

STAMP ORDINANCE.

(Chapter 117).

STAMP (BANK AUTHORIZATION) (No. 5) ORDER, 1960.

In exercise of the power vested in me by section 15 of the Stamp Ordinance, I hereby make the following Order:—

ORDER.

1. This Order may be cited as the Stamp (Bank Authorization) Citation. (No. 5) Order, 1960.

2. The bank specified in the Schedule to this Order is hereby authorized to compound for the payment of duty on unstamped cheques subject to the conditions stated in paragraphs (a), (b) and (c) of subsection (1) of section 15 of the Ordinance.

Specified bank authorized to compound for the payment of certain duty.

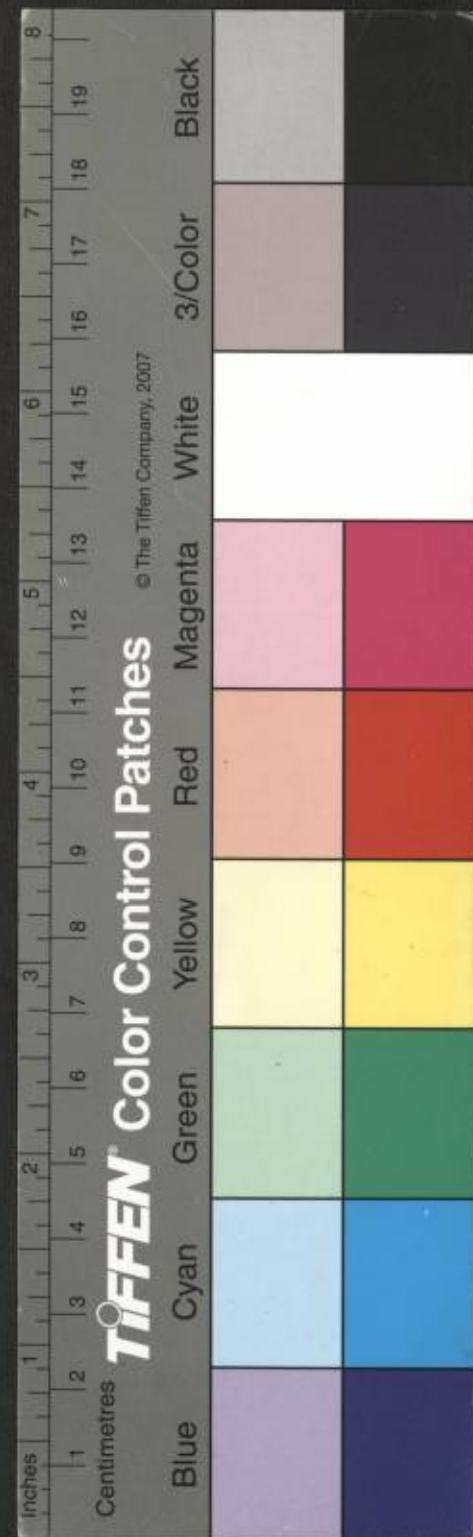
SCHEDULE.

Shanghai Commercial Bank Limited.

Arthur Clarke
Financial Secretary.

23rd December, 1960.

(Secretariat GR18/2321/49)



TAX RESERVE CERTIFICATES ORDINANCE, 1955.

(No. 66 of 1955).

TAX RESERVE CERTIFICATES (THIRD SERIES) RULES, 1960.

In exercise of the powers conferred by section 3 of the Tax Reserve Certificates Ordinance, 1955, the Governor has made the following rules—

1. These rules may be cited as the Tax Reserve Certificates (Third Series) Rules, 1960. Citation.
2. Certificates, which, upon application being made as in Form 1 in the Schedule, may be obtained from the office of the Commissioner or from any bank authorized by him for the purpose, shall be issued by the Commissioner in denominations of \$50.00, \$100.00 and \$1,000.00. Denominations of certificates, and where they may be obtained. Schedule, Form 1.
3. Every certificate and the conditions attached thereto shall be as in Form 2 in the Schedule. Form of Certificate. Schedule, Form 2.
4. The Commissioner, or any officer authorized by him for the purpose, shall accept certificates, in denominations sufficient to meet the total amount of tax outstanding or any part thereof, at their face value together with the interest accrued thereon as the equivalent of cash for the payment of any, or all, of the taxes specified in the Schedule to the Ordinance. Duty of Commissioner to accept certificates in payment of specified tax.
5. Simple interest at the rate of 3.6 per cent per annum commencing from the first day of the month following the date of issue to the first day of the month in which the certificates are accepted for payment of tax shall be paid on all certificates so accepted: Payment of interest and method of calculation.

Provided that interest shall not be paid on any certificate for more than thirty-six months.
6. Any balance of any amount due in respect of a certificate accepted by the Commissioner and remaining after payment of tax shall be refunded by him to the holder thereof. Duty to refund balance after payment of tax.
7. The Commissioner shall repay to the holder on demand the principal value of any certificate, but he shall not pay any interest thereon. Duty to repay principal value of certificate.

Prohibition against transfer of certificate or obligations created.

8. Certificates or the obligations created thereby may not be transferred except as may be ordered by a Court of competent jurisdiction.

Power to issue duplicates.

9. The Commissioner may, on being satisfied upon such evidence as he may require, issue, upon such conditions as he may impose, a duplicate of any certificate which has been lost, mislaid, destroyed or mutilated.

Saving. (G.N.A. 132/55). (G.N.A. 30/58).

10. On or after the coming into operation of these rules the Tax Reserve Certificates Rules, 1955, and the Tax Reserve Certificates (Second Series) Rules, 1958, shall cease to have effect save in relation to certificates issued thereunder prior to the coming into operation of these rules.

SCHEDULE.

[r. 2.]

FORM 1.

ORDINANCE NO. 66 OF 1955.

APPLICATION FOR TAX RESERVE CERTIFICATES.

(THIRD SERIES).

I (1)
of (2) hereby make
application for Tax Reserve Certificates as set out below to be issued in my name/
the name of (3)
..... (4)

I tender herewith cash/cheque (3) for \$ in payment.

..... Certificates at \$ 50.00 each=\$
..... Certificates at \$ 100.00 each=\$
..... Certificates at \$1,000.00 each=\$
Total \$

.....
Signature of Applicant.

Date

Notes:-

- (1) Insert full name of applicant.
- (2) Insert address of applicant.
- (3) Delete the alternative which does not apply.
- (4) Insert the name of the individual, firm, body of persons or corporation in payment of whose tax the certificates will be tendered.

FOR OFFICIAL USE ONLY.

Paid cash \$.....
cheque

Certificates issued		Numbers
.....	at \$ 50.00=\$ to
.....	at \$ 100.00=\$ to
.....	at \$1,000.00=\$ to
Total \$		

.....
Signature of Clerk or Bank Official.

Serial No.
Entd. By

FORM 2.



Serial No.

TAX RESERVE CERTIFICATE.

(THIRD SERIES).

THIS CERTIFICATE is issued this day of
19 by the Commissioner of Inland Revenue, Hong Kong, in acknowledgement of the sum of HKS* and entitles
to repayment of this sum together with any interest due subject to and in accordance with the following conditions—

*Insert amount.

1. (a) This Certificate (with Paragraph 1 of the Instructions endorsed hereon duly completed and the required documents of demand attached) may be tendered to the Commissioner of Inland Revenue, Hong Kong, in or towards payment of any or all taxes specified in the Schedule to the Tax Reserve Certificates Ordinance, 1955.
- (b) If this Certificate is so tendered, it will be accepted at face value together with the interest accrued thereon as the equivalent of cash for the payment of the taxes specified above. Interest will be calculated at the rate of 3.6 per cent per annum and will be allowed for each completed month calculated from the 1st of the month following the date of issue until the 1st of the month in which the certificate is accepted:

Provided that interest will not be allowed on any Certificate for more than thirty-six months.

2. This Certificate if not applied in payment of Tax may be lodged at the office of the Commissioner of Inland Revenue for repayment. In such case no interest will be paid and repayment of the principal only will be made.
3. Neither this Certificate nor the obligation created hereby is transferable and the Commissioner of Inland Revenue will not, except as ordered by a Court of competent jurisdiction, be bound to recognize any transfer, charge, deposit, trust or equity affecting the ownership of this Certificate or the moneys represented hereby.
4. The Certificate Holder, or his legal personal representatives, will be regarded as exclusively entitled to the benefit of this Certificate and the obligation created hereby.
5. The Commissioner may refuse any certificate tendered in payment of tax or he may refuse repayment to the holder of the principal value thereof until he is satisfied that the signature on the reverse of such certificate is that of the holder or his personal representative or, where the holder is a partnership, body of persons or corporation, that of a partner or official authorized to sign on behalf of the holder.

.....
Commissioner of Inland Revenue.

INLAND REVENUE DEPARTMENT,
 HONG KONG.

Note: Please study the instructions on the reverse and fill in the necessary particulars BEFORE surrendering this Certificate for payment of tax or reimbursement.

P.T.O.

INSTRUCTIONS.

Delete Paragraph I or II according to circumstances, complete the remaining paragraph and SIGN the form in the space below. The signature must be that of the holder or his legal representative or, where the holder is a partnership, body of persons or corporation, that of a partner or official authorized to sign on behalf of the holder.

I. FOR USE WHEN THE CERTIFICATE IS TENDERED IN PAYMENT OF TAX.

I, (1), being the holder/ the legal personal representative of the holder/authorized to sign on behalf of the holder (2) named in this Certificate, request that the principal sum (or so much thereof as is required) together with any interest payable be applied in payment or towards payment of tax which is payable by the holder under the Inland Revenue Ordinance as shown on the accompanying documents of demand and the balance (if any) to be refunded to the holder.

