

- (ii) by deleting the definition of "the Commonwealth";
- (iii) by inserting after the definition of "mortgage" the following new definition—

(Cap. 33.)

"owner" in respect of land or buildings or land and buildings, includes a beneficial owner, a tenant for life, a mortgagor, a person who is making payments to a co-operative society registered under the Co-operative Societies Ordinance for the purpose of the purchase thereof, and a person who holds land or buildings or land and buildings subject to a ground rent or other annual charge;"

- (iv) by deleting the definition of "tax" and substituting the following—

"tax" except for the purposes of Parts XII and XIII, means any tax imposed by this Ordinance other than additional tax, but for the purposes of Parts XII and XIII "tax" includes additional tax;"

- (v) by deleting the definition of "wife living apart from her husband" and substituting the following—

"wife living apart from her husband" means—

- (a) a wife who is living apart from her husband—

- (i) under a decree or order of a competent court within or outside the Colony;

- (ii) under a duly executed deed of separation; or

- (iii) in such circumstances that in the opinion of the Commissioner the separation is likely to be permanent; or

- (b) a wife who is a permanent resident as defined in section 41, but whose husband is neither such a permanent resident nor a temporary resident as defined by section 41;"

- (b) by deleting subsection (2).

Addition of new section 3A.

- 4. The principal Ordinance is amended by adding after section 3 the following new section—

"Exercise of powers and duties.

3A. (1) Where under this Ordinance any power is conferred or any duty is imposed on the Commissioner and so long as it is not provided that the power or duty shall be exercised or performed by the Commissioner personally, such power may be exercised or

such duty may be performed by the deputy commissioner or by an assistant commissioner.

(2) Except where a provision of this Ordinance provides that a power or duty shall be exercised or performed by the Commissioner personally, the Commissioner may, subject to such limitations as he may think fit, authorize in writing any public officer to exercise any power or perform any duty conferred or imposed upon him by this Ordinance."

- 5. Section 5 of the principal Ordinance is amended—

- (a) in subsection (1), by deleting paragraph (c) of the proviso; and

- (b) in subsection (5) by deleting paragraph (a).

Amendment of section 5.

- 6. Section 5A of the principal Ordinance is amended in paragraph (b) by deleting "the Commissioner of Rating and Valuation" and substituting the following—

Amendment of section 5A.

"an officer of the Rating and Valuation Department not below the rank of rating and valuation surveyor".

- 7. Section 7A of the principal Ordinance is amended—

Amendment of section 7A.

- (a) by deleting the definition of "owner"; and

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

"unoccupied" in relation to land or buildings or land and buildings, means land or buildings or land and buildings which are being put to no beneficial use."

- 8. The principal Ordinance is amended by adding after section 7A the following new section—

Addition of new section 7B.

"Claims for refund of property tax.

7B. (1) Notwithstanding section 70, a claim made for a refund of property tax under paragraph (a), (b) or (c) of subsection (3) of section 5 or under section 7 may be made in writing within ninety days after the end of the relevant year of assessment or within ninety days after notice of assessment to the property tax is given, whichever is the later:

Provided that if the Commissioner is satisfied that owing to absence from the Colony, sickness or other reasonable cause, the person claiming a refund of property tax was prevented from making his claim within the period allowed, the Commissioner shall extend the period as he considers reasonable in the circumstances.

(2) For the purposes of Part XI a claim made in accordance with subsection (1) shall be regarded as an objection to an assessment under section 64.”.

Amendment of section 8.

9. Section 8 of the principal Ordinance is amended by deleting paragraph (g) of subsection (2) and substituting the following—

“(g) any amount arising from a scholarship, exhibition, bursary, or other similar educational endowment held by a person receiving full time instruction at a university, college, school, or other similar educational establishment;

(h) the emoluments payable by the Government of the United Kingdom to persons in the temporary service of that Government who are in the opinion of the Commissioner serving in the Colony on United Kingdom based terms whereby they are normally employed in the United Kingdom but are liable for overseas service or are recruited in the United Kingdom specially for service in the Colony;”.

Amendment of section 9.

10. Section 9 of the principal Ordinance is amended by deleting “but not including” in subsection (2) and substituting the following—

“after deducting the outgoings and expenses referred to in paragraph (b) of subsection (1) of section 12, the allowances referred to in paragraph (c) of subsection (1) of section 12 and”.

Amendment of section 12.

11. Section 12 of the principal Ordinance is amended in paragraph (b) of subsection (1) by deleting “capital expenditure on machinery or plant qualifying for allowances under paragraph (c)” and substituting the following—

“expenses of a domestic or private nature and capital expenditure”.

Amendment of section 15C.

12. Section 15C of the principal Ordinance is amended by inserting after “trade or business” where that expression first appears the following—

“in the Colony”.

Addition of new section 15D.

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

“Post-cessation receipts and payments.

15D. (1) Where a person who has ceased to carry on a trade, profession or business in the Colony, receives any sum which, if it had been received before such cessation, would have been included in the profits of the trade, profession or business in respect of

which the person is chargeable to tax under this Part, then to the extent to which the sum has not already been included in such profits that sum shall be deemed to be profits of the trade, profession or business for the year of assessment in which the cessation occurred.

(2) Where a person who has ceased to carry on a trade, profession or business in the Colony pays any sum which, if it had been paid before such cessation, would have been deductible in computing the profits of the trade, profession or business in respect of which the person is chargeable to tax under this Part, then to the extent to which the sum has not already been deducted in computing such profits, that sum shall be deducted in ascertaining his profits for the year of assessment in which the cessation occurred.”.

14. Section 16 of the principal Ordinance is amended by deleting paragraph (g) of subsection (1) and substituting the following—

“(g) notwithstanding section 17, a sum expended for the registration of a trade mark, design or patent used in the trade, profession or business which produces such profits;”.

15. The principal Ordinance is amended by adding after section 23A the following new section—

“Mutual insurance corporations.

23AA. For the purposes of this Part, a mutual insurance corporation shall be deemed to carry on an insurance business the surplus from which shall be ascertained in the manner provided in section 23 and section 23A for ascertaining assessable profits and shall be deemed to be assessable profits chargeable to tax under section 14.”.

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

“Exclusion of interest on Tax Reserve Certificates.

26A. For the purposes of this Part, interest paid or payable on a Tax Reserve Certificate issued by the Commissioner shall not be included in the profits of any corporation or other person chargeable to tax under this Part.”.

17. The principal Ordinance is amended by adding after section 29 the following new section—

“Interest payable to exempted persons.

29A. Notwithstanding section 29, the Commissioner may direct, by notice in writing, any person in the Colony not to make a deduction in accordance with section 29 from any sum being interest charge-

Amendment of section 16.

Addition of new section 23AA.

Addition of new section 26A.

Addition of new section 29A.

able with tax under section 28 which that person pays or credits to any person specified in the notice who is exempt from interest tax under section 87 or 88, and any person so directed by the Commissioner shall not make and shall not be deemed to have made the deduction.”.

Amendment of section 36.

**18.** Section 36 of the principal Ordinance is amended by deleting “owns a commercial building or structure” and substituting the following—

“is entitled to an interest in a commercial building or structure and where that interest is the relevant interest in relation to the capital expenditure incurred on the construction of that building or structure”.

Amendment of section 37.

**19.** Section 37 of the principal Ordinance is amended—

(a) in subsection (1), by deleting “for the purposes of that trade, profession or business” and substituting the following—

“for the purposes of producing profits chargeable to tax under Part IV”;

(b) in subsection (2), by deleting “for the purpose of his trade, profession or business” and substituting the following—

“for the purposes of producing profits chargeable to tax under Part IV”;

(c) by inserting after subsection (2) the following new subsection—

“(2A) For the purposes of subsection (2), in any case where machinery or plant is owned and used by a person for any period immediately before he uses it for the purposes of producing profits chargeable to tax under Part IV, “cost of the asset” means the sum computed by deducting from the actual cost the notional amount of the annual allowances which would have been made under subsection (2) to the owner if since acquiring the asset he had used it for the purpose of producing profits chargeable to tax under Part IV.”.

Amendment of section 37A.

**20.** Section 37A of the principal Ordinance is amended by deleting “for the purposes of his trade, profession or business” wherever it appears in subsections (1) and (2) and substituting in each case the following—

“for the purposes of producing profits chargeable to tax under Part IV”.

**21.** Section 38 of the principal Ordinance is amended by deleting the full stop at the end of subsection (2), substituting a semicolon and adding the following—

Amendment of section 38.

“but in a case where an annual allowance has been computed on the cost of the asset as determined in accordance with subsection (2A) of section 37, the cost of the asset as computed in accordance with that subsection shall be deemed to be the capital expenditure for the purposes of this subsection.”.

**22.** Section 40 of the principal Ordinance is amended in subsection (1)—

Amendment of section 40.

(a) by inserting after the definition of “basis period” the following—

““capital expenditure” does not include expenditure which is reimbursed by way of or attributable to any grant, subsidy or similar financial assistance;” and

(b) by deleting “by the owner” in the definition of “commercial building or structure” and substituting the following—

“by the person entitled to the relevant interest”.

**23.** Section 41 of the principal Ordinance is amended in subsection (4) by deleting paragraph (b) in the definition of “individual” and substituting the following—

Amendment of section 41.

“(b) a person under the age of eighteen;”.

**24.** Section 42 of the principal Ordinance is amended by deleting paragraph (a) of subsection (1) and substituting the following—

Amendment of section 42.

“(a) the sum which is equivalent to that part of the net amount (after deduction of the allowance for repairs and outgoings) on which any property tax is chargeable on the individual which represents proportionately the part or parts of the land or buildings or land and buildings in respect of which the property tax is chargeable which have been let for any period during the year of assessment, taking into account both the area or areas let and the period or periods of letting;”.

**25.** Section 42B of the principal Ordinance is amended in subsection (1)—

Amendment of section 42B.

(a) by inserting after “school or other” in paragraph (c) the following—

“similar”;

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

“Provided that—

(i) the total of the allowances to an individual in respect of his children shall not exceed nine thousand five hundred dollars;

(ii) where two or more individuals are entitled to claim an allowance under this paragraph in respect of the same child for the same year of assessment, the allowance due shall be apportioned on such basis as the Commissioner may decide having regard to the contributions made by each individual to the maintenance and education of the child during the year of assessment;”;

- (c) by deleting paragraph (d) and substituting the following—

“(d) an allowance of—

(i) the amount of any premium paid during the year preceding the year of assessment by the individual or his wife, not being a wife living apart from her husband, in respect of any contract of insurance under which a capital sum will be payable on his or her death, but the allowance made under this sub-paragraph may not exceed ten *per cent* of the capital sum expressed in the contract to be payable on the death of the life assured; and

(ii) the amount of any contribution made during the year preceding the year of assessment by the individual to the Widows and Orphans Pensions Scheme of the Colony or such other scheme or fund as the Commissioner may approve as equivalent to a Widows and Orphans Pensions Scheme:

Provided that the total allowance made to the individual under this paragraph shall not exceed an amount equal to one-sixth part of the total income of such individual before deducting the allowances specified in paragraphs (b), (c), (d) and (e) of this subsection;”.

26. Section 43 of the principal Ordinance is amended as follows—

Amendment of section 43.

- (a) by deleting subsection (2) and substituting the following—

“(2) Any tax paid by the individual whether directly or by deduction under the provisions of section 6 or 29 and any salaries tax and any business profits tax paid under the provisions of Parts III and IV respectively shall, where the relevant amounts on which such taxes were calculated are included in the total income of the individual, be set off for the purposes of collection against the tax charged under this Part on that individual.

(2A) Any tax paid by the individual whether directly or indirectly under the provisions of Part II for a year of assessment for which he has elected personal assessment, to the extent to which such tax—

- (a) is available for set off under section 25;
- (b) would have been refundable under subsection (3) of section 5 except that the relevant part of the land or buildings or land and buildings did not qualify under the definition of building or part thereof in paragraph (c) of subsection (5) of section 5;
- (c) would have been refundable under section 7 except that the relevant period when the land or buildings or land and buildings were unoccupied did not consist of entire months in the year of assessment,

shall be set off for the purposes of collection against the tax charged under this Part on that individual for that year of assessment.”;

- (b) in subsection (3), by deleting “subsection (2)” and substituting the following—

“subsections (2) and (2A)”.

27. Section 45 of the principal Ordinance is amended in subsection (4) by inserting after “year” at the end thereof the following—

Amendment of section 45.

“and the Commonwealth rate of tax shall be computed in a similar manner”.

Addition of  
new sections  
51A, 51B and  
51C.

**28.** The principal Ordinance is amended by adding after section 51 the following new sections—

“Power to  
require  
statement of  
assets and  
liabilities  
etc.

**51A.** (1) Where the Commissioner is personally of the opinion that a person has made an incorrect return or supplied false information having the effect of understating his income or profits chargeable to tax and has done so without reasonable excuse and not through an innocent oversight or omission, the Commissioner may give notice in writing to such person requiring him to furnish within the time limited by such notice, not being less than thirty days from the date of service of the notice, a statement containing particulars of—

- (a) all assets which the person possessed in the Colony, including any possessed jointly or severally with any other person, at such times as may be specified in the notice; and
- (b) all liabilities to which the person was subject in the Colony, including any to which he was subject jointly or severally with any other person, at such times as may be specified in the notice; and
- (c) all expenditure or disbursements from funds in the Colony, including remittances overseas and gifts, incurred or made by the person during such periods as may be specified in the notice; and
- (d) all sums, including remittances, gifts and legacies received in the Colony by the person during such periods as may be specified in the notice.

(2) A notice given under subsection (1) shall not specify any time or period earlier than seven years before the commencement of the year of assessment in which it is given.

(3) Any person who has been required by notice given by the Commissioner under subsection (1) to furnish a statement may, by notice in writing to the Commissioner, object to the notice; but no such objection shall be valid unless it is received by the Commissioner within thirty days after the date of service of the notice:

Provided that if the Commissioner is satisfied that owing to absence from the Colony, sickness or other

reasonable cause, the person objecting to the notice was prevented from giving notice of objection within such period, the Commissioner shall extend the period as may be reasonable in the circumstances.

(4) Where a valid objection has been received under subsection (3), the Commissioner shall refer the matter to the Board of Review by forwarding to the clerk to the Board—

- (a) a copy of the notice served on the objector under subsection (1);
- (b) a copy of the objection received by the Commissioner under subsection (3), together with a copy of any submissions in relation thereto which the Commissioner may have received from the objector;
- (c) a statement of the grounds on the basis of which the Commissioner formed his opinion giving rise to the notice.

(5) The Commissioner shall cause a copy of his statement under paragraph (c) of subsection (4) to be served on the objector.

(6) At the hearing of an objection the Commissioner and the objector may attend in person or by authorized representative and at any such hearing the onus shall lie on the Commissioner to establish that he had sufficient grounds for the opinion on which his notice under subsection (1) was based.

(7) Upon a hearing of an objection, the Board may dismiss the objection, cancel the notice given under subsection (1) or amend the notice.

(8) This section shall expire upon the expiration of three years from the date when it comes into operation unless the Legislative Council shall extend the operation thereof by resolution passed before that date.

Power to  
issue search  
warrant.

**51B.** (1) If the Commissioner, or an officer of the Inland Revenue Department not below the rank of chief assessor authorized in writing by the Commissioner for the purpose, satisfies a magistrate, by statement made on oath,—

- (a) that there are reasonable grounds for suspecting that a person has made an incorrect return or supplied false information having

the effect of understating his income or profits chargeable to tax and has done so without reasonable excuse and not through an innocent oversight or omission; or

- (b) that a person has failed to comply with an order of a court made under subsection (1) of section 80 directing him to comply with the requirements of a notice given to him under subsection (1) or (3) of section 51,

the magistrate may by warrant authorize the Commissioner or officer to exercise the following powers—

- (i) without previous notice at any reasonable time during the day, to enter and have free access to any land, buildings, or place where he suspects there to be any books, records, accounts or documents of that person and there to search for and examine any books, records, accounts or documents;
- (ii) in carrying out any such search, to open or cause to be removed and opened, any article in which he suspects any books, records, accounts or documents to be contained;
- (iii) to take possession of any books, records, accounts or documents of that person which in his opinion may afford evidence which may be material in assessing the liability of that person for tax;
- (iv) to retain any such books, records, accounts or documents for as long as they may be reasonably required for any assessment to be made or for any proceedings under this Ordinance to be completed:

Provided that if the Commissioner or officer shall retain any book, record, account or document for a period of more than fourteen days, the person aggrieved may apply in writing to the Board of Review for an order directing the return thereof and the Board of Review, after hearing the applicant or his representative and the Commissioner or his representative, may so order, either unconditionally or subject to any condition which the Board may consider it proper to impose.

