

This direction to the Commissioner for Transport shall have no effect if payment of the sums hereby adjudged to be paid is made within 24 hours of the making of this order.

.....
Magistrate.

[L.S.]

FORM 27B.

Order to seize motor vehicle under section 23(1) of the Fixed Penalty (Traffic Contraventions) Ordinance 1970.

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of the said Colony, sitting at the said court.

The _____ day of _____ 19 _____.

The Attorney General having alleged that (hereinafter called the respondent) has failed within one month to pay a sum of [If the order is in respect of more than one sum adjudged to be paid, state the total of such sums and costs with the respective dates of the orders.] \$ _____ and \$ _____ costs adjudged on the _____ day of _____ 19 _____ to be paid under the Fixed Penalty (Traffic Contraventions) Ordinance 1970 and it having been satisfactorily proved to me that the respondent has failed as aforesaid, that reasonable efforts to recover such sums have been made and that the respondent is the registered owner of the motor vehicle registered with the mark _____ which was the subject matter of the complaint upon which the said sums were adjudged to be paid it is ordered that the Commissioner of Police be empowered to seize the said motor vehicle and it is further ordered that the respondent do pay to the Attorney General the sum \$ _____ for his costs subsequent to the judgment(s) by which the aforesaid costs were adjudged to be paid.

.....
Magistrate.

[L.S.]

(b) by adding, before Form 72 in Part II, the following new forms—

"FORM 71A. [s. 67.]

Complaint.

HONG KONG. IN THE MAGISTRATE'S COURT AT

The complaint of _____ of _____ who says that

of _____ (hereinafter called "the defendant") [here state the nature of the complaint]

and the complainant claims from the defendant the sum of \$ _____ being money recoverable summarily as a civil debt.

Dated this _____ day of _____ 19 _____.

.....
Complainant.

FORM 71B.

Summons to defendant.

HONG KONG. IN THE MAGISTRATE'S COURT AT

To:

Complaint having been made by _____ of _____ before the undersigned, a magistrate of the said Colony, for that you on the _____ day of _____ 19 _____ did [here state shortly the matter of the complaint]

and claiming from you the sum of \$ _____, being money recoverable summarily as a civil debt; these are, therefore, to command you, in Her Majesty's name, to be and appear on _____ day, the _____ day of _____ 19 _____, at _____ o'clock in the _____ noon, at the said court, before such magistrate as shall then be there, to answer to the said complaint.

Dated this _____ day of _____ 19 _____.

.....
Magistrate.

[L.S.]

Dated this 14th day of August 1970.

Ivo Riggby
Chief Justice.

Explanatory Note.

(This Note is not part of the rules, but is intended to indicate their general purport).

These rules amend the principal rules by adding forms of orders to be made in proceedings for the recovery of a civil debt under the Fixed Penalty (Traffic Contraventions) Ordinance 1970, and forms of complaint and summons for use in claims of any type of civil debt.

裁判司條例（即香港法例第二二七章）
一九七零年裁判司（表格）（修訂）規則

註 釋

（本文並非該規則之任何部份，而祇係以簡述該規則之大意為目的）。

本規則將原有規則修訂，以便將數款表格加插在內。該等表格中有根據一九七零年定額罰款（交通違例事項）條例進行有關追收民事債項之訴訟時用以頒發命令者，亦有在提出有關追討任何民事債項之聲請時供作申訴及傳訊用者。

PHARMACY AND POISONS ORDINANCE.

(Chapter 138).

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolution made and passed by the Legislative Council under section 29 of the Pharmacy and Poisons Ordinance on the 7th day of October 1970.

IT IS HEREBY RESOLVED that the Poisons (Amendment) Regulations 1970, made by the Pharmacy and Poisons Board on the 4th day of August 1970, be approved.



Clerk to the Legislative Council.

COUNCIL CHAMBER,
7th October 1970.

PHARMACY AND POISONS ORDINANCE.

(Chapter 138).

POISONS (AMENDMENT) REGULATIONS 1970.

In exercise of the powers conferred by section 29 of the Pharmacy and Poisons Ordinance, the Pharmacy and Poisons Board with the approval of the Legislative Council has made the following regulations—

1. These regulations may be cited as the Poisons (Amendment) Regulations 1970.

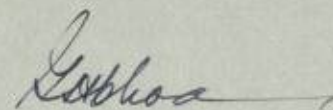
Citation.

2. Regulation 2 of the principal regulations is amended by inserting, after the definition of "medicine for the internal treatment of human ailments", the following new definition—

Amendment of regulation 2. (Cap. 138, sub. leg.)

"“registrar” means the Director of Medical and Health Services;”.

Made by the Pharmacy and Poisons Board on the 4th day of August 1970.



Chairman.

AUXILIARY FORCES PAY AND ALLOWANCES
ORDINANCE.

(Chapter 254).

**PAY CLASSIFICATION (AUXILIARY MEDICAL SERVICES
UNIT) ASSIGNMENT (AMENDMENT) NOTICE 1970.**

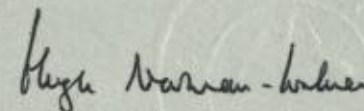
In exercise of the powers conferred by section 5 of the Auxiliary Forces Pay and Allowances Ordinance, the Governor has amended the Schedule to the Pay Classification (Auxiliary Medical Services Unit) Assignment Notice by deleting from the first column thereof the following—

“Stretcher Bearer
Messenger
Driver }”, and

substituting the following—

“Auxiliary Nurse, Class III
Stretcher Bearer
Messenger
Driver }”.

By Command,



Hugh Warren-Holmes

Colonial Secretary.

28th September 1970.

Explanatory Note.

(This Note is not part of the notice, but is intended to indicate its general purport).

This notice adds to the principal notice the rank of Auxiliary Nurse, Class III and includes it under the pay classification “S”.

輔助隊薪酬及津貼條例（即香港法例第二五四章）
一九七零年薪級（醫療輔助隊）編配（修訂）告示

註釋

（本文並非該告示之任何部份，而祇係以簡述該告示之大意為目的）。

本告示之要旨乃在原有告示內加插三級輔助護士一職階，並將之列入“S”薪級內。

EVIDENCE (AMENDMENT) ORDINANCE 1969.
(No. 25 of 1969).

EVIDENCE (AMENDMENT) ORDINANCE 1969
(COMMENCEMENT) NOTICE 1970.

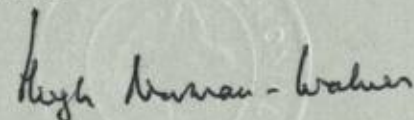
In exercise of the powers conferred by section 1 of the Evidence (Amendment) Ordinance 1969, the Governor has made the following notice—

1. This notice may be cited as the Evidence (Amendment) Ordinance 1969 (Commencement) Notice 1970. Citation.

2. Sections 4, 5 and 6 of the Evidence (Amendment) Ordinance 1969 shall come into operation on the 1st day of December 1970 for the purposes of the following civil proceedings— Commencement of sections 4, 5 and 6 of the Evidence (Amendment) Ordinance 1969. (25 of 1969.)

- (a) proceedings (other than proceedings in bankruptcy) in the Supreme Court and the District Court;
- (b) proceedings before any tribunal, other than a court, to which the strict rules of evidence apply;
- (c) arbitrations and references to which the strict rules of evidence apply;
- (d) applications and appeals arising out of the proceedings mentioned in sub-paragraphs (a) to (c).

By Command,



Colonial Secretary.

14th October 1970.

Explanatory Note.

(This Note is not part of the notice, but is intended to indicate its general purport).

This notice brings into force on 1st December 1970 those provisions of the Evidence (Amendment) Ordinance 1969 which make hearsay evidence admissible in civil proceedings. It does not apply to bankruptcy proceedings or to proceedings in magistrates' courts.

一九六九年訴訟證據(修訂)條例
(即香港法例一九六九年第二十五條)
一九七零年(實施)一九六九年訴訟證據(修訂)條例告示

註釋

(本文並非該告示之任何部份，而祇係以簡述該告示之大意為目的)。

本告示將一九六九年訴訟證據(修訂)條例內開有關於民事訴訟中可採納傳聞證據之規定由一九七零年十二月一日起付諸實施。該等規定並不適用於破產訴訟案或在裁判司法庭所進行之訴訟。



FUGITIVE OFFENDERS ACT 1967.

FUGITIVE OFFENDERS (DESIGNATED COMMONWEALTH COUNTRIES) (AMENDMENT) ORDER 1970.

In exercise of the powers conferred by sections 2(1) and (4) and 20(2) of the Fugitive Offenders Act 1967 (as modified and adapted by the Fugitive Offenders (Hong Kong) Order 1967), the Acting Governor, with the approval of the Secretary of State, has made the following order—

(L.N. 12/68.)

1. This order may be cited as the Fugitive Offenders (Designated Commonwealth Countries) (Amendment) Order 1970.

Citation.

2. The Schedule to the principal order is amended—

Amendment of Schedule.
(APP. I, p. Z 1.)

(a) by deleting "Australia" and substituting the following—

"Australia, and the following territories, namely the territory of Papua and New Guinea, Norfolk Island, Australian Antarctic territory, the territory of Cocos (Keeling) Islands, the territory of Christmas Island, the territory of Heard and McDonald Islands and the territory of Ashmore and Cartier Islands which are treated as part of Australia";

(b) by inserting, after "Ceylon", the following—

"The Cook Islands which are treated as a separate country at the request of the New Zealand Government";

(c) by deleting "New Zealand" and substituting the following—

"New Zealand, and the territories of Niue and the Tokelau Islands which are treated as part of New Zealand"; and

(d) by inserting after "Tanzania" the following—

"Tonga".

By Command,

Acting Colonial Secretary.

20th October 1970.

Explanatory Note.

(This Note is not part of the order, but is intended to indicate its general purport).

This order amends the Schedule to the Fugitive Offenders (Designated Commonwealth Countries) Order—

- (a) by providing that certain dependencies of Australia and New Zealand shall be treated as part of Australia or New Zealand;
- (b) by designating, pursuant to section 2(4) of the Fugitive Offenders Act 1967, The Cook Islands (for whose external relations New Zealand is responsible) as a separate country;
- (c) by including a reference to Tonga, which is now an independent country within the Commonwealth.

一九六七年逃犯法
一九七零年逃犯(指定之英聯邦國家)(修訂)令

註釋

(本文並非該法令之任何部份，而祇係以簡述該法令之大意為目的)。

本法令將逃犯(指定之英聯邦國家)令內開附表修訂，即：

- (甲) 規定將澳洲及紐西蘭之若干屬地分別視作澳洲或紐西蘭之一部份；
- (乙) 根據一九六七年逃犯法第二款第(四)段，指定科克羣島(即由紐西蘭負責其外交事務者)為另一國家；
- (丙) 將現已成為英聯邦內一獨立國家之「東加」包括在原有法令範圍內。

FUGITIVE OFFENDERS ACT 1967.

FUGITIVE OFFENDERS (UNITED KINGDOM
DEPENDENCIES) (AMENDMENT) ORDER 1970.

In exercise of the powers conferred by sections 2(1) and 20 of the Fugitive Offenders Act 1967 (as modified and adapted by the Fugitive Offenders (Hong Kong) Order 1967), the Acting Governor, with the approval of the Secretary of State, has made the following order—

(L.N. 12/68.)

1. This order may be cited as the Fugitive Offenders (United Kingdom Dependencies) (Amendment) Order 1970.

Citation.

2. The Schedule to the principal order is amended by deleting the following—

Amendment of
Schedule.
(App. I, p. AG 1.)

“Tonga The Premier of Tonga.”.

By Command,



Acting Colonial Secretary.

20th October 1970.

Explanatory Note.

(This Note is not part of the order, but is intended to indicate its general purport).

This order amends the Schedule to the Fugitive Offenders (United Kingdom Dependencies) Order by deleting the reference to Tonga in consequence of Tonga becoming a fully independent country within the Commonwealth.

一九六七年逃犯法
一九七零年逃犯(英屬地)(修訂)令

註釋

(本文並非該法令之任何部份，而祇係以簡述該法令之大意為目的)。

本法令將逃犯(英屬地)令內開附表修訂，即將提及「東加」之處刪去，此乃由於「東加」現已成為英聯邦內一完全獨立國家之故。


152

IMMIGRATION (CONTROL AND OFFENCES) ORDINANCE.
(Chapter 243).

IMMIGRATION (CONTROL AND OFFENCES)
(AMENDMENT) (NO. 2) REGULATIONS 1970.

In exercise of the powers conferred by section 47 of the Immigration (Control and Offences) Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Immigration (Control and Offences) (Amendment) (No. 2) Regulations 1970. Citation.
2. Regulation 14 of the principal regulations is amended by deleting "prescribe" and substituting the following—
"specify". Amendment of regulation 14.
(Cap. 243, sub. leg.)
3. Regulation 16 of the principal regulations is amended by adding, after paragraph (2), the following—
" (3) If the fee payable under the proviso to paragraph (1) includes—
(a) a number of cents which is less than fifty the number of cents shall be disregarded;
(b) fifty or more cents such number of cents shall be regarded as one dollar." Amendment of regulation 16.


Clerk of Councils.

COUNCIL CHAMBER,
27th October 1970.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Regulation 2 amends regulation 14 of the principal regulations by deleting "prescribe" and substituting "specify". This amendment obviates the necessity of publishing certain documents in the *Gazette*.

Regulation 3 adds a new paragraph to regulation 16 of the principal regulations so as to provide that if a visa fee includes less than fifty cents the number of cents shall be disregarded but that if it includes fifty or more cents then the number of cents shall be regarded as one dollar.

人民入境(管制及違例事項)條例(即香港法例第二四三章)
一九七零年人民入境(管制及違例事項)(修訂)(第二號)規例

註 釋

(本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的)。

本規例第二款將原有規例第十四款修訂，即將「規定」一詞刪去，而代之以「指定」一詞。此項修訂可省去將若干文件刊登於政府憲報之手續。

本規例第三款將一段新訂條文加插在原有規例第十六款之內以便規定，如簽證費用包括有不足五角之零數在內者，可將零數省去，但如該零數係五角或超過五角者，則作一元計算。



MERCHANT SHIPPING ACT 1964 AS APPLIED TO
HONG KONG BY THE MERCHANT SHIPPING
(SAFETY CONVENTION) (HONG KONG)
ORDER 1965

AND

MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1949
AS APPLIED TO HONG KONG BY THE MERCHANT
SHIPPING SAFETY CONVENTION (HONG KONG)
NO. 1 ORDER 1953.

REVOCATION OF EXEMPTION OF M.V. "EAST BREEZE"
FORMERLY OFFICIAL NO. 332483
PORT OF REGISTRY—HONG KONG.

FIXED FIRE SMOTHERING ARRANGEMENTS
IN CARGO SPACES.

The Governor in exercise of the powers conferred by section 28 of the Merchant Shipping (Safety Convention) Act 1949 as applied to Hong Kong by the Merchant Shipping Safety Convention (Hong Kong) No. 1 Order 1953 hereby revokes the exemption of the M.V. "East Breeze" formerly Official No. 332483 Port of Registry—Hong Kong, from the requirement of rule 32(1) of the Merchant Shipping (Fire Appliances) Rules 1965 to provide a fixed fire smothering gas or steam installation in the cargo holds of the ship.

By Command,

Acting Colonial Secretary.

19th October 1970.

UNIVERSITY OF HONG KONG ORDINANCE.
(Chapter 1053).

