and correctly printed copy of the said Bill.

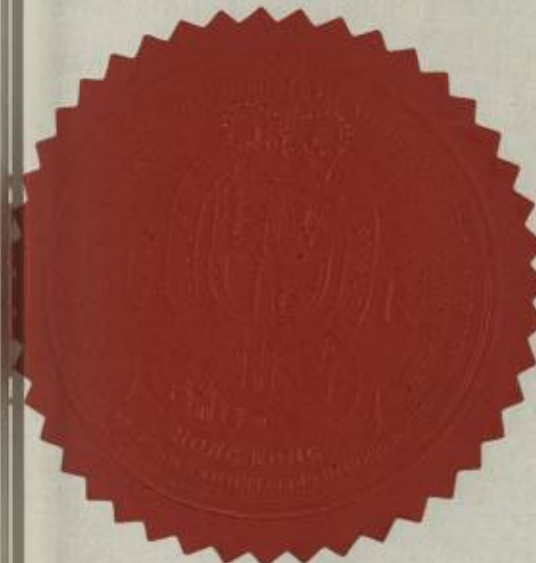


Deputy Clerk of Councils.

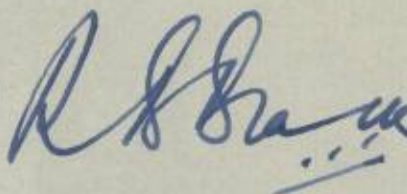
(Secretariat GR1/3/1866/60)

HONG KONG

No. 18 OF 1962.



I assent.



Governor.

14th June, 1962.

An Ordinance to amend the Hong Kong Royal Naval Reserve (General Service) Ordinance, 1951.

[15th June, 1962.]

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 Hong Kong Royal Naval Reserve (General Service) (Amendment) Ordinance, 1962. Short title.
2. Section 6 of the Hong Kong Royal Naval Reserve (General Service) Ordinance, 1951 (hereinafter referred to as the principal Ordinance) is amended by the deletion of the word "Volunteer" from the title "Royal Naval Volunteer Reserve". Amendment of section 6. (26 of 1951).
3. The Schedule to the principal Ordinance is repealed and replaced by the following— Repeal and replacement of the Schedule.

"SCHEDULE.

[s. 5].

1. Where in the Naval Discipline Act, 1957, and in the Queen's Regulations and Admiralty Instructions, in so far as the same are applicable to the officers and men of the Naval Reserve, any power or duty is vested in or imposed upon the Admiralty, such power or duty shall, in respect of the Naval Reserve be vested in, exercised or performed by the Governor:

Provided that this paragraph shall not apply when the Naval Reserve is called out.

2. Where not inconsistent with the subject matter of the Naval Discipline Act, 1957, the words "Hong Kong" shall be read in place of the words "England", or "United Kingdom" wherever they occur.

3. Subsection (6) of section 44 of the Naval Discipline Act, 1957, shall be read as if the following subsection were substituted therefor—

"(6) (a) A fine shall not exceed the amount of the offender's basic pay for seven days, and upon the Commanding Officer so ordering, be deducted from any pay due to the offender.

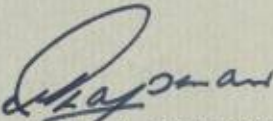
(b) Where the offender has no pay due to him and does not, out of his own funds, pay the fine, such fine shall be recovered as a civil debt due to the Crown before a magistrate.

(c) In any such proceedings before a magistrate, the magistrate shall have regard only as to whether the officer inflicting the fine had power so to do:

Provided that this subsection shall not apply when the Naval Reserve is called out."

4. Section 101 of the Naval Discipline Act, 1957, shall not apply to the officers and men of the Naval Reserve unless they have been called out and are serving outside the Colony."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 13th day of June, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

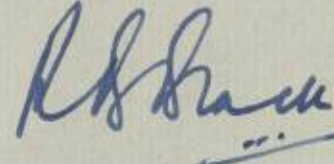
(Secretariat GR14/3231/58)

HONG KONG

No. 19 OF 1962.