(2) When exercising any power under subsection (1), the Commissioner or officer shall produce on demand the warrant issued to him under that subsection.

(3) The person to whose affairs any books, records, accounts or documents taken possession of under subsection (1) relate shall be entitled to examine and make extracts from them at such times and under such conditions as the Commissioner may determine.

(4) Any person who obstructs or hinders the Commissioner or an officer acting in the discharge of his duty under subsection (1) shall be guilty of an offence: Penalty a fine of two thousand dollars and imprisonment for six months.

(5) This section shall expire upon the expiration of three years from the date when it comes into operation unless the Legislative Council shall extend the operation thereof by resolution passed before that date.

Business records to be kept.

**51C.** (1) Subject to subsection (2), every person carrying on a trade, profession or business in the Colony shall keep sufficient records in the English or Chinese language of his income and expenditure to enable the assessable profits of such trade, profession or business to be readily ascertained and shall retain such records for a period of not less than seven years after the completion of the transactions, acts or operations to which they relate.

(2) Subsection (1) shall not require the preservation of any records—

- (a) which the Commissioner has specified need not be preserved; or
- (b) of a corporation which has been dissolved.”.

**29.** Section 52 of the principal Ordinance is amended by adding after subsection (6) the following new subsection—

Amendment of section 52.

“(7) An employer who is required by subsection (6) to give notice to the Commissioner of the expected departure of an individual shall not, in the case of an individual whom he has ceased, or is about to cease, to employ in the Colony, except with the consent in writing of the Commissioner or in the case of money paid to the Commissioner on the direction of the individual, make any payment of money or money’s

worth to or for the benefit of the individual for a period of one month from the date on which he gave the notice.”.

Amendment of section 54.

**30.** Section 54 of the principal Ordinance is amended—

(a) in paragraph (b) of the proviso by deleting “two years from such date of death; and” and substituting the following—

(Cap. 111.) “one year from such date of death, or one year from the date of filing any affidavit required under the Estate Duty Ordinance, whichever is the later.”; and

(b) by deleting paragraph (c) of the proviso.

Amendment of section 58.

**31.** Section 58 of the principal Ordinance is amended—

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

“(1) Every notice to be given by the Commissioner, an assistant commissioner, an assessor or an inspector under this Ordinance shall bear the name of the Commissioner, assistant commissioner, assessor or inspector, as the case may be, and every such notice shall be valid if the name of the Commissioner, assistant commissioner, assessor or inspector is duly printed or signed thereon.”; and

(b) in subsection (2), by inserting after “last known” the following—

“postal address.”.

Amendment of section 59.

**32.** Section 59 of the principal Ordinance is amended by inserting after subsection (1) the following new subsection—

“(1A) Notwithstanding subsection (1), where an assessor is of the opinion that an election by an individual under section 41 for personal assessment on his total income would result in a refund becoming due of the whole of the amount which he might lawfully be assessed for property tax if such amount were paid, the assessor shall not be obliged to proceed to make an assessment in respect of that tax.”.

Amendment of Part XI.

**33.** Part XI is amended by deleting the heading thereto and substituting the following—

“OBJECTIONS AND APPEALS.”.

Amendment of section 64.

**34.** Section 64 of the principal Ordinance is amended in subsection (5) by deleting “paragraph (a) of section 3 of the Commissioners Powers Ordinance” and substituting the following—

“paragraphs (d), (e), (f) and (g) of section 4 of the Commissions of Inquiry Ordinance 1968”.

**35.** Section 68 of the principal Ordinance is amended in subsection (10) by deleting “paragraph (a) of section 3 of the Commissioners Powers Ordinance” and substituting the following—

Amendment of section 68.

“paragraphs (d), (e), (f) and (g) of section 4 of the Commissions of Inquiry Ordinance 1968”.

**36.** Section 76 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

Amendment of section 76.

“(1) Where tax payable by a person is in default, or a person charged to tax has quitted the Colony or in the opinion of the Commissioner is likely to quit the Colony without paying all the tax charged to him, and it appears to the Commissioner to be probable that any other person (hereinafter in this subsection referred to as “the third party”)—

- (a) owes or is about to pay money to such person (hereinafter in this subsection referred to as “the taxpayer”); or
- (b) holds money for or on account of the taxpayer; or
- (c) holds money on account of some other person for payment to the taxpayer; or
- (d) has authority from some other person to pay money to the taxpayer,

the Commissioner may give the third party notice in writing (a copy of which shall be sent by post to the taxpayer) requiring him to pay such moneys not exceeding the amount of tax in default or charged, as the case may be, to the officer named in the notice. The notice shall apply to all such moneys which are in the third party’s hands or due from him or about to be paid by him at the date of receipt of such notice or which come into his hands or become due from him or about to be paid by him at any time within a period of thirty days thereafter.”.

**37.** Section 80 of the principal Ordinance is amended in subsection (1)—

Amendment of section 80.

(a) in paragraph (a), by inserting after “section 51” the following—

“, subsection (1) of section 51A”; and

(b) in paragraph (c) by deleting “subsection (4), (5) or (6) of section 52” and substituting the following—

“subsection (1) of section 51C, subsection (4), (5), (6) or (7) of section 52”.

Addition of  
new sections  
82A and 82B.

**38.** The principal Ordinance is amended by adding after section 82 the following new sections—

“Additional  
tax in  
certain  
cases.

**82A.** (1) Any person who without reasonable excuse—

- (a) makes an incorrect return by omitting or understating anything in respect of which he is required by this Ordinance to make a return, either on his behalf or on behalf of another person or a partnership; or
- (b) makes an incorrect statement in connexion with a claim for any deduction or allowance under this Ordinance; or
- (c) gives any incorrect information in relation to any matter or thing affecting his own liability to tax or the liability of any other person or of a partnership,

shall, if no prosecution under subsection (2) of section 80 or subsection (1) of section 82 has been instituted in respect of the same facts, be liable to be assessed under this section to additional tax of an amount not exceeding the amount of tax which has been undercharged in consequence of the incorrect return, statement or information, or which would have been so undercharged if the return, statement, or information had been accepted as correct.

(2) Additional tax shall be payable in addition to any amount of tax payable under an assessment, or an additional assessment under section 60.

(3) An assessment of additional tax may be made only by the Commissioner personally or the deputy commissioner personally.

(4) Before making an assessment of additional tax the Commissioner or the deputy commissioner, as the case may be, shall—

- (a) cause notice to be given to the person he proposes so to assess which shall—
  - (i) inform such person of the alleged incorrect return, incorrect statement or incorrect information in respect of which the Commissioner or the deputy commissioner intends to assess additional tax under subsection (1);

(ii) include a statement that such person has the right to submit written representations to him with regard to the proposed assessment on him of additional tax;

(iii) specify the date, which shall not be earlier than twenty-one days from the date of service of the notice, by which representations which such person may wish to make under sub-paragraph (ii) must be received;

- (b) consider and take into account any representations which he may receive under paragraph (a) from or on behalf of a person proposed to be assessed for additional tax.

(5) Notice of intention to assess additional tax and notice of an assessment to additional tax shall be given in the same manner as is provided in subsection (2) of section 58 in respect of a notice of assessment under section 62.

(6) Where a person who is liable to be assessed to additional tax has died, an assessment to additional tax may be made on his executor, and the additional tax shall be recovered as a debt due from and payable out of the deceased person's estate.

(7) A person who has been assessed to additional tax under subsection (1) shall not be liable to be charged on the same facts with an offence under subsection (2) of section 80 or subsection (1) of section 82.

Appeals  
against  
assessment  
to additional  
tax to  
Board of  
Review.

**82B.** (1) Any person who has been assessed to additional tax may, within one month after notice of assessment is given to him, give notice of appeal to the Board; but no such notice shall be entertained unless it is given in writing to the clerk to the Board and is accompanied by a copy of the notice of assessment and a statement of the grounds of appeal therefrom.

(2) On an appeal against assessment to additional tax, it shall be open to the appellant to argue that—

- (a) he is not liable to additional tax;
- (b) the amount of additional tax assessed on him exceeds the amount for which he is liable under section 82A;

(c) the amount of additional tax, although not in excess of that for which he is liable under section 82A, is excessive having regard to the circumstances.

(3) Subsections (2) and (3) of section 66 and sections 68, 69 and 70 shall, so far as they are applicable, have effect with respect to appeals against additional tax as if such appeals were against assessments to tax other than additional tax."

Amendment of section 84.

39. Section 84 is amended—

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

"(2) Nothing in this section shall derogate from the powers of the Attorney General in respect of the prosecution of criminal offences."

Amendment of section 88.

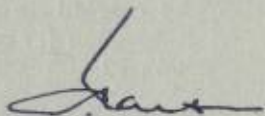
40. Section 88 of the principal Ordinance is amended by deleting "institution" wherever it appears and substituting in each case the following—

"institution or trust".

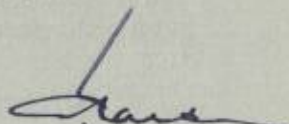
Deletion of Third Schedule.

41. The Third Schedule to the principal Ordinance is deleted.

Passed by the Hong Kong Legislative Council this 18th day of June, 1969.

  
 Deputy Clerk of Councils.

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

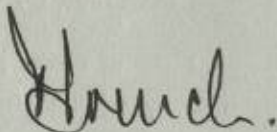
  
 Deputy Clerk of Councils.

HONG KONG

No. 27 OF 1969.



I assent.

  
 Governor.

18th June, 1969.

An Ordinance to amend the Banking Ordinance.

[20th June, 1969.]

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

1. This Ordinance may be cited as the Banking (Amendment) Ordinance 1969. Short title.

2. Section 23 of the principal Ordinance is amended by— Amendment of section 23. (Cap. 155.)

- (a) being renumbered as subsection (1) thereof;  
 (b) inserting after "credit facilities" in subsection (1) (as so renumbered) the following—

"including irrevocable documentary letters of credit to the extent to which they are not covered by marginal cash deposits,"; and

(c) adding the following new subsection—

“(2) For the purposes of subsection (1)—

- (a) any advances, loans or credit facilities granted or permitted to be outstanding to, and any financial guarantees given and any other liabilities incurred on behalf of, a business or undertaking of which any one person is the sole proprietor shall be deemed to be granted or permitted to be outstanding to or given or incurred on behalf of, as the case may be, that one person;
- (b) a person shall not be deemed to be able to control or influence a group of companies by reason only that he is a director of any other company in the group.”

Amendment of  
section 24.

3. Section 24 of the principal Ordinance is amended—

(a) in subsection (3), by inserting after “credit facilities” in paragraph (a) the following—

“including unsecured irrevocable documentary letters of credit”;

(b) by adding after subsection (6) the following new subsection—

“(7) For the purposes of subsections (2) and (4), a facility granted to or on behalf of any firm, partnership or private company which a director of a bank or a relative of a director of a bank is able to control, or to or on behalf of a business or undertaking of which a director of a bank or a relative of a director of a bank is the sole proprietor, shall be deemed to be granted to or on behalf of such director or relative of a director.”

Amendment of  
Part VIII.

4. Part VIII of the principal Ordinance is amended by deleting the words “on summary conviction” wherever they occur and substituting the following—

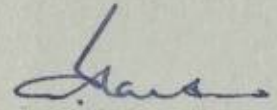
“on conviction on indictment”.

Period allowed  
for com-  
pliance with  
section 3.

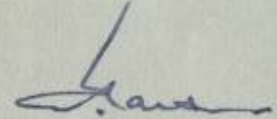
5. Subject to section 46 of the principal Ordinance, any bank which, prior to the commencement of this Ordinance entered into any business or transaction which has become incompatible with section 24 of the principal Ordinance as amended by section 3 of this Ordinance shall, within two months after the commencement of this Ordinance, submit a full and accurate statement of

such business or transaction to the Commissioner and shall liquidate such business or transaction within six months after the commencement of this Ordinance or such longer period as the Commissioner may specify in any particular case.

Passed by the Hong Kong Legislative Council this 18th day of June, 1969.

  
Deputy Clerk of Councils.

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

  
Deputy Clerk of Councils.

**HONG KONG**

No. 28 OF 1969.



I assent.

*French.*  
Governor.

18th June, 1969.

An Ordinance to provide for the grant of a franchise to construct and operate a tunnel across the harbour, the regulation of the construction, operation and maintenance of such tunnel and for matters ancillary thereto or connected therewith.

[20th June, 1969.]

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

**PART I.**

**PRELIMINARY.**

1. This Ordinance may be cited as the Cross-Harbour Short title.  
Tunnel Ordinance 1969.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"approach roads" means any approach roads prescribed under section 61;

"Commissioner" means the Commissioner for Transport;

"Company" means The Cross-Harbour Tunnel Company, Limited and any other person to whom the rights and obligations of the Company under this Ordinance may be assigned with the consent of the Governor in Council in accordance with section 5;

"construction works" means all works relating to the construction of the tunnel structure carried out in the tunnel area or works area;

"Director" means the Director of Public Works;

"grant" means the franchise to construct and operate the tunnel granted for the period of grant by section 4;

"motor vehicle" means any mechanically propelled vehicle;

"operating date" means the date upon which the tunnel is opened to the use of the public in accordance with subsection (1) of section 32;

"period of grant" means the period mentioned in section 4;

"plan" means—

(a) the plan numbered 1 dated the 27th day of May 1969 signed by the Director and deposited in the Land Office, Victoria; and

(b) any new plan deposited in accordance with section 3;

"retained rights" means the rights of ownership retained by the Government under section 10;

"start of construction" means the date upon which the construction works are commenced in accordance with subsection (1) of section 17;

"toll structure" means any structure erected by the Company for the purpose of section 44;

"tunnel" means the four-lane vehicular tunnel, or any part thereof, to which the grant relates;

"tunnel area" means the area delineated and coloured red on the plan;

"tunnel structure" means the tunnel and all buildings and other structures constructed in the tunnel area and ancillary to the exercise of the grant;

"works area" means the area, made available in accordance with section 12, delineated and coloured blue on the plan.

3. (1) The Director may, with the agreement of the Company, cause the boundaries, as shown on the plan, of the tunnel area or works area, or both, to be varied from time to time.

Variation of plan.

(2) Where any such boundaries are so varied, the Director shall prepare a new plan fixing the location of and delineating the tunnel area and the works area and describing the depths and configuration of the sea bed in the location of such areas.

(3) Every plan prepared in accordance with subsection (2) shall be numbered, dated, signed by the Director and deposited in the Land Office.

(4) Whenever a plan is deposited under subsection (3) the Director shall cause a notification of such deposit to be published in the *Gazette*.

## PART II.

### PROVISIONS RELATING TO THE GRANT.

#### *General.*

4. (1) The Government hereby grants to the Company a franchise to construct and operate a four-lane vehicular tunnel across the harbour between Wan Chai and Hung Hom.

Grant of franchise.

(2) Such grant shall be subject to this Ordinance and to such agreements not in conflict therewith as may be concluded between the Government and the Company.

(3) Subject to this Ordinance, the grant shall continue until thirty years after the start of construction.

5. (1) The Company shall not, otherwise than by way of charge or mortgage for the purpose of financing the construction works, assign, charge, mortgage, sub-grant, underlet or otherwise dispose of its rights or obligations under this Ordinance or any part of such rights or obligations without the prior consent of the Governor in Council.

Restriction on disposition by Company.

(2) The Governor in Council, when considering whether or not to grant such consent, shall take into account all the existing

rights and obligations of the Company and may, if he grants such consent, impose such conditions, not inconsistent with this Ordinance, as he may consider necessary.