II. FOR USE WHEN THE HOLDER WISHES TO REDEEM CERTIFICATE AT FACE VALUE.

I, (1), being the holder/ the legal personal representative/authorized to sign on behalf of the holder (2) named in this Certificate request that the sum of \$..... being the whole of the principal sum be repaid to the holder.

Date Signature

(1) Insert full name of person signing this Certificate.

(2) Delete the alternatives which do not apply.

FOR OFFICIAL USE ONLY.

Date of Issue	Date Redeemed	Number of Intervening Months	Amount of Interest

Gross Principal & Interest \$

Applied D/N \$

Refunded \$

.....
Shroff.

.....
Accountant.

Received the sum of \$

Date Signed

By Command,

Aranda Burgess
 Colonial Secretary.

19th December, 1960.

Explanatory Note.

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

1. These rules provide for the issue of a third series of Tax Reserve Certificates of the same fixed denominations as the second series, that is to say, \$50.00, \$100.00 and \$1,000.00.

2. The rules provide for the acceptance of the certificates, together with interest thereon, in payment of salaries tax and tax payable on personal assessment. Where certificates are surrendered in payment of these taxes, simple interest is payable at the rate of 3.6 per cent per annum, for a maximum period of thirty-six months, commencing on the first day of the month following the date of issue of the certificate to the first day of the month in which it is accepted for payment of taxes. This interest is not subject to interest tax by virtue of paragraph (c) of the proviso to section 28 of the Inland Revenue Ordinance, Cap. 112.

3. It should be noted that the Tax Reserve Certificates Rule, 1955 and the Tax Reserve Certificates (Second Series) Rules, 1958 are not revoked by these rules, but their application is limited to certificates issued under them.

(Secretariat GR3/2306/54)

TAX RESERVE CERTIFICATES ORDINANCE, 1955.

(No. 66 of 1955).

TAX RESERVE CERTIFICATES (SCHEDULE AMENDMENT) ORDER, 1960.

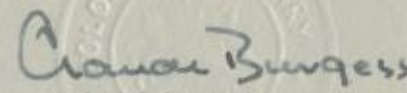
In exercise of the powers conferred by section 3 of the Tax Reserve Certificates Ordinance, 1955, the Governor has made the following Order—

1. This Order may be cited as the Tax Reserve Certificates Citation. (Schedule Amendment) Order, 1960.

2. The Schedule to the Tax Reserve Certificates Ordinance, 1955 is amended by the deletion of items 1 and 2 thereof and the substitution thereof of the following— Amendment of Schedule. (66 of 1955).

“1. Any tax charged under the Inland Revenue Ordinance, Chapter 112.”.

By Command,


Colonial Secretary.

19th December, 1960.

Explanatory Note.

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

This Order provides for the amendment of the Schedule to the Tax Reserve Certificates Ordinance, 1955 whereby tax reserve certificates may now be accepted by the Commissioner of Inland Revenue in payment of any tax charged under the Inland Revenue Ordinance, Chapter 112. Prior to the making of this Order tax reserve certificates were limited to the payment of Salaries Tax, and taxes charged under a personal assessment made in pursuance of the provisions of Part VII of the Inland Revenue Ordinance.

(Secretariat GR3/2306/54)

DIPLOMATIC PRIVILEGES ORDINANCE.

(Chapter 190).

NOTIFICATION UNDER SECTION 2.

WHEREAS Her Majesty's Government in the United Kingdom applied the provisions of the Convention on Privileges and Immunities of the Specialized Agencies to the Inter-governmental Maritime Consultative organization by Order in Council made on the 28th day of July, 1959, under the International Organizations (Immunities and Privileges) Act, 1950, by which said Order it was declared that the Inter-governmental Maritime Consultative Organization is an Organization of which Her Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members:

NOW, THEREFORE, in exercise of the powers conferred by section 2 of the Diplomatic Privileges Ordinance, His Excellency the Governor (Cap. 190), hereby declares and provides as follows—

PART I.

THE ORGANIZATION.

1. The Inter-governmental Maritime Consultative Organization (hereinafter referred to as the Organization) is an organization to which the Diplomatic Privileges Ordinance applies. (Cap. 190).
2. The Organization shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.
3. The Organization shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty.
4. The Organization shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
5. The Organization shall have exemption from taxes on the importation of goods directly imported by the Organization for its official use in Hong Kong or for exportation, or on the importation of any publications of the Organization directly imported by it, such



exemption to be subject to compliance with such conditions as the Director of Commerce and Industry may prescribe for the protection of the Revenue.

6. The Organization shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organization for its official use and in the case of any publications of the Organization directly imported or exported by it.

7. The Organization shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Hong Kong), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II.

REPRESENTATIVES.

8. (i) Except in so far as in any particular case any privilege or immunity is waived by the Government of the member whom they represent, representatives of members of the Organization on any of its organs at meetings convened by it shall enjoy:—

- (a) In respect of words spoken or written and all acts done by them in their official capacity, the like immunity from suit and legal process as is accorded to an envoy of a foreign Power accredited to Her Majesty;
- (b) While exercising their functions and during their journeys to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(ii) Where the incidence of any form of taxation depends upon residence, any period during which representatives of members of the Organization on any of its organs at meetings convened by it are present in Hong Kong for the exercise of their functions shall, for the purpose of determining their liability to taxation, be treated as not being a period of residence in Hong Kong.

(iii) Part IV of the Schedule to the Act shall not operate so as to confer any immunity or privilege on the official staff of representatives of members of the Organization other than alternates, advisers, technical experts and secretaries of delegations.

(iv) Neither the provisions of the preceding paragraphs of this Article nor those of Part IV of the Schedule to the Ordinance shall operate so as to confer any immunity or privilege on any person as the representative of Her Majesty's Government in Hong Kong or as a member of the official staff of such a representative or on any person who is a citizen of the United Kingdom and Colonies.

PART III.

OFFICERS.

9. Except in so far as in any particular case any privilege or immunity is waived by the Organization, the Secretary General of the Organization and the Secretary of the Maritime Safety Committee shall be accorded the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes, other than income tax, as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty, and exemption from income tax in respect of emoluments received by them as officers of the Organization; provided that, so long as the Headquarters of the Organization are located in the territory of the United Kingdom or Colonies, the provisions of this Article shall not apply to any person who is a citizen of the United Kingdom and Colonies.

10. Except in so far as in any particular case any privilege or immunity is waived by the Organization, all officers of the Organization with the exception of those who are recruited locally and assigned to hourly rates shall enjoy:—

- (a) Immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) Exemption from income tax in respect of emoluments received by them as officers of the Organization.

PART IV.

EXPERTS.

11. (i) Except in so far as in any particular case any privilege or immunity is waived by the Organization, experts (other than officers of the Organization) who are members of any committee of the Organization or who are employed on missions on behalf of the Organization shall, so far as is necessary for the effective exercise of their functions, enjoy:—

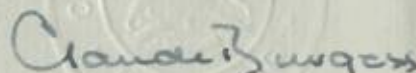
- (a) In respect of words spoken or written and all acts done by them in their official capacity, the like immunity from suit and

legal process as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty;

- (b) While exercising their functions and during their journeys in connexion with service on such committees or missions, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents relating to the work on which they are engaged for the Organization as is accorded to an envoy of a foreign sovereign Power accredited to Her Majesty.

(ii) Part IV of the Schedule to the Ordinance shall not operate so as to confer any immunity or privilege on the official staff of experts to whom the provisions of paragraph (i) of this Article apply.

By Command,


Colonial Secretary.

19th December, 1960.

(Secretariat GR1/5281/46II)

FUNERAL PARLOUR BY-LAWS, 1960.

ARRANGEMENT OF BY-LAWS.

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PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.
(No. 30 of 1960).

FUNERAL PARLOUR BY-LAWS, 1960.

In exercise of the powers conferred by section 123 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

- Citation. 1. These by-laws may be cited as the Funeral Parlour By-laws, 1960.
- Application. 2. These by-laws apply to the urban areas only.
- Interpretation. 3. In these by-laws, save where the context otherwise requires—
“body” means the dead body of a human being, but does not include the skeletal remains of any such body or the ashes thereof after cremation;
“burial” includes cremation;
“Council” means the Urban Council;
“funeral parlour” means a mortuary, but does not include—
(a) the Tung Wah Hospital Repository situated at Sandy Bay, Hong Kong;
(b) any place set apart under the provisions of section 4 of the Magistrates (Coroners Powers) Ordinance for the reception of dead bodies for the purpose of *post mortem* examination;
(c) any mortuary situated within the precincts of any hospital or similar institution which is maintained or controlled by the Crown or by the University of Hong Kong provided for by the University Ordinance, 1958; or
(d) any mortuary situated within the precincts of any hospital or institution for the time being specified in the Schedule to the Nursing and Maternity Homes Registration Ordinance;
“quarantinable disease” has the meaning assigned to it by section 2 of the Quarantine and Prevention of Disease Ordinance.
- (Cap. 14).
- (13 of 1958).
- (Cap. 165).
- (Cap. 141).
- Licensing of funeral parlour businesses.
4. (1) Save under and in accordance with a licence granted by the Council, no person shall carry on the business of a funeral parlour.
(2) Every such licence shall expire annually on the 31st day of December.

(3) The grant or renewal of any such licence shall be subject to the payment in advance to the Treasury of a fee of one thousand dollars:

Provided that, where any such licence is granted after the 30th day of June in any year, the fee payable in respect of the grant of that licence shall be one-half of the prescribed fee.