STATUTES OF THE UNIVERSITY OF HONG KONG
(AMENDMENT) (NO. 2) STATUTES 1970.

In exercise of the powers conferred by subsection (2) of section 13 of the University of Hong Kong Ordinance, the Chancellor of the University of Hong Kong has made the following statutes—

1. These statutes may be cited as the Statutes of the University of Hong Kong (Amendment) (No. 2) Statutes 1970.

Citation.

2. Statute IV of the principal Statutes is amended in subparagraph (b) of paragraph 1 by deleting "Pro-Vice-Chancellor" and substituting the following—

Amendment of Statute IV.
(Cap. 1053, Schedule.)

"Pro-Vice-Chancellors".

3. Statute VII of the principal Statutes is amended—

Amendment of Statute VII.

(a) by deleting "PRO-VICE-CHANCELLOR" from the heading and substituting the following—

"PRO-VICE-CHANCELLORS";

(b) by deleting paragraph 1 and substituting the following—

"1. The Pro-Vice-Chancellors shall be appointed by the Council from among the members of the Senate not being undergraduate members.";

(c) by deleting paragraph 2 and substituting the following—

"2. Subject to the Ordinance and Statutes and unless the Council shall otherwise prescribe, the Pro-Vice-Chancellor who is in Hong Kong and has presently served the longest continuous period in that office shall, in the event of a vacancy in the office of Vice-Chancellor or of the Vice-Chancellor's absence or inability to act as such, act as Vice-Chancellor.";

(d) in paragraph 3 by deleting "Pro-Vice-Chancellor" and substituting the following—

"Pro-Vice-Chancellors";

(e) in paragraph 4 by deleting "Pro-Vice-Chancellor" and substituting the following—

"Pro-Vice-Chancellors".



Amendment of
Statute XV.

4. Statute XV of the principal Statutes is amended in sub-paragraph (a) of paragraph 1 by deleting "Pro-Vice-Chancellor" and substituting the following—

"Pro-Vice-Chancellors".

Amendment of
Statute XVIII.

5. Statute XVIII of the principal Statutes is amended in sub-paragraph (c) of paragraph 1 by deleting "Pro-Vice-Chancellor" and substituting the following—

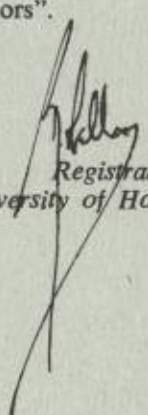
"Pro-Vice-Chancellors".

Amendment of
Statute XXVIII.

6. Statute XXVIII of the principal Statutes is amended in sub-sub-paragraph (a) of sub-paragraph (1) of paragraph 1 by deleting "Pro-Vice-Chancellor" and substituting the following—

"Pro-Vice-Chancellors".

22nd October 1970.


Registrar,
University of Hong Kong.

DUTIABLE COMMODITIES (LIQUOR) REGULATIONS 1970.

LICENSING BOARD (ELECTION) NOTICE 1970.

NOTICE IS HEREBY GIVEN under regulation 5 of the Dutiable Commodities (Liquor) Regulations 1970—

- (a) that an election by the unofficial justices of the peace of two of the unofficial justices of the peace to serve on the licensing board constituted under regulation 3 of the Dutiable Commodities (Liquor) Regulations 1970 will take place in the Chambers of the Deputy Registrar at the Supreme Court on Friday the 20th day of November 1970 between the hours of two and half o'clock and five o'clock in the afternoon; and
- (b) that the Principal Magistrate, Hong Kong, is appointed returning officer for the purposes of the election.

By Command,



Acting Colonial Secretary.

4th November 1970.

WORKMEN'S COMPENSATION ORDINANCE.

(Chapter 282).

**WORKMEN'S COMPENSATION (AMENDMENT) (NO. 2)
REGULATIONS 1970.**

In exercise of the powers conferred by section 49 of the Workmen's Compensation Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Workmen's Compensation (Amendment) (No. 2) Regulations 1970. Citation.

2. Regulation 8 of the principal regulations is amended—
(a) by deleting paragraph (1) and substituting therefor the following—
Amendment of regulation 8. (Cap. 282, sub. leg.)

“(1) Every employer who—

(a) employs persons who are workmen under the Ordinance; and

(b) carries on a business or an industry specified by the Commissioner of Labour by notice in the *Gazette*,

shall make the return specified in Form 4 in the Second Schedule.

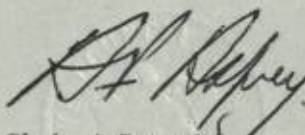
Second Schedule.

(1A) Every insurer carrying on the business of insuring employers against their liabilities under the Ordinance shall make the return specified in Form 4A in the Second Schedule.”;

Second Schedule.

(b) in paragraph (2) by deleting “Such return shall be lodged with the Commissioner of Labour on or before the 31st of January” and substituting the following—

“A return required to be made under paragraph (1) or (1A) shall be lodged with the Commissioner of Labour on or before the 31st of March”.



Clerk of Councils.

COUNCIL CHAMBER,
10th November 1970.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Regulation 8 of the Workmen's Compensation Regulations requires every employer of workmen and every insurer of employers to make certain returns to the Commissioner of Labour.

These regulations amend regulation 8 so as to require only employers who carry on a business or industry which has been specified by the Commissioner of Labour by notice in the *Gazette* to make returns. Until the business or industry which he is carrying on is so specified, an employer is under no obligation to make returns.

These regulations also extend the time within which the returns shall be made.

職工賠償條例（即香港法例第二八二章）
一九七零年職工賠償（修訂）（第二號）規例

註 釋

（本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的）。

查現行職工賠償規例第八款規定：凡僱用職工之僱主以及各僱主所投保之保險公司均須向勞工處長呈遞若干種申報書。

本規例將該第八款修訂，以便規定：如勞工處長在憲報公佈指明某工商行業須呈遞申報書時，經營該行業之僱主始須呈報。在勞工處長尚未指定其所經營之工商行業須呈遞申報書時，該等僱主毋須呈遞之。

本規例復將呈遞申報書之期限延長。



WORKMEN'S COMPENSATION ORDINANCE.
(Chapter 282).

WORKMEN'S COMPENSATION (AMENDMENT)
(NO. 3) REGULATIONS 1970.

In exercise of the powers conferred by section 51 of the Workmen's Compensation Ordinance, the Commissioner of Labour has made the following regulations—

1. These regulations may be cited as the Workmen's Compensation (Amendment) (No. 3) Regulations 1970. Citation.

2. The Second Schedule to the principal regulations is deleted and the following substituted therefor—
Deletion and substitution of Second Schedule.
(Cap. 282, sub. leg.)

"SECOND SCHEDULE. [reg. 8.]

FORM 4.

WORKMEN'S COMPENSATION ORDINANCE.
(Chapter 282).

Return to be completed by the Employer.

To the Commissioner of Labour,
Hong Kong.

PART I.

(1) If you were insured at any time during 19 in respect of your liability under the Workmen's Compensation Ordinance state below the name of the insurer and the period of the insurance:

Name of insurer:

Period of insurance:

(2) If during 19 you paid workmen's compensation which was not covered by insurance, complete—

(a) Part II in respect of cases involving death; and

(b) Part III in respect of cases not involving death if applicable.

PART II.

Number of cases involving death and amount of compensation paid in 19

(Note: Compensation paid in respect of previous incapacity should be included in Part III.)

Number of cases	Total amount of compensation paid
	\$

PART III.

Number of cases not involving death and amount of compensation paid for incapacity.

	Permanent total incapacity		Permanent partial incapacity		Temporary incapacity	
	number of cases	total amount of compensation paid	number of cases	total amount of compensation paid	number of cases	total amount of compensation paid
Cases continued from previous years		\$		\$		\$
Cases in which the first payment of compensation was made during 19.....						
Total						

Name of company

Address

Signed

(Secretary or Manager).

FORM 4A.

WORKMEN'S COMPENSATION ORDINANCE.
(Chapter 282).

Return to be completed by the Insurer.

To the Commissioner of Labour,
Hong Kong.

PART I.

Number of cases involving death and amount of compensation paid in 19

(Note: Compensation paid in respect of previous incapacity should be included in Part II.)

Number of cases	Total amount of compensation paid
	\$

PART II.

Number of cases not involving death and amount of compensation paid for incapacity.

	Permanent total incapacity		Permanent partial incapacity		Temporary incapacity	
	number of cases	total amount of compensation paid	number of cases	total amount of compensation paid	number of cases	total amount of compensation paid
Cases continued from previous years		\$		\$		\$
Cases in which the first payment of compensation was made during 19.....						
Total						

Name of company

Address

Signed
(Secretary or Manager)."

R. M. J. Lutherington

Commissioner of Labour.

10th November 1970.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

These regulations prescribe new forms of return to be made to the Commissioner of Labour by employers and insurers under regulation 8 of the principal regulations.

職工賠償條例（即香港法例第二八二章）
一九七零年職工賠償（修訂）（第三號）規例

註 釋

（本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的）。

此等規例旨在制訂新表格，以備僱主及保險公司根據原有規例第八款向勞工處長呈報時使用。

EVIDENCE (HEARSAY) RULES 1970.

ARRANGEMENT OF RULES.

<i>Rule.</i>	<i>Page.</i>
1. Citation and commencement	2
2. Interpretation and application	2
3. Notice of intention to give certain statements in evidence	2
4. Statement admissible by virtue of section 38B: contents of notice ...	3
5. Statement admissible by virtue of section 38D: contents of notice ...	4
6. Statement admissible by virtue of section 38E: contents of notice ...	5
7. Reasons for not calling a person as a witness	5
8. Counter-notice requiring person to be called as a witness	6
9. Determination of question whether person can or should be called as a witness	6
10. Directions with respect to statement made in previous proceedings ...	7
11. Power of court to allow statement to be given in evidence	7
12. Restriction on adducing evidence as to credibility of maker, etc. of certain statements	8
13. Notice required of intention to give evidence of certain inconsistent statements	8
14. Costs	9
15. Certain powers exercisable in chambers	9

EVIDENCE ORDINANCE.

(Chapter 8).

EVIDENCE (HEARSAY) RULES 1970.

In exercise of the powers conferred by section 38R of the Evidence Ordinance, the Chief Justice has made the following rules—

Citation and commencement.

1. These rules may be cited as the Evidence (Hearsay) Rules 1970 and shall come into operation on the 1st day of December 1970.

Interpretation and application.

2. (1) In these rules, unless the context otherwise requires—
“cause” means any action, suit or other original proceeding between a plaintiff and a defendant;

“court” means—

- (a) the Supreme Court and any of the judges sitting together or separately, in court or in chambers; or
- (b) the District Court and any District Judge sitting in court or in chambers,

whichever is appropriate;

“matter” includes every proceeding in the court not in a cause.

*O. 38, r. 20(2).

(2) These rules shall apply in relation to—

- (a) the trial or hearing in the Supreme Court or the District Court of an issue or question arising in a cause or matter; and
- (b) a reference, inquiry and assessment of damages in the Supreme Court, as it applies in relation to the trial or hearing of a cause or matter.

Notice of intention to give certain statements in evidence.
O. 38, r. 21.

3. (1) Subject to the provisions of this rule, a party to a cause or matter who desires to give in evidence at the trial or hearing of the cause or matter any statement which is admissible in evidence by virtue of section 38B, 38D or 38E of the Ordinance shall—

- (a) in the case of a cause or matter in the Supreme Court which is required to be set down for trial or hearing or adjourned into court, within twenty-one days after it is set down or so adjourned, or within such other period as the court may specify; and

* Note: The marginal references, e.g. “O. 38, r. 20(2)”, are to the English Rules of the Supreme Court 1965, as amended.

(b) in the case of any other cause or matter in the Supreme Court, within twenty-one days after the date on which an appointment for the first hearing of the cause or matter is obtained, or within such other period as the court may specify; or

(c) in the case of any cause or matter in the District Court, within seven days after it is set down or so adjourned, or within such other period as the court may specify.

serve on every other party to the cause or matter notice of his desire to do so, and the notice shall comply with the provisions of rule 4, 5 or 6, as the circumstances of the case require.

(2) Paragraph (1) shall not apply in relation to any statement which is admissible as evidence of any fact stated therein by virtue not only of section 38B, 38D or 38E of the Ordinance but by virtue also of any other statutory provision within the meaning of section 38A of the Ordinance.

(3) Paragraph (1) shall not apply in relation to any statement which any party to a probate action desires to give in evidence at the trial of that action and which is alleged to have been made by the deceased person whose estate is the subject of the action.

(4) Where by virtue of any provision of these rules or of any order or direction of the court the evidence in any proceedings is to be given by affidavit then, without prejudice to paragraph (2), paragraph (1) shall not apply in relation to any statement which any party to the proceedings desires to have included in any affidavit to be used on his behalf in the proceedings, but nothing in this paragraph shall affect the operation of Order 41, rule 5, of the Rules of the Supreme Court or the powers of the court under Order 38, rule 3, of the Rules of the Supreme Court.

(Cap. 4, sub. leg.)

(5) Order 65, rule 9, of the Rules of the Supreme Court shall not apply to a notice under this rule but the court may direct that the notice need not be served on any party who at the time when service is to be effected is in default as to entry of appearance or who has no address for service.

4. (1) If the statement is admissible by virtue of section 38B of the Ordinance and was made otherwise than in a document, the notice shall contain particulars of—

- (a) the time, place and circumstances at or in which the statement was made;
- (b) the person by whom and the person to whom, the statement was made; and

Statement admissible by virtue of section 38B: contents of notice.
O. 38, r. 22.

(c) the substance of the statement or, if material, the words used.

(2) If the statement is admissible by virtue of section 38B of the Ordinance and was made in a document, a copy or transcript of the document, or of the relevant part thereof, shall be annexed to the notice and the notice shall contain such (if any) of the particulars mentioned in sub-paragraphs (a) and (b) of paragraph (1) as are not apparent on the face of the document or part.

(3) If the party giving the notice alleges that any person, particulars of whom are contained in the notice, cannot or should not be called as a witness at the trial or hearing for any of the reasons specified in rule 7 the notice shall contain a statement to that effect specifying the reason relied on.

5. (1) If the statement is admissible by virtue of section 38D of the Ordinance the notice shall have annexed to it a copy or transcript of the document containing the statement, or of the relevant part thereof, and shall contain—

(a) particulars of—

(i) the person by whom the record containing the statement was compiled;

(ii) the person who originally supplied the information from which the record was compiled; and

(iii) any other person through whom that information was supplied to the compiler of that record;

and, in the case of any such person as is referred to in sub-paragraph (i) or (iii), a description of the duty under which that person was acting when compiling that record or supplying information from which that record was compiled, as the case may be;

(b) if not apparent on the face of the document annexed to the notice, a description of the nature of the record which, or part of which, contains the statement; and

(c) particulars of the time, place and circumstances at or in which that record or part was compiled.

(2) If the party giving the notice alleges that any person, particulars of whom are contained in the notice, cannot or should not be called as a witness at the trial or hearing for any of the reasons specified in rule 7, the notice shall contain a statement to that effect specifying the reason relied on.

Statement
admissible by
virtue of
section 38D:
contents of
notice.
O. 38, r. 23.