Directors of the Company.

6. (1) A majority of the directors of the Company shall be British subjects.

(Cap. 32.)

(2) If at any time the Government holds ten per cent or more of the issued and fully paid up share capital of the Company, the Governor shall have power, notwithstanding any provision of the Companies Ordinance or any other law or instrument, to appoint two directors of the Board of the Company, or such greater number of directors as bears the same proportion (omitting any fraction) to the number of directors on the Board as the amount of such capital held by the Government bears to the total issued and fully paid up share capital of the Company.

Shares of the Company on the operating date.

7. On the operating date, the issued and fully paid up share capital of the Company shall amount to not less than eighty million dollars in addition to any holding of such capital by the Government.

Shares to be listed and quoted on Stock Exchange.

8. The Company shall ensure that the shares of the Company are listed and quoted on the Hong Kong Stock Exchange within two years of the operating date or such later date as may be allowed by the Governor in Council.

*Rights over land and payments due by the Company.*

Grant of wayleave and rent therefor.

9. (1) Subject to this Ordinance, the Government grants to the Company, from the start of construction and thereafter during the continuance of the grant, a wayleave through the tunnel area.

(2) The Company shall pay in advance to the Government an annual rent of seventy-five thousand dollars in respect of the wayleave, commencing from the start of construction.

Government to retain rights over tunnel area and works area.

10. (1) Subject to the grant, and the grant of the wayleave under subsection (1) of section 9, the Government shall retain all rights of ownership in and over the land comprised in the tunnel area and in the works area; and in the exercise of such rights the Government may direct the siting or re-siting of any toll structures.

(2) The Government shall not exercise any such rights in such a manner as would derogate from the grant.

11. The Company shall pay in advance to the Government an annual rent at the rate of five thousand dollars per acre in respect of any land within the tunnel area upon which stands any toll structure commencing from the date the construction works relating to such structure are approved under section 20.

Annual rent for toll structures.

12. The works area shall be made available to the Company during the construction works on such conditions as may be agreed upon between the Government and the Company.

Works area to be made available to Company.

13. The Company shall pay to the Government the sum of twelve million dollars by way of contribution to the expenses incurred by the Government in the construction of roads and other engineering works which would not otherwise be required or would cost less if the tunnel were not constructed. Such sum shall be paid in such manner and at such time as may be agreed between the Government and the Company.

Contribution to cost of road works.

*Royalty payments.*

14. (1) Subject to this section, the Company shall pay to the Government a royalty of twelve and one-half per cent of the operating receipts during the continuance of the grant:

Royalty.

Provided that—

- (a) during the ten-year period following the operating date the Governor may authorize the Company to pay a reduced royalty of not less than seven and one-half per cent of the operating receipts in respect of any financial year;
- (b) the difference between the amount of royalty payments due at twelve and one-half per cent and any such reduced royalty payments shall be credited to the Government in the books of the Company and the balance on this account at the end of each quarter shall earn compound interest calculated at the rate of one and three-quarters per cent per quarter;
- (c) the amount constituting any such difference, and any interest due in respect thereof, may be paid in such instalments and at such times as may be agreed between

the Government and the Company but shall be fully paid by the Company to the Government at least five years prior to the expiration of the period of grant.

(2) Payment of such royalty or reduced royalty, as the case may be, shall be made in respect of the operating receipts in each quarter on or before the last day of the month next following that quarter.

(3) If on the last day of any such month the Company has not been able to ascertain the operating receipts for the previous quarter the Company shall pay to the Government a sum equivalent to twelve and one-half per cent of the operating receipts for the next preceding quarter in respect of which operating receipts were ascertained by the Company; and in such cases subsequent royalty payments shall be adjusted to take into account any such equivalent sum paid so that the aggregate of payments shall represent as nearly as possible the amount currently due as royalty or reduced royalty payments:

Provided that this subsection shall not take effect until such time as the Company has paid to the Government the royalty or reduced royalty due in respect of the operating receipts for one complete quarter during which the tunnel is open to the use of the public.

(4) The acceptance by the Government of any sum tendered by the Company in accordance with the provisions of this section shall not prevent the Government from claiming any further sum in respect of the same quarter or any adjustment appearing to be due or necessary on any subsequent examination of the books and accounts and other material furnished by the Company for inspection under section 15.

(5) The payment by the Company of any sum in accordance with the provisions of this section shall not prevent the Company from claiming a refund in respect of any overpayment made by the Company and proved to the satisfaction of the Financial Secretary.

(6) In this section—

“operating receipts” means—

- (a) the total gross sums received by the Company in respect of—
- (i) the tolls as fixed or varied under section 40 or 41, as the case may be;

(ii) any charges imposed or other benefits obtained by the Company under sections 45 and 46; and

(iii) any other authorized charges imposed by the Company under this Ordinance,

but does not include—

(A) bank interest or dividends on investments,

(B) the proceeds of the sale or redemption of investments, or

(C) other capital assets,

and

- (b) the gross value, as determined by the Financial Secretary, of any assets, services or facilities received by the Company in lieu of any part of such total gross sums;

“quarter” means the three months commencing on the first day of January, the first day of April, the first day of July, or the first day of October in any year.

15. For the purpose of ascertaining the royalty or reduced royalty payable in accordance with section 14, the Company shall permit the Financial Secretary, and any person authorized in writing by him, to inspect at all reasonable times all books of account, vouchers, receipts and all other records of the Company (including all records maintained by the Company in accordance with section 59) and to make extracts from any such documents and to take away any such documents for further examination.

Powers of Financial Secretary in relation to royalty.

### PART III.

#### CONSTRUCTION OF THE TUNNEL.

##### *Obligation to construct and start of construction of the tunnel.*

16. Subject to this Ordinance, the Company shall at its expense construct the tunnel in the tunnel area.

Tunnel to be constructed at Company's expense.

17. (1) The Company shall not commence any works in the tunnel area or the works area before a date to be agreed between the Director and the Company.

Start of construction.

(2) The Director shall cause a notice to be published in the *Gazette* specifying the start of construction.

*Preparation and approval of plans, etc.*

Company to submit plans, structural details and calculations.

18. (1) The Company shall, as soon as practicable, submit to the Director plans of the tunnel structure and construction works, together with structural details and calculations relative thereto, making provision and giving specifications for—

- (a) a tunnel containing four traffic lanes, each of not less than eleven feet in width and sixteen feet in height along the entire lane;
- (b) such buildings and other structures within the tunnel area as are necessary for the efficient exercise of the grant;
- (c) any space within the tunnel structure reserved for the installation of electric, telephone and other cables in accordance with section 45;
- (d) such other information as may be required by the Director.

(2) Such plans, structural details and calculations may relate to the complete construction works or may be prepared in divisions in accordance with subsection (3).

(3) Where the plans, structural details and calculations are prepared in divisions, each division shall relate to such part of the construction works and shall be prepared in such order as may be agreed between the Director and the Company.

Information as to method of construction and conditions of contract.

19. All plans, structural details and calculations submitted to the Director under section 18 shall be accompanied by information as to the proposed method of construction and the conditions of contract relating thereto.

Construction not to commence until plans etc., have been approved.

20. The Company shall not commence any part of the construction works until the plans, structural details, calculations, method and programme of construction and conditions of contract relating thereto have been approved by the Director.

Tunnel to be constructed in accordance with plans, etc., unless otherwise agreed.

21. (1) The construction works shall be carried out in accordance with such approved plans, structural details, calculations, methods and programme of construction and conditions of contract, subject to such modifications as may be made thereto from time to time by the Company with the prior approval in writing of the Director.

(2) If, in respect of any part of the construction works, the Director is of opinion that—

- (a) there is any departure from the requirements of subsection (1); or

(b) the method of construction is unsafe,

he may direct the Company to discontinue any such part and the same shall not be continued until the Director is satisfied that any further such construction works comply with such requirements or the method of construction will be safe, as the case may be.

*General provisions as to construction.*

22. (1) During the construction works the Company shall mark, keep open and clear of obstruction such channels as may be required by the Director of Marine for the passage of shipping.

(2) If the Director, after consultation with the Director of Marine, is of opinion that any part of the construction works or plant associated therewith is obstructing any such required channel he may direct the Company to discontinue such construction works and to remove any such works or plant, and such construction works shall not be continued except with the permission of the Director and subject to such conditions as he may impose.

23. (1) The Director may, without payment of tolls or other charges to the Company, enter the tunnel area and works area at all times—

- (a) to ascertain whether the tunnel structure or construction works are dangerous or liable to become dangerous to persons using or employed in the tunnel area;
- (b) to inspect or test any machinery, equipment or plant therein;
- (c) to ascertain whether the Company is complying with the provisions of this Ordinance relating to the construction and maintenance of the tunnel;
- (d) to effect any construction works, removal or restoration authorized under this Ordinance.

(2) The Company shall afford the Director such facilities as he may require for the purposes of subsection (1).

24. Subject to the Sand Ordinance, any spoil dredged from the sea bed for the purposes of the construction works shall be disposed of by the Company in such manner as may be directed by the Director.

25. (1) The Company may, by notice in writing, require the owner, or other person having control, of any public utility situated in the tunnel area or works area to divert such utility to an extent necessary to permit the construction works to proceed unimpeded.

Precautions to be taken against the obstruction of shipping.

Director may enter tunnel area and works area for certain purposes.

Disposal of spoil.  
(Cap. 147.)

Company may require the diversion of certain public utilities.

(2) If such owner or other person fails to comply with any such requirement within any reasonable time specified in such notice the Company may, notwithstanding any other law, effect such diversion.

(3) All expenses incurred in any diversion under this section shall be borne by the Company.

(4) Any diversion under this section shall be carried out as far as practicable without causing interruption in the service supplied by the public utility concerned.

(5) In this section, "public utility" means electric power cables, telephone and other cables used in communication and pipes used in the supply of water, gas or oil or for drainage or sewerage.

**26.** The Buildings Ordinance shall not apply in respect of the tunnel structure and construction works.

**27.** Section 13 of the Summary Offences Ordinance (which relates to the making of noise at night) shall not apply in respect of the tunnel structure and construction works until the operating date, or such later date as may be approved by the Governor in Council.

*Completion of construction.*

**28.** (1) The Company shall complete the tunnel structure before the 18th day of August 1973, or such later date as may be approved by the Governor in Council.

(2) If the Company fails, or appears to be likely to fail, to complete the tunnel structure before the 18th day of August 1973, the Governor in Council shall, if considering the approval of a later date for such completion, take into account whether such failure was or is occasioned by circumstances beyond the control of the Company (the want of sufficient funds not being regarded as a circumstance beyond its control).

**29.** (1) On the completion of the construction works, or as soon as is reasonably practicable thereafter—

- (a) the sea bed affected thereby shall, to the satisfaction of the Director, be restored by the Company, as nearly as possible in conformity with the depths and configuration described in the plan;
- (b) subject to any agreement between the Government and the Company, the works area shall, to the satisfaction of

Non-application of Buildings Ordinance. (Cap. 123.)

Non-application of section 13 of the Summary Offences Ordinance. (Cap. 228.)

Completion date.

Restoration of sea bed and works area.

the Director, be restored by the Company as nearly as possible to its condition prior to the start of construction.

(2) If the Company fails to effect any restoration in accordance with subsection (1) the Director may effect the same.

**30.** The expense of any restoration under section 29 shall be borne by the Company, and where any such restoration is effected by the Director the expense thereof shall be recoverable from the Company by the Director.

**31.** The Company shall not open any part of the tunnel to the use of the public until the Director has issued to the Company a certificate stating that in his opinion the part of the tunnel intended to be opened for such use is in a condition fit therefor.

**PART IV.**

**OPERATION OF THE TUNNEL.**

*Use of the tunnel facilities.*

**32.** (1) Subject to section 31, the tunnel shall be opened to the use of the public on a date to be agreed between the Commissioner and the Company.

(2) The Commissioner shall cause a notice to be published in the *Gazette* specifying the operating date.

**33.** Subject to this Ordinance, on the operating date and thereafter throughout the continuance of the grant the Company shall provide and operate, to the satisfaction of the Commissioner, adequate, efficient and safe facilities for the passage of motor vehicles through the tunnel.

**34.** Subject to this Ordinance—

- (a) the tunnel shall be used for the passage of motor vehicles upon payment of the appropriate tolls; and
- (b) the Company shall not without reasonable grounds prevent or refuse the use of the tunnel for such purpose.

**35.** (1) The Company shall, to the satisfaction of the Commissioner, provide personnel and facilities for the control and safety of motor vehicles and persons in the tunnel area.

(2) The provision of such personnel and facilities shall be at the expense of the Company.

Expenses of restoration.

Certificate required before tunnel opened.

Operating date.

Company to provide tunnel facilities.

Right to use of tunnel facilities.

Control and safety of tunnel traffic.

Application of  
other laws.  
(Cap. 220.)

**36.** (1) Subject to this Ordinance, the provisions of the Road Traffic Ordinance shall apply to the tunnel area and approach roads as if they were roads within the meaning of that Ordinance.

(2) The tunnel area and approach roads shall be a public place for the purposes of any law.

Closure of  
tunnel for  
safety reasons.

**37.** (1) The Company may, and if so required by the Commissioner shall, close or partially close the tunnel to the use of the public whenever such action appears to be reasonably necessary for the safety of persons using or employed in the tunnel area.

(2) Save when required by the Commissioner to close or partially close the tunnel, the Company shall notify the Commissioner forthwith of any such closure.

Operation of  
tunnel by  
Government.

**38.** (1) The Governor in Council may, if he is satisfied that it is necessary to do so in the interests of public security, order that the Government shall take over the operation of the tunnel, together with such of the property of the Company as is necessary therefor, and continue such operation until the Governor in Council otherwise orders.

(2) The Government shall pay to the Company for any loss or damage suffered by the Company by reason of any such take-over, such amount as may be agreed between the Government and the Company or in default of such agreement such amount as may be determined by arbitration under the Arbitration Ordinance.

(Cap. 341.)

(3) The duration of any such taking over shall be computed in and not deducted from the period of the grant.

Commissioner  
may enter  
tunnel for  
inspection  
purposes.

**39.** (1) The Commissioner may, without payment of tolls or other charges to the Company, enter the tunnel area at any time after the operating date—

- (a) to ascertain whether the Company is providing adequate, efficient and safe facilities for the passage of motor vehicles and the occupants thereof through the tunnel and for the control and safety of traffic in the tunnel area;
- (b) to ascertain whether the Company is complying with any other provisions of this Ordinance.

(2) The Company shall afford the Commissioner such facilities as he may require for the purposes of subsection (1).

#### *Collection of tolls.*

Company  
to charge  
approved  
tolls for use  
of tunnel.

**40.** (1) Subject to this Ordinance, the Company shall demand and collect, in respect of the passage of motor vehicles through the tunnel, such tolls as may be fixed by the Company and approved by the Governor in Council prior to the operating

date or as may be agreed or decided after that date under section 41.

(2) The Commissioner shall cause a list of the tolls fixed and approved under subsection (1) to be published in the *Gazette* prior to the operating date.

**41.** (1) The Governor in Council and the Company may from time to time agree to vary the tolls fixed and approved under section 40 or agreed or decided under this section.

Variation of  
tolls.

(2) In default of agreement under subsection (1), the Governor in Council or the Company may submit the question of the variation of tolls to arbitration under the Arbitration Ordinance.

(Cap. 341.)

(3) On a submission to arbitration under subsection (2), the arbitrator shall consider whether the carrying out of its obligations or the exercise of its rights under this Ordinance is not reasonably remunerative or is excessively remunerative to the Company, having regard to—

- (a) any material change in the economic conditions of Hong Kong;
  - (b) any order made in accordance with subsection (4) of section 57;
  - (c) the dismissal of any appeal by the Company made under section 58;
  - (d) any material change in any other circumstances affecting the grant.
- (4) Where—
- (a) under subsection (1) the Governor in Council and the Company agree to a variation of the tolls; or
  - (b) on a submission to arbitration under subsection (2) it is decided that the tolls should be varied,

the tolls fixed and approved under section 40 or any variation of such tolls effected under this section, shall be varied in compliance with such agreement or decision, as the case may be.