I assent.



Governor.

14th June, 1962.

An Ordinance to amend the Banking Ordinance, Chapter 155.

[15th June, 1962.]

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

1. (1) This Ordinance may be cited as the Banking (Amendment) Ordinance, 1962.

Short title and commencement of section 2(a).

(2) Paragraph (a) of section 2 shall be deemed to have had effect as from the 30th day of January, 1948.

2. Section 7 of the Banking Ordinance is amended by—

Amendment of section 7. (Cap. 155).

(a) the insertion in paragraph (d) of subsection (1), after the word "return", of the following—

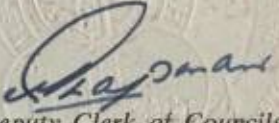
" , forthwith or on or before such day as may be appointed by the order,"; and

(b) the deletion of subsection (3) and the substitution therefor of the following—

“(3) The Financial Secretary shall publish in the *Gazette*—

- (a) a notification of any order made under paragraph (d) of subsection (1); and
- (b) the name of any licensed bank the licence of which has been cancelled.”

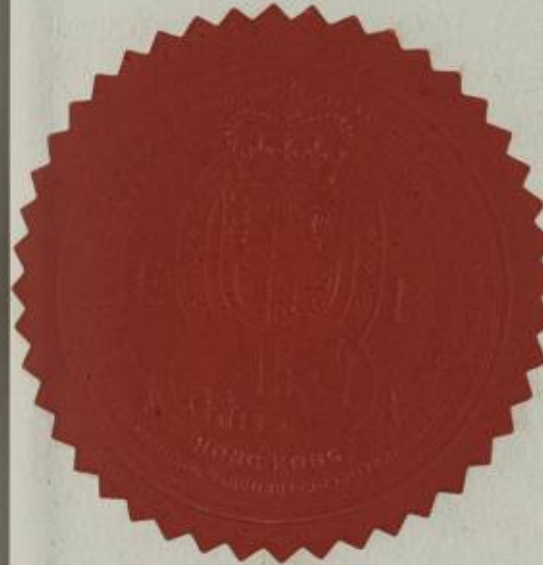
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 13th day of June, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

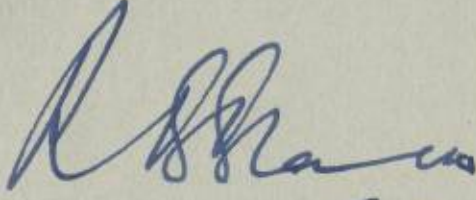
(Secretariat CR123/27/3311/47)

HONG KONG

No. 20 OF 1962.



I assent.


Governor.

28th June, 1962.

An Ordinance to provide for the incorporation of The Council of St. Paul's Co-educational College.

[29th June, 1962.]

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 Council of St. Paul's Short title. Co-educational College Incorporation Ordinance, 1962.

2. In this Ordinance—

“constitution” means the constitution of The Council of St. Paul's Co-educational College approved from time to time by its members for the time being in accordance with the constitution for the time being in operation;

Interpreta-
tion.

“the corporation” means the body incorporated by section 3.

3. The Council of St. Paul's Co-educational College shall be a body corporate, and shall have the name of “The Council of St. Paul's Co-educational College” and in that name shall have perpetual

Incorpora-
tion.

succession and may sue and be sued in all courts in the Colony and shall have and may use a common seal.

Power of
corporation.

