

Amendment of section 9.

3. Section 9 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting from paragraph (a) the colon and proviso at the end thereof and substituting a full stop; and

(ii) by inserting after paragraph (b) the following—

“(c) Any notice served under this section may be served by registered post.”;

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

“(3A) Where a fire hazard abatement notice has been served upon any person pursuant to subsection (1), if—

(a) the person on whom the notice has been served fails to comply with any of the requirements of the notice within the time specified therein; and

(b) the Director is satisfied that the fire hazard to which the notice relates—

(i) constitutes an immediate and substantial danger of fire in the premises; or

(ii) is likely, if fire breaks out in the premises, to increase substantially the normal risk to life which occurs in the event of a fire,

the Director may cause to be carried out in the premises such work as appears to him to be necessary to abate the fire hazard and to prevent a recurrence thereof.

(3B) Notwithstanding section 6, the Director may authorize the Deputy Director or any Chief Fire Officer to exercise the powers and duties conferred on him by subsection (3A) but he shall not be empowered to authorize any other person to exercise any of those powers or duties.”;

(c) by deleting paragraph (c) of subsection (5) and substituting the following—

“(c) a closing order, that is to say, an order which prohibits such use of any premises as is specified in the order which use may materially increase

the likelihood of fire or other calamity or danger to life or property resulting from the outbreak of fire or the occurrence of any other calamity in or on the premises; or”; and

(d) in subsection (8), by deleting “human habitation or the storage of goods of the kind or category or in the quantity specified in the order, as the case may be,” and substituting the following—

“the use specified in the order”.

4. The principal Ordinance is amended by adding after section 9 the following new section—

Addition of section 9A.

“Recovery of expenses incurred in carrying out work under section 9(3A).

9A. (1) The expenses incurred by the Director in carrying out work under subsection (3A) of section 9 shall be a debt due to the Crown and, subject to subsection (2) of this section, shall be recoverable in the District Court from the person upon whom the fire hazard abatement notice was served.

(2) It shall be a defence for any person against whom an action is brought under subsection (1) to satisfy the court that—

(a) the fire hazard to which the fire hazard abatement notice relates—

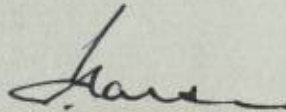
(i) did not constitute an immediate and substantial danger of fire in the premises in which the fire hazard was found; and

(ii) was not likely, if fire had broken out in the premises, to increase substantially the normal risk to life which occurs in the event of a fire; or

(b) the fire hazard was due to the act or omission of some person other than the person upon whom the fire hazard abatement notice was served.

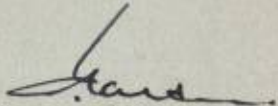
(3) Nothing in this section shall be construed as affecting any right which the person upon whom a fire hazard abatement notice has been served may have to a contribution, indemnity or damages from any other person.”.

Passed by the Hong Kong Legislative Council this 19th day of November, 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.



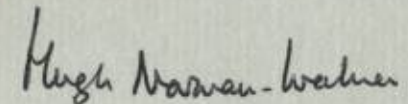
Deputy Clerk of Councils.

HONG KONG

No. 57 OF 1969.



I assent.



Acting Governor.

4th December, 1969.

An Ordinance to amend further the Medical Clinics Ordinance.

[5th December, 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 Medical Clinics (Amendment) Ordinance 1969.

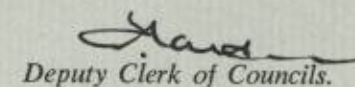
Short title.

2. Section 8 of the principal Ordinance is amended in subsection (9) by inserting after "this Ordinance" the following—

Amendment of section 8. (Cap. 343.)

"or such further period as the Legislative Council may from time to time by resolution determine".

Passed by the Hong Kong Legislative Council this 3rd day of December, 1969.



Deputy Clerk of Councils.