(5) The Commissioner shall cause a list of the tolls varied under this section to be published in the *Gazette* as soon as is practicable after such agreement or decision.

**42.** (1) The Company shall, to the satisfaction of the Commissioner, cause to be displayed at both ends of the tunnel, in conspicuous places, copies of the list of the tolls currently chargeable by the Company.

Display of  
copies of list  
of tolls and  
sale thereof.

(2) The Company shall cause printed copies of such list to be kept at the registered office of the Company and to be sold at a reasonable charge to every person applying therefor.

Company may not charge tolls greater than those as fixed or varied.

**43.** The Company shall not charge any person a toll greater than the appropriate toll fixed and approved under section 40, or, where varied under section 41, the appropriate toll so varied.

Company may erect toll structures.

**44.** For the purpose of collecting the tolls the Company may, subject to any exercise of the retained rights, erect in the tunnel area such toll gates, toll houses and other structures as it considers necessary.

*Cable installation and advertising in tunnel area.*

Installation of power cables, etc., through tunnel.

**45.** Subject to any exercise of the retained rights, the Company may, with the prior approval of the Commissioner, permit the installation of electric power supply cables and telephone cables, and other cables to be used for communication, within the tunnel structure on such conditions as to charges and otherwise as may, with the like approval, be imposed by the Company.

Advertising in tunnel area.

**46.** (1) Subject to any exercise of the retained rights, the Company may, with the prior approval of the Commissioner, use, or permit the use of any part of the tunnel structure for advertising purposes on such conditions as to charges and otherwise as may, with the like approval, be imposed by the Company.

(Cap. 132.)

(2) Part IX of the Public Health and Urban Services Ordinance shall not apply to the use of any part of the tunnel structure for advertising purposes.

Commissioner to have regard for safety in use of and passage through the tunnel.

**47.** The Commissioner shall not give his approval to any installation under section 45 or to any advertising under section 46 unless he is satisfied that the safety of persons using or employed in the tunnel area and the passage of motor vehicles through the tunnel will not be prejudiced by such installation or advertising.

**PART V.**

**MAINTENANCE, REPAIR AND ALTERATION.**

Tunnel to be maintained in state of repair.

**48.** (1) The tunnel structure shall be maintained by the Company in a state of repair to the satisfaction of the Director.

(2) The Director may, by notice in writing, require the Company to effect such repairs and alterations to the tunnel structure as he considers necessary for the proper maintenance thereof and for the obviation of fire and other hazards therein.

(3) If the Company fails to comply with any such requirement within a reasonable time after the receipt of such notice the Director may effect the necessary repairs and alterations.

(4) If at any time there exist, in the opinion of the Director, any circumstances requiring the immediate putting into effect of such repairs or alterations he may require the Company to effect the same forthwith or, if he thinks fit, may forthwith effect the same with or without notice to the Company.

(5) The expense of repairs or alterations under this section shall be borne by the Company and where any such repairs or alterations are effected by the Director the expense thereof shall be recoverable from the Company by the Director.

**49.** Where any repairs or alterations to the tunnel structure are effected by the Company under section 48, the provisions of sections 20 to 26 and section 66 shall apply in respect of such repairs or alterations as though the same were construction works.

Application of sections 20 to 26 and section 66 to repairs and alterations.

**50.** (1) The Company may, or if so required by the Director shall, close or partially close the tunnel to the use of the public whenever necessary to enable any repairs or alterations to be effected to the tunnel structure.

Closure of tunnel for repairs or alterations.

(2) The Company shall not effect any such closure without prior notification to the Commissioner.

(3) Whenever a closure is effected under this section in pursuance of a requirement of the Director, the tunnel or such part thereof thereby affected shall not be re-opened to the use of the public without the prior consent of the Director.

**PART VI.**

**REVOCATION AND EXPIRATION OF THE GRANT, AND WINDING UP OF COMPANY.**

**51.** (1) If in the opinion of the Governor in Council—

Revocation of the grant.

(a) the Company has failed, or appears to be likely to fail, to complete the tunnel structure by the date required by subsection (1) of section 28, or to provide or operate the tunnel facilities, or to maintain the tunnel structure as required by this Ordinance; or

(b) there has been a substantial failure of the Company to comply with any of the provisions of this Ordinance,

the Governor in Council may direct the Commissioner to serve on the Company a notice specifying the grounds for any such opinion

and requiring the Company to show cause in writing to the Governor in Council, within twenty-eight days after the date of such service, why the grant should not be revoked.

(2) If the Company fails, within twenty-eight days after such service, to show sufficient cause why the grant should not be revoked, or if the Governor in Council, after considering any representations made by the Company, or by any other person having a financial interest in the Company, is of the opinion that the Company, or such other person, has not shown sufficient cause why the grant should not be revoked, the Governor in Council may by order revoke the grant and such revocation shall take effect from the date specified in the order.

(3) An order made under subsection (2) shall be served on the Company and, as soon as is practicable thereafter, shall be published in the *Gazette*.

**52.** All rights and obligations of the Company under this Ordinance shall determine and the assets of the Company shall vest in the Government—

- (a) subject to section 53, on—
  - (i) the commencement of any voluntary winding up of the Company, otherwise than for the purposes of an assignment in accordance with section 5;
  - (ii) the making of a winding up order in respect of the Company;
  - (iii) the revocation of the grant under section 51;
- (b) subject to section 54, on the expiration of the period of the grant.

**53.** (1) On the happening of any of the events specified in paragraph (a) of section 52, the Company shall thereupon become liable, in addition to the payment of all other sums due to the Government, to pay—

- (a) any amount outstanding in respect of expenses incurred by the Government in accordance with section 13;
- (b) the full amount of royalty due in accordance with section 14;
- (c) if such event occurs prior to the completion of the construction works, any amount in respect of expenses as may be incurred by the Government—
  - (i) in the restoration of the sea bed and works area in accordance with paragraphs (a) and (b) of section 29; and

Effect of winding up of Company or cessation of grant.

Liability of Company and amount payable by Government on winding up or cessation of grant.

(ii) in putting the construction works in a safe condition in all respects to the satisfaction of the Director.

(2) On the happening of any of the events specified in paragraph (a) of section 52—

- (a) the Government shall pay to the Company in respect of the assets of the Company such amount as may be agreed between the Government and the Company or in default of such agreement such amount as may be determined by arbitration under the Arbitration Ordinance;
- (b) there shall be deducted from any amount awarded to the Company by arbitration under paragraph (a) such amount as the Governor in Council may deem appropriate by way of a penalty;
- (c) no amount shall be payable to the Company under this subsection in the event of a contravention by the Company of section 28.

(Cap. 341.)

**54.** No compensation shall be payable by the Government to the Company on the expiration of the period of grant, save that the Government shall pay to the Company the depreciated value of any machinery, equipment or plant forming part of the assets (such value being calculated in accordance with Part VI of the Inland Revenue Ordinance) purchased by the Company with the agreement of the Financial Secretary within the five years next preceding the expiration of the period of grant and owned by the Company on such expiration.

Reimbursement of Company upon expiration of grant.

(Cap. 112.)

**55.** Any vesting of the assets of the Company in the Government under this Part shall not thereby render the Government liable for any debts of the Company.

Government not liable for Company's debts.

**56.** In this Part, "assets" means the tunnel structure and all buildings, machinery, equipment and plant ancillary to the construction, operation and maintenance of the tunnel.

Meaning of "assets".

## PART VII.

### APPEALS.

**57.** (1) If any one thousand or more persons, being either rate-payers or owners of motor vehicles registered under the Road Traffic Ordinance, and resident in the Colony, are of opinion that the Company has failed and is failing to provide or maintain adequate, efficient or safe facilities for the passage of motor vehicles through the tunnel such persons may appeal collectively by petition to the Governor in Council.

Appeal by rate-payers and vehicle owners regarding the tunnel facilities.

(Cap. 220.)

(2) No such petition shall be considered by the Governor in Council unless a copy thereof shall have been served on the Company not less than fourteen days before the date of such consideration and, before coming to any decision in respect of any such petition, the Governor in Council shall receive and consider any representation in writing thereon received from the Company.

(3) For the purpose of considering any such petition the Governor in Council may appoint a person or committee to inquire into the matter and to report thereon to the Governor in Council.

(4) On any such appeal the Governor in Council may order the Company to remedy any such failure.

(5) The decision of the Governor in Council on any such appeal shall be final.

(6) Every order made by the Governor in Council under subsection (4) shall be published in the *Gazette*.

Appeal by the Company.

**58.** (1) If the Company is aggrieved by any requirement or direction made, or the withholding of any consent or approval, by the Director or the Commissioner under this Ordinance the Company may appeal by petition to the Governor in Council.

(2) Save where the Governor in Council otherwise directs, when any such appeal has been made, no such requirement or direction, other than a requirement under section 37 or 50 to close or partially close the tunnel shall be enforced until the decision of the Governor in Council on the appeal.

(3) The decision of the Governor in Council on any such appeal shall be final.

### PART VIII.

#### RECORDS AND INFORMATION.

Records.

**59.** (1) The Company shall maintain the following records—

- (a) an up to date set of drawings of the tunnel structure, which shall include all such alterations and additions as may, from time to time, be made to the tunnel structure;
- (b) the times during which each toll gate is open;
- (c) the number of motor vehicles using the tunnel, specifying the different classes of such vehicles, their direction through the tunnel and providing continuous and cumulative figures thereof;

(d) the amount collected as tolls and the numbers and prices of toll tickets (if any) issued;

(e) all accidents and stoppages to traffic therein;

(f) the personnel employed in connexion with the operation of the tunnel, including details as to the nature, location and times of such employment;

(g) such other records as may be prescribed.

(2) The Company shall permit the Commissioner to inspect, examine and copy all such records and any toll tickets and accounts kept by the Company in connexion therewith, and the Company shall afford facilities for such inspection, examination or copying as may from time to time be required by the Commissioner.

**60.** For the purpose of enabling either the Director or the Commissioner to ascertain any arrangements which are made or are about to be made by the Company for the fulfilment of its obligations under this Ordinance, the Company shall, on the request of the Director or the Commissioner, as the case may be, forthwith furnish him with such information as to the construction, operation or maintenance of the tunnel or any other matter relevant to the organization of the Company as he may require.

Information to be supplied by Company to the Director or the Commissioner.

### PART IX.

#### REGULATIONS AND BY-LAWS.

**61.** The Governor in Council may make regulations for all or any of the following matters—

Power to make regulations.

- (a) the provision by the Company of adequate, efficient, safe and continuous facilities for the passage of motor vehicles through the tunnel and approach roads;
- (b) the safety of persons using or employed in the tunnel area, having regard to fire hazards, concentrations of carbon-monoxide or other dangerous gases;
- (c) the level of illumination and the margin of visibility in the tunnel structure and approach roads;
- (d) the noise level in the vicinity of any tunnel ventilation plant;
- (e) the powers of the personnel provided by the Company for the control, restriction and safety of traffic in the tunnel area and approach roads;

- (f) prescribing for the purposes of this Ordinance, the location and extent of any approach roads to the tunnel;
- (g) the circumstances under and extent to which police officers may take over the control and restriction of traffic in the tunnel area and approach roads;
- (h) priority of vehicles in passage through the tunnel and approach roads;
- (i) any records required to be kept by the Company in addition to those specified in section 59;
- (j) prescribing anything which under this Ordinance is to be or may be prescribed;
- (k) such other purposes as may be necessary or expedient to carry out effectively the provisions of this Ordinance.

Power to make  
by-laws.

**62.** (1) Subject to this Ordinance, the Company may make by-laws for all or any of the following matters—

- (a) public health, order and safety and the prevention and abatement of nuisances in the tunnel area and approach roads;
- (b) the control, restriction and safety of traffic in the tunnel area and approach roads;
- (c) the regulation of the speed of traffic using the tunnel and approach roads;
- (d) the regulation of the types, dimensions, condition and loading of vehicles which may use the tunnel and approach roads;
- (e) the regulation of the use by vehicles in the tunnel and approach roads of lights, horns, sirens and other equipment;
- (f) the regulation and prevention of the carriage into or through the tunnel area or approach roads of any offensive, noxious or dangerous goods;
- (g) the collection of tolls in respect of the use of the tunnel;
- (h) the purchase, issue and collection of toll tickets in respect of such use;
- (i) the towing away or removal of any vehicle or thing causing obstruction in the tunnel or approach roads and the imposition of charges in respect of any such towage or removal and of any storage, detention or service of such vehicle or thing;
- (j) the protection of any property owned or controlled by the Company from damage or injury;

- (k) the employment and organization of personnel provided by the Company for the control, restriction and safety of traffic in the tunnel area and approach roads;
  - (l) any other conditions subject to which the tunnel and approach roads may be used by the public for the passage of motor vehicles; and
  - (m) any other matter relating to the control, operation and management of the tunnel which it is necessary to provide for.
- (2) All by-laws made under subsection (1) shall be subject to the approval of the Legislative Council.

(3) Any such by-laws may provide that a contravention of specified provisions thereof shall be an offence and may provide penalties therefor not exceeding a fine of one thousand dollars.

(4) The Company shall cause printed copies of all by-laws made under this section to be kept at the registered office of the Company and to be sold at a reasonable charge to every person applying therefor.

## PART X.

### MISCELLANEOUS.

**63.** Subject to subsection (2) of section 64, the Public Reclamations and Works Ordinance shall not apply in respect of the tunnel area or the works area.

Extent of  
application of  
Cap. 113.

**64.** (1) Any person having a claim of private right in respect of the tunnel area or the works area may, within six months from the commencement of any interference with such right arising from the construction works, submit a claim for compensation for any loss suffered as a result of such interference specifying the nature of the interference together with an estimate of any such loss.

Compensation  
for interference  
with private  
rights.

(2) Notwithstanding section 63, the provisions of section 7 of the Public Reclamations and Works Ordinance shall apply in respect of any such claim as though it were a claim for compensation under section 6 of that Ordinance, all the requirements thereof precedent to such claim for compensation being deemed to have been complied with.

(Cap. 113.)

**65.** The Director and the Commissioner may in writing authorize any person to exercise any of the powers or perform any of the duties conferred or imposed upon the Director or the Commissioner, as the case may be, by this Ordinance.

Delegation by  
Director and  
Commissioner.

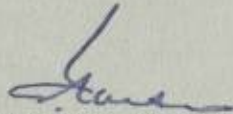
Limitation of  
public liability.

**66.** No liability shall rest upon the Government or any public officer by reason of the fact that the construction works are carried out in accordance with this Ordinance or that the construction works or the plans, structural details, calculations, method and programme of construction and conditions of contract relating thereto are subject to inspection or approval by a public officer, nor shall anything in this Ordinance make it obligatory for the Director or the Commissioner to inspect the tunnel structure or construction works to ascertain that the provisions of this Ordinance are complied with or that any plans, structural details, calculations, or other documents, certificates and notices submitted to him are accurate.

Saving.

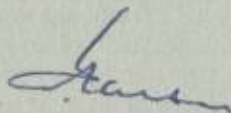
**67.** Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs or Successors, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

Passed by the Hong Kong Legislative Council this 18th day of June, 1969.



*Deputy Clerk of Councils.*

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



*Deputy Clerk of Councils.*

**HONG KONG**

No. 29 OF 1969.



I assent.

*Hoare*

Governor.

18th June, 1969.

An Ordinance to provide that references in any Ordinance to the Hong Kong Police Force and the Hong Kong Auxiliary Police Force shall be read as references to the Royal Hong Kong Police Force and the Royal Hong Kong Auxiliary Police Force respectively.

[20th June, 1969.]

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

1. This Ordinance may be cited as the Police Forces (Change of Title) Ordinance 1969.

Short title.