4. The corporation shall have full power—

- (a) to manage, administer and operate St. Paul's Co-educational College;
- (b) to acquire, accept leases of, purchase, take or otherwise hold and enjoy any land, buildings, messuages or tenements of what nature or kind soever and wheresoever situate:

Provided that the corporation shall not acquire, accept leases of, purchase, take or hold any immovable property in the Colony unless it shall have previously obtained the consent of the Governor in Council in each case;

- (c) to acquire, by purchase or otherwise, goods and chattels of any kind or description;
- (d) to invest moneys on deposit in any bank in the Colony or elsewhere within the British Commonwealth or in any Hong Kong or British Commonwealth government bonds or on mortgage of any land, buildings, messuages or tenements in the Colony, or in or on debentures, debenture-stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony or elsewhere within the British Commonwealth;
- (e) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, buildings, messuages, tenements, mortgages, debentures, debenture-stocks, stocks, funds, securities, vessels, goods and chattels for the time being vested in the corporation, upon such terms as the corporation may deem fit;
- (f) to erect any buildings, messuages or tenements and effect any improvement thereto;
- (g) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscription; and
- (h) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the corporation as provided by its constitution for the time being, or for carrying into effect the provisions of this Ordinance.

Vesting of
property.

5. All moneys, securities for money, goods, chattels, and effects whatsoever belonging or purporting to belong to the unincorporated St. Paul's Co-educational College are hereby transferred to and vested in the corporation.

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

7. All the existing members of the unincorporated Council of St. Paul's Co-educational College at the date of the Commencement of this Ordinance shall be the first members of the corporation. Existing members to become members.

8. The constitution of the unincorporated Council of St. Paul's Co-educational College in operation at the commencement of this Ordinance shall be the constitution of the corporation: Existing constitution to become constitution of corporation.

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

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

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

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

(3) Any person may inspect any of the documents registered under this section, upon payment of such fees as may be payable under any enactment relating thereto.


(4) The corporation shall pay such fee for registering any document with any public registry as may be payable under any enactment relating thereto.

10. All deeds, documents and other instruments requiring the seal of the corporation shall be signed by the chairman and the secretary of the corporation or by such other person or persons as the corporation shall from time to time appoint and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments. Sealing of deeds.

Saving.

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

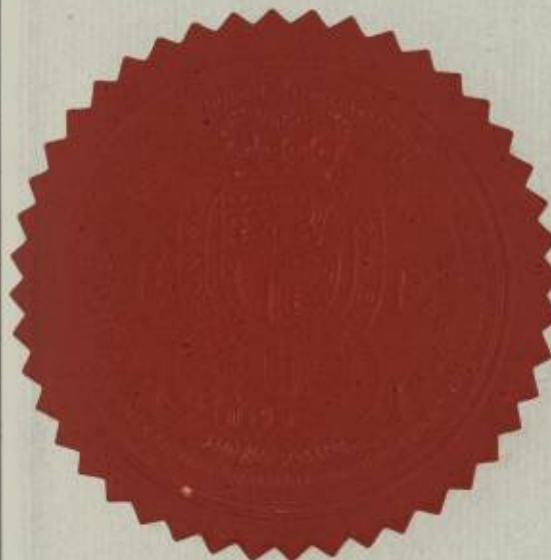
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 27th day of June, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

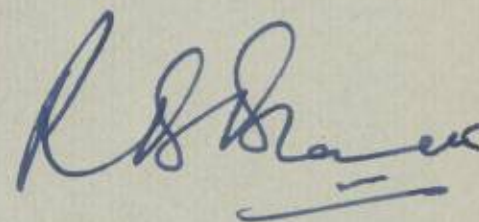
(Secretariat GR6/3231/62)

HONG KONG

No. 21 OF 1962.



I assent.



Governor.

26th July, 1962.

An Ordinance to amend the District Court Ordinance, 1953.

[]

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

1. (1) This Ordinance may be cited as the District Court (Amendment) Ordinance, 1962, and save for paragraph (b) of section 4, shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*. Short title and commencement.

(2) Paragraph (b) of section 4 shall come into operation on the 27th day of July, 1962.

2. Section 2 of the District Court Ordinance, 1953 (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 2. (1 of 1953).

(a) by the deletion in the definition "action" of the words "by the District Court Civil Procedure Rules";

(b) by the insertion after the definition "cause" of the following—

"(Vol. VII, "Code" means the Code of Civil Procedure; p. 44).