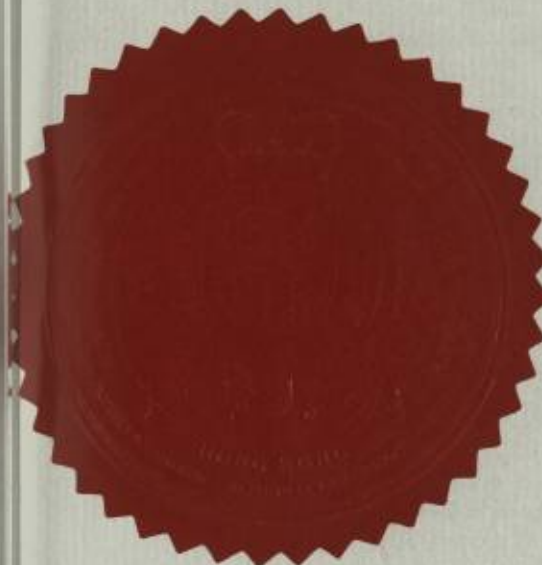
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Deputy Clerk of Councils.



HONG KONG

No. 58 OF 1969.



I assent.

Governor.

18th December, 1969.

An Ordinance to restrict the importation and possession of live animals and birds of certain kinds and to make incidental provisions.

[]

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 Animals and Birds (Restriction of Importation and Possession) 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. In this Ordinance, unless the context otherwise requires—
“Director” means the Director of Agriculture and Fisheries or an Assistant Director of Agriculture and Fisheries;

Interpretation.

“import” means to bring, or cause to be brought, into Hong Kong, and also means to bring, or cause to be brought, into Hong Kong for the purpose of export;

"scheduled animal or bird" means a live animal or live bird of a kind specified in the Schedule.

Schedule.

Restriction on importation of scheduled animal or bird.

3. (1) Except under and in accordance with a licence granted by the Director under section 5, no person shall, on his own behalf or on behalf of any other person, import any scheduled animal or bird.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and in the case of a second or subsequent offence shall be liable to a fine of ten thousand dollars and to imprisonment for six months.

Restriction on possession of scheduled animal or bird.

4. (1) Except under and in accordance with a licence granted by the Director under section 5, no person shall have in his possession any scheduled animal or bird, which has been imported after the commencement of this Ordinance.

(2) Any person who contravenes subsection (1) shall, unless he proves—

- (a) that he obtained possession of the scheduled animal or bird without knowledge that it had been imported in contravention of section 3; and
- (b) that he exercised due diligence and made due inquiry concerning the importation of the scheduled animal or bird before acquiring possession of it,

be guilty of an offence and liable on conviction to a fine of three thousand dollars.

Licences to import and possess scheduled animal or bird.

5. (1) The Director may issue an import licence authorizing the person named therein to import, within the period specified, the quantity and description of scheduled animals or birds specified in the licence.

(2) The Director may issue a licence authorizing the person named therein to possess the quantity and description of scheduled animals or birds specified in the licence and the scheduled animals or birds shall be identified by description as fully as possible in the licence.

(3) The Director may impose such conditions as he thinks fit on the issue of a licence under this section.

(4) The Director may at any time cancel a licence issued under this section.

(5) A licence under this section shall be in such form as the Director may determine.

(6) There shall be payable for the issue of a licence under this section such fees as the Governor may by regulation prescribe.

6. The Governor may, by order published in the *Gazette*, amend the Schedule.

Power of Governor to amend Schedule.

7. (1) For the purposes of this Ordinance, any member of the Preventive Service or any public officer generally or specially authorized for the purpose by the Director may—

Powers of authorized officers.

- (a) stop, board and search any ship, aircraft, vehicle or train if he has reason to suspect that there is therein a scheduled animal or bird liable to seizure; and
- (b) stop and search any person, and search the property of any person, if he has reason to suspect that such person has in his actual custody a scheduled animal or bird liable to seizure.

(2) Where it appears to any magistrate, upon the oath of any person, that there is reasonable cause to believe that in any place or premises there is a scheduled animal or bird liable to seizure, the magistrate may, by his warrant directed to any member of the Preventive Service or any public officer generally or specially authorized for the purpose by the Director, empower such member or public officer to enter, forcibly if necessary, and search the place or premises named in the warrant.

(3) Any member of the Preventive Service or any public officer generally or specially authorized for the purpose by the Director may seize, remove and detain at the owner's risk—

- (a) any animal or bird if he has reason to suspect that it is liable to seizure;
- (b) any receptacle in which an animal or bird which is seized is contained, together with any handling or other device used for the restraint of, or in connexion with, such animal or bird;
- (c) any food or drink accompanying an animal or bird which is seized and, in the case of any food or drink so seized which is perishable, the Director or any public officer authorized by him in that behalf may cause the same to be sold or otherwise disposed of forthwith;
- (d) any thing which may appear to be or to contain evidence that an offence has been committed against section 3 or section 4.