2. Any references in any Ordinance to—

(a) the Hong Kong Police Force; or

(b) the Hong Kong Auxiliary Police Force;

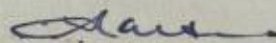
shall be read respectively as references to—

(i) the Royal Hong Kong Police Force; or

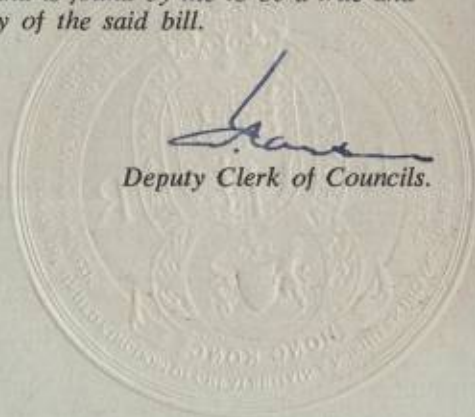
(ii) the Royal Hong Kong Auxiliary Police Force.

Amendment of references in Ordinances to Hong Kong Police Force and Hong Kong Auxiliary Police Force.

Passed by the Hong Kong Legislative Council this 18th day of June, 1969.

  
Deputy Clerk of Councils.

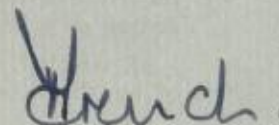
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



**HONG KONG**

No. 30 OF 1969.

I assent.



~~Governor.~~

3rd July, 1969.

An Ordinance to establish a trust fund to provide assistance for public officers and members of the armed forces of the Crown or of voluntary services killed or injured in the course of their duties and their dependants and for purposes incidental thereto or connected therewith.

[4th July, 1969.]

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

1. This Ordinance may be cited as the Hong Kong General Chamber of Commerce Special Relief Fund Ordinance 1969.

Short title.

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

Interpretation.

“Board” means the Board of Trustees established by section 5;

“Chamber” means the Hong Kong General Chamber of Commerce;

“fund” means the trust fund established by section 3;

“vesting day” means the date of commencement of this Ordinance.

Establishment  
of fund.

3. (1) There is hereby established a trust fund to be known as the Hong Kong General Chamber of Commerce Special Relief Fund.

(2) The Board shall hold the fund upon the trusts and subject to the provisions contained in this Ordinance.

Contents of  
fund.

4. The fund shall consist of—

- (a) the balance on the vesting day of the moneys donated by members of the Chamber or by members of the public to the fund set up and opened to subscription on the 10th day of July 1967 with the object of providing assistance to dependants of the forces of law and order killed during the disturbances then taking place;
- (b) such other assets as are held on the vesting day, having been acquired by the use of any moneys so donated; and
- (c) such further moneys and assets as may, on or after the vesting day, be—
  - (i) donated, subscribed or bequeathed to, and accepted by, the Board; or
  - (ii) otherwise acquired by the Board.

Establishment  
of Board  
of Trustees.

5. (1) There is hereby established a Board of Trustees, to be called the Hong Kong General Chamber of Commerce Special Relief Fund Board.

(2) The Board shall consist of not less than two nor more than four trustees, one of whom shall be appointed as Chairman by the Chamber.

(3) The trustees on the vesting day shall be the persons named in the Schedule.

Schedule.

(4) Subject to the provisions of subsection (2), the Chamber may, from time to time, by deed under its common seal, remove any trustee and appoint a new or additional trustee.

(5) A trustee may at any time resign by giving not less than one month's notice in writing to the Chamber.

(6) The quorum necessary for the transaction of the business of the Board shall be two trustees or such greater number as may be fixed by standing orders made under section 9.

(7) All questions arising at a meeting of the Board shall be decided by a majority of the votes of the trustees present and, in the case of an equality of votes, the Chairman shall have a casting vote in addition to his original vote.

6. (1) For the purposes of this Ordinance the Board—

- (a) shall be a corporation sole;
- (b) shall have the name "The Hong Kong General Chamber of Commerce Special Relief Fund Board"; and
- (c) in that name shall have perpetual succession and may sue and be sued in any court.

(2) The corporation shall have a common seal and the affixing thereof shall be authenticated by the signature of a trustee.

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

7. The Board shall apply the fund directly or indirectly in such manner as it shall think fit for the following objects—

- (a) the maintenance, advancement, education or benefit of any beneficiary; or
- (b) for the benefit of the estate of any beneficiary.

8. For the purposes of this Ordinance—  
"beneficiary" means—

- (a) any public officer;
- (b) any member of the armed forces of the Crown; and
- (c) any member of any such auxiliary or voluntary service in Hong Kong as may be from time to time approved by the Board,

who is killed or injured in the course of carrying out his duty as such in Hong Kong at any time after the 31st day of March 1967; and

- (d) any widow, widower or child of a beneficiary as defined in paragraphs (a), (b) and (c) and any other person wholly or partly dependent on any such beneficiary.

9. The Board may make standing orders—

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

Incorporation  
of Board.

Objects and  
application  
of fund.

Beneficiary  
defined.

Standing  
orders.

Appointment  
of officers and  
professional  
advisers.

10. (1) The Board may from time to time appoint, upon such salary and upon such terms as it may think proper, a secretary, a treasurer, and such other officials as it may think necessary for the purpose of carrying out the trusts and may employ any professional person to advise it on any matter arising out of or in connexion with the trust.

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

Investment  
of moneys.

11. (1) The Board may invest any moneys of the fund in such investments, whether or not such investments are trust investments, as the Board may decide, subject, in the case of investments which are not trust investments, to the prior approval of the Investment Advisory Committee.

(2) The Governor shall, for the purposes of subsection (1), appoint an Investment Advisory Committee, which shall consist of not less than three nor more than five persons.

Accounts.

12. (1) The Board shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared, in respect of the period from the vesting day to the 31st day of December 1969, and thereafter in respect of every period of one year ending on the 31st day of December, a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by all the trustees.

(2) The accounts of the fund and the signed statement of the accounts shall be audited by an authorized auditor.

Saving.

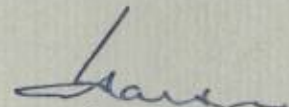
13. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs or Successors, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

SCHEDULE.

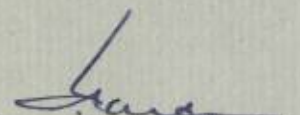
[s. 5.]

MICHAEL ALEXANDER ROBERT YOUNG HERRIES  
(Chairman)  
JOHN DOUGLAS CLAGUE  
LAWRENCE KADOORIE  
GERALD MORDAUNT BROOME SALMON.

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

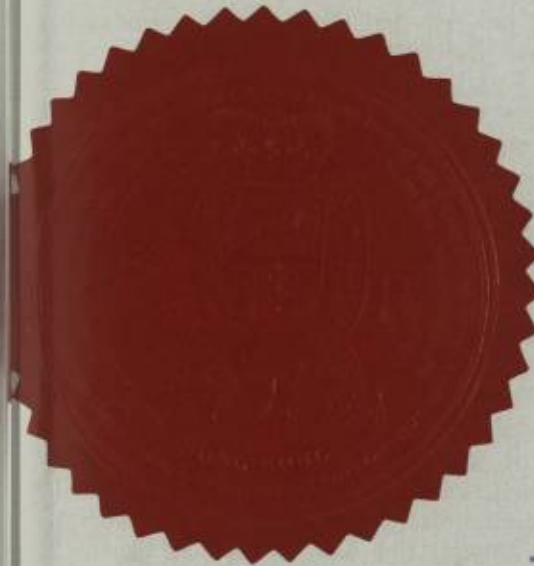
  
Deputy Clerk of Councils.

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

  
Deputy Clerk of Councils.

**HONG KONG**

No. 31 OF 1969.



I assent.

*Branch.*

*Governor.*

*3rd July, 1969.*

An Ordinance to amend further the Evidence Ordinance.

[4th July, 1969.]

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

1. This Ordinance may be cited as the Evidence (Amendment) (No. 2) Ordinance 1969.

Short title.

2. Section 2 of the principal Ordinance is amended—

Amendment of section 2. (Cap. 8.)

(a) in the definition of "court" by deleting the full stop at the end thereof and substituting therefor a semicolon; and

(b) by inserting, after the definition of "court", the following new definition—

" "Government Chemist" means the person appointed as such by the Governor and such other person as the Governor may appoint in writing to carry out chemical examinations or analyses of articles or substances and to sign certificates under section 23D in relation thereto."

Amendment of section 23B.

3. Section 23B of the principal Ordinance is amended by inserting, after "criminal", the following—  
"or civil".

Amendment of section 23C.

4. Section 23C of the principal Ordinance is amended by inserting, after "criminal", the following—  
"or civil".

Addition of new sections 23D, 23E and 23F.

5. The principal Ordinance is amended by adding, after section 23C, the following new sections—

"Government Chemist's certificates. Schedule, Form 1.

**23D.** (1) A document in the form set out in Form 1 of the Schedule purporting to be signed by the Government Chemist and purporting to be a certificate as to any article or substance submitted to him for chemical examination or analysis shall be admitted in evidence in criminal or civil proceedings before any court on its production without further proof, and—

- (a) until the contrary is proved, the court before which such document is produced shall presume that the signature to the document is genuine and that the person signing it was the Government Chemist at the time when he signed it; and
- (b) such document shall be *prima facie* evidence of all matters contained therein.

(2) A document given for the purposes of subsection (1) may be signed by the Government Chemist when any chemical examination or analysis has been made by a person acting under his supervision and direction and the Government Chemist is satisfied as to the examination or analysis.

(3) Where any document is produced and admitted as evidence under subsection (1), the court may, if it thinks fit, on its own motion or on the application of any party to the proceedings, summon the person who signed the document and examine him as to the subject matter thereof.

Certificates as to photographic process. Schedule, Form 2.

**23E.** (1) A document in the form set out in Form 2 of the Schedule purporting to be signed by a person duly appointed under subsection (2) and purporting to be a certificate as to the processing of exposed film received and processed by him shall, together with the photographic prints or photographic

enlargements referred to therein, be admitted in evidence in criminal proceedings before any court on its production without further proof, and—

- (a) until the contrary is proved, the court before which such document is produced shall presume that the signature to the document is genuine and that the person signing it was duly appointed under subsection (2) at the time when he signed it; and
- (b) such document shall be *prima facie* evidence of all matters contained therein.

(2) The Commissioner of Police may appoint in writing such public officers as he thinks fit to carry out the processing of exposed film and to sign certificates under subsection (1) in relation thereto.

(3) Where any document is produced and admitted as evidence under subsection (1), the court may, if it thinks fit, on its own motion or on the application of the prosecution or the defendant, summon the person who signed the document and examine him as to the subject matter thereof.

Certified translations of documents.

**23F.** (1) A document purporting to be signed by a person duly appointed under subsection (2) and purporting to be a certified translation made by him in the English language of a document which has been admitted in evidence and which is written in whole or in part in the Chinese language shall be admitted in evidence in criminal or civil proceedings before any court on its production without further proof, and, until the contrary is proved, the court before which such document is produced shall presume that—

- (a) the signature to the document is genuine;
- (b) the person signing it was duly appointed under subsection (2) at the time when he signed it; and
- (c) the document is an accurate translation in the English language of the document in the Chinese language to which it purports to refer.

(2) The Chief Justice may appoint in writing such public officers as he thinks fit to carry out the translation of documents and to sign certificates under subsection (1) in relation thereto.

(3) Where any document is produced and admitted as evidence under subsection (1), the court may, if it thinks fit, on its own motion or on the application of any party to the proceedings, summon the person who signed the document and examine him as to the subject matter thereof."

Addition of new Schedule.

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

"SCHEDULE. [s. 23D(1).]

FORM 1. EVIDENCE ORDINANCE. (Chapter 8).

GOVERNMENT CHEMIST'S CERTIFICATE.

I, (name) ....., Government Chemist hereby certify that—

- (a) on (date) ..... a sealed packet (or as the case may be) ..... marked (if any special mark) ..... was delivered to the Government Laboratory by (name or description of person) .....;
(b) the said sealed packet (or as the case may be) ..... was/were found to contain/be (result of examination and/or analysis) .....;
(c) on (date) ..... at the Government Laboratory, the contents of the said sealed packet (or as the case may be) ..... was/were handed in a sealed packet (or as the case may be) ..... marked (if any special mark) ..... to (name or description of person) .....

Government Chemist.

Date .....

FORM 2. [s. 23E(1).] EVIDENCE ORDINANCE. (Chapter 8).

CERTIFICATE.

I, ..... of ..... being a public officer appointed in writing by the Commissioner of Police under section 23E of the Evidence Ordinance (Cap. 8) hereby certify that—

- (1) on (date) ..... I received from (name or description of person) ..... a sealed packet (or as the case may be) ..... marked (if any special mark) ..... containing exposed photographic film[s] which was/were processed by me and I prepared therefrom (number) ..... photographic print[s] and/or (number) ..... enlargement[s];
(2) on (date) ..... I handed the said (number) ..... photographic print[s] and/or (number) ..... enlargements, each of which was marked ..... and signed by me, to (name or description of person) .....;
(3) the said (number) ..... photographic print[s] and/or (number) ..... enlargements is/are as nearly as may be [an] exact reproduction[s] from the exposed film[s] received by me as aforesaid and have in no way been retouched, altered or otherwise interfered with in the process of preparation thereof.

Date .....

(Signed) ....."

7. The Ordinances specified in the second column of the Schedule are amended to the extent and in the manner set out in the third column of the Schedule.

Consequential amendments. Schedule.

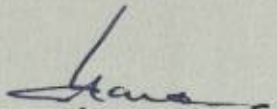
SCHEDULE. [s. 7.]

CONSEQUENTIAL AMENDMENTS.

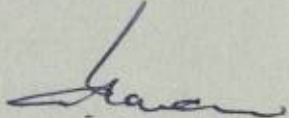
Table with 2 columns: Short title, Amendment. Row 1: Dutiable Commodities Ordinance. (1) Section 2 is amended by deleting the definition of "Government Chemist". (2) Section 42 is amended by deleting subsection (2). (3) Section 53 is amended in the definition of "adulterated liquor" by deleting "a certificate of contents purported to be signed by the Government Chemist, relating to adulterated liquor as prescribed in this definition shall in any proceedings be conclusive evidence as to the facts stated therein". (Cap. 109.)

	<i>Short title.</i>	<i>Amendment.</i>
(Cap. 109, sub. leg.)	2. Dutiable Commodities (Marking and Colouring of Hydrocarbon Oils) Regulations.	Regulation 14 is revoked.
(Cap. 134.)	3. Dangerous Drugs Ordinance.	(1) Section 2(1) is amended by deleting the definition of "Government Chemist". (2) Section 44 is repealed.
(Cap. 134, sub. leg.)	4. Dangerous Drugs Regulations.	(1) Regulation 9 is revoked. (2) The Third Schedule is revoked.
(Cap. 138.)	5. Pharmacy and Poisons Ordinance.	Section 24 is amended by deleting subsection (4).
(Cap. 241, sub. leg.)	6. Emergency (Agricultural Poisons) Regulations.	Regulation 10 is revoked.
(Cap. 295.)	7. Dangerous Goods Ordinance.	(1) Section 2 is amended by deleting the definition of "Government Chemist". (2) Section 4 is repealed. (3) Section 19 is repealed.

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

  
Deputy Clerk of Councils.

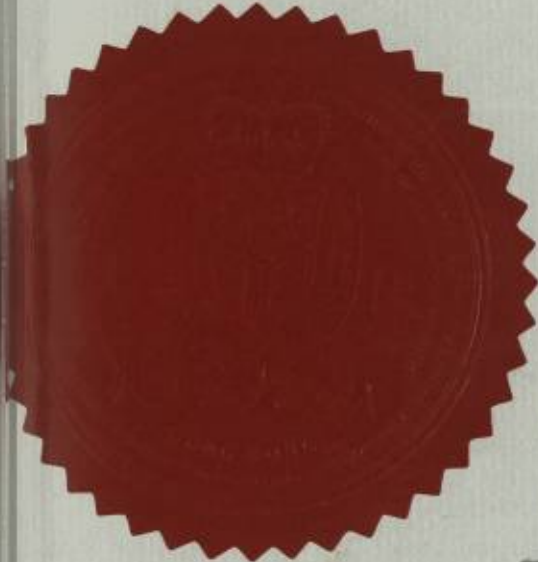
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

  
Deputy Clerk of Councils.