"Court" means the District Court established by section 3;"

- (c) by the insertion after the definition "functions" of the following—
 "“hereditament” includes both a corporeal and an incorporeal hereditament;
 “judge” means a District Judge;”;
- (d) by the deletion of the full stop at the end of the definition “plaintiff” and the substitution therefor of a semicolon and by the addition at the end thereof of the following—
 ““prescribed” means prescribed by rules made by the Rules Committee;
 “Registrar”, subject to the provisions of section 10, means the Registrar of the District Court;
 “Rules Committee” means the District Court Rules Committee established under section 13;
 “temporary judge” means a temporary judge or a temporary additional judge appointed under section 7.”.

Amendment
of section 3.

3. Section 3 of the principal Ordinance is amended by the deletion in subsection (2) of the words “as is conferred upon it by this Ordinance” and the substitution therefor of the following—
 “and powers as are conferred upon it by this Ordinance and by any other enactment for the time being in force”.

Amendment
of section 5.

4. Section 5 of the principal Ordinance is amended, in subsection (1)—
- (a) by the deletion of the words “District Judge” and the substitution therefor of the following—
 “judge”; and
- (b) by the addition in paragraph (a) after the word “advocate” of the following—
 “or as a solicitor”.

Amendment
of section 6.

5. Section 6 of the principal Ordinance is amended—
- (a) by the deletion in subsections (1) and (3) of the words “District Judge” and the substitution therefor of the following—
 “judge”; and
- (b) by the deletion of subsection (2) and the substitution therefor of the following—
 “(2) The proceedings in every action or matter subsequent to the hearing or trial, down to and including the final judgment or order, and any application for leave to appeal or for a stay of execution shall, so far as is practicable and convenient, be taken before the judge before whom the trial or hearing took place.”; and

- (c) by the addition in subsection (3) after the words “this Ordinance” of the following—
 “or any other enactment”.

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

Repeal and
replacement
of section 7.

“Temporary
judges.

7. (1) Where the office of judge is vacant by death or otherwise, the Governor may appoint a fit and proper person as a temporary judge, to fill such office until such time as the office has been filled in accordance with the provisions of section 4 or for such other period as the Governor may think fit.

(2) If a judge is unable, through temporary illness or absence, to carry out his duties the Governor may appoint a fit and proper person as a temporary judge, to fill the office until the judge resumes the duties thereof or for such other period as the Governor may think fit.

(3) If the Governor considers it desirable so to do, he may appoint any fit and proper person to be a temporary additional judge for such period as the Governor may think fit.

(4) Every appointment made in accordance with the provisions of this section shall be by instrument under the Public Seal and may be terminated by the Governor at any time.

Powers of a
temporary
judge.

7A. (1) A temporary judge shall, during the period for which he is appointed, have all the jurisdiction, powers and privileges, and perform all the duties of the office of District Judge.

(2) Where the hearing of any proceedings duly commenced before a temporary judge is adjourned or where judgment is reserved therein or is subject to review, the temporary judge shall, notwithstanding that before the hearing is resumed or judgment is delivered or the review disposed of, his appointment has expired or has been terminated or a successor is appointed to the judge in whose place he was acting, have power to resume the hearing and determine the proceedings or to deliver as the judgment of the court the judgment which he has reserved or to review the judgment or decision which he has given if such review is otherwise authorized, as the case may be.

(3) The appointment of a temporary judge, not being a temporary additional judge, shall not become void by the vacation of the office of the judge in whose place he

is acting, from any cause whatsoever, and the acts of a temporary judge done therein shall be as valid as if there had been no such vacation of office, and the temporary judge shall continue to act as such until either his appointment is terminated or a successor to the office is appointed.

(4) Where a magistrate is appointed to be a temporary judge he shall not by reason of such appointment be precluded from validly exercising and discharging his powers, duties and functions as a magistrate in relation to any proceedings duly commenced before him in his capacity as a magistrate prior to his appointment as a temporary judge.”.