6. (1) If the statement is contained in a document produced by a computer and is admissible by virtue of section 38E of the Ordinance, the notice shall have annexed to it a copy or transcript of the document containing the statement, or of the relevant part thereof, and shall contain particulars of—

(a) a person who occupied a responsible position in relation to the management of the relevant activities for the purposes of which the computer was used regularly during the material period to store or process information;

(b) a person who at the material time occupied such a position in relation to the supply of information to the computer, being information which is reproduced in the statement or information from which the information contained in the statement is derived;

(c) a person who occupied such a position in relation to the operation of the computer during the material period,

and where there are two or more persons who fall within sub-paragraph (a), (b) or (c) and some only of those persons are at the date of service of the notice capable of being called as witnesses at the trial or hearing, the person particulars of whom are to be contained in the notice shall be such one of those persons as is at that date so capable.

(2) The notice shall also state whether the computer was operating properly throughout the material period and, if not, whether any respect in which it was not operating properly or was out of operation during any part of that period was such as to affect the production of the document in which the statement is contained or the accuracy of its contents.

(3) If the party giving the notice alleges that any person, particulars of whom are contained in the notice, cannot or should not be called as a witness at the trial or hearing for any of the reasons specified in rule 7, the notice shall contain a statement to that effect specifying the reason relied on.

7. The reasons referred to in paragraph (3) of rule 4, paragraph (2) of rule 5 and paragraph (3) of rule 6 are that the person in question is dead, or beyond the seas, or unfit by reason of his bodily or mental condition to attend as a witness or that despite the exercise of reasonable diligence it has not been possible to identify or find him or that he cannot reasonably be expected to have any recollection of matters relevant to the accuracy or otherwise of the statement to which the notice relates.

Statement
admissible by
virtue of
section 38E:
contents of
notice.
O. 38, r. 24.

Reasons for
not calling a
person as
a witness.
O. 38, r. 25.

Counter-notice requiring person to be called as a witness.
O. 38, r. 26.

8. (1) Subject to paragraphs (2) and (3), any party to a cause or matter on whom a notice under rule 3 is served may—

- (a) in the Supreme Court, within twenty-one days after service of the notice on him; or
- (b) in the District Court, within seven days after service of the notice on him,

serve on the party who gave the notice a counter-notice requiring that party to call as a witness at the trial or hearing of the cause or matter any person (naming him) particulars of whom are contained in the notice.

(2) Where any notice under rule 3 contains a statement that any person particulars of whom are contained in the notice cannot or should not be called as a witness for the reason specified therein, a party shall not be entitled to serve a counter-notice under this rule requiring that person to be called as a witness at the trial or hearing of the cause or matter unless he contends that that person can or, as the case may be, should be called, and in that case he shall include in his counter-notice a statement to that effect.

(3) Where a statement to which a notice under rule 3 relates is one to which rule 10 applies, no party on whom the notice is served shall be entitled to serve a counter-notice under this rule in relation to that statement, but the foregoing provision is without prejudice to the right of any part to apply to the court under rule 10 for directions with respect to the admissibility of that statement.

(4) If any party to a cause or matter by whom a notice under rule 3 is served fails to comply with a counter-notice duly served on him under this rule, then, unless any of the reasons specified in rule 7 applies in relation to the person named in the counter-notice, and without prejudice to the powers of the court under rule 11, the statement to which the notice under rule 3 relates shall not be admissible at the trial or hearing of the cause or matter as evidence of any fact stated therein by virtue of section 38B, 38D or 38E of the Ordinance, as the case may be.

Determination of question whether person can or should be called as a witness.
O. 38, r. 27.

9. (1) Where in any cause or matter a question arises whether any of the reasons specified in rule 7 applies in relation to a person particulars of whom are contained in a notice under rule 3, the court may, on the application of any party to the cause or matter, determine that question before the trial or hearing of the cause or matter or give directions for it to be determined before the trial or hearing and for the manner in which it is to be so determined.

(2) Unless the court otherwise directs, the summons by which an application under paragraph (1) is made shall be served by the party making the application on every other party to the cause or matter.

(3) Where any such question as is referred to in paragraph (1) has been determined under or by virtue of that paragraph, no application to have it determined afresh at the trial or hearing of the cause or matter may be made unless the evidence which it is sought to adduce in support of the application could not with reasonable diligence have been adduced at the hearing which resulted in the determination.

10. Where a party to a cause or matter has given notice in accordance with rule 3 that he desires to give in evidence at the trial or hearing of the cause or matter—

- (a) a statement falling within subsection (1) of section 38B of the Ordinance which was made by a person, whether orally or in a document, in the course of giving evidence in some other legal proceedings (whether civil or criminal); or
- (b) a statement falling within subsection (1) of section 38D of the Ordinance which is contained in a record of direct oral evidence given in some other legal proceedings (whether civil or criminal).

any party to the cause or matter may apply to the court for directions under this rule, and the court hearing such an application may give directions as to whether, and if so on what conditions, the party desiring to give the statement in evidence will be permitted to do so and (where applicable) as to the manner in which that statement and any other evidence given in those other proceedings is to be proved.

11. (1) Without prejudice to paragraph (a) of subsection (2) of section 38B and paragraph (a) of subsection (2) of section 38D of the Ordinance and rule 10, the court may, if it thinks it just to do so, allow a statement falling within subsection (1) of section 38B, subsection (1) of section 38D or subsection (1) of section 38E of the Ordinance to be given in evidence at the trial or hearing of a cause or matter notwithstanding—

- (a) that the statement is one in relation to which paragraph (1) of rule 3 applies and that the party desiring to give the statement in evidence has failed to comply with that rule; or

Directions with respect to statement made in previous proceedings.
O. 38, r. 28.

Power of court to allow statement to be given in evidence.
O. 38, r. 29.

(b) that that party has failed to comply with any requirement of a counter-notice relating to that statement which was served on him in accordance with rule 8.

(2) Without prejudice to the generality of paragraph (1), the court may exercise its power under that paragraph to allow a statement to be given in evidence at the trial or hearing of a cause or matter if a refusal to exercise that power might oblige the party desiring to give the statement in evidence to call as a witness at the trial or hearing an opposite party or a person who is or was at the material time the servant or agent of an opposite party.

12. Where—

- (a) a notice given under rule 3 in a cause or matter relates to a statement which is admissible by virtue of section 38B or 38D of the Ordinance; and
- (b) the person who made the statement, or, as the case may be, the person who originally supplied the information from which the record containing the statement was compiled, is not called as a witness at the trial or hearing of the cause or matter; and
- (c) none of the reasons mentioned in rule 7 applies so as to prevent the party who gave the notice from calling that person as a witness,

no other party to the cause or matter shall be entitled, except with the leave of the court, to adduce in relation to that person any evidence which could otherwise be adduced by him by virtue of section 38G of the Ordinance unless he gave a counter-notice under rule 8 in respect of that person or applied under rule 10 for a direction that that person be called as a witness at the trial or hearing of the cause or matter.

13. (1) Where a person, particulars of whom were contained in a notice given under rule 3 in a cause or matter, is not to be called as a witness at the trial or hearing of the cause or matter, any party to the cause or matter who is entitled and intends to adduce in relation to that person any evidence which is admissible for the purpose mentioned in paragraph (b) of subsection (1) of section 38G of the Ordinance shall—

- (a) in the Supreme Court, not more than twenty-one days after service of that notice on him; or
- (b) in the District Court, not more than seven days after service of that notice on him,

Restriction on adducing evidence as to credibility of maker, etc. of certain statements. O. 38, r. 30.

Notice required of intention to give evidence of certain inconsistent statements. O. 38, r. 31.

serve on the party who gave that notice, notice of his intention to do so.

(2) Paragraphs (1) and (2) of rule 4 shall apply to a notice under this rule as if the notice were a notice under rule 3 and the statement to which the notice relates were a statement admissible by virtue of section 38B of the Ordinance.

(3) The court may, if it thinks it just to do so, allow a party to give in evidence at the trial or hearing of a cause or matter any evidence which is admissible for the purpose mentioned in paragraph (b) of subsection (1) of section 38G of the Ordinance notwithstanding that that party has failed to comply with the provisions of paragraph (1).

14. If—

- (a) a party to a cause or matter serves a counter-notice under rule 8 in respect of any person who is called as a witness at the trial of the cause or matter in compliance with a requirement of the counter-notice; and
- (b) it appears to the court that it was unreasonable to require that person to be called as a witness,

then, without prejudice to—

- (i) Order 62 of the Rules of the Supreme Court and, in particular, to paragraph (1) of rule 7 thereof; or (Cap. 4, sub. leg.)
- (ii) the District Court Civil Procedure (Costs) Rules, and in particular to rule 12 thereof, (Cap. 336, sub. leg.)

the court may direct that any costs to that party in respect of the preparation and service of the counter-notice shall not be allowed to him and that any costs occasioned by the counter-notice to any other shall be paid by him to that other party.

15. The jurisdiction of the court under paragraph (a) of subsection (2) of section 38B, subsection (3) of section 38B, paragraph (a) of subsection (2) of section 38D and subsection (1) of section 38F of the Ordinance may be exercised in chambers.

Costs. O. 38, r. 32.

(Cap. 4, sub. leg.)

(Cap. 336, sub. leg.)

Certain powers exercisable in chambers. O. 38, r. 33.

Made this 6th day of November 1970.

J. W. Pugh
Chief Justice.

Explanatory Note.

(This Note is not part of the rules, but is intended to indicate their general purport).

These rules prescribe the procedure to be followed where it is intended to adduce hearsay evidence under Part IIA of the Ordinance. They are based on the new Part III of Order 38 of the English Rules of the Supreme Court, as added by rule 7 of the Rules of the Supreme Court (Amendment) 1969 (S.I. 1969 No. 1105), and apply to both the Supreme Court and District Court.

Rules 3 to 6 provide for notice to be given of such intention.

Rule 7 specifies the reasons which may be relied on for contending that the maker of the relevant statement is unavailable to be called as a witness, while rule 8 provides for a counter-notice requiring the maker to be called as a witness if available. Rule 9 provides for the determination of any question as to his availability; rule 10 makes special provision for statements made in previous proceedings and rule 11 gives the court a discretion to admit a statement notwithstanding failure to comply with the rules.

Rule 12 requires a counter-notice to be served by a party who intends to impugn the credibility of the maker of an out-of-court statement sought to be put in by his opponent; if the maker is not to be called, rule 13 requires notice to be given of intention to adduce an inconsistent statement made by him.

Rule 14 empowers the court to make a party who, without reasonable cause, serves a counter-notice pay the costs thereby occasioned, and rule 15 enables certain powers of the court to be exercised in chambers.

訴訟證據條例（即香港法例第八章）
一九七零年訴訟證據（傳聞證據）規則

註 釋

（本文並非該規則之任何部份，而祇係以簡述該規則之大意為目的）。

本規則對於擬根據原有條例第二甲部引用傳聞證據時所應循之程序加以規定。本規則乃以英國一九六九年高等法院（修訂）規則（即英國法規一九六九年第一一零五號）內開第七款所加插在英國高等法院規則法令第三十八號內之新訂第三部為藍本，並一併適用於高等法院及地方法院。

本規則第三至第六各款規定凡擬引用傳聞證據者必須通知其他當事人。

本規則第七款規定可根據若干理由而認定不能將有關之供述人傳喚出庭作證。第八款規定，其他當事人如認為供述人實有可能出庭作證時，必須提出反對通知，要求傳喚該人出庭作證。第九款規定應如何決定供述人能否出庭作證之問題。第十款規定前經在其他訴訟中所提出之供述，得加以特別之處理。第十一款規定，雖然有關之當事人未有遵照各規則之規定辦理，但法院仍可酌情決定應否接納所擬引用之供述。

規則第十二款規定，任何一方當事人，對於對方所擬引用之庭外供述，如認為其供述人係不可靠而欲加以駁斥時，必須提出反對通知；規則第十三款規定，如對方不傳喚供述人出庭而該當事人擬引證該人之供述係前後不符時，亦須通知對方。

規則第十四款授權法庭飭令該名無適當理由而提出反對通知者繳付由此而引起之訴訟費，規則第十五款則授權法院在內庭執行其若干權力。

16

DISTRICT COURT (CIVIL JURISDICTION AND
PROCEDURE) ORDINANCE.

(Chapter 336).

DISTRICT COURT CIVIL PROCEDURE (GENERAL)
(AMENDMENT) RULES 1970.

In exercise of the powers conferred by section 48 of the District Court (Civil Jurisdiction and Procedure) Ordinance, the District Court Rules Committee has made the following rules—

1. These rules may be cited as the District Court Civil Procedure (General) (Amendment) Rules 1970, and shall come into operation on the 1st day of December 1970.

Citation and commencement.

2. The principal rules are amended by adding, after rule 35, the following new rule—

Addition of new rule 35A.
(Cap. 336, sub. leg.)

"Pleading of conviction etc.
(Cap. 8.)

35A. (1) Any party to an action who intends in reliance on section 38K or 38L of the Evidence Ordinance to adduce evidence of a conviction or finding of adultery shall include in his particulars of claim or defence, as the case may be, a statement of his intention with particulars of—

- (a) the conviction or finding and the date thereof;
- (b) the court which made the conviction or finding; and
- (c) the issue in the action to which the conviction or finding is relevant.

(2) Where a plaintiff's particulars of claim include such a statement as is mentioned in paragraph (1), then if the defendant—

- (a) denies the conviction or finding; or
- (b) alleges that it was erroneous; or
- (c) denies that it is relevant to any issue in the action,

he shall make the denial or allegation in his defence."

Dated this 6th day of November 1970.

J. P. Right
Chief Justice.

D. CONS,
District Judge.

G. SINCLAIR STEVENSON,
Member.

JOHN SWAINE,
Member.

Explanatory Note.

(This Note is not part of the rules, but is intended to indicate their general purport).

These rules amend the principal rules for the purposes of the Evidence (Amendment) Ordinance 1969. They are based on Order 20, rule 7A of the English County Court Rules 1936, as added by rule 3 of the County Court (Amendment) Rules 1970 (S.I. 1970 No. 30).

Rule 2 adds a new rule 35A to the principal rules specifying the particulars to be included in a pleading where it is intended to put in evidence (by virtue of section 38K or 38L of the Evidence Ordinance) a previous conviction or finding of adultery.

地方法院（民事裁判權及訴訟程序）條例
（即香港法例第三三六章）

一九七零年地方法院民事訴訟程序（普通）（修訂）規則

註 釋

（本文並非該規則之任何部份，而祇係以簡述該規則之大意為目的）。

本規則將原有規則修訂，以配合一九六九年訴訟證據（修訂）條例之條文規定。本規則乃係根據英國一九七零年地方民事法院（修訂）規則（即英國法規一九七零年第三十號）第三款所加插在英國一九三六年地方民事法院規則法令第二十號內之第七甲款規則而制訂者。

本規則第二款將新訂規則第三十五甲款加插在原有規則內，以便規定，凡擬（根據訴訟證據條例第三十八K或第三十八L款）引證某人以前確曾被裁定有罪或被判犯有適竊罪時，應在其訴訟狀內詳細列明若干事項。

SUPREME COURT ORDINANCE.

(Chapter 4).

THE RULES OF THE SUPREME COURT (AMENDMENT)
(NO. 4) RULES 1970.

We, the Rules Committee of the Supreme Court, being the authority having for the time being power under section 38 of the Supreme Court Ordinance to make, amend or revoke rules regulating the practice and procedure of the Supreme Court do hereby in exercise of such power make the following rules—

1. These rules may be cited as the Rules of the Supreme Court (Amendment) (No. 4) Rules 1970, and shall come into operation on the 1st day of December 1970.

Citation and commencement.