(4) An animal or bird shall be liable to seizure if it has been imported or is unlawfully possessed in contravention of this Ordinance.

Obstruction
of public
officers.

8. Any person who obstructs a member of the Preventive Service or a public officer in the exercise of any power conferred on him by or under section 7 shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars and to imprisonment for six months.

Forfeiture.

9. (1) Upon the conviction of any person for an offence against section 3 or section 4, every scheduled animal or bird in respect of which the offence was committed and all goods or things seized pursuant to subsection (3) of section 7 shall, without further order, be forfeited to the Crown.

(2) Where a person is prosecuted for an offence against section 3 or section 4, then on the acquittal of such person, the court may order any animal or bird and any goods or things which have been seized pursuant to subsection (3) of section 7, and would have been forfeited had the person been convicted, either—

- (a) to be released to the person from whom it or they were seized or to the owner thereof; or
- (b) to be forfeited to the Crown.

(3) Any animal or bird and any goods or things which are forfeited to the Crown shall be disposed of in such manner as the Director may direct.

Burden of
proof.

10. Where, in any proceedings for an offence against this Ordinance or for conspiracy to commit such an offence, any question arises as to whether any scheduled animal or bird was lawfully imported or in lawful possession, the burden of proof shall lie on the person charged with the offence.

SCHEDULE.

[s. 2.]

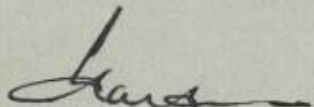
Animals.

<i>Rhinoceros unicornis</i>	Great Indian Rhinoceros
<i>Didermocerus sumatrensis</i>	Sumatran Rhinoceros
<i>Rhinoceros sondaicus</i>	Javan Rhinoceros
<i>Ailuropoda melanoleuca</i>	Giant Panda
<i>Pongo pygmaeus</i>	Orang-utan
<i>Rhinopithecus roxellanae</i>	Snub-nosed Monkey
<i>Sus salvanus</i>	Pygmy Hog
<i>Anoa depressicornis</i>	Anoa
<i>Anoa mindorensis</i>	Tamarau
<i>Bos sauveli</i>	Kouprey

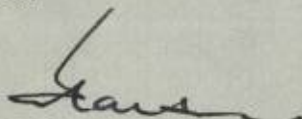
Birds.

Family <i>Paradisaeidae</i>	Birds of Paradise
<i>Pitheophaga jefferyi</i>	Monkey-eating Eagle
<i>Leucopsar rothschildi</i>	Bali or Rothschild's Starling
<i>Thaumatibis gigantea</i>	Giant Ibis

Passed by the Hong Kong Legislative Council this 17th day of December, 1969.

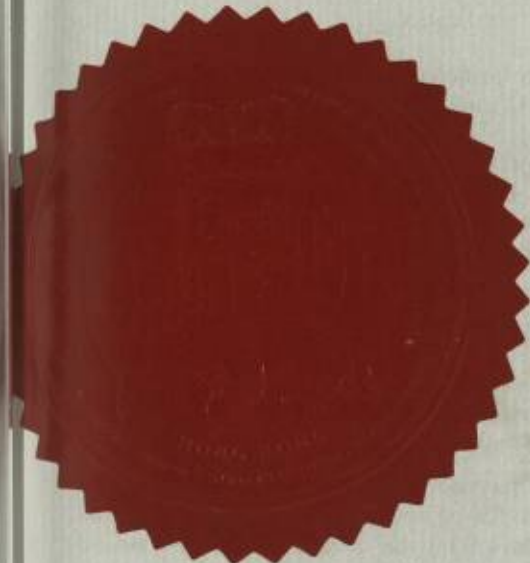

Deputy Clerk of Councils.

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. 59 OF 1969.



I assent.

French.

Governor.

18th December, 1969.

An Ordinance to amend further the Town Planning Ordinance.

[19th December, 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 Town Planning (Amendment) Ordinance 1969. Short title.

2. Section 4 of the principal Ordinance is amended in subsection (1) by— Amendment of section 4. (Cap. 131.)

- (a) deleting the full stop after paragraph (d) and substituting a semicolon; and
- (b) inserting after paragraph (d) the following new paragraph—
 - “(e) zones or districts set apart for undetermined uses.”.

Amendment of section 5.

3. Section 5 of the principal Ordinance is amended by deleting "submission to the Governor in Council for approval" and substituting the following—

"publication".