Amendment
of section 8.

7. Section 8 of the principal Ordinance is amended—

(a) by the deletion in subsection (2) of the words “District Judge” and the substitution therefor of the following—

“judge”; and

(b) by the deletion in subsection (3) of the words “any such directions, or the District Court Civil Procedure Rules or the District Court Criminal Procedure Rules, may direct”, and the substitution therefor of the following—

“may be prescribed or as any such direction may authorize”.

Amendment
of section 9.

8. Section 9 of the principal Ordinance is amended by the deletion of the word “District”.

Amendment
of section 10.

9. Section 10 of the principal Ordinance is amended—

(a) by the deletion in subsection (1) of the word “District”;

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

“(2) In addition to any functions, powers and duties which he is by this or any other enactment enabled to exercise or required to discharge, the Registrar, and every deputy registrar, bailiff, clerk of the Court, clerk, interpreter and other officer appointed or attached to the Court under the provisions of subsection (1) may exercise and discharge the like functions, powers and duties respectively insofar as the same are applicable to the business and proceedings of the Court, as those exercised and discharged by a registrar, deputy registrar, bailiff, clerk of the Court, clerk, interpreter or other

(Cap. 4). officer attached to the Supreme Court under subsection (1) of section 17 of the Supreme Court Ordinance.”;

(c) by the deletion in subsection (3) of the words, figure and symbols “a registrar appointed to the District Court under subsection (1)” and the words “that Court” and the substitution therefor, respectively, of the following—

“the Registrar” and “the Court”;

(d) by the deletion in subsection (4) of the word “District” wherever it occurs and the addition after the word “Registrar”, where it first occurs, of the words “of the Supreme Court”;

(e) by the addition in subsection (5) after the words “under that Ordinance”, where they first appear, of a full stop and by the deletion of the remainder of that subsection and the marginal note “(Cap. 5)”.

10. Section 11 of the principal Ordinance is repealed and replaced by the following—

“Right of
audience.

11. (1) In any proceedings in the Court, any of the following persons may address the Court, namely—

(a) any party to the proceedings;

(b) a barrister qualified to practise in the Supreme Court and retained by or on behalf of any party;

(c) a solicitor qualified to practise in the Supreme Court and acting generally in the proceedings for a party thereto, but not a solicitor retained as an advocate by a solicitor so acting;

(d) any other person allowed by leave of the Court to appear instead of a party to the proceedings:

Provided that the right of a solicitor to address the Court shall not be excluded by reason only that he is in the permanent and exclusive employment of any other solicitor.

(2) No person other than a solicitor shall be entitled to have or to recover any fee or reward for appearing or acting on behalf of any other party in any proceedings in the Court:

Provided that nothing in this Ordinance shall affect the right of any barrister to appear or to act in the Court or of any solicitor to recover costs in respect of his employment of a barrister to appear or to act as aforesaid.

(3) In criminal proceedings in the Court, any public officer or member of a class of public officers appointed by the Attorney General to act as public prosecutor may

Repeal and
replacement
of section 11.

conduct generally on behalf of the Attorney General any prosecution or specified class of prosecutions or any particular case before the Court and any public prosecutor so appointed may, without any written authority, appear before a judge upon any proceedings in any case of which he is in charge.”.

Repeal and replacement of section 13.

11. The principal Ordinance is amended by the deletion of section 13 and the substitution thereof of the following—

“District Court Rules Committee.

13. (1) There shall be a District Court Rules Committee consisting of the Chief Justice, the judges, a barrister nominated by the Bar Association of Hong Kong, a solicitor nominated by the Incorporated Law Society of Hong Kong and the Registrar.

(2) At any meeting of the Rules Committee, three members, one of whom is either such a barrister or such a solicitor, shall be a quorum.

(3) The Rules Committee shall be convened by or at the direction of the Chief Justice.