2. Order 18 of the principal rules is amended by—

Amendment of Order 18.
(Cap. 4, sub. leg.)

(a) inserting in rule 7(1) after the word "rules" the following—

"7A.,"; and

(b) inserting after rule 7 the following new rule—

"Conviction, etc. to be adduced in evidence: matter to be pleaded.

7A. (1) If in any action which is to be tried with pleadings any party intends, in reliance on section 38K of the Evidence Ordinance (convictions as evidence in civil proceedings) to adduce evidence that a person was convicted of an offence by or before a court in the Colony he must include in his pleading a statement of his intention with particulars of—

- (a) the conviction and the date thereof,
- (b) the court which made the conviction, and
- (c) the issue in the proceedings to which the conviction is relevant.

(2) If in any action which is to be tried with pleadings any party intends, in reliance on section 38L of the Evidence Ordinance (findings of adultery as evidence in civil proceedings) to adduce evidence that a person was found guilty of adultery in matrimonial proceedings, he must include in his pleading a statement of his intention with particulars of—

- (a) the finding and the date thereof,

- (b) the court which made the finding and the proceedings in which it was made, and
- (c) the issue in the proceedings to which the finding is relevant.

(3) Where a party's pleading includes such a statement as is mentioned in paragraph (1) or (2), then if the opposite party—

- (a) denies the conviction or finding of adultery to which the statement relates, or
- (b) alleges that the conviction or finding was erroneous, or
- (c) denies that the conviction or finding is relevant to any issue in the proceedings,

he must make the denial or allegation in his pleading.”.

Amendment of
Order 24.

3. Order 24, rule 2 of the principal rules is amended in paragraph (3) by deleting “or as requiring a defendant to an action to enforce a forfeiture to make discovery of any documents relating to the issue of forfeiture”.

Amendment of
Order 25.

4. Order 25 of the principal rules is amended by deleting rule 3 and substituting the following—

“Particular matters for consideration.

3. On the hearing of the summons for directions the Court shall in particular consider, if necessary of its own motion, whether any order should be made or direction given in the exercise of the powers conferred by any of the following provisions, that is to say—

- (Cap. 8.) (a) any provision of Part IIA of the Evidence Ordinance (hearsay evidence in civil proceedings) or of the Evidence (Hearsay) Rules 1970;
- (b) Order 20, rule 5, Order 38, rules 2 to 7 and Order 75, rule 25(4).”.

Amendment of
Order 27.

5. Order 27 of the principal rules is amended, in rules 2(1), 4(2) and 5(1) and (2), by deleting “14 days” wherever it occurs and substituting the following—

“21 days”.

Amendment of
Order 38.

6. Order 38 is amended—

- (a) in the heading, by deleting “: GENERAL”;

- (b) before rule 1, by inserting the following sub-heading—
“I. GENERAL RULES.”;
- (c) before rule 14, by inserting the following sub-heading—
“II. WRITS OF SUBPOENA.”.

7. Order 75 is amended—

- (a) by deleting rule 25(1) and substituting the following—

“Summons for directions.

25. (1) Order 25 shall apply to Admiralty actions (other than limitation actions and actions ordered to be tried as Admiralty short causes) as it applies to other actions, except that—

- (a) the summons for directions shall be returnable in not less than seven weeks;
- (b) any notice under Order 25, rule 7(1), must be served within 21 days after service of the summons for directions on the party giving the notice; and
- (c) unless a judge in person otherwise directs, the summons for directions shall be heard by a judge in person.”;

- (b) in rule 31(3), by inserting at the end of paragraph (b) the following—

“and fix the period within which any notice under rule 3 of the Evidence (Hearsay) Rules 1970 must be served.”;

- (c) by deleting rule 32 and substituting the following—

“Further provisions with respect to evidence.

32. (1) Notwithstanding anything in Order 38, rule 8, rules 1, 2 and 4 of that Order shall not apply to a reference to the Registrar.

(3) Unless the Court otherwise directs, rule 3 of the Evidence (Hearsay) Rules 1970 shall not apply in relation to any statement which is admissible in evidence by virtue of section 38B, 38D or 38E of the Evidence Ordinance and which an applicant for judgment in default under rule 19 or 21 desires to give in evidence at the hearing of the motion by which the application for judgment is made.

(Cap. 8.)

Amendment of
Order 75.

(4) In any Admiralty action in which a summons for directions is required by virtue of rule 25 or rule 38(7) to be taken out, any notice under rule 3 of the Evidence (Hearsay) Rules 1970, must, if given by the party who takes out that summons, be served with that summons and, if given by any other party, be served within 21 days after service of the summons for directions on him.

(5) In any proceedings on a reference to the Registrar, any notice under rule 3 of the Evidence (Hearsay) Rules 1970, must be served not less than 6 weeks before the day appointed for the hearing of the reference.

(6) On the day on which any party serves on any other party a notice under rule 3 of the Evidence (Hearsay) Rules 1970, or a counter-notice under rule 8 thereof, he must lodge two copies of the notice or counter-notice in the Registry.

(7) Unless the Court otherwise directs, an affidavit for the purposes of rule 19(4), 21 or 38(2) may, except in so far as it relates to the service of a writ, contain statements of information or belief with the sources and grounds thereof.”; and

(d) in rule 38, by deleting the full stop at the end of paragraph (7), and substituting the following—

“and, if he gives no such direction, a direction fixing the period within which any notice under rule 3 of the Evidence (Hearsay) Rules 1970 must be served.”.

Dated this 6th day of November 1970.

IVO RIGBY,
Chief Justice.

A. D. SCHOLLES,
Senior Puisne Judge.

W. A. BLAIR-KERR,
Puisne Judge.

GEOFFREY BRIGGS,
Puisne Judge.

R. H. MILLS-OWENS,
Puisne Judge.

A. McMULLIN,
Puisne Judge.

W. F. PICKERING,
Puisne Judge.

G. SINCLAIR STEVENSON,
Member.

OSWALD CHEUNG,
Member.

Pursuant to section 38(6)(d) of the Supreme Court Ordinance I hereby certify that the foregoing rules have been made by the requisite quorum of the Rules Committee under and by virtue of section 38(6) of that Ordinance.

Dated this 6th day of November 1970.

Ivo Rigby
Chief Justice.

Explanatory Note.

(This Note is not part of the rules, but is intended to indicate their general purport).

These rules amend the principal rules consequential on the Evidence (Amendment) Ordinance 1969 and the Evidence (Hearsay) Rules 1970. These rules and the latter rules are based on Part II of the English Rules of the Supreme Court (Amendment) 1969.

Rule 2 adds a new rule 7A to Order 18; specifying the particulars to be included in a pleading where it is intended to put in evidence (by virtue of section 38K or 38L of the Evidence Ordinance) a previous conviction or finding of adultery.

高等法院條例（即香港法例第四章）
一九七零年高等法院規則（修訂）（第四號）制訂規則

註 釋

（本文並非該規則之任何部份，而祇係以簡述該規則之大意為目的）。

本規則將原有規則修訂，此乃由於一九六九年訴訟證據（修訂）條例暨一九七零年訴訟證據（傳聞證據）規則之制訂而連帶引起者。本規則及其後之規則之制訂，係以英國一九六九年高等法院（修訂）規則第二部之規則為藍本。

本規則第二款將新訂規則第七甲款加插在原有法令第十八號內，以便規定，凡擬（根據訴訟證據條例第三十八K或第三十八L款）引證某人以前確曾被裁定有罪或被判犯有通姦罪時，應在其訴訟狀內詳細列明若干事項。

RATING ORDINANCE.

(Chapter 116).

RATING (FORMS) (AMENDMENT) REGULATIONS 1970.

In exercise of the powers conferred by section 46 of the Rating Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Rating (Forms) (Amendment) Regulations 1970. Citation.

2. Regulation 2 of the principal regulations is amended—
(a) by deleting Form 1B and substituting the following— Amendment of regulation 2. (Cap. 116, sub. leg.)

"FORM 1B. [ss. 4, 23 & 40.]

Requisition for particulars of tenements.

To
(1)
L

RATING ORDINANCE—INTERIM VALUATION.

In pursuance of section 4 of the Rating Ordinance, I require you to furnish me with the particulars relating to the tenement(s) mentioned overleaf and return the same to me at the RATING & VALUATION DEPARTMENT, (2) within TEN DAYS from the date hereof.

(3)
Commissioner of Rating & Valuation.

Date:

Note.—Every owner or occupier who refuses or neglects to furnish the particulars required, and every person who knowingly furnishes false or incorrect particulars, is liable upon summary conviction to the penalties prescribed in the Ordinance.

(1) Name and address of Owner or Occupier, or Agent for Owner or Occupier, of the tenement in question.

(2) Current address of the Rating & Valuation Department.

(3) Name of Head of Department.

PARTICULARS OF TENEMENTS IN THE COLONY OF HONG KONG
FURNISHED BY THE OWNER OR OCCUPIER OR
AGENT FOR OWNER OR OCCUPIER.

1. Address of tenement.	9. Have any other considerations, such as premiums or construction fees, been paid in addition to the rents stated in Columns 6 & 8? If so, state the amounts and when paid. If not, enter nil.
2. Lot No. (and Section thereof, if any).	10. State what sums (if any) are charged in addition to the rent given in Columns 6 & 8, for services.
3. Name of building.	11. State if car-parking is provided and the additional rent paid if any.
4. Description of tenement. (For example: House, Flat, Chinese tenement, Shop, Factory, Godown, etc.)	12. (1) If the tenement is leased to you, state period and commencing date. (2) If the whole or any part of the tenement is leased by you to another party, state period and commencing date.
5. State whether owner-occupied or let. If let, give name(s) of tenant(s).	13. State the date at which the whole or any part of the tenement was first occupied.
6. State total rent for the current month for the whole tenement. Give details of any portion occupied by the owner or unoccupied.	14. State whether owner or tenant pays for keeping the premises in repair.
7. State who is responsible for the payment of rates: owner or tenant.	15. If the rent stated in Columns 6 & 8 includes services, such as the running of lifts, air-conditioning, caretaking, cleaning & lighting of common parts, etc., provided by the landlord, state the nature of these services and the estimated annual expenses of providing same.
8. If the tenement is let in parts, state the rent received for each part and also state whether the rents include rates.	

PARTICULARS TO BE FURNISHED IN THE CASE OF NEWLY COMPLETED BUILDINGS:—

(1) Total cost of site formation including retaining walls and roadways.	
(2) Total cost of buildings including all fixtures, decorations, services, and architect's fees.	
(3) (a) Cost of land. (b) Date of purchase.	
(4) If land is rented, state amount of rent <i>per annum</i> .	
16. (5) Area of land in sq. ft.	
(6) Crown rent <i>per annum</i> .	
(7) If land and buildings were purchased together, state— (a) Purchase price. (b) Date of purchase.	
(8) Estimated annual cost of repairs.	
(9) Estimated annual insurance premium.	
PARTICULARS TO BE FURNISHED IN THE CASE OF REPAIRS, IMPROVEMENTS OR ADDITIONS TO EXISTING BUILDINGS:—	
(1) Nature of repairs, improvements or additions.	
17. (2) Total cost including all fixtures, decorations, services, site formation and architect's fees.	
(3) Date of completion of the repairs, improvements or additions.	

(Signed) Address

*Owner or Occupier or Agent
for Owner or Occupier.

* Delete as required.

Tel. No.

Name in
BLOCK LETTERS

Date

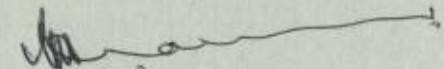
PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.

(Chapter 132).

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolution made and passed by the Legislative Council under section 144 of the Public Health and Urban Services Ordinance on the 18th day of November 1970.

IT IS HEREBY RESOLVED that the Pleasure Grounds (Amendment) By-laws 1970, made by the Urban Council on the 3rd day of November 1970, be approved.



Clerk to the Legislative Council.

COUNCIL CHAMBER,

18th November 1970.

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.
(Chapter 132).

PLEASURE GROUNDS (AMENDMENT) BY-LAWS 1970.

In exercise of the powers conferred by section 109 of the Public Health and Urban Services Ordinance, the Urban Council has made the following by-laws—

1. These by-laws may be cited as the Pleasure Grounds (Amendment) By-laws 1970.

Citation.

2. By-law 5 of the principal by-laws is cancelled and replaced by the following—

Cancellation and replacement of by-law 5. (Cap. 132, sub. leg.)

5. (1) Every member of the public on entering any pleasure ground specified in Part I of the Schedule shall pay the fee specified in the said Part I.

"Admission charges. Schedule.

(2) Every member of the public on entering any part of any pleasure ground which is being used by the Council for holding an entertainment shall pay such fee as the Council may determine in relation to that entertainment."

3. By-law 18 of the principal by-laws is amended—

Amendment of by-law 18.

(a) by deleting paragraphs (4) and (5) and substituting therefor the following—

"(4) Subject to the provisions of paragraph (5), where under subsection (2) of section 108 of the Ordinance the exclusive use of any pleasure ground or part thereof or of any facilities provided therein is allocated to any person, the fee payable shall be—

(a) if no admission fee is charged to members of the public to view the activity carried on in the pleasure ground, the appropriate fee specified in Part II of the Schedule;

(b) if an admission fee is charged to members of the public to view the activity carried on—

(i) in a pleasure ground specified in Part III of the Schedule, a fee of ten *per cent* of the gross receipts or the sum of one hundred dollars whichever is the greater;

(ii) in a pleasure ground other than a pleasure ground specified in Part III of the Schedule or an exhibition hard tennis court, a fee of ten *per cent* of the gross receipts or the sum of fifty dollars whichever is the greater.

(5) The fee payable under sub-paragraph (b) of paragraph (4) by—

- (a) a religious, charitable or welfare organization recommended by the Secretary for Home Affairs; or
- (b) an educational institution recommended by the Director of Education,

shall, except in relation to exhibition hard tennis courts, be one *per cent* of the gross receipts or the sum of fifty dollars whichever is the greater.”;

(b) by inserting after paragraph (6) the following new paragraph—

“(7) The Council may reduce, waive or remit any fee payable under paragraph (4) or (5).”.

4. The Schedule to the principal by-laws is amended by adding after Part II the following new Part—

“PART III.

1. The stadium area of the Boundary Street sports ground.
2. The enclosed running track area of the Aberdeen sports ground.
3. The Morse Park open-air theatre.
4. The Blake Pier roof-top garden.”.

Made by the Urban Council this 3rd day of November 1970.


Secretary.

Explanatory Note.

(This Note is not part of the by-laws, but is intended to indicate their general purport).

These by-laws amend the Pleasure Grounds By-laws so as to provide that the Urban Council may charge an admission fee for public entertainments organized by it. Also, if the exclusive use of a pleasure ground is granted to any person, and an admission fee is charged by that person for the public to enter, a percentage of the receipts shall be paid to the Council.

Amendment of
Schedule.

2. The new paragraph (5) of by-law 18 enables a fee of one *per cent* of the receipts or fifty dollars, whichever is the greater, to be charged to a religious, charitable, cultural or educational organization for an activity carried on in a pleasure ground to which an entry fee is charged. The new paragraph (7) empowers the Council to reduce, waive or remit any fee payable under paragraph (4) or (5) of this by-law.