(4) Nothing in this by-law shall be taken or construed to the prejudice of any of the provisions of the Miscellaneous Licences Ordinance relating to the licensing of undertakers. (Cap. 114).

5. The licensee of every funeral parlour shall cause his name to be posted, in English lettering and Chinese characters not less than four inches in height, in a conspicuous place on the outside wall or door of the premises to which his licence relates. Requirements as to posting of licensees' names, etc.

6. The licensee of every funeral parlour shall cause— Posting of notices prohibiting spitting, etc.
- (a) not less than one notice, which shall be written in English lettering and Chinese characters of such size as to be clearly visible from a distance of six feet, prohibiting spitting, except into a spittoon or other receptacle provided for the purpose, to be posted in every room of the funeral parlour to which members of the public have access; and
- (b) every such room to be provided with a sufficient number of spittoons or other suitable receptacles to the satisfaction of the Council.

7. The following provisions shall apply to every funeral parlour— Funeral parlours to comply with certain provisions.
- (a) every part of the premises shall be adequately lighted and ventilated to the satisfaction of the Council, either by natural means or mechanical means or partly by natural means and partly by mechanical means;
- (b) no part of the premises shall have direct access to any premises used for domestic purposes or to any premises not wholly concerned with and used for the purposes of the funeral parlour; and
- (c) not less than one room shall be used exclusively for the purpose of embalming any body or preparing any body for burial, encoffining or cremation, and every such room shall comply with the following requirements—
- (i) a rectangular area of floor space, not less than ten feet by fifteen feet, shall be provided for each embalming or preparation table installed in the room;
- (ii) the floor shall be surfaced with smooth non-absorbent material and the junction between the walls and the floor shall be coved;

(iii) the floor shall be laid with proper falls so that liquid may drain towards one or more vents in the walls of the room, and each such vent shall be so constructed as to discharge by way of a covered surface channel or waste pipe into one or more trapped gullies situated in the open air and within the curtilage of the funeral parlour and shall, at all times, be protected by a removable grating;

(iv) the internal surface of the walls shall be tiled or faced with smooth impervious material to a height of not less than six feet;

(v) light and ventilation shall be provided by natural means or mechanical means, or partly by natural means and partly by mechanical means, to the satisfaction of the Council;

(vi) no window shall open, and no exhaust fan shall discharge, otherwise than directly into the open air at a height above ground level of not less than six feet and so as to ensure that no nuisance is caused to any neighbouring or adjoining premises or in any public place;

(vii) every door shall be fitted with a self-closing device and screened or otherwise rendered fly-proof, and every window shall be screened or otherwise rendered fly-proof;

(viii) every door opening into any part of the premises to which the public have access shall be clearly marked on the outside in English and Chinese—

“NO ADMITTANCE
不准進入”;

(ix) not less than one embalming or preparation table shall be provided therein;

(x) the surface of every embalming or preparation table shall be not less than seven feet by two feet six inches, and every such table shall be so sited in the room as to leave an unobstructed space of not less than two feet on every side thereof;

(xi) every such table shall be constructed of or lined with smooth impervious material and shall be fitted with a raised edge on every side not less than two inches in height, and the whole table shall slope towards one end so as to drain any liquid falling thereon towards a waste pipe or channel so constructed as to lead into the vents required by the provisions of sub-paragraph (iii) to be provided;

(xii) in respect of each such table, there shall be provided one washhand basin of glazed stone ware, which shall be supplied with water from the public mains or from such other source as the Council may approve and drain either into the

vents required by the provisions of sub-paragraph (iii) to be provided or into a trapped gully situated in the open air and within the curtilage of the funeral parlour; and

(xiii) one tap therein shall be so constructed that a hose-pipe may be fitted thereto so as to enable every part of the room to be hosed down as necessary, and a hose-pipe suitable for such purpose shall be kept available at all times.

8. (1) No body shall be embalmed or prepared for burial, encoffining or cremation in any funeral parlour otherwise than in a room used exclusively for such purpose. Embalming,
etc.

(2) At all times during which any body is retained in any such room, the windows thereof shall be kept fully opened and, if the room is ventilated wholly or partly by mechanical means, the ventilating system shall be kept in operation.

9. (1) No body in an advanced state of decomposition shall be received into any funeral parlour unless encoffined in a hermetically sealed coffin. Reception
and retention
of human
remains.

(2) No body shall be retained in any funeral parlour for a longer period than forty-eight hours unless the same is encoffined in a hermetically sealed coffin or is embalmed.

(3) Save with the permission in writing of the Director of Urban Services, no human remains whatsoever shall be retained in any funeral parlour for longer than seven days.

10. Where it appears to the licensee of any funeral parlour that the body of any person who has died while suffering from any quarantinable disease has been received into such funeral parlour, he shall forthwith notify a health officer or health inspector of the fact. Bodies of
persons dying
while suffering
from
quarantinable
diseases.

11. (1) No person shall handle, or carry out any process of embalming, preparing or treating, the body of any person who, to the knowledge or belief of such person or of the licensee of the funeral parlour, died while suffering from a quarantinable disease, unless he is wearing a rubber apron, or other protective clothing of a type approved by the Council, and rubber gloves. Use of rubber
gloves, etc.

(2) Any such rubber apron, protective clothing and rubber gloves shall be disinfected immediately after the same has been used.

12. The licensee of any funeral parlour shall, at all times, keep the premises, including all fittings, equipment, furniture, utensils and apparatus therein, in a clean and sanitary condition to the satisfaction of the Council. Cleanliness
of premises.

Registers.

13. (1) The licensee of any funeral parlour shall keep a register in the English language in which shall be recorded, so far as they are known to him, the following particulars—

- (a) the name and address of the deceased;
- (b) the age or approximate age of the deceased;
- (c) the sex of the deceased;
- (d) the date, place and cause of the death of the deceased;
- (e) the date on, and the time at, which the remains of the deceased were received into the funeral parlour;
- (f) the date on, and the time at, which such remains were removed from the funeral parlour;
- (g) the date and number of the death certificate and of any permit for the burial, cremation, import to or removal from the Colony, as the case may be, of such remains;
- (h) the name and address of the medical practitioner (if any) who certified as to the death of the deceased, and of the person signing any permit for burial, cremation, import to or removal from the Colony, as the case may be, of such remains;
- (i) the name and address of the person (if any) who has undertaken to pay the charges (if any) of the funeral parlour;
- (j) the manner in which such remains were disposed of after they were removed from the funeral parlour; and
- (k) where the deceased died from any quarantinable disease, whether or not those parts of the funeral parlour in which such remains were kept were disinfected after such remains were removed therefrom.

(2) Every such register shall be open to inspection at any time by any health officer, health inspector, police officer or member of the Council.

Offences and penalties.

14. (1) Any person who contravenes the provisions of paragraph (1) of by-law 4 shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

(2) In the event of a contravention of any of the provisions of by-law 5, 6, 7, 8, 9, 10, 11 or 12 or of paragraph (1) of by-law 13, the licensee of the funeral parlour shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and, where the offence is a continuing offence, shall be liable in addition to a fine of ten dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

15. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

Name in which proceedings for offences may be brought.

16. Any licence granted under the provisions of the by-laws contained in Schedule A to the repealed Public Health (Sanitation) Ordinance, 1935 under the heading "Private Mortuaries" which is in force at the commencement of these by-laws shall be deemed to have been granted under by-laws 4 of these by-laws.

Transitional provisions. (15 of 1935).

17. It is hereby declared that, for the purposes of subsection (1) of section 150 of the Ordinance, the provisions of these by-laws shall be in substitution for the provisions of the by-laws contained in Schedule A to the repealed Public Health (Sanitation) Ordinance, 1935 under the heading "Private Mortuaries".

Provisions of by-laws to be in substitution for provisions of certain by-laws.

Made by the Urban Council this 6th day of December, 1960.

T. S. Whitley
Secretary.

Approved by the Legislative Council this 21st day of December, 1960.

COUNCIL CHAMBER,
21st December, 1960.

[Signature]
Deputy Clerk of Councils.

Explanatory Note.

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

The purpose of these by-laws is to replace, subject to amendment, the existing by-laws dealing with private mortuaries contained in Schedule A to the repealed Public Health (Sanitation) Ordinance, 1935.

2. These by-laws follow substantially the existing by-laws with the exception that the more commonly used title for this kind of establishment, namely, "funeral parlour" has been adopted in preference to the title "private mortuary".

3. A detailed Comparative Table is annexed to this Note.

COMPARATIVE TABLE.

By-law.	Corresponding existing by-law.	Remarks.
1	—	Citation. The more colloquial title of "funeral parlour" is substituted for the title "private mortuary".
2	—	Application.

<i>By-law.</i>	<i>Corresponding existing by-law.</i>	<i>Remarks.</i>
3	1(1)	Interpretation.
4	1(2) and (4)	Licensing. Paragraph (3) of this by-law increases the licence fee from \$500 to \$1,000 per year.
5	2(1)	The existing by-law 2(2) is omitted since its provisions are no longer applicable in view of the repeal of section 13 of the Summary Offences Ordinance, 1932, to which it referred.
6	—	New. Prohibition of spitting, except into receptacles provided therefor.
7	4	The existing by-law 3 is omitted, but paragraph (b) of this by-law achieves the same result by prohibiting direct access from funeral parlours to other premises. In other respects, this by-law re-enacts in substance the requirements contained in the existing by-law 4.
8	5 and 9	This by-law modifies the existing by-law 5 by substituting for the existing provision that embalming may only be done in a chamber used exclusively for that purpose a provision that embalming may only be done in a chamber used exclusively for the preparation of bodies for burial generally, and modifies the existing by-law 9 relating to ventilation to cater for mechanical ventilation as well as natural ventilation.
9	10	This by-law extends from 24 hours to 48 hours the period during which a dead body may be kept in a funeral parlour without being encoffined, and from 48 hours to 7 days the period during which an encoffined body may be kept therein.
10	8(2)	This by-law modifies the existing by-law 8(2) so as to require the licensee of a funeral parlour to report to a health officer or health inspector the receipt of the body of any person whom he suspects of having died of a quarantine disease. The existing provision relating to certification of the cause of death is not suitable because the licensee of a funeral parlour has no access to the death certificate. For the same reason the existing by-law 8(1) is omitted.
11	12	Follows the existing by-law 12.
12	11	Follows the existing by-law 11.
13	9	Follows the existing by-law 9.