**HONG KONG**

No. 32 OF 1969.

I assent.



*Heusch*  
Governor.

3rd July, 1969.

An Ordinance to amend further the Road Traffic Ordinance.

[ ]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1969, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 2 of the principal Ordinance is amended—

Amendment of section 2. (Cap. 220.)

(a) in subsection (1)—

(i) by deleting the definition of “car” and substituting the following—

“car” means any motor vehicle, other than—

- (a) a goods vehicle;
- (b) an omnibus;
- (c) a light bus;

- (d) a motor tricycle;
- (e) a motor cycle; or
- (f) an invalid carriage,

which is constructed or adapted principally for the carriage of not more than seven passengers and personal effects;";

(ii) by inserting after the definition of "driving licence" the following—

"educational institution" means—

- (a) any institution, organization or place which provides or where there is provided, for ten or more persons during any one day, whether or not at the same time, kindergarten, primary, secondary or post secondary education or other educational course which is either—

(Cap. 279.)

(i) registered as a school under the Education Ordinance; or

(ii) exempted from registration as a school under the Education Ordinance;

(Cap. 320.)

- (b) any post secondary college registered under the Post Secondary Colleges Ordinance;

(Cap. 1053.)

- (c) the University of Hong Kong referred to in the University of Hong Kong Ordinance;

(Cap. 1109.)

- (d) The Chinese University of Hong Kong established under The Chinese University of Hong Kong Ordinance;";

(iii) by deleting the definition of "goods vehicle" and substituting the following—

"goods vehicle" means—

- (a) a motor vehicle which is constructed or adapted for use—
  - (i) for the carriage of goods or equipment; or
  - (ii) for any other purpose except the carriage of passengers; and
- (b) a trailer so constructed or adapted;

but does not include a motor tricycle, a motor cycle with or without a sidecar attached thereto, or an invalid carriage;";

(iv) by adding after the definition of "goods vehicle" the following—

"invalid carriage" means a motor vehicle especially designed and constructed for the use of a person suffering from physical defects or disabilities and used solely by such person;

"light bus" means a motor vehicle having an unladen weight not exceeding 2 tons which is—

- (a) constructed or adapted only for the carriage of not more than fourteen passengers and personal effects; and
- (b) of a design and type approved by the Commissioner in accordance with regulations made under this Ordinance;

"motor cycle" means any two wheeled motor vehicle having an unladen weight not exceeding 6 cwt. with or without a sidecar attached thereto;

"motor tricycle" means any three wheeled motor vehicle having an unladen weight not exceeding 8 cwt., but does not include a motor cycle with a sidecar attached thereto;";

(v) by deleting the definition of "omnibus" and substituting the following—

"omnibus" means any motor vehicle of a design and type approved by the Commissioner in accordance with regulations made under this Ordinance which—

- (a) has an unladen weight exceeding 2 tons and is constructed or adapted only for the carriage of passengers and personal effects; or
- (b) is constructed or adapted only for the carriage of more than fourteen passengers and personal effects;";

(vi) by deleting the definition of "passenger" and substituting the following—

"passenger" includes—

- (a) every person carried in an omnibus except—
  - (i) one driver;
  - (ii) two conductors;
  - (iii) such gatemens as are necessary; and

- (iv) one ticket inspector;
- (b) every person carried in a car except one driver;
- (c) every person except one driver carried—
  - (i) in a public light bus; or
  - (ii) in a private light bus;
- (d) every person carried in a goods vehicle except one driver;”;

(vii) by inserting after the definition of “passenger” the following—

““personal effects” means goods which are the personal property of the driver of a motor vehicle or of any passenger carried therein;

“private light bus” means a light bus which is registered as a private light bus under this Ordinance;

“public light bus” means a light bus which is registered as a public light bus under this Ordinance;”;

(viii) by inserting after the definition of “road” the following—

““student” means any person who is attending an educational institution for the purpose of pursuing a course of education;

“kindergarten education”, “primary education”, “secondary education” and “post secondary education” have the meanings assigned to them by section 2 of the Education Ordinance;”;

(Cap. 279.)

(ix) by adding after the definition of “Supreme Court” the following—

““taxi” means a car which is registered as a taxi under this Ordinance;

“teacher” means any person employed at an educational institution for the purpose of instructing students;

“trailer” means a vehicle which is not mechanically self-propelled and is capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include—

- (a) a sidecar attached to a motor cycle; or

- (b) a vehicle normally self-propelled by mechanical power while it is being temporarily towed without use of its own power;”;

(b) in subsection (2) by deleting paragraphs (g), (h), (i) and (j) and substituting the following—

“(g) motor cycles;

(h) motor tricycles;

(i) invalid carriages;

(j) public light buses, that is to say light buses which—

- (i) stand or ply for hire;

- (ii) are used to carry passengers at separate and distinct fares;

- (iii) are available or intended for hire;

- (iv) are hired or intended to be hired for the carriage of passengers under a contract express or implied, other than a hire purchase agreement, for the use of the vehicle as a whole at or for a fixed or agreed rate or sum; or

- (v) are used in any way to carry passengers for hire or reward;

(k) private light buses, that is to say light buses which are not public light buses but which may be used for the carriage—

- (i) of passengers without hire or reward; or

- (ii) of the students, teachers and employees of an educational institution, either free or for hire or reward, to and from an educational institution.”.

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

Amendment of section 3.

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

“(d) controlling the user of roads and in particular prohibiting either absolutely or during specified hours in any day—

- (i) the driving of any specified type or class of vehicle on a road; and

(ii) the manner in which a motor vehicle of any specified type or class may be used on a road;"

(b) by deleting paragraph (l) and adding the following—

"(l) the seizure, impounding and detention for a period not exceeding two months of any motor vehicle which has been used in contravention of this Ordinance;

(m) the charging, levying and collection of fees from the owner of any motor vehicle which has been seized, impounded or detained pursuant to regulations made under this section;

(n) the disposal by way of sale or otherwise or the destruction of unclaimed motor vehicles which have been seized, impounded or detained pursuant to regulations made under this section;

(o) exempting either wholly or partially—

- (i) the Commissioner;
- (ii) the Commissioner of Police; and
- (iii) any other person,

from liability in respect of any claim or demand in relation to any motor vehicle that has been seized, impounded or detained pursuant to regulations made under this section;

(p) generally, carrying into effect the provisions of this Ordinance."

Amendment of section 4.

4. Section 4 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

"(1) The Governor in Council may make regulations for all or any of the following matters—

- (a) the creation for any purpose of divisions within any of the classes of motor vehicle referred to in subsection (2) of section 2;
- (b) the registration and licensing of motor vehicles within the classes referred to in subsection (2) of section 2 or any division of any such class;
- (c) making registration of any class of vehicle subject to tender;
- (d) the registration of any class of vehicle at a tendered premium exclusive of registration and licence fee;

(e) the registration and licensing of any other vehicles;

(f) the exemption from registration and licensing of any vehicle or any class of vehicle;

(g) the fees to be charged for registration and licensing of vehicles;

(h) the display on vehicles of—

- (i) registration marks;
- (ii) vehicle licences; and
- (iii) any other means of identification of motor vehicles or the owners thereof;

(i) controlling, restricting or specifying—

- (i) the colours of motor vehicles or of any class of motor vehicle; and
- (ii) special markings to be displayed or carried on motor vehicles or on any class of motor vehicle;

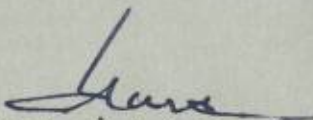
(j) limiting the number of motor vehicles which may at any time be—

- (i) registered; or
- (ii) licensed,

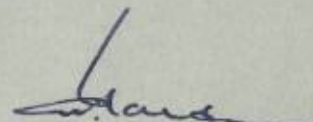
within any of the classes of motor vehicle referred to in subsection (2) of section 2 or within any division thereof;

(k) generally, carrying into effect the provisions of this section."

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

  
Deputy Clerk of Councils.

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

  
Deputy Clerk of Councils.

**HONG KONG**

No. 33 OF 1969.



I assent.

*Governor.*

3rd July, 1969.

An Ordinance to amend further the Public Transport Services  
(Hong Kong Island) Ordinance.

[ ]

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

1. This Ordinance may be cited as the Public Transport  
Services (Hong Kong Island) (Amendment) Ordinance 1969, and  
shall come into operation on a day to be appointed by the  
Governor by notice in the *Gazette*.

Short title and  
commencement.

2. Section 2 of the principal Ordinance is amended by  
adding after the definition of "grant" the following—

Amendment of  
section 2.  
(Cap. 317.)

(Cap. 230.) "private light bus" and "public light bus" mean a motor  
vehicle registered under the Road Traffic Ordinance  
as a private light bus or public light bus, as the case  
may be;"

Amendment of  
section 5.

3. Section 5 of the principal Ordinance is amended—

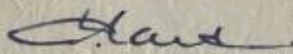
- (a) in paragraph (g) by deleting “and” in the last place where it occurs;
- (b) in paragraph (h) by deleting the colon and substituting the following—  
“; and”;

(c) by inserting after paragraph (h) the following—

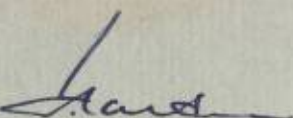
- (i) the use or operation of private light buses and public light buses in accordance with the Road Traffic Ordinance.”

(Cap. 220.)

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

  
Deputy Clerk of Councils.

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

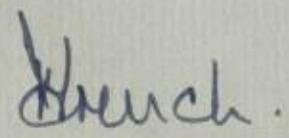
  
Deputy Clerk of Councils.

**HONG KONG**

No. 34 OF 1969.



I assent.

  
Governor.

3rd July, 1969.

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

[ ]

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

1. This Ordinance may be cited as the Public Transport Services (Kowloon and New Territories) (Amendment) Ordinance 1969, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 2 of the principal Ordinance is amended by adding after the definition of “grant” the following—

Amendment of section 2. (Cap. 318.)

“(i) “private light bus” and “public light bus” mean a motor vehicle registered under the Road Traffic Ordinance as a private light bus or public light bus, as the case may be;”

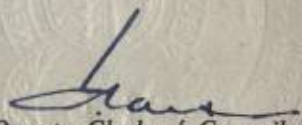
(Cap. 220.)

Amendment of  
section 5.

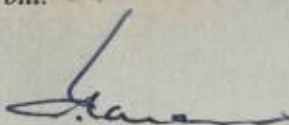
3. Section 5 of the principal Ordinance is amended—
- (a) in paragraph (f) by deleting “and” in the last place where it occurs;
- (b) in paragraph (g) by deleting the colon and substituting the following—  
“; and”;
- (c) by inserting after paragraph (g) the following—  
“(h) the use or operation of private light buses and public light buses in accordance with the Road Traffic Ordinance:”.

(Cap. 220.)

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

  
Deputy Clerk of Councils.

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

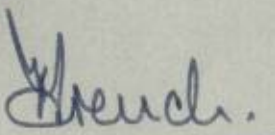
  
Deputy Clerk of Councils.

**HONG KONG**

No. 35 OF 1969.



I assent.

  
Governor.

3rd July, 1969.

An Ordinance to transfer certain civil jurisdiction conferred on magistrates to the District Court and for connected purposes.

[4th July, 1969.]

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

1. This Ordinance may be cited as the District Court (Extended Civil Jurisdiction) Ordinance 1969. Short title.

2. The Ordinance specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column of the Schedule. Amendment of specified Ordinances. Schedule.

3. Any proceedings before a magistrate which have been commenced but not disposed of before the coming into operation of this Ordinance shall be continued before a magistrate as if this Ordinance had not been enacted. Saving.

## SCHEDULE.

[s. 2.]

*Ordinance.*

(Cap. 13.)

Infants Custody  
Ordinance.

*Amendment.*

Section 5 is repealed and replaced by the following—

"Extension of  
jurisdiction  
to District  
Court.

5. (1) In this Ordinance "court" means the Supreme Court or the District Court:

Provided that the District Court shall not be competent—

- (a) to entertain any application, other than an application for variation or discharge of an existing order under this Ordinance, relating to an infant who has attained the age of sixteen years, unless the infant is physically or mentally incapable of self support; or
- (b) to award the payment of sums towards the maintenance of any infant exceeding one hundred and twenty dollars a week.

(Cap. 336.)

(2) The provisions of the District Court (Civil Jurisdiction and Procedure) Ordinance shall apply to every proceeding before, and every order by, the District Court under this section, and—

- (a) the application may be heard and determined otherwise than in open court;
- (b) where the District Court considers that the matter is one which would be more conveniently dealt with by the Supreme Court, it may refuse to make an order, and in such case, without prejudice to the general right of appeal conferred by the District Court (Civil Jurisdiction and Procedure) Ordinance, no appeal shall lie from the decision of the District Court;
- (c) an order for the payment of money shall be enforceable in like manner as an order for the payment of a civil debt."

*Ordinance.*

Maintenance Orders  
(Facilities for Enforcement)  
Ordinance.

*Amendment.*

(Cap. 15.)

(1) The Ordinance is amended by deleting "a magistrate", "any magistrate", "such magistrate", "the magistrate" and "magistrate" wherever they occur and substituting in each case the following—  
"the District Court".

(2) Section 5 is amended by deleting "he" where it occurs in subsections (1) and (4) and substituting in each case the following—  
"it".

(3) Section 6 is amended in subsection (2) by deleting "Magistrates Ordinance" and substituting the following—

"District Court (Civil Jurisdiction and Procedure) Ordinance".

(4) The marginal note to section 6 is amended by deleting "(Cap. 227.\*)" and substituting the following—

"(Cap. 336.)".

(5) Section 8 is amended—

- (a) by deleting the comma after "instance" and substituting a full stop;
- (b) by deleting "and any such imprisonment shall be in accordance with the scale provided by section 68 of the Magistrates Ordinance."

(6) Section 11 is amended by deleting "Magistrates Ordinance" and substituting the following—

"District Court (Civil Jurisdiction and Procedure) Ordinance".

(7) The marginal note to section 11 is amended by deleting "Cap. 227" and substituting the following—

"Cap. 336".

Separation and  
Maintenance Orders  
Ordinance.

(Cap. 16.)

(1) The Ordinance is amended by deleting "a magistrate", "any magistrate", "the magistrate" and "magistrate" wherever they occur, except in paragraph (a) of subsection (1) of section 3, and substituting in each case the following—  
"the District Court".

(2) The long title is amended by deleting "magistrates" and substituting the following—  
"the District Court".

(3) Sections 5, 7 and 9 are amended by deleting "magistrate's clerk" wherever it occurs and substituting in each case the following—

"Registrar of the District Court".

## Ordinance.

## Amendment.

- (4) Section 7 is amended in subsection (2)—
- (a) by deleting "if he thinks fit" and substituting the following—  
"if it thinks fit";
- (b) by deleting "if in his opinion" and substituting—  
"if in its opinion".
- (5) Sections 8 and 12 are amended—
- (a) by deleting "Magistrates Ordinance" wherever it occurs and substituting in each case the following—  
"District Court (Civil Jurisdiction and Procedure) Ordinance";
- (b) by deleting the marginal note "(Cap. 227.)" wherever it occurs and substituting in each case the following—  
"(Cap. 336.)".
- (6) Section 8 is amended by deleting "magistrate's decision" and substituting—  
"decision of the District Court".
- (7) Section 11 is repealed.
- (1) Section 3 is amended by deleting "it shall be lawful for a magistrate, on a complaint being made to him, to issue a summons requiring the person against whom such complaint has been made to appear at a certain time and place before such magistrate to answer such complaint and to show cause why he should not quit and deliver up possession of the said premises" and substituting the following—  
"the District Court may, where an action has been commenced for the recovery of possession of the premises, on application being made by the owner of such premises or his agent, issue a summons requiring the person alleged to be in possession of the premises to appear at a certain time and place before the District Court to show cause why he should not quit and deliver up possession of the premises".
- (2) Sections 5, 7, 8 and 9 are amended by deleting "the magistrate" wherever it occurs and substituting in each case the following—  
"the District Court".
- (3) Section 5 is amended by deleting "his warrant" and substituting the following—  
"its warrant".
- (4) Section 11 is repealed.
- (5) The Schedule is deleted.