(4) The Chairman of the Rules Committee shall be the Chief Justice or, in his absence, the senior judge present at the meeting.”.

Repeal and replacement of Part III.

12. The principal Ordinance is amended by the deletion of Part III (sections 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23) and the substitution thereof of the following—

“PART III.

PROVISIONS APPLICABLE TO BOTH CIVIL AND CRIMINAL PROCEEDINGS.

Evidence of prisoners.

14. (1) In any proceedings pending before a Court, the judge may, if he thinks fit, upon application by any party, issue an order under his hand for bringing up before the Court any person (hereinafter in this section referred to as a “prisoner”) confined in any place under any sentence or under commitment for trial or otherwise, to be examined as a witness in the proceedings.

(2) The prisoner mentioned in any such order shall be brought before the Court under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the Supreme Court and examined therein as a witness:

Provided that the person having custody of the prisoner shall not be bound to obey the order in respect of

any civil cause or matter unless there is intended to him a reasonable sum for the conveyance and maintenance of a proper officer or officers accompanying the prisoner and of the prisoner in going to, remaining at, and returning from the Court.

Penalty for neglect of witness summoned.

15. (1) Any person summoned in manner prescribed as a witness in the Court, or ordered to be brought up as a witness pursuant to section 14, who—

(a) refuses or neglects, without sufficient cause, to appear or produce any documents required by the summons to be produced; or

(b) refuses to be sworn or to give evidence,

shall forfeit such fine not exceeding one thousand dollars as the judge may direct:

Provided that no person so summoned shall forfeit a fine as aforesaid unless there has been paid or tendered to him at the time of service of the summons a reasonable sum in respect of his expenses, including, in such cases as may be prescribed, compensation for loss of time.

(2) Any person present in court who is required to give evidence but refuses to be sworn or to give evidence shall forfeit such fine as aforesaid.

(3) A judge may at his discretion direct that the whole or any part of any such fine, after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect without prejudice to the right of the party so injured to institute civil proceedings in respect of the injury.

Committal for contempt.

16. If any person—

(a) wilfully insults a judge or a witness or any officer of the Court during his sitting or attendance in court, or in going to or returning from the Court; or

(b) wilfully interrupts the proceedings of the Court or otherwise misbehaves in court,

any officer of the Court, with or without the assistance of any other person may, by order of the judge, take the offender into custody and detain him until the rising of the Court and the judge may if he thinks fit—

(i) by a warrant under his hand commit the offender to prison for a specified period not exceeding fourteen days; or

Summary
punishment
for perjury.

(ii) impose upon the offender a fine not exceeding one thousand dollars for every such offence.

17. If it appears to a judge that any witness (which shall include a party who gives evidence on his own behalf) has wilfully given false testimony, the judge may—

- (a) by warrant under his hand commit the offender to prison for a specified period not exceeding fourteen days; or
- (b) impose upon the offender a fine not exceeding one thousand dollars for every such offence:

Provided that before making any order under this section, the judge shall first clearly inform the witness of the specific words which appear to the judge to constitute a false testimony and shall give the witness an opportunity of showing cause why the order should not be made and shall, if so requested by the said witness, adjourn the proceedings in order to enable the said witness to instruct solicitor or counsel on his behalf.

Enforcement
of liability
for fees.

18. In default of the payment of any fees which have been prescribed, payment thereof shall be enforced, by order of the Court, in like manner as payment of any debt adjudged by the Court to be paid.

Enforcement
of fines.

19. Payment of any fine imposed by a Court under this Ordinance may, upon the expiration of the time limited for payment thereof, be enforced upon the order of a judge—

- (a) in like manner as payment of any debt adjudged by the Court to be paid; or
- (b) if the judge thinks fit, by committal of the offender to prison for a specified period not exceeding fourteen days.

Enforcement
of orders and
warrants for
imprison-
ment.