<i>By-law.</i>	<i>Corresponding existing by-law.</i>	<i>Remarks.</i>
14	Section 81 of the repealed Public Health (Sanitation) Ordinance, 1935.	The penalty for carrying on the business of a funeral parlour without a licence is increased from a fine of \$500 to a fine of \$2,000 and 6 months imprisonment. The penalty for other offences is unchanged.
15	—	New. To provide for the bringing of proceedings.
16	—	Transitional provisions.
17	—	—

(Secretariat GR5/3231/60)

OFFENSIVE TRADES BY-LAWS, 1960.

ARRANGEMENT OF BY-LAWS.

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PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.
(No. 30 of 1960).

OFFENSIVE TRADES BY-LAWS, 1960.

In exercise of the powers conferred by section 49 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

Citation. 1. These by-laws may be cited as the Offensive Trades By-laws, 1960.

Application. 2. These by-laws apply to the urban areas only.

Interpretation. 3. In these by-laws, save where the context otherwise requires—
 "Council" means the Urban Council;
 "licensee" means a person to whom a licence has been granted under these by-laws.

Zoning of offensive trades. 4. (1) No person shall carry on any offensive trade involving—
 (a) tanning,
 (b) bone boiling, storing or grinding,
 (c) processing or storing fish, or
 (d) feather storing or processing, other than the storage thereof after processing,

except within an area delineated on a map signed by the Secretary of the Council and deposited in the offices of the Council as an area in which such an offensive trade may be carried on.

(2) For a period of two years from the commencement of these by-laws, the provisions of paragraph (1) shall not apply to any business which was being carried on at the commencement thereof.

Licensing of offensive trades. 5. (1) Save under and in accordance with a licence granted by the Council, no person shall carry on any offensive trade.

(2) Every such licence shall expire annually on the 31st day of December.

(3) The grant or renewal of any such licence shall be subject to the payment in advance to the Treasury of a fee of two hundred and fifty dollars:

Provided that where any such licence is granted after the 30th day of June in any year, the fee payable in respect of the grant of that licence shall be one-half of the prescribed fee.

(4) Where the Council is satisfied that any such licence has been lost or destroyed, the Council may upon payment of a fee of five dollars issue a duplicate thereof.

6. (1) Every application for any such licence shall be made in writing addressed to the Secretary of the Council, and shall be accompanied by three copies of a plan, as nearly as may be to scale, of the whole of the premises in which the offensive trade will be carried on, which plan shall include, so far as the same may be applicable, particulars of the following—

- (a) space allocated to the preparation, processing and storage of materials;
- (b) space allocated to the storage of finished articles;
- (c) sanitary fittings and drainage works;
- (d) cloakrooms, passageways and open spaces;
- (e) all means of entry, exit and internal communication;
- (f) means of ventilation;
- (g) the siting of substantial fittings, equipment and machinery; and
- (h) means of refuse storage and disposal.

(2) Every plan submitted for approval pursuant to the provisions of paragraph (1) shall be accompanied by a statement in writing declaring—

- (a) the nature of the offensive trade which is to be carried on;
- (b) the means whereby it is intended to control or dispose of any noxious or injurious vapours, dust or effluents which may be discharged in the carrying on of the offensive trade; and
- (c) where the premises at which the offensive trade is to be carried on comprise part of a building which has more than one storey, which storey or storeys will be used.

(3) Every plan, or any modification thereof, which is approved by the Council shall be endorsed to that effect by the Secretary of the Council, and one copy shall be returned to the applicant and the remaining two copies shall be retained by the Council.

7. No such licence shall be granted unless the Council is satisfied in relation to the premises in respect of which the application for such licence is made that—

- (a) the plan referred to in by-law 6 has been approved by the Council and the premises conform thereto;
- (b) the methods to be used for the control or disposal of any noxious or injurious vapours, dust or effluents which may be discharged in the carrying on of the offensive trade are adequate;

Application for licence.

Conditions for issue of licence.

(c) the means of ventilation provided, whether natural or mechanical or partly natural and partly mechanical, are sufficient in every part of the premises, other than any part used exclusively for storage purposes, to safeguard in that respect the maximum number of persons likely to be in such part of the premises at any one time;

(d) sanitary fitments are provided to a standard not less than that required by the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, 1959:

Provided that, in the case of any premises to which such regulations do not apply, the Council may approve such lesser standard as, having regard to considerations of public health and the circumstances of the case, the Council may consider adequate;

(e) public mains water is laid on to the premises:

Provided that, where the Council is satisfied that public mains water cannot reasonably be laid on for all or any purposes, the Council may in its discretion approve such other water supply as, having regard to considerations of public health, it may consider adequate;

(f) all floors in every part of the premises in which materials are prepared, processed or stored are rendered smooth and impervious on the surface and slope evenly towards drainage outlets;

(g) all such floors are drained, by means of removable galvanized gratings, into glazed or smooth cement channels which discharge into trapped drainage openings;

(h) all walls in every part of the premises in which materials are prepared, processed or stored are rendered smooth and impervious to a height of not less than seven feet and the junctions between the walls and floors are coved;

(i) in the case of any premises used for the carrying on of an offensive trade involving the processing or treatment of materials containing fat, all drainage outlets are fitted with a grease trap;

(j) the storage space provided is sufficient to contain all materials required for use in the business which are likely to be in stock at any one time; and

(k) where the premises comprise part of a building which has more than one storey, the other storeys of such building are adequately protected against nuisances arising from the carrying on of the offensive trade.

(G.N.A.
76/59).

8. After the grant or renewal of any such licence, no licensee shall, save with the permission in writing of the Council, cause or permit to be made in respect of the premises to which the licence relates—

- (a) any alteration or addition which would result in a material deviation from the plan thereof approved under by-law 6; or
- (b) any material alteration in respect of any matter specified in by-law 7.

9. (1) The licensee shall, at the end of each working day and in any event not less than once in every twenty-four hours, cause every part of the premises in which materials are prepared or processed to be thoroughly cleansed.

(2) The licensee shall cause all apparatus, equipment or machinery used in the preparation or processing of materials to be thoroughly cleansed not less than once in every twenty-four hours during any period in which business is carried on.

10. The licensee shall at all times cause any machinery used for the purpose of controlling or disposing of noxious or injurious vapours, dust or effluents which may be discharged in the carrying on of the offensive trade to be maintained in good working order.

11. (1) Every licensee shall, at all times, cause the walls, floors, doors, windows, ceilings, wood work and all other parts of the structure of the premises in which he carries on an offensive trade to be kept in such good order, repair and condition as to—

- (a) enable them to be effectively cleansed;
- (b) prevent, so far as is reasonably practicable, infestation of the premises by vermin; and
- (c) prevent absorption of noxious matters into any parts of the structure of the premises.

(2) If it appears to the Council, on the report of a health officer or health inspector, that any premises, or any part of any premises, in which an offensive trade is carried on are or is, by reason of uncleanness, want of repair or structural condition, in such a state as to be, or to be likely to become, a nuisance, the Council may cause a notice to be served upon the licensee requiring him to cleanse, disinfest, limewash, repair or modify such premises, or such part thereof, in such manner and within such time as may be specified in the notice and as may, in the opinion of the Council, be necessary to abate the nuisance or remove the likelihood thereof.

(3) If any licensee on whom a notice is served under the provisions of paragraph (2) fails to comply with any of the requirements thereof, the Council may execute, or cause to be executed, such work as may be

Restriction on alteration of premises or fittings after grant of licence.

General cleanliness.

Maintenance of machinery for disposal of vapours, etc.

Maintenance of premises and prevention of vermin.

necessary to satisfy the requirements of such notice and may recover any expenses thereby incurred from the licensee.

Premises not to be used for dwelling purposes.

12. No person shall use for dwelling purposes any part of any premises in which any work, other than clerical work, in connexion with the carrying on of an offensive trade is performed:

Provided that the provisions of this by-law shall not apply to not more than two persons, or such greater number of persons as the Council may in writing permit, employed as caretakers.

Storage of materials.

13. Every licensee shall cause all materials which have been received upon any premises used by him for the carrying on of an offensive trade and which are not immediately required for use to be so stored as to prevent, so far as is reasonably practicable, the emission therefrom of noxious or injurious effluvia and the spread of vermin.

Disposal of refuse.

14. All refuse or waste matter arising from the carrying on of any offensive trade shall be placed in suitable receptacles so constructed as to prevent, pending the disposal thereof in such manner as the Council may approve either generally or in any particular case, the emission of noxious or injurious effluvia.

Offences and penalties.