(Cap. 17.)

Small Tenements  
Recovery Ordinance.

## Ordinance.

## Amendment.

- Life Insurance Companies Ordinance. Section 30 is amended by deleting "summarily" and substituting the following—  
"in the District Court". (Cap. 36.)
- Pilots Ordinance. Section 20 is amended in subsection (2) by deleting "before a magistrate summarily" and substituting the following—  
"in the District Court". (Cap. 81.)
- Railways Ordinance. Section 60 is repealed and replaced by the following—  
"Recovery of fare, money due, damages and expenses. 60. The payment of any fare for which any passenger not producing or delivering up his ticket is liable, or of any sum of money, damages or expenses for which any person shall be liable under this Ordinance, may be recovered and shall be enforceable in the District Court in like manner as the payment of a civil debt." (Cap. 99.)
- Public Lighting Ordinance. Section 6 is amended by deleting "it shall be the duty of a magistrate, on complaint thereof made, to order and compel" and substituting the following—  
"the District Court shall, where proceedings are commenced in respect of such damage or injury, order". (Cap. 105.)
- Tramway Ordinance. Sections 63 and 64 are repealed and replaced by the following—  
"Recovery of fares, charges and fines. 63. (1) Every fare or charge imposed by this Ordinance or any rule or by-law made thereunder, the recovery of which is not otherwise provided for, may be recovered in the District Court as a civil debt.  
(2) Every fine imposed by this Ordinance or any rule or by-law made hereunder, the recovery of which is not otherwise provided for, may be recovered before a magistrate, and the provisions of the Magistrates Ordinance shall apply to every proceeding before, and every order by, a magistrate under this subsection. (Cap. 227.)  
Fares etc., to be sued for within six months. 64. No person shall be liable to the payment of any fare, charge or fine imposed by virtue of this Ordinance or any rule or by-law made thereunder unless proceedings for the recovery of the same shall have been commenced within six months." (Cap. 107.)

	<i>Ordinance.</i>	<i>Amendment.</i>
(Cap. 112.)	Inland Revenue Ordinance.	Section 77 is amended by deleting "magistrate" wherever it occurs and substituting in each case the following— "District Judge".
(Cap. 123.)	Buildings Ordinance.	Section 27 is amended in subsection (1) by deleting "a magistrate" and substituting the following— "the District Court".
(Cap. 136.)	Mental Health Ordinance.	(1) Section 31 is amended— (a) in subsection (1), by deleting "any magistrate or justice of the peace" and substituting the following— "a District Judge"; (b) in subsection (3), by deleting "magistrate or justice of the peace" and substituting the following— "District Judge". (2) Sections 32, 36, 37, 42 and 62 are amended by deleting "magistrate" wherever it occurs and substituting in each case the following— "District Judge". (3) Section 68 is amended by deleting "magistrate or a justice of the peace" and substituting the following— "District Judge". (4) Section 71 is repealed.
(Cap. 213.)	Protection of Women and Juveniles Ordinance.	(1) Section 30 is amended— (a) in subsection (3), by deleting "a magistrate shall be a competent court and shall have power to hear and determine in a summary manner as provided by the Magistrates Ordinance" and substituting the following— "the District Court shall be a competent court and shall have power to hear and determine"; (b) by deleting subsection (4) and substituting the following— "(4) The District Court shall not make an order that the guardianship of the Director of Social Welfare shall cease unless it is satisfied that the person who as a result of such order or of any fresh appointment of a guardian which the District Court may make is a fit person to be the guardian of the infant."

	<i>Ordinance.</i>	<i>Amendment.</i>
		(2) Section 33 is amended— (a) by deleting "magistrate" wherever it occurs and substituting in each case the following— "District Court"; (b) by deleting "he orders" and substituting the following— "it orders"; (c) by deleting "he shall" and substituting the following— "it shall".
	Magistrates Ordinance.	(1) Section 2 is amended by deleting the definition of "civil debt" and substituting the following— "civil debt" means any sum of money claimed to be due which is recoverable before a magistrate otherwise than on information;". (2) Section 66 is repealed. (3) Section 67 is amended by adding the following new subsection after subsection (2)— "(3) The payment of any costs ordered to be paid by the complainant or the defendant in proceedings for the recovery of a civil debt shall, subject to paragraph (b) of the proviso to subsection (1), be enforced in like manner as such civil debt." (4) Section 120 is amended in subsection (2) by deleting "on a magistrate's summons" and substituting the following— "in the District Court".
	Merchant Shipping Ordinance.	Section 115 is amended in subsection (3) by deleting "summarily before a magistrate" and substituting the following— "in the District Court as a civil debt".
	Drug Addicts Treatment and Rehabilitation Ordinance.	Section 11 is amended in subsection (2) by deleting "A court or magistrate" and substituting the following— "The Supreme Court or the District Court".
	Maintenance Orders (Facilities for Enforcement) Rules.	(1) Rules 1 and 2 are amended by deleting "a magistrate" and "the magistrate" wherever they occur and substituting in each case the following— "the District Court".

*Ordinance.*

(Cap. 136, sub. leg.) Mental Health  
Regulations.

*Amendment.*

(2) Rules 2 and 4 are amended by deleting "magistrate's clerk" wherever it occurs and substituting in each case the following—

"Registrar of the District Court".

The Schedule is amended—

(1) in Forms 1, 2 and 3 by deleting "magistrate or justice of the peace", "\*magistrate/justice of the peace" and "\*Magistrate/Justice of the Peace" wherever they occur and substituting in each case the following—

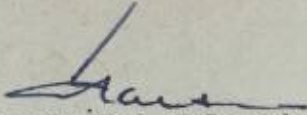
"District Judge";

(2) in Form 2 by deleting "\*Delete whichever is inapplicable";

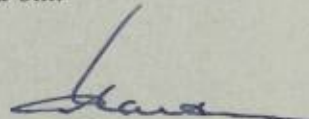
(3) in Forms 3 and 8 by deleting "Magistrate" wherever it occurs and substituting in each case the following—

"District Judge".

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

  
Deputy Clerk of Councils.

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

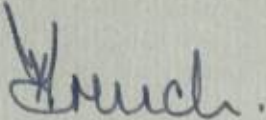
  
Deputy Clerk of Councils.

**HONG KONG**

No. 36 OF 1969.



I assent.

  
Governor.

3rd July, 1969.

An Ordinance to amend the law relating to the partition and sale of property in land under co-ownership.

[4th July, 1969.]

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

1. This Ordinance may be cited as the Partition Ordinance 1969. Short title.

2. Subject to this Ordinance, where any property in land is held by two or more persons, whether as joint tenants or as tenants in common, the Court may—

- (a) make an order under section 4 for a partition of the property;
- (b) make an order under section 6 for a sale of the property; or
- (c) refuse to make any order.

Power to order partition or sale of property in land.  
[cf. 32 Hen. 8 c. 32, s. 1.]

Institution of proceedings and parties thereto.

3. (1) Where any property in land is held in the manner referred to in section 2, any person interested in such property may institute proceedings in the Court under this Ordinance by way of an action for partition or sale.

(2) Notwithstanding anything contained in subsection (1), where any property held in the manner referred to in section 2 is subject to any mortgage or charge, no proceedings under this Ordinance shall be instituted without the concurrence of the mortgagee or chargee.

[cf. 31 & 32 Vic. c. 40, s. 9.]

(3) Proceedings under subsection (1) may be instituted against one or more of the persons interested without serving the other or others, and no defendant may object for want of parties, but the Crown shall be a necessary party to the proceedings.

[cf. 31 & 32 Vic. c. 40, s. 9.]

(4) At the hearing of the proceedings the Court may direct such inquiries as to the nature of the property, the persons interested therein and such other matters as it thinks necessary or proper, and it may add any person as a party whose presence before the Court is considered desirable.

[cf. 31 & 32 Vic. c. 40, s. 9.]

(5) Subject to subsection (6), every person interested in any manner shall be served with notice of the judgment or order of the Court, and the provisions of the Rules of the Supreme Court dealing with service of notice of judgment shall thereupon apply.

(Cap. 4, sub. leg. O. 44, r. 3.)

(6) Where it appears to the Court that notice in accordance with subsection (5) cannot be served or cannot be served without expense disproportionate to the value of the property, the Court may, if it thinks fit, by order—

39 & 40 Vic. c. 17, s. 3.

- (a) dispense with such service on any person or class of persons mentioned in the order; and
- (b) direct notices to be published at such time and in such manner as it thinks fit, calling upon all persons claiming to be interested in the property and who have not been served, to establish their claims before the Court within a time specified in the notice,

and after expiration of the time specified, all persons claiming to be interested shall be bound by the proceedings as if they had been served in accordance with subsection (5).

Partition of property in land.

4. (1) In any proceedings instituted under this Ordinance the Court may, subject to subsection (2), make an order for the partition of property in land in any of the following ways—

- (a) into parcels held by single owners in severalty;
- (b) into parcels held by two or more owners as joint tenants;

- (c) into parcels held by two or more owners as tenants in common,

and may partition the property in all those ways or in any combination of them and give all necessary or proper consequential directions.

(2) Where there is a building on any land, the Court shall not partition the property in that land so that part only of a building stands on any parcel into which the property in the land is partitioned unless that part of the building is self-contained and is not connected to the remainder of the building otherwise than by a party-wall or a mutual staircase, or both.

(3) No order for partition shall prejudice any person other than a party to the proceedings.

32 Hen. 8 c. 32, s. 2.

5. The Court may, at any time after it has made an order under section 4 for the partition of the property, on the application of any person interested or of its own motion, make an order under this section, which order may—

Court may apportion rights and obligations and create easements.

- (a) apportion or adjust between the several parcels into which the property is partitioned any rights, obligations or liabilities in force in respect of the property;
- (b) create, as between the several parcels into which the property is partitioned, or any of them, any easement, together with rights and obligations attaching thereto,

and any order under this section shall have effect as if all necessary dispositions or agreements had been duly made for that purpose by all persons concerned.

6. (1) In any proceedings under this Ordinance, where it appears to the Court that a partition of the property would not be beneficial to all the persons interested by reason of—

Sale of land. [cf. 31 & 32 Vic. c. 40, s. 3.]

- (a) the nature of the land to which the proceedings relate;
- (b) the number of the persons interested or presumptively interested;
- (c) the absence or disability of some of the persons interested; or
- (d) any other circumstances,

the Court may make an order for the sale of the property.

(2) The Court may exercise its powers under subsection (1), notwithstanding the dissent or disability of any person interested

[of 31 & 32  
Vic. c. 40, s. 5.]

- (3) (a) Without prejudice to subsection (1), if any person interested in the property applies to the Court to make an order for the sale of the property instead of an order for partition, then, unless the other persons interested undertake to purchase the interest of the party applying for an order for sale, the Court may, if it thinks fit, make an order for the sale of the property.
- (b) If an undertaking is given by the other persons interested, the Court may order a valuation of the interest of the person applying for an order for sale in such manner as it thinks fit.
- (4) On making an order under subsection (1) or subsection (3), the Court may direct a distribution of the proceeds of the sale and give all other necessary or proper consequential directions.
- (5) On a sale under this section the Court may allow any of the persons interested in the property to bid at the sale, on such terms as the Court deems reasonable as to—
- (a) non-payment of deposit; or
- (b) setting off or accounting for the purchase money or any part thereof instead of paying the same; or
- (c) as to any other matters.

31 & 32 Vic.  
c. 40, s. 6.

Application  
of proceedings  
of sale.

7. (1) The proceeds of a sale of property under an order under section 6 may, after deduction of the expenses thereof, be paid to trustees appointed by the Court.
- (2) Trustees appointed under subsection (1) shall apply the proceeds of sale paid to them in the following order—
- (a) in the discharge of any liability due to the Crown in respect of the property; and then
- (b) in the discharge of any incumbrance affecting the property directed to be sold; and then
- (c) in payment of the residue to the persons interested.

Vesting order.

8. (1) Where any judgment has been given or any order made for a partition or sale of property under this Ordinance, the Court may make a vesting order, consequential thereon, under the Trustee Ordinance.

(Cap. 29.)

- (2) A vesting order shall for the purposes of the Stamp Ordinance be deemed to be an exchange.

(Cap. 117.)

9. Jurisdiction is hereby conferred on the District Court for the purpose of any proceedings under this Ordinance where the annual rent or the rateable value, determined in accordance with the provisions of the Rating Ordinance, or the annual value of the land, whichever is the least, does not exceed five thousand dollars, and in such proceedings a District Judge shall have the power and authority of a judge of the Supreme Court conferred by this Ordinance.

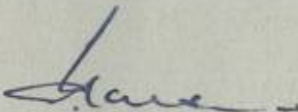
Jurisdiction  
of District  
Court.

(Cap. 116.)

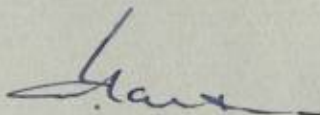
10. The Schedule to the Application of English Law Ordinance is amended by deleting Items 5 and 6.

Amendment of  
Application of  
English Law  
Ordinance.  
(Cap. 88.)

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

  
Deputy Clerk of Councils.

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

  
Deputy Clerk of Councils.

**HONG KONG**

No. 37 OF 1969.



I assent.

*Governor.*

3rd July, 1969.

An Ordinance to provide for the adjournment of judicial proceedings during a gale warning and for matters incidental thereto or connected herewith.

[4th July, 1969.]

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

1. This Ordinance may be cited as the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance 1969.

Short title.

2. In this Ordinance, unless the context otherwise requires—  
“adjourned hearing” means the resumed hearing of any judicial proceedings adjourned by or under this Ordinance;

Interpretation.

“Director” means the Director of the Royal Observatory in the Colony;

“gale warning” means a warning of the occurrence of a tropical cyclone in, or in the vicinity of, the Colony by the display of any of the local visual storm warning signals referred to in section 5;

"judicial proceedings" means any proceedings before a court, tribunal, commission or other person having by law power to receive evidence on oath;

"period of adjournment" means a period during which any judicial proceedings are adjourned by section 3 or 6;

"tropical cyclone" means a tropical depression, a tropical storm, a severe tropical storm and a typhoon.

Adjournment of judicial proceedings during gale warning.

3. (1) All judicial proceedings, part-heard or otherwise, which are set down for hearing or are being conducted at a time which falls within the duration of a gale warning shall stand and remain adjourned until resumed in accordance with section 4.

(2) Notwithstanding the provisions of subsection (1) any judicial proceedings may be continued during a gale warning and if so continued shall have full effect in law.

Resumption of adjourned judicial proceedings.

4. Any judicial proceedings adjourned by virtue of section 3 shall be resumed on the next day, which is not a public holiday, after the day on which the gale warning ceases at the time and place specified for such proceedings on the date of such adjournment under section 3.

Duration of gale warning.

5. (1) For the purposes of this Ordinance a gale warning shall—

- (a) be deemed to have commenced at the time when the Director hoists at the Royal Observatory any of the local visual storm warning signals commonly referred to as No. 5, 6, 7, 8, 9 or 10; and
- (b) be deemed to have ceased at the time when such local storm warning signals are lowered.

(2) As soon as practicable after a gale warning ceases the Director shall by notice in the *Gazette* declare the times at which and the days on which the gale warning commenced and ceased.

Chief Justice may adjourn judicial proceedings.

6. (1) Notwithstanding sections 3 and 4, the Chief Justice may by order provide for the adjournment and resumption of any judicial proceedings if, in his opinion, it is expedient to do so by reason of a tropical cyclone or of any circumstances arising therefrom.

(2) Any order made under subsection (1) shall be published in the *Gazette* as soon as practicable after the making thereof.

Attendance at adjourned hearing.