Amendment of section 6.

4. Section 6 of the principal Ordinance is amended by deleting subsections (3), (4) and (5) and substituting the following—

"(3) Upon receipt of a written statement of objection under subsection (1), the Board may give preliminary consideration to an objection in the absence of the objector and may propose amendments to the draft plan to meet the objection.

(4) If the Board proposes an amendment to the draft plan pursuant to subsection (3), it shall give notice in writing of the amendment proposed to the objector by registered post and may invite the objector to withdraw his objection on the condition that the amendment is made as proposed.

(5) An objector may notify the Board in writing within fourteen days after service of notice under subsection (4) that his objection is withdrawn on the condition that the amendment is made as proposed but if no such notification is received the objection shall continue in force.

(6) Where—

- (a) the Board does not propose amendments under subsection (3); or
- (b) an objector does not notify the Board under subsection (5) that his objection is withdrawn; or
- (c) an objector was conditionally withdrawn under subsection (5) and the Board does not proceed with the amendment proposed,

the Board shall consider the written statement of objection at a meeting of which the objector is given reasonable notice, and the objector or his authorized representative may attend such meeting and if he desires shall be heard.

(7) In any case where an amendment made by the Board to meet an objection appears to the Board to affect any land, other than that of the objector, held under lease, tenancy or permit from the Crown for a term exceeding five years, the Board shall give such notice by service, advertisement or otherwise as it deems desirable and practicable to the owner of the land in question.

(8) Any written objection received within fourteen days after the giving of notice under subsection (7) shall be considered at a meeting of the Board of which the original objector and the objector to the amendment are given reasonable notice, and the objectors or their authorized representatives may attend such meeting and if he or they so desire shall be heard.

(9) Upon consideration of an objection in accordance with subsection (6) or subsection (8) the Board may reject the objection in whole or in part or may make amendments to the draft plan to meet such objection."

5. The principal Ordinance is amended by adding, after section 6, the following new section—

Addition of new section 6A.

"Amendment of draft plan by Board otherwise than consequent upon an objection.

6A. (1) In addition to the power of amendment contained in section 6, the Board may, at any time after exhibition of a draft plan under section 5 and before approval by the Governor in Council under section 8, make amendments to a draft plan.

(2) Every amendment to a draft plan made under this section shall be exhibited by the Board for public inspection at reasonable hours for a period of three weeks and during such period the Board shall advertise twice a week in a local newspaper and shall notify in each issue of the *Gazette* the amendment to the draft plan and the hours at which such amendment may be inspected.

(3) The Board shall supply a copy of an amendment to a draft plan made under this section to any person on payment of such fee as the Board may determine.

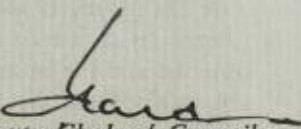
(4) Any person affected by an amendment to a draft plan made under this section may object within the said period of three weeks in manner provided by subsections (1) and (2) of section 6 and the provisions of subsections (3) to (9) of section 6 shall thereupon apply."

6. Section 7 of the principal Ordinance is amended in paragraph (b) by deleting "framed" and substituting the following—

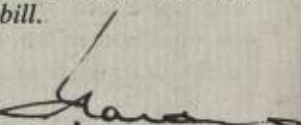
Amendment of section 7.

"made".

Passed by the Hong Kong Legislative Council this 17th day of December, 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.

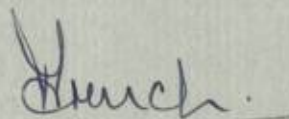

Deputy Clerk of Councils.

HONG KONG

No. 60 OF 1969.



I assent.



Governor.

18th December, 1969.

An Ordinance to repeal certain Ordinances and to make provisions incidental thereto.

[19th December, 1969.]

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

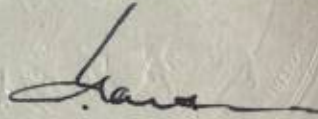
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|---|-----------------------------------|
| <p>1. This Ordinance may be cited as the Law Revision (Miscellaneous Repeals) (No. 2) Ordinance 1969.</p> | <p>Short title.</p> |
| <p>2. The Ordinances specified in the Schedule are repealed.</p> | <p>Repeals.
Schedule.</p> |
| <p>3. The Protection of Women and Juveniles Ordinance is amended by adding after section 26 the following new section—</p> <p>"Prohibition of maid-servants under twelve.</p> <p>26A. Any person who has in his employment any female domestic servant under the age of twelve years shall be guilty of an offence: Penalty: a fine of two hundred and fifty dollars and imprisonment for six months."</p> | <p>Amendment of
Cap. 213.</p> |

SCHEDULE.