15. (1) Any person who contravenes the provisions of by-law 12 or any of the provisions of paragraph (1) of by-law 4 or paragraph (1) of by-law 5 shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for one month and, where the offence is a continuing offence, shall be liable in addition to a fine of twenty dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

(2) Any licensee who—

(a) contravenes any of the provisions of by-law 8, 9, 10, 13 or 14 or of paragraph (1) of by-law 11; or

(b) fails to comply with any of the requirements of a notice served upon him under the provisions of paragraph (2) of by-law 11,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for one month and, where the offence is a continuing offence, shall be liable in addition to a fine of twenty dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

Name in which proceedings for offences may be brought.

16. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

17. (1) Any licence granted under the Offensive Trades By-laws which is in force at the commencement of these by-laws shall be deemed to have been granted under by-law 5 of these by-laws.

Transitional provisions. (Schedule A to Ordinance 15 of 1935).

(2) Upon application for the renewal of any licence under by-law 5 which is a licence under that by-law by virtue of the provisions of paragraph (1) of this by-law, the Council shall grant to the applicant a renewal thereof.

(3) Notwithstanding anything contained in paragraph (1), where it appears to the Council that any premises in relation to which a licence was granted under the Offensive Trades By-laws are in any particular unsatisfactory having regard to the provisions of these by-laws, the Council may serve upon the licensee a notice requiring him, as a condition precedent to any renewal of the licence subsequent to the renewal thereof provided for in paragraph (2), to carry out or cause to be carried out such alterations or additions in respect of such premises as may be specified in the notice, and, if it thinks fit, to supply to the Council a plan of such premises in the manner required by the provisions of by-law 6.

18. It is hereby declared that, for the purposes of subsection (1) of section 150 of the Ordinance, the provisions of these by-laws shall be in substitution for the provisions of the Offensive Trades By-laws.

Provisions of by-laws to be in substitution for provisions of Offensive Trades By-laws.

Made by the Urban Council this 6th day of December, 1960.

T. B. Whitley
Secretary.

Approved by the Legislative Council this 21st day of December, 1960.

[Signature]
Deputy Clerk of Councils.

COUNCIL CHAMBER,
21st December, 1960.

Explanatory Note.

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

The Public Health (Sanitation) (Amendment) (No. 2) Ordinance, 1955, amended the now repealed Public Health (Sanitation) Ordinance, 1935, by the deletion of all reference to dangerous trades, for the control of which full provision is made in the Factories and Industrial Undertakings Ordinance, 1955. However, the subsidiary legislation relating to dangerous and offensive trades, namely, the Offensive Trades By-laws contained in Schedule A to the repealed Public Health (Sanitation) Ordinance, 1935, was not revised so as to make it

applicable to offensive trades only. The purpose of these by-laws is, therefore, to cancel the existing by-laws and to re-enact them with such amendment as is necessary to remove the anomalies created by reason of the fact that they no longer apply to dangerous trades.

2. The opportunity has been taken to bring the system of licensing the carrying on of offensive trades, and the control of premises in which such trades are carried on, into line with that applicable to other trades.

3. A detailed Comparative Table is annexed to this Note.

COMPARATIVE TABLE.

<i>By-law.</i>	<i>Corresponding existing by-law.</i>	<i>Remarks.</i>
1	—	Citation.
2	—	Application.
3	—	Interpretation.
4	—	New. To provide for zoning in the case of certain offensive trades.
5	1(1)	Licensing of offensive trades.
6	—	New. To prescribe the method of application for licences and to provide for the submission of plans.
7	2	Conditions to be satisfied before licence may be issued.
8	—	New. To prevent unauthorized alterations or additions to premises after licence is issued or renewed.
9	5	General cleanliness.
10	7	By-law 7(2) of the Offensive Trades By-laws, which provides for the disposal of noxious vapours, is replaced by the more flexible provisions contained in by-laws 6 and 7.
11	6	Maintenance of premises. This by-law includes special provisions for the prevention of vermin.
12	8 and 9	To prevent the use of premises for dwelling purposes.
13	3	To ensure proper storage of offensive materials.
14	—	New. To ensure the proper disposal of offensive waste.
15	Section 81 of the repealed Public Health (Sanitation) Ordinance, 1935.	Offences and penalties. The penalties are increased from a fine of \$500 to a fine of \$1,000 and imprisonment for one month and, in the case of a continuing offence, to a further daily penalty of a fine of \$20.
16	—	New. To provide for the bringing of proceedings.
17	—	Transitional provisions.
18	—	—

(Secretariat GR5/3231/60)

PRIVATE CEMETERIES BY-LAWS, 1960.

ARRANGEMENT OF BY-LAWS.

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PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.
(No. 30 of 1960).

PRIVATE CEMETERIES BY-LAWS, 1960.

In exercise of the powers conferred by section 116 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

- Citation.** 1. These by-laws may be cited as the Private Cemeteries By-laws, 1960.
- Interpretation.** 2. In these by-laws, save where the context otherwise requires—
“Council” means the Urban Council;
“Director” means the Director of Urban Services;
“private cemetery” means any cemetery specified in Part II of the Fifth Schedule to the Ordinance.
- Management.** 3. (1) The person entitled to the possession of any private cemetery shall appoint some person, not being a corporation, to be the manager thereof, and shall register with the Council the name and address of the person who is, for the time being, so appointed.
(2) In the event of any change in the address of the person who is so appointed, the person entitled to the possession of the cemetery shall, within fourteen days of such change, notify the Council thereof.
- Register of burials.** 4. (1) The manager of every private cemetery shall maintain a register in which shall be recorded, not later than forty-eight hours after the reception into the cemetery of any human remains, the particulars specified in the First Schedule relating to the person whose human remains have been received therein and to such remains, together with the signature of the person in charge of the disposal thereof.
(2) Each month, not later than the seventh day thereof, the manager of every private cemetery shall send to the Director a duplicate copy of every entry recorded during the preceding month in such register.
(3) The duplicate copy sent to the Director in accordance with the provisions of paragraph (2) shall be open to inspection by any member of the public on application to the Director.
- Numbering of graves, etc.** 5. Every grave, vault or urn in a private cemetery shall be marked in a permanent manner with a distinguishing number or Chinese character, which shall correspond with the number or character entered in the register kept in accordance with the provisions of paragraph (1) of by-law 4.

6. (1) No person shall, in any private cemetery—
(a) cause any human remains to be buried in a grave in such a manner that any part of the coffin, or the body if the same is not encoffined, is at a depth of less than three feet below the level of the ground adjoining the grave:

Manner of burial.

Provided that, where skeletal remains or ashes are contained in an urn, a depth of eighteen inches shall suffice;

- (b) cause any human remains to be buried in a grave unless the coffin, or the body if the same is not encoffined, is effectually separated from any other coffin or body which is already in the grave by means of a layer of earth not less than six inches in thickness; or
(c) cause any grave to be dug in such a manner as to leave less than eighteen inches interspace between any part of such grave and any other grave.

(2) Save in so far as may be necessary in the course of disposing of any human remains contained therein, no person shall, in any private cemetery, leave any coffin or urn deposited on the surface of the ground.

7. Where, in any private cemetery, any grave is re-opened for the purpose of making another interment therein, no person shall disturb any human remains interred therein or remove therefrom any soil which is offensive.

Re-opening of graves.

8. (1) No person shall deposit any human remains in a vault in a private cemetery unless such remains are encoffined:

Burial in vaults.

Provided that skeletal remains or ashes after cremation may be enclosed in an urn.

(2) Every person who deposits any human remains in a vault shall, within twenty-four hours after the deposit in the vault of the coffin containing such remains, cause the coffin to be wholly and permanently embedded in and covered with a layer of good cement concrete, not less than six inches in thickness, or to be wholly and permanently enclosed in a separate cell or receptacle which shall be constructed of slate or stone flagging, not less than two inches in thickness and properly jointed in cement, or of good brickwork in cement and in such a manner as to prevent, so far as practicable, the escape of any noxious gas from the interior of the cell or receptacle.

(3) The provisions of paragraph (2) shall not apply to any skeletal remains or ashes after cremation which are enclosed in an urn.

9. Nothing in these by-laws shall be taken or construed to prevent the scattering of ashes after cremation upon the surface of the ground in any private cemetery.

Scattering of ashes after cremation.

Offences and penalties.

10. (1) Any person who contravenes any of the provisions of paragraph (1) or (2) of by-law 3, paragraph (1) or (2) of by-law 4 or paragraph (1) or (2) of by-law 8 or of by-law 6 or 7 shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and, where the offence is a continuing offence, shall be liable in addition to a fine of ten dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

(2) In the event of any contravention of the provisions of by-law 5, the manager of the cemetery shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars.

Name in which proceedings for offences may be brought.

11. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

Fees. Second Schedule.

12. The fees prescribed in the Second Schedule shall be payable to the Treasury.

FIRST SCHEDULE. [by-law 4(1).]

PARTICULARS TO BE RECORDED IN REGISTER.

1. Number in English or Chinese of grave, vault or urn (if any).
2. Manner of disposal of remains.
3. Date of disposal of remains.
4. Name of deceased.
5. Sex of deceased.
6. Age or approximate age of deceased.

SECOND SCHEDULE. [by-law 12.]

FEEs.

On grant under section 118(2) of the Ordinance of permission to exhume human remains from any private cemetery \$10.

Made by the Urban Council this 6th day of December, 1960.

T. B. Whitley
Secretary.

Approved by the Legislative Council this 21st day of December, 1960.

[Signature]
Deputy Clerk of Councils.

COUNCIL CHAMBER,
21st December, 1960.

Explanatory Note.