7. (1) Any person who—

- (a) being a prosecutor or witness, is bound over, by recognizance or otherwise, to appear in, or attend at, any

judicial proceedings set down for hearing on a day and at a time which falls within a period of adjournment;

- (b) being a defendant or an accused, is admitted to bail or is otherwise required to appear in, or attend at, any judicial proceedings set down for hearing on a day and at a time which falls within a period of adjournment,

shall attend the adjourned hearing.

(2) Any person who is remanded in custody and is required to be produced before a court for purposes of any judicial proceedings on a day and at a time which falls within a period of adjournment shall be produced before the court at the adjourned hearing.

8. (1) Where a person is discharged under subsection (1) of section 52 of the Police Force Ordinance upon his entering into a recognizance, with or without sureties, to appear before a magistrate or to surrender for service of a warrant of arrest and detention or for discharge at the time named in the recognizance and such time falls within the duration of a gale warning the time shall be deemed to be extended until the same time on the next day, which is not a public holiday, after the day on which the gale warning ceases.

Persons arrested or detained by police. (Cap. 232.)

(2) Where any person is detained in custody under subsection (1) or (4) of section 52 of the Police Force Ordinance during a gale warning and it is not practicable to produce the person before a magistrate within the time limit prescribed in the said subsection (1) or (4), as the case may be, he shall be produced before a magistrate on the next day, which is not a public holiday, after the day on which the gale warning ceases.

9. (1) Any person who is required by a summons or other court process or otherwise to attend any judicial proceedings on a day and at a time which falls within a period of adjournment shall attend the adjourned hearing.

Attendance on summons, etc.

(2) Any person who is required by a subpoena or otherwise to produce any document or other thing at any judicial proceedings on a day and at a time which falls within a period of adjournment shall produce the document or other thing at the adjourned hearing.

10. In computing time for the purposes of any Ordinance, any day on which—

Computation of time.

- (a) a gale warning is in force; or

(b) judicial proceedings are adjourned by an order under section 6, shall not be reckoned in the computation of that time.

Penalty for wilful default.

11. A person who fails to comply with any of the provisions of section 7, 8 or 9 shall not incur any penalty for such default unless the default is wilful.

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

*[Signature]*  
Deputy Clerk of Councils.

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

*[Signature]*  
Deputy Clerk of Councils.

HONG KONG

No. 38 OF 1969.



I assent.

*[Signature]*

Governor.

3rd July, 1969.

An Ordinance to amend further the New Territories Ordinance.

[4th July, 1969.]

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

1. This Ordinance may be cited as the New Territories (Amendment) Ordinance 1969.

Short title.

2. Section 14 of the principal Ordinance is repealed.

Repeal of section 14. (Cap. 97.)

Passed by the Hong Kong Legislative Council this 2nd day of July, 1969.

*[Signature]*  
Deputy Clerk of Councils.

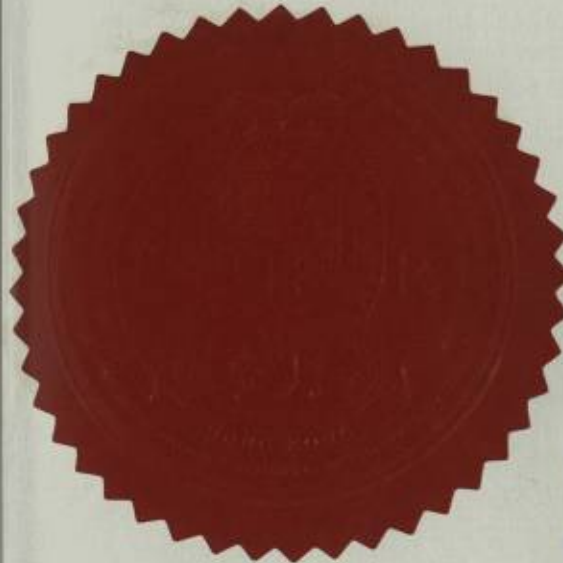
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

*[Signature]*  
Deputy Clerk of Councils.



**HONG KONG**

No. 39 OF 1969.



I assent.

*Governor.*

*31st July, 1969.*

An Ordinance to amend further the Inland Revenue Ordinance.

[1st August, 1969.]

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

**1.** (1) This Ordinance may be cited as the Inland Revenue (Amendment) (No. 2) Ordinance 1969.

Short title and commencement.

(2) The amendments to the principal Ordinance made by sections 2, 3, 4, 7, 8, 9 and 10 shall be deemed to have had effect as from the 3rd day of May 1947.

**2.** Section 4 of the principal Ordinance is amended in subsection (2) by deleting "the prescribed form" and substituting the following—

Amendment of section 4. (Cap. 112.)

"such form as the Board of Inland Revenue may specify".

Amendment of  
section 20A.

3. Section 20A of the principal Ordinance is amended in subsection (3) by deleting "prescribed form" and substituting the following—

"form specified by the Board of Inland Revenue".

Amendment of  
section 30.

4. Section 30 of the principal Ordinance is amended by deleting "prescribed form" and substituting the following—

"form specified by the Board of Inland Revenue".

Amendment of  
section 40.

5. Section 40 of the principal Ordinance is amended in subsection (1) by inserting in paragraph (b) of the definition of "industrial building or structure", after "transport", the following—

“, tunnel”.

Amendment of  
section 42.

6. Section 42 of the principal Ordinance is amended—

(a) in subsection (3)—

(i) by deleting "company, association or"; and

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

"partners"; and

(b) by inserting, after subsection (3), the following new subsection—

"(4) For the purposes of subsection (3), in calculating the number of partners in a partnership there shall be included every partner in any other partnership which is itself a partner in the first-mentioned partnership."

Amendment of  
section 42B.

7. Section 42B of the principal Ordinance is amended in subsection (3) by deleting "prescribed form" and substituting the following—

"form specified by the Board of Inland Revenue".

Amendment of  
section 43.

8. Section 43 of the principal Ordinance is amended in subsection (3) by deleting "prescribed form" and substituting the following—

"form specified by the Board of Inland Revenue".

Amendment of  
section 51.

9. Section 51 of the principal Ordinance is amended in subsection (1) by deleting "prescribed" wherever it occurs and substituting in each place the following—

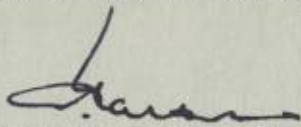
"specified by the Board of Inland Revenue".

Amendment of  
section 86.

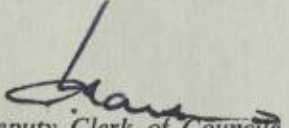
10. Section 86 of the principal Ordinance is amended by deleting "prescribe" and substituting the following—

"specify".

Passed by the Hong Kong Legislative Council this 30th day of July, 1969.

  
Deputy Clerk of Councils.

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

  
Deputy Clerk of Councils.

**HONG KONG**

No. 40 OF 1969.



I assent.

*French*  
Governor.

14th August, 1969.

An Ordinance to amend the Penicillin Ordinance.

[15th August, 1969.]

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

1. This Ordinance may be cited as the Penicillin (Amendment) Ordinance 1969. Short title.
2. The long title of the principal Ordinance is amended by deleting "*penicillin and certain other substances*" and substituting therefor the following—  

*"certain antibiotic substances"*.

Amendment of long title.  
(Cap. 137.)
3. Section 1 of the principal Ordinance is amended by deleting "Penicillin Ordinance" and substituting therefor the following—  

*"Antibiotics Ordinance"*.

Amendment of section 1.

Amendment of  
section 7.

4. Section 7 of the principal Ordinance is amended—

- (a) in subsection (1) by deleting the full stop at the end thereof and substituting therefor a colon and the following—

“Provided that such records need not be maintained by a person to whom such substance has lawfully been supplied for the purpose of treatment.”.

- (b) in subsection (2) by deleting the full stop at the end thereof and substituting therefor a colon and the following—

“Provided that such records need not be maintained by an authorized seller of poisons in respect of such substances supplied on a prescription if—

- (i) the prescription is retained by the authorized seller of poisons for a period of two years; or  
(ii) in the case of a prescription which may be dispensed on more than one occasion, a copy of that prescription is made in a book maintained for that purpose, which book is retained by him for a period of two years.”.

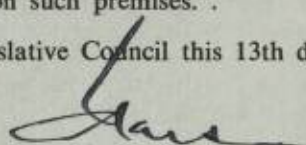
Addition of  
new section 7A.

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

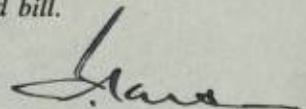
“Notifica-  
tion that no  
scheduled  
antibiotics  
may be sold.

7A. Any person who sells by retail pharmaceutical products on premises at which no registered pharmacist is employed shall cause to be displayed in such premises in a prominent place so as to be clearly visible to the public, a notice in the English and Chinese languages to the effect that the antibiotics specified in the Schedule to the Antibiotics Regulations may not be sold on such premises.”.

Passed by the Hong Kong Legislative Council this 13th day of August, 1969.

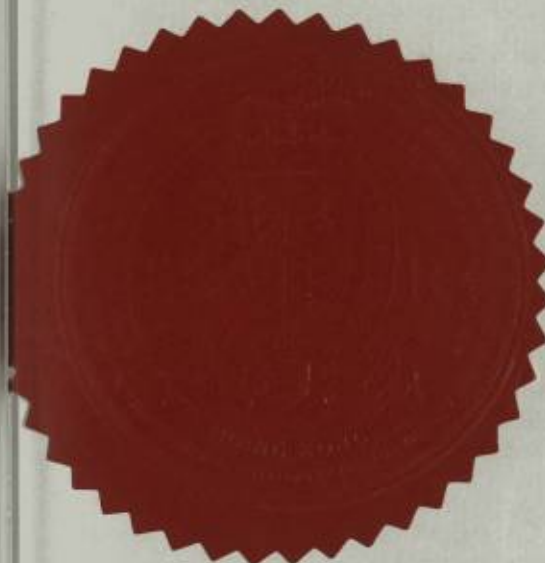
  
Deputy Clerk of Councils.

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

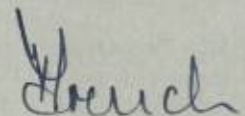
  
Deputy Clerk of Councils

**HONG KONG**

No. 41 OF 1969.



I assent.



—  
Governor.

14th August, 1969.

An Ordinance to amend the law governing the making of contracts by or on behalf of bodies corporate, and for connected purposes.

[15th August, 1969.]

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

1. This Ordinance may be cited as the Corporate Bodies Contracts Ordinance 1969.

Short title.

2. (1) Contracts may be made on behalf of any body corporate, wherever incorporated, as follows—

- (a) a contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the body corporate in writing signed by any person acting under its authority, express or implied; and

Cases where  
contracts need  
not be under  
seal.  
1960, c. 46, s. 1.

(b) a contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made by parol on behalf of the body corporate by any person acting under its authority, express or implied.

(2) A contract made according to this section shall be effectual in law, and shall bind the body corporate and its successors and all other parties thereto.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorized by this section to be made.

(4) Nothing in this section shall be taken as preventing a contract under seal from being made by or on behalf of a body corporate.

(5) This section shall not apply to the making, variation or discharge of a contract before the commencement of this Ordinance but shall apply whether the body corporate gave its authority before or after the commencement of this Ordinance.

3. This Ordinance shall not apply to any company formed and registered under the Companies Ordinance or to any existing company as defined in that Ordinance.

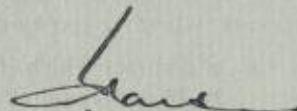
4. Section 13 of the Registered Trustees Ordinance is hereby repealed.

Passed by the Hong Kong Legislative Council this 13th day of August, 1969.



Deputy Clerk of Councils.

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



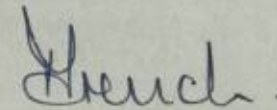
Deputy Clerk of Councils.

**HONG KONG**

No. 42 OF 1969.



I assent.



Governor.

14th August, 1969.

An Ordinance to authorize the disposal of goods accepted in the course of a business for repair or other treatment but not redelivered; and for purposes connected therewith.

[1st January, 1970.]

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

1. This Ordinance may be cited as the Disposal of Un-collected Goods Ordinance 1969, and shall come into operation on the 1st day of January 1970.

Short title and commencement.

2. (1) This Ordinance shall apply in relation to the bailment of any goods accepted (whether before or after the commencement of this Ordinance) by the bailee, in the course of a business, for repair or other treatment on the terms (express or implied) that they will be redelivered to the bailor or in accordance with the bailor's directions when the repair or other treatment has been carried out and on payment to the bailee of such charges as may be agreed between the parties or as may be reasonable.

Right of bailees to sell goods accepted for repair or other treatment but not redelivered. 1952, c. 43, s. 1.

Exclusion of companies under Companies Ordinance. 1960, c. 46, s. 2. (Cap. 32.)

Repeal. (Cap. 306).

(2) Where goods accepted as aforesaid are ready for redelivery but the bailor fails both—

- (a) to pay or tender to the bailee his charges in relation to the goods; and
- (b) to take delivery of the goods or, if the terms of the bailment so provide, to give directions as to their delivery.

the bailee shall, subject to the provisions of any agreement between him and the bailor and to the following provisions of this Ordinance, be entitled, while the failure continues, to sell the goods.

(3) The bailee shall not be entitled by virtue of subsection (2) to sell goods accepted by him for repair or other treatment unless the following provisions are complied with, that is to say—

- (a) at all premises used or appropriated by the bailee for accepting for repair or other treatment goods of the class to which the goods accepted belong, there is, at the time of the acceptance (whether or not the goods are accepted at any such premises), conspicuously displayed in the part of the premises so used or appropriated a notice written in English and Chinese indicating that the acceptance by the bailee of goods of that class for repair or other treatment is subject to the provisions of this Ordinance and that this Ordinance confers on the bailee a right of sale exercisable in certain circumstances after an interval of not less than twelve months from the date on which the goods are ready for redelivery;
- (b) after the goods are ready for redelivery, or after the commencement of this Ordinance, whichever is the later, the bailee gives to the bailor a notice that the goods are ready for redelivery, being a notice complying with the requirements of subsection (7);
- (c) after the expiration of the period of twelve months beginning with the date of the giving of the notice that the goods are ready for redelivery and not less than fourteen days before the sale of the goods, the bailee gives to the bailor a notice of his intention to sell the goods, being a notice complying with the requirements of subsection (7).

and the bailee shall not be so entitled to sell the goods in a lot in which goods not accepted by him from the bailor are included or to sell them otherwise than by public auction:

Provided that—

- (i) paragraph (a) shall not apply in relation to any goods accepted before the commencement of this Ordinance for repair or other treatment;
- (ii) where the notice of the bailee's intention to sell the goods states, in addition to the matters required to be contained therein by subsection (7), the lowest price which he is prepared to accept on a sale of the goods by virtue of this section, he may sell the goods for not less than that price otherwise than by public auction.

(4) Where, at any time before the giving of the notice of the bailee's intention to sell the goods, a dispute arises between the bailor and the bailee by reason of the bailor's refusal to pay the sum which the bailee claims to be due to him by way of his charges in relation to the goods, or to take delivery thereof or give directions as to their delivery, on the ground that the charges are excessive or that the bailor is not satisfied that the repair or other treatment of the goods has been properly carried out, the bailee's right to sell the goods shall be suspended until the dispute is determined.

(5) Without prejudice to any other mode of determining a dispute, it shall be treated for the purposes of this Ordinance as having been determined if the bailee, at any time after the dispute has arisen, gives to the bailor a notice (hereafter referred to as a notice to treat the dispute as determined)—

- (a) stating that unless, without the period of one month beginning with the date of the giving of the notice, the bailor objects thereto, the dispute will be treated for the purposes of this Ordinance as having been determined; and
- (b) in other respects complying with the requirements of subsection (7).

and within the said period of one month the bailor does not object to the notice; and where the dispute is so treated as having been determined, the date on which it shall be so treated as having been determined shall be the date of the giving of the notice.

(6) Where a dispute in relation to any goods is determined (whether by virtue of subsection (5) or otherwise), subsection (3) shall have effect in relation to those goods as if paragraph (b) thereof were omitted and as if for the reference in paragraph (c) thereof to the date of the giving of the notice that the goods are ready for redelivery there were substituted a reference to the date on which the dispute is determined.