公眾衛生及市政事務條例 (即香港法例第一三二章)
一九七零年遊樂場 (修訂) 附例

註 釋

(本文並非該附例之任何部份，而祇係以簡述該附例之大意為目的)。

本附例將遊樂場附例修訂，以便規定，市政局如在遊樂場內舉辦任何公眾娛樂節目時，均可收取入場費。此外，如當局將遊樂場撥租任何人士專用，而該人士向入場市民收取入場費者，則需從其收入取出按照百分率計算之一部份向市政局繳費。

二、本附例第十八款內開新訂之第(五)段規定，凡屬宗教、慈善、文化或教育團體，如在遊樂場內舉辦任何活動而收取入場費者，均須向當局繳納相等於其收入百分之一或五十元之費用，兩者中以款額較大者為準。新訂之第(七)段則授權市政局將根據本附例第(四)或第(五)段所規定繳付之任何費用，予以減低、放棄或發還。

BANKING ORDINANCE.


(Chapter 155).

SPECIFICATION OF SPECIFIED LIQUID ASSETS.

In exercise of the powers conferred by section 18(6)(h) of the Banking Ordinance, the Governor in Council has specified the securities set out in the Schedule, being securities guaranteed by the Government, as specified liquid assets for the purposes of section 18 of the Banking Ordinance.

SCHEDULE.

Seventy Guaranteed Notes each of one hundred thousand dollars (\$100,000) and numbered 404551 to 404620 inclusive issued by The Hong Kong Building and Loan Agency Limited on the 1st October, 1970 and maturing on the 1st October, 1975.



Clerk of Councils.

COUNCIL CHAMBER,
3rd November 1970.

169

**THE RULES OF THE SUPREME COURT (AMENDMENT)
(NO. 4) RULES 1970.**

CORRIGENDUM.

It is hereby notified that the Rules of the Supreme Court (Amendment) (No. 4) Rules 1970, published as Legal Notice No. 165 of 1970, are corrected—

- (a) in paragraph (b) of rule 2, by inserting "in" after "If" in paragraph (2) of the new rule 7A; and
- (b) in paragraph (c) of rule 7, by renumbering paragraphs (2), (3), (4), (5) and (6) of the new rule 32 respectively as paragraphs (3), (4), (5), (6) and (7).

MEDICAL REGISTRATION ORDINANCE.

(Chapter 161).

**MEDICAL PRACTITIONERS (REGISTRATION AND
DISCIPLINARY PROCEDURE) (AMENDMENT)
REGULATIONS 1970.**

In exercise of the powers conferred by section 33 of the Medical Registration Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Medical Practitioners (Registration and Disciplinary Procedure) (Amendment) Regulations 1970.

Citation.

2. Regulation 9 of the principal regulations is amended by inserting the following paragraph after paragraph (1)—

Amendment of regulation 9.
(Cap. 161, sub. leg.)

“(1A) No person shall be eligible for appointment to the Committee under this regulation if the Council has, at any time, made an order against such person in accordance with section 21 of the Ordinance.”.

3. Regulation 10 of the principal regulations is amended by deleting paragraph (d) and substituting the following—

Amendment of regulation 10.

“(d) was not at the time of his registration entitled to be registered,

or that an applicant for registration—

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

4. Regulation 26 of the principal regulations is amended by inserting the following paragraph after paragraph (1)—

Amendment of regulation 26.

“(1A) At any such meeting—

- (a) the Secretary or other person presenting the case to the Council may produce to the Council the records of any meeting of the Council at which an order was made against the defendant pursuant to section 21 of the Ordinance; and
- (b) the defendant, in person or by his solicitor or counsel, may address the Council by way of mitigation and may adduce evidence as to the circumstances leading to any such previous order.”.

Amendment of
First Schedule.

5. The First Schedule to the principal regulations is amended by deleting Form 3 and substituting the following—

"FORM 3. [reg. 6.]

MEDICAL REGISTRATION ORDINANCE.

(Chapter 161).

MEDICAL PRACTITIONERS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATIONS.

APPLICATION FOR REGISTRATION AS A REGISTERED MEDICAL
PRACTITIONER.

I,
of
apply for registration as a registered medical practitioners in accordance with section 14 of the Medical Registration Ordinance.

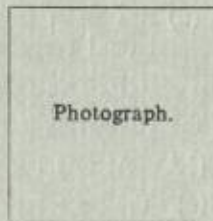
2. I have not been convicted in the Colony or elsewhere of any offence punishable with imprisonment, nor have I ever been found guilty of infamous conduct in a professional respect.

3. I hold the following qualifications—
.....
.....
.....

and have had the experience prescribed in the Medical Registration Ordinance.

Declared at Hong Kong }
this day }
of }
19 }

Before me,



Barrister-at-law, Commissioner for
Oaths, Justice of the Peace, Minister
of Religion, Registered Medical
Practitioner or Solicitor.
Hong Kong.

Deputy Clerk of Councils.

COUNCIL CHAMBER,
24th November 1970.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Regulation 2 amends regulation 9 of the principal regulations and is consequential upon a recent amendment of section 3 of the Ordinance. Its effect is to declare that a medical practitioner against whom the Medical Council has taken disciplinary action shall not be eligible for appointment to the Preliminary Investigation Committee.

Regulation 3 amends regulation 10 of the principal regulations by providing that where a complaint is made to or information is received by the Secretary that an applicant for registration has been convicted of any offence punishable with imprisonment or has been guilty of infamous conduct in a professional respect the Secretary shall submit the complaint or information to the Chairman of the Committee.

Regulation 4 amends regulation 26 of the principal regulations so as to empower the person presenting a case against a medical practitioner in a disciplinary action to produce to the Medical Council the records of any other meeting of the Council at which an order was made against the defendant under section 21 of the Ordinance.

Regulation 5 amends the First Schedule to the principal regulations by deleting Form 3 and substituting a new form which contains a declaration by an applicant for registration that he has not been convicted of any offence punishable with imprisonment or been found guilty of infamous conduct in a professional respect.

醫生註冊條例 (即香港法例第一六一章)
一九七零年醫生 (註冊及懲戒程序) (修訂) 規例

註 釋

(本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的)。

本規例第二款將原有規例第九款修訂，此乃由於最近對原有條例第三款所作之修訂而連帶引起者。該款旨在聲明，凡曾遭香港醫務委員會予以懲戒處分之醫生，均無資格擔任初步調查委員會之委員。

本規例第三款將原有規例第十款修訂，以便規定香港醫務委員會秘書如接獲任何投訴或告發謂申請註冊者曾犯有應判徒刑之罪名或曾有玷辱該行業之行為者，應將該投訴或告發呈交初步調查委員會主席。

本規例第四款將原有規例第二十六款修訂，以便在採取懲戒處分時，將有關醫生告發之人士，可將醫務委員會前此根據原有條例第二十一款飭令懲戒被告時之會議紀錄呈交該委員會查閱。

本規例第五款將原有規例內開第一附表修訂，即將原有表格第三款取消，而代之以新訂表格。新表格內載有申請註冊者宣誓書，以聲明其本人從未犯有應判徒刑之罪名，或玷辱該行業之行為。

RESETTLEMENT ORDINANCE.

(Chapter 304).

**RESETTLEMENT (AMENDMENT) (NO. 3)
REGULATIONS 1970.**

In exercise of the powers conferred by section 51 of the Resettlement Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Resettlement (Amendment) (No. 3) Regulations 1970. Citation.

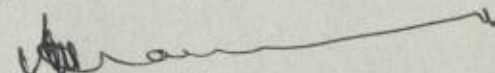
2. The First Schedule to the principal regulations is amended in condition 1 of the General Conditions of Tenancy in Form 3A— Amendment of First Schedule. (Cap. 304, sub. leg.)

(a) in the English version, by inserting in paragraph (f), after “on or in”, the following—

“or in respect of”; and

(b) in the Chinese version, by deleting paragraph (己) and substituting the following—

“(己) 凡因房舍之需要，在其內外部份安裝或接駁電路保險掣，如需予以重裝或修理，應繳付該管當局認可之費用。”



Deputy Clerk of Councils.

COUNCIL CHAMBER,
24th November 1970.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Regulation 2 amends the General Conditions of Tenancy endorsed on a Factory Tenancy Card so as to require the tenant to pay the cost for resetting or repairing of any circuit breaker fitted in respect of his premises.

This amendment is consequential upon changes made to section 35C of the Ordinance.

徙置條例（即香港法例第三零四章）
一九七零年徙置（修訂）（第三號）規例

註 釋

（本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的）。

本規例第二款將工廠租用證背頁所載「關於租用之普通章程」修訂，以便規定凡遇有關於租客房舍之電路保險掣須予重裝或修理時，租客應負擔所需之費用。

此項修訂實由於原有條例第三十五丙款之修訂而連帶引起者。

URBAN COUNCIL ORDINANCE.
(Chapter 101).

URBAN COUNCIL ELECTIONS (PROCEDURE)
(AMENDMENT) REGULATIONS 1970.

In exercise of the powers conferred by section 30 of the Urban Council Ordinance, the Governor in Council has made the following regulations—

- | | |
|---|---|
| 1. These regulations may be cited as the Urban Council Elections (Procedure) (Amendment) Regulations 1970. | Citation. |
| 2. Regulation 4 of the principal regulations is amended by— | Amendment of regulation 4.
(Cap. 101, sub. leg.) |
| (a) substituting a full stop for the colon at the end of paragraph (c); and | |
| (b) deleting the remaining portion of the regulation. | |
| 3. Regulation 12 of the principal regulations is amended in the proviso to paragraph (3)— | Amendment of regulation 12. |
| (a) by deleting “on or after the 1st day of April 1967 or”; | |
| and | |
| (b) by deleting “subsequent”. | |
| 4. Regulation 21 of the principal regulations is amended in sub-paragraph (d) of paragraph (1) by deleting “, with instruments for stamping thereon the official mark.” | Amendment of regulation 21. |
| 5. Regulation 24 of the principal regulations is amended— | Amendment of regulation 24. |
| (a) in paragraph (d) by deleting “and” at the end thereof; | |
| (b) in paragraph (e) by deleting the colon and substituting the following— | |
| “; and”; and | |
| (c) by inserting after paragraph (e) the following new paragraph— | |
| “(f) shall have an official mark printed in the space provided:”. | |
| 6. Regulation 33 of the principal regulations is amended in paragraph (2) by deleting sub-paragraph (a). | Amendment of regulation 33. |
| 7. Regulation 34 of the principal regulations is amended by deleting “the back of the paper, so as to disclose”. | Amendment of regulation 34. |

Amendment of
Schedule.

8. The Schedule to the principal regulations is amended—
- (a) in paragraph 4 of Form 12—
- (i) by deleting “front of the paper” and substituting the following—
“vote”; and
- (ii) by deleting “back of the paper” and substituting the following—
“official mark”; and
- (b) in paragraph 4 of the Chinese version of Form 12—
- (i) by deleting “票之正面,” and substituting the following—
“標記”; and
- (ii) by deleting “票之背面,” and substituting the following—
“官方識別印”; and
- (c) by deleting Form 13 and substituting the following new form—

“FORM 13. [reg. 24.]

URBAN COUNCIL ELECTIONS (PROCEDURE) REGULATIONS.

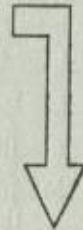
(1) *Front of Ballot Paper.*

Counterfoil No.

Space for
Official Mark
官方識別印

You may not vote for more than Candidates and you may place a cross (X) on the right-hand side of this ballot paper, opposite the name of each Candidate for whom you vote.

台端不得選舉候選人超過 名。台端可在此選舉票之右方，正對擬選舉之候選人姓名處，劃一「X」標記。



1	:	:
2	:	:
3	:	:
4	:	:

:: Insert name in full in English and, if applicable, in Chinese as appearing on nomination paper.

..... Perforated along this line.

(2) *Back of Ballot Paper.*

Election for the Urban Council on
No.

Election for the Urban Council on
No.

Election for the Urban Council on
No.

Election for the Urban Council on
No.

Deputy Clerk of Councils.

COUNCIL CHAMBER,
24th November 1970.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Regulations 2 and 3 amend the principal regulations by removing therefrom all references to the 1965 and 1967 Urban Council elections.

It is intended for future elections to revise the layout of the ballot paper, and to print the official mark on the ballot paper simultaneously with the printing of the ballot paper. The new regulation 24(f) inserted by regulation 5 enables this to be done.

Regulations 4, 6, 7 and 8 are consequential on the revised form of the ballot paper.

市政局條例（即香港法例第一零一章）
一九七零年市政局選舉（程序）（修訂）規例

註釋

（本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的。）

本規例第二及第三兩款將原有規例修訂，即將原有規例內有關於一九六五年及一九六七年市政局選舉之各項規定予以取消。

當局擬將選舉票之設計修訂，並在印刷選舉票時將官方識別印同時刊印在票上，以備將來選舉時使用。本規例第五款所加插之新訂規例第二十四款（己）段乃制訂是項規定。

本規例第四、第六、第七及第八各款乃係由於修訂選舉票之格式而連帶引起者。

URBAN COUNCIL ORDINANCE.

(Chapter 101).

URBAN COUNCIL ELECTIONS (REGISTRATION OF ELECTORS) (AMENDMENT) REGULATIONS 1970.

In exercise of the powers conferred by section 23 of the Urban Council Ordinance, the Governor in Council has made the following regulations—

- 1. These regulations may be cited as the Urban Council Elections (Registration of Electors) (Amendment) Regulations 1970. Citation.

- 2. Regulation 3 of the principal regulations is amended in paragraph (1) by deleting "the 15th day of September 1966 and as soon as is practicable after". Amendment of regulation 3.
(Cap. 101, sub. leg.)

- 3. Regulation 6 of the principal regulations is amended in paragraph (1) by— Amendment of regulation 6.
 - (a) substituting a full stop for the colon; and
 - (b) deleting the proviso.

- 4. Regulation 7 of the principal regulations is amended— Amendment of regulation 7.
 - (a) in the proviso to paragraph (1) by deleting "in the case of an application made in the year 1966, such particulars or proof are supplied to his satisfaction before the 1st day of October 1966, or, in the case of an application made in any subsequent year,"; and
 - (b) in paragraph (3) by—
 - (i) substituting a full stop for the colon at the end of sub-paragraph (d); and
 - (ii) deleting the proviso.

- 5. Regulation 8 of the principal regulations is amended by deleting "the 16th day of November 1966 and on or before". Amendment of regulation 8.

- 6. Regulation 9 of the principal regulations is amended in paragraph (2) by— Amendment of regulation 9.
 - (a) substituting a full stop for the colon; and
 - (b) deleting the proviso.

Amendment of
regulation 10.

7. Regulation 10 of the principal regulations is amended—

(a) in paragraph (1)—

(i) by deleting "During the period commencing on the 15th day of May and ending on the 15th day of September in the year 1966 and, thereafter, at" and substituting the following—

"At";

(ii) by deleting "not later than the 30th day of September 1966 in the case of a notice sent in that year, or, in the case of a notice sent in any subsequent year,";

(iii) by substituting a full stop for the colon; and

(iv) by deleting the proviso;

(b) in paragraph (3)—

(i) by deleting "on a day during the period commencing on the 15th day of May and ending on the 15th day of September in the year 1966 and thereafter"; and

(ii) in sub-paragraph (b) by deleting "before the 21st day of September 1966, in the case of the notice published under this paragraph in that year, or, in the case of any such notice published in any subsequent year,"; and

(c) in sub-paragraph (a) of paragraph (4) by deleting "on or before the 30th day of September 1966 in the case of notices sent in that year, or, in the case of notices sent in any subsequent year,".

Amendment of
regulation 11.