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

The cemeteries specified in Part II of the Fifth Schedule to the Public Health and Urban Services Ordinance, 1960 are held, under deeds of grant, by special communities or associations for the burial of their members. Although they were designated as authorized open cemeteries under section 73 of the repealed Public Health (Sanitation) Ordinance, 1935, they are not public cemeteries and have always been under the direction of private committees of management. The provisions which are necessary in respect of public cemeteries are not appropriate for these private cemeteries, and these by-laws merely seek to ensure that graves in private cemeteries are properly marked and registered and that nuisances will not be arise from improper methods of burial. They also prescribe the fee which is payable on the grant by the Council under section 118(2) of the Ordinance of permission to exhume human remains from any such cemetery.

(Secretariat GR5/3231/60)

PUBLIC CEMETERIES BY-LAWS, 1960.

ARRANGEMENT OF BY-LAWS.

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PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.
(No. 30 of 1960).

PUBLIC CEMETERIES BY-LAWS, 1960.

In exercise of the powers conferred by section 116 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

Citation. 1. These by-laws may be cited as the Public Cemeteries By-laws, 1960.

Interpretation. 2. In these by-laws, save where the context otherwise requires—
“body” means the dead body of a human being, but does not include ashes thereof after cremation;

“Council” means the Urban Council;

“Director” means the Director of Urban Services;

“public cemetery” means any cemetery specified in Part I of the Fifth Schedule to the Ordinance.

Allocations and layout of public cemeteries. 3. The Director may—
(a) direct that any particular public cemetery or any part of a public cemetery be set aside or allocated for the reception of human remains of particular persons or of persons belonging to any particular community, race or religion; and

(b) direct that the disposal of the human remains of any particular person, or the human remains of persons belonging to any particular community, race or religion, shall not take place in any particular public cemetery or any particular part of any public cemetery and that disposal thereof shall be effected in any other public cemetery or any other part of a public cemetery.

Register of graves. First Schedule. 4. (1) At every public cemetery, in the custody of the officer in charge thereof, there shall be kept a register in the form prescribed in the First Schedule containing particulars of the persons whose human remains are deposited in the cemetery.

(2) Every register required to be kept by the provisions of paragraph (1) shall be kept in duplicate, and, at the end of each month, the duplicate copy of the entries made therein during the preceding month shall be sent to the Director for custody.

- (3) (a) The register kept at any public cemetery may be inspected at the cemetery by the public at all times during which such cemetery is open to the public, and the duplicate copies kept in the custody of the Director may be inspected during office hours on application to him.
(b) Any person requiring a certified copy of any entry in any such register may obtain the same from the Director upon payment of a fee of two dollars per entry.

5. A person in charge of the disposal in a public cemetery of the human remains of any person shall, in relation to such remains, produce to the officer in charge of the cemetery at the time when the interment takes place—

(a) in the case of a first interment of the body of any person dying in the Colony—

(i) a permit of a police officer issued under the provisions of the proviso to subsection (1) of section 16 of the Births and Deaths Registration Ordinance;

(ii) a certificate of registration of death or of a magistrate's order issued under the provisions of subsection (1) of section 17 of the Births and Deaths Registration Ordinance; or

(iii) in the case of the body of a still-born child, a certificate, declaration or magistrate's order issued or made under the provisions of section 18 of the Births and Deaths Registration Ordinance; or

(b) in any other case, the permission in writing of the Council authorizing the interment.

6. (1) The Director may prescribe, by notice posted in such manner as he may think fit at any public cemetery or other place, the times during which human remains may be received into the cemetery.

(2) In the case of the interment of the human remains of any person in the Colonial Cemetery or the New Colonial Cemetery, the person in charge of the disposal of such remains shall give to the officer in charge of the cemetery not less than two hours notice of the time at which it is intended that the interment shall take place.

7. (1) No person, other than an officer of the Urban Services Department, shall, in any public cemetery, dig or fill in any grave without the consent of the officer in charge of the cemetery, and, where such consent is given, the work shall be carried out in accordance with the directions, and subject to the supervision of such officer in charge of the cemetery.

Certain permits or certificates to be produced at time of interment.

(Cap. 174).

Times of burials.

Grave digging and construction of vaults, etc.

(2) Save with the consent in writing of the Director and in accordance with any conditions or restrictions which he may impose on the grant thereof, no person shall, in any public cemetery, construct any vault, burial niche or other place of interment, not being a grave.

Monuments
and head-
stones, etc.

8. (1) Save with the consent in writing of the Director and in accordance with any conditions or restrictions which he may impose on the grant thereof, no person shall, in any public cemetery, erect a monument, other than a headstone or tablet, upon any grave, or make any railing, fence or enclosure round or enclosing any grave space, or plant thereat any tree or shrub.

(2) Where the Director gives his consent to the planting in any public cemetery of any tree or shrub, such consent shall be deemed to have been given subject to the condition that the tree or shrub may be clipped or pruned at the discretion of the Director.

(3) Every grave shall be numbered in a permanent form with a number corresponding to the number entered in the register required to be kept by the provisions of by-law 4, and every monument, headstone or tablet, and every railing or enclosure marking or enclosing any grave, shall be firmly seated in the ground.

(4) No monument, headstone or tablet shall be so constructed or shaped as to permit of the collection of water in or about it.

(5) No monument, headstone or tablet shall be removed or altered, nor shall anything be added thereto, without the consent in writing of the Director.

(6) Any monument, headstone or tablet, and any railing or enclosure marking or enclosing any grave, which, by reason of neglect or for any other reason, becomes dilapidated or in need of repair may, at the discretion of the Director, be removed and disposed of in such manner as he may think fit.

Government
not to be
liable for loss
or damage to
commem-
orative
articles.

9. Every monument, headstone, tablet, railing, fence, enclosure, tree or shrub and every other commemorative article whatsoever, whether movable or immovable, which is placed at any grave shall be there at the risk of the owner thereof, and the Government shall not be liable for any loss or damage thereto arising from any cause whatsoever.

Mass
exhumations.

10. (1) The Council may by resolution empower the Director to exhume or remove, or both to exhume and remove, the human remains of any person or any number of persons from any grave, urn or burial niche in a public cemetery and to dispose of the same by burial,

cremation or otherwise in such manner as the Director may think fit or as such resolution may specify :

Provided that the Director shall not exercise any power conferred by any such resolution until—

- (a) the terms of such resolution have been published in two separate issues of the *Gazette*; and
- (b) six months have elapsed from the date of the last such publication.

(2) When any human remains are removed by the Director pursuant to a resolution under the provisions of paragraph (1), he may also remove and dispose of, in such manner as he may think fit, any coffin, urn or other receptacle in which such remains were contained, any monument, headstone, tablet, railing or enclosure marking or enclosing the grave and any tree or shrub planted thereat.

11. No person shall, in any public cemetery—

Conduct and
behaviour.

- (a) sell or let for hire, or expose for sale or letting for hire, any article or thing without the consent of the Director;
- (b) post, affix or distribute any handbill, card, circular or advertisement of any kind whatsoever;
- (c) hold, promote or take part in any public meeting, other than a meeting of a religious or commemorative nature relating to the death of any person whose human remains have been buried or otherwise disposed of in the cemetery;
- (d) wilfully disturb or interfere with any funeral service or procession or any religious or commemorative meeting;
- (e) discharge any firearms, except in the proper performance of a military funeral;
- (f) wilfully or carelessly deface, injure, soil or defile any wall or fence in or enclosing the cemetery, or any part thereof, or any grave, vault, urn, burial niche, barrier, railing, post, seat, boundary stone, monument, headstone, tablet, ornament, tree, shrub or ornamental plant;
- (g) climb any wall or fence in or enclosing the cemetery, or any part thereof, or any tree, barrier, railing, pole, monument, headstone, tablet or ornament; or
- (h) behave in a noisy or unseemly manner.

Fees.
Second
Schedule.

12. (1) Subject to the provisions of paragraphs (2) and (3), the fees prescribed in the Second Schedule shall be payable to the Treasury.

(2) No fee shall be payable in respect of the interment of a pauper or in respect of a second or subsequent interment in the same grave.

(3) Without prejudice to the provisions of paragraph (2), the Director may, where he thinks fit, waive payment of the fees prescribed in Part II of the Second Schedule as the fees to be paid in respect of a grave space or may reduce such fees to such amount as he considers reasonable in the circumstances.

Offences and
penalties.

13. (1) Any person who contravenes any of the provisions of by-law 11 shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars.

(2) Any person who—

(a) fails to comply with any direction given by the Director under the provisions of paragraph (b) of by-law 3;

(b) for the purpose of obtaining the permission of the Council for the interment in a public cemetery of the human remains of any person, makes any declaration or statement which he knows, or has reason to believe, to be false in a material particular;

(c) contravenes any of the provisions of paragraph (1) or (2) of by-law 7 or of paragraph (1) or (5) of by-law 8; or

(d) fails to comply with any conditions or restrictions imposed by the Director under the provisions of paragraph (2) of by-law 7 or paragraph (1) of by-law 8,

shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars.

Name in
which pro-
ceedings for
offences may
be brought.

14. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these by-laws may be brought in the name of the Council.

Provisions of
by-laws to be
in substitu-
tion for
provisions of
Cemeteries
By-laws.

15. It is hereby declared that, for the purposes of subsection (1) of section 150 of the Ordinance, the provisions of these by-laws shall be in substitution for the provisions of the Cemeteries By-laws.

(30 of 1960).
(Schedule A
to Ordinance
15 of 1935).

[by-law 4(1).]

FIRST SCHEDULE.
REGISTER OF GRAVES.
REGISTER of INTERMENTS in the CEMETERY.