[s. 2.]

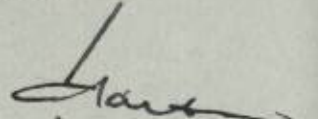
Item.	Title.
(Cap. 60.)	1. Female Domestic Service Ordinance.
(Cap. 129.)	2. Servants Quarters Ordinance.
(Cap. 187.)	3. Legal Proceedings against Enemies Ordinance.
(Cap. 198.)	4. Foreign Recruiting Ordinance.
(Cap. 237.)	5. Foreign Offenders Detention Ordinance.
(Cap. 257.)	6. Police Officers (Special Cases) Pensions Ordinance.
(Cap. 259.)	7. Pensions (Special War Appointments) Ordinance.
(Cap. 270.)	8. Hong Kong Royal Naval Reserve (General Service) Ordinance.
(Cap. 344.)	9. Pearl Oyster Cultivation (Tolo) Compensation Ordinance.

Passed by the Hong Kong Legislative Council this 17th day of December, 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.



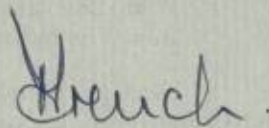
Deputy Clerk of Councils.

HONG KONG

No. 61 OF 1969.



I assent.



Governor.

18th December, 1969.

An Ordinance to amend the Midwives Registration Ordinance.

[19th December, 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 Midwives Registration (Amendment) Ordinance 1969.

Short title.

2. Section 3 of the principal Ordinance is amended—

Amendment of section 3. (Cap. 162.)

(a) in subsection (2), by deleting paragraph (f) and substituting the following—

“(f) three registered midwives appointed by the Governor from a panel of at least six registered midwives nominated by the Hong Kong Midwives Association.”; and

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

“(2A) No registered midwife in respect of whom the Board has made an order in accordance with

paragraphs (i) to (iv) of subsection (1) of section 10 shall be eligible for appointment by the Governor to the Board.”.

Amendment of section 6.

3. Section 6 of the principal Ordinance is amended in subsection (3) by—

(a) deleting the full stop at the end of paragraph (c) and substituting the following—

“; or”; and

(b) inserting after paragraph (c) the following new paragraph—

“(d) requests, by notice in writing to the secretary, that her name be so removed.”.

Amendment of section 10.

4. Section 10 of the principal Ordinance is amended in subsection (1) by inserting after “section 23” the following—

“into any case referred to it by the Preliminary Investigation Committee established by such regulations”.

Amendment of section 22.

5. Section 22 of the principal Ordinance is amended in subsection (5) by inserting after “Government” the following—

“or in the service of any institution prescribed for the purposes of this section by regulations”.

Amendment of section 23.

6. Section 23 of the principal Ordinance is amended by deleting paragraphs (g), (h) and (i) and substituting the following—

“(g) the receipt of complaints or information about any registered midwife or any applicant for registration and the establishment and functions of a committee to be known as the Preliminary Investigation Committee to make a preliminary investigation into any such complaint or information and to determine whether or not there shall be an inquiry under section 10;

(h) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Board from attending any meeting of the Board whilst it is inquiring under section 10 into a complaint or information, in the preliminary investigation of which she took part;

(i) the procedure to be followed in relation to—

(i) the submission of complaints and information to the Preliminary Investigation Committee;

(ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;

(iii) the formulation of charges arising out of complaints and information;

(iv) the reference to the Board by the Preliminary Investigation Committee of cases arising out of complaints and information;

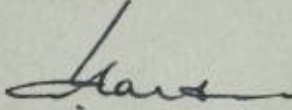
(v) inquiries held by the Board under section 10;

(j) matters relating to the conduct of the practice of midwifery;

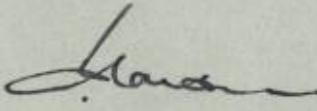
(k) any matter which by this Ordinance is required or permitted to be prescribed; and

(l) generally giving effect to the provisions of this Ordinance.”.

Passed by the Hong Kong Legislative Council this 17th day of December, 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.

PUBLIC RECORDS OFFICE
OF HONG KONG

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

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