8. Regulation 11 of the principal regulations is amended by deleting "between the 1st day of November and the 16th day of November (inclusive) in the year 1966 and".

Amendment of
regulation 14.

9. Regulation 14 of the principal regulations is amended by—

(a) substituting a full stop for the colon; and

(b) deleting the proviso.

Amendment of
regulation 15.

10. Regulation 15 of the principal regulations is amended by—

(a) substituting a full stop for the colon; and

(b) deleting the proviso.

Amendment of
regulation 16.

11. Regulation 16 of the principal regulations is amended—

(a) in the proviso to paragraph (1) by deleting ", in the case of an application made in the year 1966, such particulars

or proof are supplied to his satisfaction before the 11th day of December 1966, or in the case of an application made in any subsequent year,";

(b) in paragraph (3) by substituting a full stop for the colon at the end of sub-paragraph (d); and

(c) by deleting the proviso.

12. Regulation 17 of the principal regulations is amended in paragraph (1) by—

(a) substituting a full stop for the colon; and

(b) deleting the proviso.

13. Regulation 18 of the principal regulations is amended in paragraph (1) by—

(a) substituting a full stop for the colon; and

(b) deleting the proviso.

14. Regulation 19 of the principal regulations is amended in paragraph (1) by—

(a) substituting a full stop for the colon; and

(b) deleting the proviso.

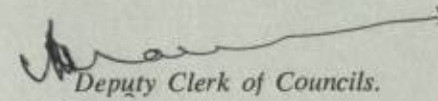
15. Regulation 20 of the principal regulations is amended by deleting "the 16th day of December 1966 and on or before".

16. Regulation 23 of the principal regulations is amended by deleting "in the year 1966 and in any case not later than the 16th day of January 1967, and as soon as is convenient after the conclusion of the last hearing in respect of claims, objections and applications (if any) made under these regulations".

17. Regulation 25 of the principal regulations is amended in paragraph (1) by deleting "the 1st day of April 1967 and not later than".

18. Regulation 29 of the principal regulations is amended by deleting "the 1st day of June 1967 and on or before".

19. Regulation 34 of the principal regulations is revoked.


Deputy Clerk of Councils.

COUNCIL CHAMBER,
24th November 1970.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

These regulations amend the principal regulations by removing therefrom all references to the 1966 Electoral Registration cycle and the 1967 Urban Council election.

市政局條例（即香港法例第一零一章）
一九七零年市政局選舉（選民登記）（修訂）規例

註 釋

（本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的）。

本規例將原有規例修訂，即將原有規例內有關於一九六六年度選民登記以及一九六七年市政局選舉之各項規定予以取消。

BOILERS AND PRESSURE RECEIVERS ORDINANCE.

(Chapter 56).

BOILERS AND PRESSURE RECEIVERS (EXEMPTION)
ORDER 1970.

In exercise of the powers conferred by section 10 of the Boilers and Pressure Receivers Ordinance, I, Robert Marshall HETHERINGTON, the Registrar of Boilers and Pressure Receivers, have made the following order—

1. This order may be cited as the Boilers and Pressure Receivers (Exemption) Order 1970. Citation.

2. All steam cleaning machines of the types known as Models 100, 150, 106 BB, 150-C, 200-C and 250-C manufactured by the Sioux Steam Cleaner Corporation, Beresford, South Dakota, U.S.A. are exempted from the provisions of the Boilers and Pressure Receivers Ordinance, subject to these machines being maintained in an efficient condition at all times. Exemption. (Cap. 56.)

R. M. Hetherington

Registrar of Boilers and
Pressure Receivers.

18th November 1970.

REVISED EDITION OF THE LAWS ORDINANCE 1965.
(No. 53 of 1965).

REVISED EDITION OF THE LAWS (CORRECTION OF
ERROR) (NO. 3) ORDER 1970.

In exercise of the powers conferred by section 16 of the Revised Edition of the Laws Ordinance 1965, I hereby make the following order—

1. This order may be cited as the Revised Edition of the Laws (Correction of Error) (No. 3) Order 1970.

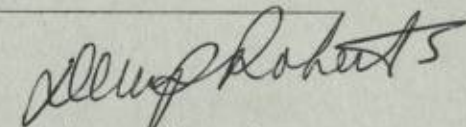
Citation.

2. The errors which appear in the Ordinances specified in the first column of the Schedule are rectified in the manner set out in the second column thereof.

Rectification
of errors.

SCHEDULE.

<i>First column.</i>	<i>Second column.</i>	
Trustee Ordinance.	In the Second Schedule, Part I— (a) item 14, delete "in" before "loans"; (b) item 15, delete "in" before "feuduties".	(Cap. 29.)
Factories and Industrial Undertakings Regulations.	In regulation 42, insert "be" before "registered".	(Cap. 59, sub. leg.)
Mental Health Ordinance.	In section 29, paragraph (g), substitute "section 57" for "section 55".	(Cap. 136.)
Emergency (Principal) Regulations.	In regulation 120, paragraph (3), definition of "unauthorized uniform", substitute "regulation 116" for "regulation 115".	(Cap. 241, sub. leg.)
Trade Union Registration Ordinance.	(1) In section 14, subsection (1), delete "with" in the first place where it occurs and substitute "when". (2) In section 16, paragraph (b), substitute "proscribed" for "prescribed".	(Cap. 332.)


Attorney General.

20th November 1970.

INTERPRETATION AND GENERAL CLAUSES
ORDINANCE.

(Chapter 1).

CHANGE OF TITLE OF PERSON.

In exercise of the powers conferred on him by section 55 of the Interpretation and General Clauses Ordinance, the Acting Governor hereby declares a change in the title of the person specified in the first column of the Schedule to the title specified in the second column of the Schedule with effect from the 23rd day of October 1970.

SCHEDULE.

<i>Former title of person.</i>	<i>New title of person.</i>
The Hong Kong Chinese Medical Association.	The Hong Kong Medical Association.

By Command,

Acting Colonial Secretary.

24th November 1970.

17

PRISONS ORDINANCE.

(Chapter 234).

PRISON (AMENDMENT) (NO. 2) RULES 1970.

In exercise of the powers conferred by section 25 of the Prisons Ordinance, the Governor in Council has made the following rules—

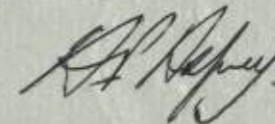
1. These rules may be cited as the Prison (Amendment) (No. 2) Rules 1970. Citation.

2. The principal rules are amended by adding after rule 22 the following new rule— Addition of new rule 22A. (Cap. 234, sub. leg.)

“Discharge on general holiday. 22A. A prisoner due for discharge on a general holiday shall be discharged on the day next preceding that day which is not a general holiday.”.

3. Rule 63 of the principal rules is amended in subparagraph (c) of paragraph (1) by inserting after “one month” the following— Amendment of rule 63.

“but if the Superintendent considers that his power of punishment is insufficient, he shall refer the case to the Commissioner who may order forfeiture of remission not exceeding six months”.



Clerk of Councils.

COUNCIL CHAMBER,
8th December 1970.

Explanatory Note.

(This Note is not part of the rules, but is intended to indicate their general purport).

The effect of these rules is to provide that—

- (a) a prisoner guilty of an offence against prison discipline may be punished by forfeiting remission of sentence not exceeding six months instead of a maximum of one month as at present;
- (b) a prisoner due to be discharged on a general holiday will be discharged on the next preceding day which is not a holiday.

監獄條例（即香港法例第二三四章）
一九七零年監獄（修訂）（第二號）規則

註 釋

（本文並非該規則之任何部份，而祇係以簡述該規則之大意為目的）。

此等規則之制訂，旨在規定：

- (甲) 犯人如違犯監獄紀律者，可被罰將減刑期間作多至不超過六個月之取消而非如目前所規定最多作一個月之取消；
- (乙) 如犯人到期出獄之日適為公眾假期者，則應提前在緊貼該日之前而非假期之一天出獄。

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.
(Chapter 132).

PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT
OF FOURTH SCHEDULE) (NO. 2) ORDER 1970.

In exercise of the powers conferred by section 106 of the Public Health and Urban Services Ordinance, the Governor has made the following order—

1. This order may be cited as the Public Health and Urban Services (Amendment of Fourth Schedule) (No. 2) Order 1970.
2. The places listed in paragraph 3 are set aside for use as pleasure grounds.
3. The Fourth Schedule to the principal Ordinance is amended—
 - (a) by adding under the heading “Kowloon and New Kowloon” after “Yuet Wah Street Playground (Kwun Tong)” the following—

“Kowloon Park
San Po Kong Sitting-out Area
Tze Wan Shan Resettlement Estate Recreation Ground”; and
 - (b) by adding under the heading “New Territories” after “Yuen Long Western Roundabout Amenity Plot” the following—

“Tuen Mun San Hui Playground”.

Citation.

Setting aside
of places as
public pleasure
grounds.

Amendment
of Fourth
Schedule.
(Cap. 132.)

By Command,

Colonial Secretary (Acting).

2nd December 1970.

Explanatory Note.

(This Note is not part of the order, but is intended to indicate its general purport).

This order sets aside the places referred to in paragraph 3 of this order as public pleasure grounds.

公眾衛生及市政事務條例（即香港法例第一三二章）
一九七零年公眾衛生及市政事務（修訂第四附表）（第二號）令

註 釋

（本文並非該法令之任何部份，而祇係以簡述該法令之大意為目的）。
本法令將其內開第三款所述之場所列為公眾遊樂場。

DEFENCE REGULATIONS (CONTINUATION)
ORDINANCE.
(Chapter 309).

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolution made and passed by the Legislative Council under section 6 of the Defence Regulations (Continuation) Ordinance on the 16th day of December 1970.

IT IS HEREBY RESOLVED, pursuant to section 6 of the Defence Regulations (Continuation) Ordinance, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January 1971.



Clerk to the Legislative Council.

COUNCIL CHAMBER,
16th December 1970.

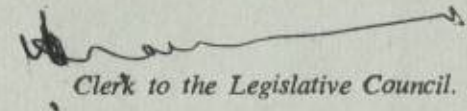
ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE.

(Chapter 61).

RESOLUTION OF THE LEGISLATIVE COUNCIL.

Resolution made and passed by the Legislative Council under section 8 of the Illegal Strikes and Lock-outs Ordinance on the 16th day of December 1970.

IT IS HEREBY RESOLVED, pursuant to section 8 of the Illegal Strikes and Lock-outs Ordinance, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January 1971.



Clerk to the Legislative Council.

COUNCIL CHAMBER,
16th December 1970.

DISTRICT COURT (CIVIL JURISDICTION AND
PROCEDURE) ORDINANCE.

(Chapter 336).

DISTRICT COURT CIVIL PROCEDURE (GENERAL)
(AMENDMENT) (NO. 2) RULES 1970.

In exercise of the powers conferred by section 48 of the District Court (Civil Jurisdiction and Procedure) Ordinance, the District Court Rules Committee has made the following rules—

1. These rules may be cited as the District Court Civil Procedure (General) (Amendment) (No. 2) Rules 1970 and shall come into operation on the day appointed for the commencement of the District Court (Civil Jurisdiction and Procedure) (Amendment) Ordinance 1970.

Citation and commencement.

2. Rule 2 of the principal rules is amended—

Amendment of rule 2.
(Cap. 336, sub. leg.)

(a) in paragraph (1)—

(i) by deleting the definition of ““Victoria District”, “Kowloon District” and “Fanling District”” and substituting the following—

““district” means a district established by rule 3;”;

(ii) by deleting the definition of ““Victoria District Registry”, “Kowloon District Registry” and “Fanling District Registry”” and substituting the following—

““district registry” means a registry established by paragraph (2) of rule 4;”;

(b) in paragraph (2), by deleting “Code” and substituting the following

“Rules of the Supreme Court”.

3. Rule 3 of the principal rules is amended—

Amendment of rule 3.

(a) by deleting paragraph (1) and substituting the following—

“(1) For the purpose of venue in civil proceedings in the Court, the Colony shall be divided into districts.”;

(b) in paragraph (2), by deleting “and extent” and substituting the following—

“, extent and name”;

- (c) in paragraph (3), by deleting "designated" and substituting the following—
"provided".

Revocation and replacement of rule 4.

4. Rule 4 of the principal rules is revoked and replaced by the following—

"Registries.

4. (1) The court sitting in a district established by rule 3 shall be known and referred to by the name of that district.

(2) There shall be a district registry attached to the court sitting in each district which registry shall be known and referred to by the name of that district."

Amendment of heading.

5. The heading to rule 9 of the principal rules is amended by deleting "*Code of Civil Procedure*" and substituting the following—

"*Rules of the Supreme Court*".

Amendment of rule 9.

6. Rule 9 of the principal rules is amended—

(a) in paragraph (1), by deleting "it applies" and substituting the following—

"they apply";

(b) by deleting "Code" wherever it occurs and substituting in each place the following—

"Rules of the Supreme Court".

Amendment of rule 10.

7. Rule 10 of the principal rules is amended—

(a) by deleting "Code in its" and substituting the following—
"Rules of the Supreme Court in their";

(b) by deleting "the Supreme Court" and substituting the following—

"respect of county courts".

Amendment of rule 11.

8. Rule 11 of the principal rules is amended by deleting paragraph (3).

Revocation and replacement of rule 12.

9. Rule 12 of the principal rules and its heading are revoked and replaced by the following—

"*Commencement of proceedings*."

Commencement of proceedings.

12. (1) Subject to the provisions of these rules, and to the provisions of any other enactment, every proceeding in the Court shall be commenced by a writ.

(2) Every writ shall state or have endorsed thereon—

(a) particulars of the plaintiff's claim, specifying the cause of action and the pecuniary or other claim which he seeks to establish or the relief or remedy which he seeks;

(b) where the plaintiff abandons the excess of his claim under section 5 of the Ordinance, the fact of such abandonment;

(c) a notification to the defendant that in default of his filing a defence or counterclaim within eight days of its service upon him, judgment may be obtained against him and enforced without further notice;

(d) such other particulars or notification as may be prescribed or as may from time to time be required by any direction given by the Chief Justice.

(3) Every writ shall be signed by the plaintiff or his solicitor or counsel and shall set out the full postal address of the plaintiff and, where it is signed by his solicitor or counsel, the full postal address of the solicitor for the plaintiff."

10. Rule 13 of the principal rules is amended—

(a) by deleting "of summons";

(b) by deleting "Code" and substituting the following—
"Rules of the Supreme Court".

Amendment of rule 13.

11. Rule 14 of the principal rules is amended in paragraph (1) by deleting "three" and substituting the following—

"eight".

Amendment of rule 14.

12. Rule 17 of the principal rules is amended by deleting paragraph (3).

Amendment of rule 17.

13. Rule 19 of the principal rules and its heading are revoked and replaced by the following—

Revocation and replacement of rule 19.

"Order for substituted service.

19. The power to order substituted service of a document under rule 4 of Order 65 of the Rules of the Supreme Court may be exercised by the Registrar."

Revocation and replacement of rules 20 to 38.

14. Rules 20 to 38 of the principal rules and their headings are revoked and replaced by the following—

“Service on defendant.

Service of writ.

(Cap. 336, sub. leg.)

20. (1) Subject to the provisions of these rules and to the provisions of any other enactment the plaintiff or his agent shall serve a copy of the writ on each defendant personally together with a notice in Form 5A in the Second Schedule to the District Court Civil Procedure (Forms) Rules.