EXHUMATION	Remarks	
	File reference	
	For removal to	
Date		
By whom the ceremony was performed		
Name and address of undertaker		
Date of interment		
Address at which death occurred		
Permanent Address of deceased (abode)		
Date of death		
Sex of person buried		
Age of person buried		
Trade, profession or occupation (of the parents in the case of a child)		
Name and surname of person buried (BLOCK LETTERS)		
Grave No.		
Section of Cemetery		

SECOND SCHEDULE. [by-law 12.]

FEES.

PART I.

Chinese Cemeteries.

Interment in section A	\$ 5.
Interment in section B	\$ 15.
On grant under section 118(2) of the Ordinance of permission to exhume human remains	\$ 10.

PART II.

Colonial Cemetery.

For each grave space of 15 square feet for adults or children over 10 years of age	\$200.
For each grave space for children under 10 years of age	\$100.
On grant under section 118(2) of the Ordinance of permission to exhume human remains	\$ 10.

Made by the Urban Council this 6th day of December, 1960.

T. B. Whitley
Secretary.

Approved by the Legislative Council this 21st day of December, 1960.

COUNCIL CHAMBER,
21st December, 1960.

Chapman
Deputy Clerk of Councils.

Explanatory Note.

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

The purpose of these by-laws is to replace, subject to amendment, the Cemeteries By-laws contained in Schedule A to the repealed Public Health (Sanitation) Ordinance, 1935, in so far as they relate to public cemeteries.

2. As all public cemeteries are under the direct management of the Director of Urban Services and subject to the general control of the Urban Council, it has not been thought necessary to retain in the by-laws matters of detail relating to the control of the various public cemeteries. Furthermore, section 117 of the Public Health and Urban Services Ordinance, 1960 provides for the making of subsidiary rules for the better control, direction and information of persons resorting to public cemeteries.

3. A detailed Comparative Table is annexed to this Note.

COMPARATIVE TABLE.

By-law.	Corresponding existing by-laws.	Remarks.
1	—	Citation and commencement.
2	—	Interpretation.
3	11 and 13	Layout of cemeteries.

By-law.	Corresponding existing by-laws.	Remarks.
4	3 and 15	Registers.
5	—	New. To specify the documents which must be delivered to the attendant in charge of a cemetery.
6	9	To provide for the posting of notices prescribing times during which burials may take place.
7	4, 5, 6, 7, 16, 17, 19A, 20 and 21	Grave digging. As the grave digging is carried out by the Urban Services Department, the details contained in these existing by-laws are matters for departmental orders.
8	10(2) and 21A	Control of monuments.
9	—	New. Protection of Government against loss or damage to monuments.
10	—	Mass exhumations. This by-law reproduces the substance of s. 75(8) of the repealed Public Health (Sanitation) Ordinance, 1935.
11	—	New. To ensure the decent conduct of persons resorting to public cemeteries.
12	10 and 19	Fees.
13	—	Offences and penalties. Except in the case of contraventions of by-law 11 in respect of which a fine of \$100 is prescribed, the penalties have not been changed.
14	—	New. To provide for the name in which proceedings for offences may be brought.
15	—	—

(Secretariat GR5/3231/60)

SUMMARY OFFENCES ORDINANCE.

(Chapter 228).

**SUMMARY OFFENCES (LICENCES AND FEES) (AMENDMENT)
REGULATIONS, 1960.**

In exercise of the powers conferred by section 36 of the Summary Offences Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Summary Offences (Licences and Fees) (Amendment) Regulations, 1960, and shall come into operation on the 1st day of January, 1961:

Citation and commencement.

Provided that the fee payable in respect of any permit which at the date of coming into operation of these regulations is valid and in force shall be the fee which would have been payable if these regulations had not come into operation so long as such permit continues to be so valid and in force.

2. The Third Schedule to the Summary Offences (Licences and Fees) Regulations, 1959, is amended—

Amendment of Third Schedule. (G.N.A. 45/59).

(a) in Part I thereof, by the deletion of the words "one cent" and the substitution therefor of the following—

"three cents"; and

(b) in Part II thereof, by—

(i) the deletion of Items 1, 2 and 3;

(ii) the deletion of Item 4 and the substitution therefor of the following—

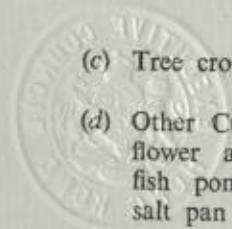
"4. Cultivation:

(a) Pleasure Garden \$500.00 per acre per annum.

(b) Unimproved grazing and grass cutting Twenty cents per acre or part thereof per annum.

(c) Tree cropping \$1.00 per acre per annum.

(d) Other Cultivation (including flower and grass growing, fish pond, threshing floor, salt pan and like use) \$8.00 per acre per annum.



(e) Temporary building erected on (a), (b), (c) or (d) Three cents per square foot per annum.”;

(iii) the deletion in Item 5 of the symbols and figures “\$200.00—\$500.00” and the substitution therefor of the following—

“\$500.00”;

(iv) the deletion in Item 6 of the symbols and figures “\$325.00” and “\$100.00” and the substitution therefor, respectively, of the following—

“\$1,500.00” and “\$500.00”;

(v) the deletion of Item 12 and the substitution therefor of the following—

“12. Pier or slipway (the whole or part, not covered by a permit under Part I) One cent per square foot per annum.”;

(vi) the deletion in Item 13 of the symbols, figures and words “\$200.00—\$500.00 per acre per annum” and the substitution therefor of the following—

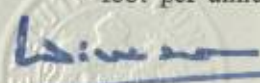
“\$250.00 per annum”; and

(vii) the deletion of Item 16 and the substitution therefor of the following—

“16. Vehicle Parking:

(a) Covered Three cents per square foot per annum.

(b) Open (including any building thereon not exceeding 100 square feet) One cent per square foot per annum.”.


Clerk of Councils.

COUNCIL CHAMBER,
20th December, 1960.

Explanatory Note.

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

These regulations amend the Third Schedule to the Summary Offences (Licences and Fees) Regulations, 1959, to vary, with effect from 1st January, 1961, certain of the fees payable for licences and permits for the use of Crown Land in the New Territories, not held under lease from the Crown.

(Secretariat BL27/3181/47II)

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.

(No. 30 of 1960).

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT
OF FIFTH SCHEDULE) ORDER, 1960.**

In exercise of the powers conferred by section 113 of the Public Health and Urban Services Ordinance, 1960, the Governor in Council has made the following Order—

1. This Order may be cited as the Public Health and Urban Services (Amendment of Fifth Schedule) Order, 1960.

2. The Fifth Schedule to the Public Health and Urban Services Ordinance, 1960, is amended by the deletion in Part I of the following—

“Ap Lei Chau Urn Cemetery	Aberdeen
Kai Lung Wan Cemetery, East	Pok Fu Lam
Kai Lung Wan Cemetery, West	Pok Fu Lam
Kai Lung Wan East Urn Cemetery	Pok Fu Lam”.

Amendment
of Fifth
Schedule.
(30 of 1960).



Clerk of Councils.

COUNCIL CHAMBER,
20th December, 1960.

Explanatory Note.

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

The purpose of this Order is to delete, from the Part I of the Fifth Schedule to the Public Health and Urban Services Ordinance, 1960, the names and locations of four public cemeteries which have now been cleared of graves and which will no longer be used as cemeteries.

(Secretariat GR8/3281/54)

PROCLAMATION

No. 12 of 1960.



Governor.

BY HIS EXCELLENCY SIR ROBERT BROWN BLACK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same.

WHEREAS by section 1 of the Buildings Ordinance, 1955, (Application to the New Territories) Ordinance, 1960 (No. 27 of 1960), it is provided that the said Ordinance shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*:

NOW THEREFORE, I, ROBERT BROWN BLACK, do hereby PROCLAIM that the said Ordinance shall come into operation on the 1st day of January, 1961.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong this 19th day of December, 1960.

Published by His Excellency's Command,

Colonial Secretary.

GOD SAVE THE QUEEN.

(Secretariat BL6/736/48)



REGISTRATION OF PERSONS ORDINANCE, 1960.

(No. 18 of 1960).

**REGISTRATION OF PERSONS (RE-REGISTRATION) (No. 6)
ORDER, 1960.**

In exercise of the powers conferred by section 10 of the Registration of Persons Ordinance, 1960, the Governor has made the following Order—

1. This Order may be cited as the Registration of Persons (Re- registration) (No. 6) Order, 1960. Citation.

2. Every person specified in the Schedule is required to register again in accordance with the provisions of the Registration of Persons Ordinance, 1960, and regulations made thereunder. Category
of persons
required
to re-register.
(18 of 1960).

SCHEDULE.

Every person being resident in Hong Kong, Kowloon or Tsuen Wan, being the holder of an identity card which bears a registration number in the series 110,001 to 135,000, and the family, if any, of such holder.

This Order does not apply to old Identity Cards bearing the suffix "A".

By Command,

6th December, 1960.

(Secretariat D/RPO)


Colonial Secretary.


"STAR" FERRY COMPANY (SERVICE) ORDINANCE, 1951.



(No. 41 of 1951).

Resolution made and passed by the Legislative Council on the 7th day of December, 1960.

WHEREAS it is considered desirable to transfer from the Governor in Council to the Governor the power to grant permission for the use of its piers by the "Star" Ferry Company, Limited for purposes other than the requirements of their ferry service, and to provide that fifty per cent of the revenue accruing to the Company from such use shall be paid to Government:

NOW THEREFORE BE IT RESOLVED by this Council, with the consent of the Company, that paragraph 12 of the Schedule to the "Star" Ferry Company (Service) Ordinance, 1951 be deleted and replaced by the following—

"Use of piers. 12. Except as may be permitted by the Governor, the Company shall not use the piers for any purpose other than the requirements of the ferry service, and in granting permission the Governor may determine what fee may be charged by the Company for such use. Where by reason of such use revenue accrues to the Company, fifty per cent of such gross revenue shall be paid to Government."