20. Whenever any order or warrant for the committal of any person to prison is made or issued by the Court or a judge, the order or warrant shall be directed to the Registrar who shall thereby be empowered to take the body of the person against whom the order is made on the warrant issued and it shall be the duty—

- (a) of every police officer to assist in the execution of every such order or warrant; and
- (b) of the officer in charge of the prison mentioned in any such order or warrant to receive and keep the person therein mentioned until he is lawfully discharged.

Registrar to
take charge
of fees, etc.

20A. There shall be paid to the Registrar—

- (a) all fees payable under this Ordinance or under any other enactment, in respect of any proceedings in the Court;
- (b) all forfeitures so imposed; and
- (c) all fines so imposed, except so much of a fine as by virtue of subsection (3) of section 15, is directed to be applied towards indemnifying a party injured.

Officer
illegally
demanding
fees.

21. Any officer of the Court who directly or indirectly asks for or receives any fee or gratuity, not authorized by law in respect of any of the duties of his office shall be guilty of an offence and shall be liable—

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

Falsely
pretending to
act under
authority of
the Court.

21A. Any person who—

- (a) delivers or causes to be delivered to any other person any paper falsely purporting to be a copy of any summons or other process of the Court, knowing it to be false; or
 - (b) acts or professes to act under any false colour or pretence of the process or authority of the Court,
- shall be guilty of an offence and shall be liable—
- (i) on summary conviction to a fine of two thousand dollars and to imprisonment for two years; or
 - (ii) on conviction on indictment to imprisonment for seven years.

Falsely
representing
documents to
have been
issued from
the Court.

22. Without prejudice to the provisions of section 21A any person who knowingly delivers or cause to be delivered to any person any document which not having been issued under the authority of the Court has, by reason of its form or contents or both, the appearance of having been issued under such authority shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for twelve months.

Rescuing
goods.

22A. Any person who rescues or attempts to rescue any goods seized in execution under process of the Court or seized under a distress for rent shall be guilty of an offence and shall be liable—

- (a) on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months; or

(b) on an order made by a judge in that behalf, to be committed to prison for a specified period not exceeding one month and to a fine of one thousand dollars,

and a bailiff of the Court may take the offender into custody, with or without warrant, and bring him before a judge.

Assaulting
officers.

23. Any person who assaults, resists or obstructs an officer of the Court while in the execution of his duty shall be liable—

(a) on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months; or

(b) on an order made by a judge in that behalf, to be committed to prison for a specified period not exceeding one month and to a fine of one thousand dollars,

and a bailiff of the Court may take the offender into custody, with or without warrant, and bring him before a judge.

Revocation
of committal
order.

23A. A judge may at any time revoke an order committing a person to prison under section 16, 17, 19, 22A or 23 and, if he is already in custody, order his discharge.”.

Amendment
of sections
24, 25, 26, 28,
31, 33 and 34.

13. The principal Ordinance is amended by the deletion in sections 24, 25, 26, 28, 31, 33 and 34 of the word “District” wherever the same occurs.

Amendment
of section 27.

14. Section 27 of the principal Ordinance is amended—

(a) by the addition before the words “a senior crown counsel” of the following—

“a principal crown counsel.”;

(b) by the deletion in subsection (3) of the words “in accordance with the District Court Criminal Procedure Rules” and the substitution therefor of the following—

“in such manner as may be prescribed”;

(c) by the deletion in subsection (5) of the words “in the District Court Criminal Procedure Rules” and the substitution therefor of the following—

“in any rules made under section 36”; and

(d) by the deletion in subsection (5) of the word “District”.

Amendment
of section 29.

15. Section 29 of the principal Ordinance is amended—

(a) by the deletion, wherever the same occurs, of the word “District”;

(b) by the deletion, wherever the same occur, of the words “District Judge” and the substitution therefor of the following—

“judge”; and

(c) by the deletion in subsection (1) of the words “to the District Court Criminal Procedure Rules” and the substitution therefor of the following—

“as may be prescribed”.