(2) The time within which a writ may be served shall, unless extended under paragraph (3), be limited to a period of twelve months from the day of its issue.

(3) Where reasonable efforts have been made to serve the writ within the period of twelve months from the day of its issue and service has not been effected, the Registrar may, on the application of the plaintiff, order that the time within which the writ may be served be extended for a further period not exceeding twelve months or for successive periods not exceeding twelve months each:

Provided that the time shall not be extended for any period unless the application therefore is made within the currency of the last preceding period.

(4) A note of any extension of the time allowed for service shall be endorsed on the writ and on any copy thereof and shall be noted in the Register of Civil Actions of the Court.

(5) Where a writ has not been served within the time allowed for service by this rule, the Registrar shall strike out the action from the Register of Civil Actions.

Defence and counterclaim.

Defendant to deliver defence or counterclaim if claim disputed.

21. (1) A defendant who disputes his liability for the whole or part of any claim or intends to set up a counterclaim shall, within eight days of the service of the writ upon him, file at the registry out of which the writ has been issued a defence or counterclaim, as the case may be, signed by himself or his solicitor or counsel and setting out his full postal address and, where it is signed by his solicitor or counsel, the full postal address of his solicitor.

(2) The period of eight days specified in paragraph (1) may be extended for a further period not exceeding twenty-one days upon the defendant filing, within the period of eight days, a notice signed by the plaintiff consenting to the extension of time.

(3) The filing of a defence shall not operate as a waiver of any irregularity in process or want of jurisdiction, but the Court may make such order as to costs or otherwise as it thinks fit.

Judgment in default of defence and upon admission.

Judgment in default of defence.

22. (1) Where the plaintiff's claim against the defendant is for—

- (a) the possession of land;
- (b) the return of any specific chattel; or
- (c) the payment of any debt or liquidated demand,

and no defence or counterclaim has been filed in accordance with rule 21, the plaintiff may apply to enter judgment.

(2) An application for entry of judgment in default of defence or counterclaim pursuant to paragraph (1) shall be made in writing to the Registrar and, where the claim is for the possession of land or for rent, or is by a money-lender, or the assignee of a money-lender, for money lent, such application shall be supported by an affidavit—

- (a) verifying the claim, and exhibiting the original of any document evidencing the claim, or accounting for the loss of any such document; and
- (b) in the case of a claim for possession of land or for rent, declaring, as the case may be, that the rent is not in excess of the amount recoverable by law or that the land is exempt from any law controlling its recovery or the amount of the rent, and the ground of such exemption.

(3) Upon application made under paragraph (2) and upon reading any affidavit filed in support of such application, the Registrar shall, subject to paragraph (4), cause judgment to be entered for the plaintiff with costs, by endorsing the writ filed in the Registry to such effect.

(4) The Registrar may, where he thinks fit, refer any application under paragraph (2) to a judge who may make such order thereon as the justice of the case may require.

(5) If at any time after the expiration of the period limited for the filing of a defence or counterclaim but before judgment has been entered, the defendant files a defence or counterclaim in accordance with rule 21, the provisions of this rule shall not apply.

(6) Where a writ is endorsed with a claim against a defendant for unliquidated damages only, then, if that defendant fails to file a defence in accordance with rule 21, the plaintiff may apply to the Registrar to enter interlocutory judgment against that defendant for damages to be assessed by a judge in chambers and costs, and may proceed with the action against the other defendants, if any.

(7) Judgment shall not be entered against a defendant under this rule unless the Registrar is satisfied that the writ has been served on the defendant.

(8) The Court may, on such terms as it thinks fit, set aside or vary judgment entered under this rule.

Admission
and request
for time.

23. (1) A defendant who admits his liability for the whole or part of any claim but desires time for payment or to make payment by instalments, may, within eight days of the service of the writ on him, file at the court office such an application together with an affidavit as to his means.

(2) Upon receipt of an application and affidavit under paragraph (1), the Registrar shall—

- (a) as soon as practicable enter judgment in accordance with the admission; and
- (b) notify the plaintiff of the entry of judgment and the application for time for payment or to make payment by instalments.

(3) Any application under paragraph (1) shall be dealt with under rule 60.

Date of hearing.

Registrar to
fix hearing
date when
defence etc.
filed.

24. (1) Where—

- (a) a defence or counterclaim has been filed within the period provided for by rule 21 or before judgment has been entered; or

- (b) the period within which a defence or counterclaim should have been filed has elapsed and no such defence or counterclaim has been filed,

(Cap. 336,
sub. leg.)

any party to the action may, on giving notice to all other parties apply to the Registrar in Form 15B in the Second Schedule to the District Court Civil Procedure (Forms) Rules to fix a day for the hearing of the action.

(2) At the expiration of not less than three days after the receipt of an application under paragraph (1) and subject to any order of the court, the Registrar shall fix a day for the hearing of the action and shall give not less than fourteen clear days' notice thereof to all parties, or such other period of notice as the parties may consent to.

(3) The Registrar may refer any application under paragraph (1) to a judge who may make such order as he thinks fit.

(4) Any party to an action may, at any time before a date for the hearing of the action has been fixed, make representations to the Registrar with regard thereto.

Framing of issues.

Framing of
issues.

25. (1) The Court may, in any proceedings, frame and record such issues of fact and law as it may think fit for the better hearing and determination of the cause and where such issues have been so framed and recorded no party shall be at liberty to depart therefrom except with the leave of the Court which may be given on such terms as to costs, payment of money into court, giving security or otherwise as the Court may think fit.

(2) Notwithstanding the provisions of paragraph (1) the Court may in any cause make any such order for the filing and delivery of pleadings or particulars, formal or informal, as it may consider necessary or desirable for the better hearing and determination of the cause.

(3) Nothing in this rule shall require the Court to frame or to record issues.

Procedure
for framing
issues.

26. (1) For the purposes of framing issues in accordance with the provisions of rule 25, the Court may—

- (a) ascertain from each party or from his counsel, solicitor or other representative, what facts he admits or denies;
- (b) orally examine any party or his representative, other than counsel or solicitor, appearing or present in Court;
- (c) order that any party shall appear in person on a date specified in the order and adjourn the hearing of the matter to such date;
- (d) call upon any party to produce all documents in his possession or in his power, upon which he intends to reply in support of his case, and if necessary order any party to produce such documents on a date specified in the order and adjourn the hearing of the matter to such date;
- (e) have regard to any allegations made in any particulars of claim or other pleadings, formal or informal, in the cause and to the contents of any document produced by any party; and
- (f) require the production of, and examine, any record of proceedings forming part of the records of the Court or of a tenancy tribunal established under the Landlord and Tenant Ordinance.

(Cap. 255.)

(2) The Court may, at any time—

- (a) adjourn the framing of issues;
- (b) amend issues already framed, frame additional issues or strike out issues which appear to be wrongly framed,

on such terms as to costs, payment of money into court, giving security or otherwise as it thinks fit.

Summary judgment, trial, etc.

Summary
judgment.

27. (1) Where—

- (a) any party appearing or present in court, upon being required so to do by the Court for the purpose of framing issues, refuses

without reasonable excuse to be orally examined by the judge or to produce any document then and there in his possession; or

- (b) the defendant, in the opinion of the Court, fails, by himself or by his counsel, solicitor or other representative to disclose any reasonable ground of defence; or
- (c) any party being bound by an order made under sub-paragraph (c) or (d) of paragraph (1) of rule 26 fails without reasonable excuse to obey the same.

the Court may pronounce such judgment against him and in such terms as it shall think fit or make such order and impose such terms as to costs, payment of money into court, giving security or otherwise as it thinks fit.

(2) Whenever, in the opinion of the Court, the issues are sufficiently established for the immediate determination of the cause, the Court may pronounce judgment forthwith in such terms as it shall think fit.

Summary
judgment
for part of
a claim.

28. Where a claim is for a debt or for liquidated damages only and the defendant—

- (a) admits a sum less than the amount claimed; or
- (b) in the opinion of the Court, fails, by himself or by his counsel, solicitor or other representative, to disclose any reasonable ground of defence with respect to part of the claim; or
- (c) has a counterclaim and it appears to the Court that the maximum amount which could be recovered thereunder, if the counterclaim were to be upheld, is less than the amount of the claim,

the Court may, if it thinks fit, enter judgment forthwith for the sum so admitted or for the sum in respect of which no reasonable ground of defence is disclosed or for a sum representing the difference between the amount of the claim and the maximum amount which appears to be recoverable on the counterclaim, as the case may be, with or without costs, and may permit execution to be levied forthwith on such judgment,

without prejudice to the hearing and determination of the matters remaining in dispute between the parties.

Date of trial.

29. Except with the consent of the parties or the leave of the Court no action or matter shall be heard or determined before the expiry of three clear days or such other period as may be prescribed after the service of the writ or other process originating the proceedings.

Notice of special defence.

30. Except with the consent of the parties or the leave of the Court, which leave may be given on such terms as to costs, payment of money into court, giving security or otherwise as the Court thinks fit, no defendant may rely on any equitable defence or on any special defence, such as set-off, illegality, want of consideration or the statute of limitations, unless at least three clear days' written notice thereof has been given to the plaintiff, or to his counsel or solicitor, and to the Court.

Want of prosecution.

Action to be struck out in certain circumstances.

31. (1) Where no application for entry of judgment is made under rule 22 within three months from the expiration of the period within which a defence or counterclaim should have been filed the Registrar shall strike out the action from the Register of Civil Actions.

(2) Where no application to fix a date for the hearing of an action is made under rule 24 within three months from the date on which the defence or counterclaim was filed the Registrar shall strike out the action from the Register of Civil Actions.

Infants.

Actions by and against infants.

32. (1) An infant shall not, as of course, sue by his next friend or defend by a guardian *ad litem*, but the Court may so order upon it appearing to the Court that the infant is unable of himself properly to present his case, or defend the action, or give instructions therefor.

(2) Rule 8 of Order 80 of the Rules of the Supreme Court shall not, in so far as it relates to infants, apply to any proceedings in the Court unless the Court otherwise directs.

(3) Rule 10 of Order 80 of the Rules of the Supreme Court shall not, in so far as it relates to infants, apply to any proceedings in the Court unless an order has been made under paragraph (1).

(4) This rule shall apply to the trial of any action in the Court and to interlocutory proceedings in respect of such actions.

Third party procedure.

Third party notice.

33. (1) The Court may, upon a written or oral application made *ex parte* and without notice by a defendant to an action, give leave to the defendant to issue and serve a third party notice and on granting such leave shall specify a period within which the notice shall be served.

(2) The defendant obtaining the third party notice shall serve it upon the third party personally together with a copy of the writ by which the action was begun and of the pleadings, (if any) served in the action and the third party shall, as from the time of such service, be a party to the action with the same rights and duties in respect of his defence against any claim made against him and otherwise as if he had been sued in the ordinary way by the defendant.

(3) Order 16 of the Rules of the Supreme Court shall, in its application to the Court, be read in conjunction with this rule.

Pleadings.

Pleadings necessary only when ordered.

34. (1) Save as provided in the Ordinance or in these rules, pleadings shall not be required, as of course, in the Court but shall only be necessary where the Court makes an order therefor.

(2) On making such an order the Court shall specify a period within which such pleading shall be filed.

Filing of pleadings.

35. (1) Without prejudice to paragraph (1) of rule 20, any party to an action may file any pleading by delivering the pleading by hand to the registry of the Court in which the action was commenced together with as many copies thereof as there are other parties to the action.

(2) Where a pleading is filed under paragraph (1) the Registrar shall send a copy thereof to the solicitor appearing on the record on behalf of each party to the action or, where there is no such solicitor, to the party at the address given on the writ or the defence as the case may be.

(3) Where the pleading filed is a defence, the Registrar shall attach to each copy thereof, which he sends under paragraph (2), a notice in Form 15A in the Second Schedule to the District Court Civil Procedure (Forms) Rules.

(Cap. 336,
sub. leg.)

Pleading of
conviction,
etc.
(Cap. 8.)

36. (1) Any party to an action who intends in reliance on section 38K or 38L of the Evidence Ordinance to adduce evidence of a conviction or finding of adultery shall include in his particulars of claim or defence, as the case may be, a statement of his intention with particulars of—

- (a) the conviction or finding and the date thereof;
- (b) the Court which made the conviction or finding; and
- (c) the issue in the action to which the conviction or finding is relevant.

(2) Where a plaintiff's particulars of claim include such a statement as is mentioned in paragraph (1), then if the defendant—

- (a) denies the conviction or finding; or
- (b) alleges that it was erroneous; or
- (c) denies that it is relevant to any issue in the action,

he shall make the denial or allegation in his defence.

Pleadings to
follow Rules
of Supreme
Court.

37. Save as the Court may otherwise allow, the provisions of the Rules of the Supreme Court relating to the form and contents of pleadings shall apply to proceedings in the Court.

Extension
of time for
filing of
pleadings.

38. The Court may, whether before or after the time limited for the filing of any pleading and whether such limitation be by these rules or by the Court, extend the time allowed therefor on such terms as it may think fit.

Further
particulars
and amend-
ment of
pleadings.

38A. (1) Whenever it appears to the Court that the particulars of—

- (a) any claim or counterclaim—
 - (i) do not comply with these rules;
 - (ii) do not adequately disclose a cause of action;
 - (iii) fail to cover facts which, if proved, would establish the jurisdiction of the Court; or
 - (iv) are otherwise insufficient; or
- (b) any defence—
 - (i) do not comply with these rules;
 - (ii) do not disclose an adequate defence;
 - (iii) are otherwise insufficient,

the Court may, either upon the application of a party or of its own motion and on such terms as it thinks fit, order that the particulars be struck out or amended in such manner as it shall direct or that further and better particulars be filed within a limited period.

(2) The provisions of paragraphs (1) and (2) of rule 35 shall apply to the filing of further and better particulars ordered to be filed under paragraph (1).

(3) If a party requires further or better particulars of any other party's case he may, at any time before the Court has fixed a date for the trial, give notice to the opponent specifying what further or better particulars he requires, and the other party shall, within five days of the service of the notice, file such further or better particulars as may properly be required and within the same time deliver a copy thereof to the party requiring the particulars.

(4) If a notice under paragraph (3) is not complied with, the Court, either before or at the trial, if it is satisfied that the party requiring the particulars is thereby prejudiced, may—

- (a) order the further or better particulars to be filed and delivered; and
- (b) stay all proceedings until such order has been obeyed; or
- (c) direct that the action be struck out or that the defendant be debarred from defending, as the case may be, unless such order is obeyed

within such further time as the Court may allow, and the Court may make such order as to costs as it thinks fit.

(5) Paragraphs (3) and (4) shall apply, with such modifications as are necessary, to a counterclaim and to third party proceedings in the same manner as it applies to an action.

Dispensing with filing and service of amended pleading.

38B. The Court may dispense with compliance with the requirements of Order 20 of the Rules of the Supreme Court relating to the filing and service of an amended pleading if it is satisfied that any amendment such as is referred to in that Order has been sufficiently communicated to the other party and to the Court.

General.

Signature of documents in case of corporations.

38C. Where a corporation is a party to an action, any document which is required to be signed by a party to an action, may be signed by one of the directors of that corporation or by the secretary of that corporation, or by counsel or a solicitor.

Solicitor on the record.

38D. (1) Where any document in an action filed in the Court is signed in the name of a solicitor or firm of solicitors, or by counsel instructed by a solicitor or firm of solicitors, that solicitor or firm of solicitors shall be the solicitor on the record until notice of change of solicitor is filed and served in accordance with rule 1 of Order 67 of the Rules of the Supreme Court.