16. Sections 30 and 35 of the principal Ordinance are amended by the deletion of the words “District Judge” and the substitution therefor of the following—

“judge”.

Amendment
of sections
30 and 35.

17. Section 32 of the principal Ordinance is amended—

Amendment
of section 32.

(a) by the deletion of the word “District”; and

(b) by the deletion of the words “District Judge” and the substitution therefor of the following—

“judge”.

18. Section 36 of the principal Ordinance is amended by the deletion of the words “The District Court Rules Committee may make rules (to be known as the District Court Criminal Procedure Rules)” and the substitution therefor of the following—

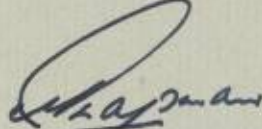
Amendment
of section 36.

“The Rules Committee may make rules”.

19. The principal Ordinance is amended by the deletion of the First Schedule and the Fourth Schedule.

Amendment
of principal
Ordinance.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 25th day of July, 1962, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR20/3231/52)

"cause" means any action, suit or other original proceeding between a plaintiff and a defendant;

(Vol. VII,
p. 44).

"Code" means the Code of Civil Procedure;

(1 of 1953).

"Court" means the District Court established by section 3 of the District Court Ordinance, 1953;

"defendant" includes any person served with any writ of summons or process, or served with notice of, or entitled to attend, any proceedings;

"functions" includes powers and duties;

"hereditament" includes both a corporeal hereditament and an incorporeal hereditament;

"judge" means a District Judge appointed under section 4 of the District Court Ordinance, 1953, or a temporary judge or a temporary additional judge appointed under section 7 of that Ordinance;

"matter" includes every proceeding in the Court not in a cause;

"party" includes every person served with notice of or attending any proceedings, although not named in the record;

"plaintiff" includes every person asking for any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of proceeding, whether the proceeding is by action, suit, petition, motion, summons or otherwise;

"prescribed" means prescribed by rules made under section 49;

"Registrar", subject to the provisions of section 10 of the District Court Ordinance, 1953, means the Registrar of the District Court;

"Rules Committee" means the District Court Rules Committee established under section 13 of the District Court Ordinance, 1953.

PART II.

JURISDICTION.

General.

3. (1) The Court shall have jurisdiction to hear and determine any action founded on contract or tort where the debt, demand or damage claimed is not more than five thousand dollars, whether on balance of account or otherwise:

General
jurisdiction
in actions
of contract
and tort.

Provided that the Court shall not, except as is provided in this Ordinance or by any other enactment, have jurisdiction to hear and determine—

(a) any action for the recovery of land; or

(b) any action in which the title to any hereditament is in question.

(2) The Court shall have jurisdiction to hear and determine any action where the debt or demand claimed consists of a balance not exceeding five thousand dollars after a set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, being a set-off admitted by the plaintiff in the particulars of his claim or demand.

4. (1) The Court shall have jurisdiction to hear and determine any action for the recovery of any penalty, expenses, contribution or other like demand which is recoverable by virtue of any enactment for the time being in force and for the recovery of any sum which is declared by any enactment to be recoverable as a civil debt if—

Money
recoverable
by enactment.

(a) it is not expressly provided by that or any other enactment that the demand shall be recoverable only in some other court; and

(b) the amount claimed in the action does not exceed five thousand dollars.

(2) For the purposes of this section, the expression "penalty" shall not include a fine to which any person is liable on conviction on indictment or on summary conviction.

5. (1) Where a plaintiff has a cause of action for more than five thousand dollars in which, if it were for not more than five thousand dollars, the Court would have jurisdiction, the plaintiff may abandon the excess, and thereupon the Court shall have jurisdiction to hear and determine the action, so, however, that the plaintiff shall not recover in the action an amount exceeding five thousand dollars.

Abandon-
ment of
part claim
to give court
jurisdiction.

(2) Where the Court has jurisdiction to hear and determine an action by virtue of this section, the judgment of the Court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be deemed to be made accordingly.