(2) Where any party to an action in respect of whom there is no solicitor on the record appears at the trial of that action or at the hearing of any interlocutory application by solicitor or counsel, the Court shall record the name of the solicitor appearing or, where the party appears by counsel, the name of the solicitor instructing that counsel, and such solicitor or, where he is in partnership or is an assistant solicitor, the firm in which he is a partner or an assistant, as the case may be, shall be the solicitor on the record.

Mode of service.

38E. Where in any proceedings in the Court any document is to be served on any person and no other

mode of service is prescribed by any law, service shall be effected—

- (a) where the person to be served is acting in person—
 - (i) by delivering the document to him or at his residence or by sending the document by prepaid post to his last known address;
 - (ii) if he is a proprietor of a business, by delivering the document at his place of business or sending it by prepaid post to his last known place of business;
- (b) where the person to be served is acting by a solicitor, by delivering the document at or sending it by prepaid post to the solicitor's address for service."

15. Rule 39 of the principal rules is amended—

Amendment of rule 39.

- (a) in paragraph (1) by deleting "rule 19 of Order 7 of the Code" and substituting the following—
"rule 16 of Order 24 of the Rules of the Supreme Court";
- (b) in paragraph (2), by deleting "Code" and substituting the following—
"Rules of the Supreme Court".

16. Rule 40 of the principal rules is amended—

Amendment of rule 40.

- (a) in paragraph (1) by deleting "rule 19 of Order 7 of the Code" and substituting the following—
"rule 16 of Order 24 of the Rules of the Supreme Court";
- (b) in paragraph (3) by deleting "Code" and substituting the following—
"Rules of the Supreme Court";
- (c) by adding, after paragraph (3), the following new paragraphs—
"(4) The powers of the Court with regard to the making of orders for the discovery and inspection of documents may be exercised by the Registrar.
(5) Any party dissatisfied with an order for discovery and inspection of documents made by the Registrar may, within five days of the making of

such order and upon giving not less than two days' notice to any other party, apply to the Court to set aside such order."

Amendment of rule 41.

17. Rule 41 of the principal rules is amended by inserting, after "in chambers", the following—

" , or in writing".

Revocation of rule 42.

18. Rule 42 of the principal rules and its heading are revoked.

Amendment of heading to rule 43.

19. The heading to rule 43 of the principal rules is amended by inserting, after "trial", the following—

" , withdrawal of claim and directions".

Amendment of rule 43.

20. Rule 43 of the principal rules is amended by deleting "and rules 4, 5 and 6 of Order 12 of the Code shall, in their application to the Court, be construed accordingly".

Revocation and replacement of rule 44.

21. Rule 44 of the principal rules is revoked and replaced by the following—

"With-
drawal of
claim, etc.

44. (1) A plaintiff or a defendant may, at any time before judgment is entered and without the leave of the Court, withdraw his claim or counterclaim by giving notice in writing to the Registrar, and to every party against whom he desires to discontinue.

(2) If any claim or counterclaim be settled upon terms, such terms may be made an order of the Court upon application by the parties either orally or in writing signed by all the parties.

(3) It shall be the duty of all parties to an action entered in any list to furnish without delay to the officer who keeps the list all available information as to the action being or being likely to be settled, or affecting the estimated length of the trial, and, if the action is settled or withdrawn, to notify that officer of the fact without delay and take such steps as may be necessary to withdrawn the record."

Addition of new rule 44A.

22. The principal rules are amended by adding, after rule 44, the following new rule—

"Directions
and
summary
judgment.

44A. (1) For the purposes of exercising any of the powers granted by rules 25, 26, 27 and 28, the Court may, upon giving not less than three days' notice, require any party to an action to attend before the Court.

(2) Any party to an action may, at any stage before the trial of the action and upon giving not less than three days' notice to all other parties, apply to the Court for directions.

(3) Upon an application under paragraph (2), the Court shall give such directions upon such terms as it thinks fit."

23. Rule 45 of the principal rules is revoked.

Revocation of rule 45.

24. Rule 46 of the principal rules is amended—

Amendment of rule 46.

(a) by deleting paragraph (2);

(b) in paragraph (3) by deleting "Rule 13 of that Order" and substituting the following—

"Order 68 of the Rules of the Supreme Court".

25. Rule 47 of the principal rules is revoked and replaced by the following—

Revocation and replacement of rule 47.

"Objection
to evidence.

47. The Court may, in its discretion, reserve its decision as to the admissibility of evidence to which objection is taken and in the meantime admit the evidence without prejudice to its power to reject such evidence or any part thereof in determining the action."

26. Rule 50 of the principal rules is amended by deleting " , and accordingly rule 3 of Order 14 of the Code shall not apply to the Court".

Amendment of rule 50.

27. Rule 52 of the principal rules is amended by deleting " , and accordingly rule 10 of Order 14 of the Code shall not apply to the Court".

Amendment of rule 52.

28. Rule 60 of the principal rules is revoked and replaced by the following—

Revocation and replacement of rule 60.

"Order for
payment by
instalments.

60. (1) Where a judgment is entered or an order made for the payment of any sum of money and it appears to the satisfaction of the Court, either at the time that the judgment is given or the order is made or at any later time on application made upon notice by the person liable under the judgment or order, that there is sufficient reason for so doing, the Court may order the sum to be paid by such instalments payable at such times as the Court may fix.

(2) An order made under paragraph (1) may from time to time be varied on application made upon notice."

Amendment of rule 61.

29. Rule 61 of the principal rules is amended by deleting paragraph (3).

Revocation and replacement of rule 63.

30. Rule 63 of the principal rules and its heading are revoked and replaced by the following—

"Action for recovery of land.

In action for recovery of land, person not named as defendant may appear.

63. (1) In an action for the recovery of land, any person not named as a defendant in the writ may, by leave of the Court, be allowed to appear and defend, on filing an affidavit, together with as many copies thereof as there are plaintiffs and defendants, showing that he is in possession, either by himself or by his tenant, of the land.

(2) Where leave is given under paragraph (1) the person obtaining leave shall be added as a defendant, and the Registrar shall send to every other party notice that such person has obtained such leave, together with a copy of the affidavit."

Revocation of rules 64, 65, 66, 67 and 68.

31. Rules 64, 65, 66, 67 and 68 of the principal rules and their headings are revoked.

Amendment of rule 70.

32. Rule 70 of the principal rules is amended by deleting "rule 24 of Order 29 of the Code" and substituting the following—
"rule 9 of Order 1 of the Rules of the Supreme Court".

Deletion and replacement of Schedule.

33. The Schedule to the principal rules is deleted and replaced by the following—

"SCHEDULE.

[rule 9.]

PROVISIONS OF RULES OF THE SUPREME COURT
INAPPLICABLE TO THE DISTRICT COURT.

Rules of the Supreme Court.		Subject.
Order.	Rule.	
12	5	Service of notice of writ abroad.
18	2	Service of defence.
33		Place and mode of trial.
34		Setting down for trial action begun by writ.
69		Service of foreign process.

Rules of the Supreme Court.		Subject.
Order.	Rule.	
70		Obtaining evidence for foreign courts, etc.
74		Proceedings under Merchant Shipping Act, 1894.
80	8	Disability.
88A	2, 3, 4, 5	Relief against forfeiture.
112		Charitable trusts.

Dated the 17th day of November 1970.

Two Righty.

Chief Justice.

D. CONS,
District Judge.

JOHN SWAINE,
Member.

G. SINCLAIR STEVENSON,
Member.

Explanatory Note.

(This Note is not part of the rules, but is intended to indicate their general purport).

The rules amend the principal rules by replacing the existing call-over procedure in the District Court with a default procedure similar to the one used in county courts in England.

Under the new procedure every proceeding in the District Court is commenced by a writ save where the rules or other laws provide to the contrary (new rule 12). The plaintiff serves a copy of the writ on each defendant together with a notice. This notice tells the defendant what courses are open to him (new rule 20). If the defendant wishes to defend the action or to bring a counterclaim against the plaintiff, he must, within 8 days of service of the writ on him, file at the Court a defence or counterclaim (new rule 21). If he fails to do so the plaintiff may enter judgment in default (new rule 22). If the defendant admits the claim but wants time to pay or wishes to pay by instalments, he may apply to the Court. Upon receipt of the application, the Registrar will enter judgment for the amount admitted and inform the plaintiff. The application will then be heard by the Court (new rule 23). If a defence or counterclaim is filed,

either party may apply to the Registrar to fix a day for the trial (new rule 24). If no application is made within 3 months of the date on which the defence is filed, the action will be struck out (new rule 31). New rules 25 to 30 are based on sections 28 to 33 of the District Court (Civil Jurisdiction and Procedure) Ordinance and deal with the framing of issues, summary judgment, the date of trial and notice of special defence.

New rules 32 and 33 deal with actions by and against infants, and third party procedure; they are based on old rules 27 to 30.

Pleadings and ancillary matters are provided for by new rules 34 to 38B.

New rules 38C to 38E are concerned with signatures of documents where a corporation is party to an action, the solicitor on the record and modes of service.

In addition to these changes, the rules also make a number of other amendments to the principal rules. Rule 2 deletes the definitions of "Victoria District", "Kowloon District" and "Fanling District" and substitutes a definition of "district". Rule 3 amends principal rule 3 by providing that the Chief Justice can designate districts for the purpose of civil proceedings in the District Court. Rule 4 amends principal rule 4 by providing that each court and registry shall bear the name of the district within which they are established.

Rule 13 revokes principal rule 19 and replaces it with a new rule which empowers the Registrar to make orders for substituted service.

Rule 16 amends principal rule 40 by enabling the Registrar to make orders for the discovery and inspection of documents.

Rule 21 revokes principal rule 44 and substitutes a new rule dealing with the withdrawal of claims.

Rule 22 adds a new rule 44A which enables the Court, either of its own motion or on application by a party, to give directions in an action.

Rule 28 revokes principal rule 60 and replaces it with a new rule which contains wider powers to order the payment of a judgment debt by instalments.

The rules also amend the principal rules by deleting references to the old Code of Civil Procedure and substituting references to the Rules of the Supreme Court and by making changes consequential upon the introduction of the new procedure.

地方法院(民事裁判權及訴訟程序)條例 (即香港法例第三三六章)

一九七零年地方法院民事訴訟程序(普通)(修訂)(第二號)規則

註釋

(本文並非該規則之任何部份,而祇係以簡述該規則之大意為目的)。

本規則將原有規則修訂,以便將本港地方法院現行之傳召到案程序撤銷,而代之以一項類似英國地方民事法院所採用之可免到案程序。

根據該新訂之程序,除本規則或其他法例另有規定外,凡在地方法院所進行之訴訟必須用告票起訴(見新訂規則第十二款)。原告需將該告票一份,連同通知書,送達每一名被告。該通知書乃係對被告指示其可選擇之各種途徑者(見新訂規則第二十款)。被告如欲對該案提出辯護或向原告反訴者,必須於送達告票之日起計八天內向法院呈遞辯護書或反訴書(見新訂規則第二十一款)。如被告不遵辦是項規定者,原告可因此獲判勝訴(見新訂規則第二十二款)。被告如承認原告之聲請,但未能立即付款或欲分期攤還者,得向法院提出申請。於接獲該項申請時,地方法院經歷司得判被告應繳付其所承認之款額,並將此事通知原告。法庭然後開庭聆訊該有關之申請(見新訂規則第二十三款)。如被告提出辯護或反訴,任何一方之訴訟當事人均可向地方法院經歷司申請排期審訊(見新訂規則第二十四款)。如在被告呈遞辯護書之日起計三個月內仍未有任何一方提出該項申請者,該案即予撤銷(見新訂規則第三十一款)。新訂規則第二十五至第三十各款乃係依照地方法院(民事裁判權及訴訟程序)條例第二十八至第三十三各款而制訂,以便規定關於爭持點之釐訂、簡易程序裁決、審訊日期及利用特殊辯護通知書各事宜。

新訂規則第三十二及第三十三兩款係分別涉及未成年人所起訴及由未成年人答辯之案件,以及關涉第三者參與訴訟之事宜;該等規定乃係以原有規則第二十七至第三十各款為根據者。

有關訴訟狀及其附帶事項則由新訂規則第三十四至第三十八乙各款加以規定。

新訂規則第三十八丙至第三十八戊各款係關於與訟之有限公司在文件上之簽署、律師名字之存案,以及文件送達之方式等事宜。

除上述之修改外,此等規則復對原有規則作若干其他修訂。本規則第二款將「維多利亞地區」、「九龍地區」及「粉嶺地區」各詞之定義刪去,而代之以「地區」一詞之定義。本規則第三款將原有規則第三款修訂,以便規定正按察司可指定各該劃分地區以進行地方法院民事訴訟程序之事宜。本規則第四款將原有規則第四款修訂,以便規定各地方法院及其登記處應以其所在地區命名。

本規則第十三款將原有規則第十九款撤銷,並代之以新訂規則以便地方法院經歷司有權飭令應採何種替代方式以送達文件。

本規則第十六款將原有規則第四十款修訂,以便地方法院經歷司可飭令當事人將文件呈出查閱。

本規則第二十一款將原有規則第四十四款撤銷,並代之以新訂規則以處理撤回聲請之事宜。

本規則第二十二款增訂一新規則第四十四甲款,以便法院可自動或應當事人之申請對有關案件加以指示。

本規則第二十八款將原有規則第六十款撤銷,並代之以新訂規則,以便法院有更廣泛權力飭令以分期辦法攤付裁決之債項。

此等規則並將原有規則修訂,此即將以前凡有提及「民事訴訟法」之處刪去,而代之以「高等法院規則」等字樣;此外原有規則亦連帶予以修訂以配合新訂之訴訟程序。

DISTRICT COURT (CIVIL JURISDICTION AND
PROCEDURE) ORDINANCE.

(Chapter 336).

DISTRICT COURT CIVIL PROCEDURE (FORMS)
(AMENDMENT) (NO. 2) RULES 1970.

In exercise of the powers conferred by section 48 of the District Court (Civil Jurisdiction and Procedure) Ordinance, the District Court Rules Committee has made the following rules—

1. These rules may be cited as the District Court Civil Procedure (Forms) (Amendment) (No. 2) Rules 1970 and shall come into operation on the day appointed for the commencement of the District Court (Civil Jurisdiction and Procedure) (Amendment) Ordinance 1970.

Citation and commencement.

2. The First Schedule to the principal rules is deleted and replaced by the following—

Deletion and replacement of First Schedule.
(Cap. 336, sub. leg.)

"FIRST SCHEDULE.

[rule 3.]

<i>Section.</i>	<i>Proceedings.</i>	<i>Process.</i>
8.	Equity jurisdiction—	
	(a) The administration of the estate of a deceased person.	Originating Summons.
	(b) Execution of trust, etc.	Originating Summons.
	(c) Foreclosure or redemption of mortgage, etc.	Originating Summons.
	(d) Maintenance or advancement of an infant.	Originating Summons.
	(e) Dissolution or winding up of any partnership.	Petition.
	(f) Relief against any fraud or mistake.	Petition.
	Appeal under section 33 of the Landlord and Tenant Ordinance, Cap. 255.	Notice of Motion.
	Applications under section 27 of the Buildings Ordinance, Cap. 123.	Notice of Motion.
	Applications under section 30 of the Protection of Women and Juveniles Ordinance, Cap. 213.	Originating Summons."