Deputy Clerk of Councils.

COUNCIL CHAMBER,
7th December, 1960.

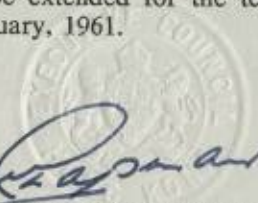
(Secretariat BL2/3/4292/46)

**COMPANIES (PREVENTION OF EVASION OF THE
SOCIETIES ORDINANCE) ORDINANCE, 1959.**

(No. 23 of 1959).

Resolution made and passed by the Legislative Council under section 16 of the Companies (Prevention of Evasion of the Societies Ordinance) Ordinance, 1959, on the 7th day of December, 1960.

Resolved, pursuant to section 16 of the Companies (Prevention of Evasion of the Societies Ordinance) Ordinance, 1959, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1961.



[Signature]
Deputy Clerk of Councils.

COUNCIL CHAMBER,
7th December, 1960.

(Secretariat CR7/3231/59)



**DEFENCE REGULATIONS (CONTINUATION)
ORDINANCE, 1958.**

(No. 37 of 1958).

Resolution made and passed by the Legislative Council under section 6 of the Defence Regulations (Continuation) Ordinance, 1958, on the 7th day of December, 1960.

Resolved, pursuant to section 6 of the Defence Regulations (Continuation) Ordinance, 1958, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1961.



Deputy Clerk of Councils.

COUNCIL CHAMBER,
7th December, 1960.

(Secretariat CR7568/45)



SOCIETIES ORDINANCE.

(Chapter 151).

Resolution made and passed by the Legislative Council under section 26 of the Societies Ordinance, Chapter 151, on the 7th day of December, 1960.

Resolved, pursuant to section 26 of the Societies Ordinance, Chapter 151, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1961.

[Signature]
Deputy Clerk of Councils.

COUNCIL CHAMBER,
7th December, 1960.



(Secretariat CR37/3231/47)

ILLEGAL STRIKES AND LOCK-OUTS ORDINANCE.

(Chapter 61).

Resolution made and passed by the Legislative Council under section 8 of the Illegal Strikes and Lock-Outs Ordinance, Chapter 61, on the 7th day of December, 1960.

Resolved, pursuant to section 8 of the Illegal Strikes and Lock-Outs Ordinance, Chapter 61, that the duration of the said Ordinance be extended for the term of one year with effect from 1st January, 1961.



Deputy Clerk of Councils.

COUNCIL CHAMBER,
7th December, 1960.

(Secretariat CR29/3231/49)



ALLOWANCES.

Resolution made and passed by the Legislative Council on the 7th day of December, 1960.

WHEREAS:

- (1) the late Nand SINGH at the time of his death held the rank of Lance Sergeant of the Hong Kong Police;
- (2) the said Nand SINGH died as the result of an air-raid on Hong Kong in April, 1945;
- (3) the said Nand SINGH was ineligible for the payment of a pension by reason of the fact that he was not killed while engaged upon the discharge of his duty;
- (4) it is considered that an *ex-gratia* allowance be paid to the widow of the said Nand SINGH;

NOW, THEREFORE, BE IT RESOLVED that Panjab KAUR, widow of the said Nand SINGH be paid yearly the sum of \$150 with effect from the date of the death of the said Nan SINGH until and including the 30th day of September, 1952 and thereafter yearly the sum of \$250.

Deputy Clerk of Councils.

COUNCIL CHAMBER,
7th December, 1960.

(Secretariat PR46/4184/50)

MIDWIVES (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATIONS, 1960.

ARRANGEMENT OF REGULATIONS.

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MIDWIVES REGISTRATION ORDINANCE, 1960.
(No. 57 of 1960).

MIDWIVES (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATIONS, 1960.

In exercise of the powers conferred by section 23 of the Midwives Registration Ordinance, 1960, the Governor in Council has made the following regulations—

PART I.

General.

1. These regulations may be cited as the Midwives (Registration and Disciplinary Procedure) Regulations, 1960. *Citation.*
2. In these regulations, unless the context otherwise requires— *Interpretation.*
 - “Committee” means the Preliminary Investigation Committee referred to in regulation 11;
 - “pupil midwife” means a woman whose name is registered with the Board under regulation 8;
 - “defendant” means the woman to be charged before a disciplinary inquiry held in accordance with these regulations;
 - “training school” means an establishment declared to be a training school for midwives in accordance with regulation 7.

PART II.

Registration and practice.

3. The register shall contain in respect of each midwife whose name is registered therein the particulars specified in Form 1 of the First Schedule. *Form of Register. First Schedule, Form 1.*
4. (1) Subject to the provisions of paragraph (2), every application for registration as a midwife shall be submitted in writing to the secretary and shall— *Application for registration.*
 - (a) contain the following particulars—
 - (i) name;
 - (ii) age;
 - (iii) address;

- (iv) whether married or single;
 - (v) hospital or training school where trained;
 - (vi) particulars of training and practice, if any;
 - (vii) dates of previous applications to the Board, if any; and
- (b) be accompanied by the following documents—
- (i) a certificate of character from a resident of standing in the Colony;
 - (ii) a certificate or diploma issued by a training school or, in the case of a woman claiming qualification for registration under paragraph (d), (e), (f) or (g) of subsection (1) of section 7 of the Ordinance, by the appropriate authorizing body;
 - (iii) passport or identification certificate;
 - (iv) two unmounted copies of a photograph of the applicant taken not more than two years before the date of application for registration;
 - (v) in the case of a woman seeking registration immediately after training in a training school, a record book of cases attended by her during such training; and
 - (vi) the certificate of a medical practitioner registered under the Medical Registration Ordinance, 1957, certifying that the applicant is not suffering from any infectious disease within the meaning of the Quarantine and Prevention of Disease Ordinance, such as to render her unfit, in his opinion, to attend women in childbirth.

(25 of 1957).

(Cap. 141).

- (2) In the case of application for registration by—
- (a) a midwife of Her Majesty's Armed Forces serving on full pay in the Colony; or
 - (b) a midwife on full time employment in that capacity with the Government,

it shall be sufficient if the application is made by letter addressed to the secretary and signed by such midwife's commanding officer or head of department, as the case may be, stating the full name of the midwife, confirming her employment, enclosing two recently taken photographs of her and requesting that she be registered.

5. (1) Before the name of any woman is entered in the register or, if removed from the register otherwise than by an order of the Board made under paragraph (ii) of subsection (1) of section 10 of the Ordinance, re-entered in the register such woman shall pay to the secretary the appropriate fee prescribed in the Second Schedule.

(2) Where in accordance with section 22 of the Ordinance any registered midwife gives to the secretary notice of her intention to

Registration and practising fees and certificate of registration.
Second Schedule.

practise she shall pay, at the time of giving such notice, the appropriate fee prescribed in the Second Schedule and referred to therein as a practising fee.

(3) In the case of each of those midwives whose names appear in the register on the coming into operation of these regulations, the appropriate consolidated retention fee prescribed in the Second Schedule shall be payable on or before the 31st day of December, 1960, as a condition that her name may be retained on the register after that date.

(4) Paragraphs (1), (2) and (3) do not apply—

- (a) to midwives of Her Majesty's Armed Forces while serving on full pay in the Colony; or
- (b) to midwives in the full time employment of the Government as Government midwives:

Provided that in neither case do such midwives engage in private practice.

(5) Upon registration or re-registration of any midwife the secretary shall issue to her a certificate of registration in accordance with Form 2 of the First Schedule.

First Schedule, Form 2.

6. (1) Every practising midwife shall maintain a case register in the form prescribed in Form 3 of the First Schedule.

Case register. First Schedule, Form 3.

(2) Every case register required to be kept in accordance with paragraph (1) shall be open to inspection on request by any person authorized thereto by the Director.

(3) Any midwife who contravenes any of the provisions of this regulation shall be guilty of an offence and liable to a fine of five hundred dollars.

PART III.

Training.

7. (1) No course of training in midwifery carried out in the Colony shall be recognized by the Board unless such course is carried out in an establishment declared by the Board by notification in the *Gazette* to be a training school for midwives.

Midwives' training schools.

(2) No establishment shall be approved by the Board under paragraph (1) unless the Board is satisfied that—

- (a) an average of not less than five hundred confinements take place therein annually;
- (b) if the establishment is not connected with a general hospital, ante-natal beds are provided;

- (c) the establishment is associated with ante-natal and post-natal clinics;
- (d) if the establishment is not part of a general hospital, facilities for isolating infectious cases are provided;
- (e) the establishment is, or after being approved by the Board will be, at all times staffed by—
 - (i) not less than one medical practitioner with special experience in obstetric work satisfactory to the Board, and
 - (ii) not less than one resident medical practitioner possessing a minimum of six months' post-graduate experience in obstetric work:

Provided that this requirement shall not apply in any case in which the medical practitioner referred to in (i) is resident in the establishment; and

- (f) not less than three resident midwives each of whom, if acting as a teacher of the pupils, shall be a registered midwife of more than three years standing whose name appears on the register of the Hong Kong Nursing Board.

(3) Without prejudice to anything contained in paragraph (2), before approving any establishment to be a training school the Board shall take into consideration the number and qualifications of the members of the permanent medical and nursing staff, the equipment available for teaching purposes, the facilities for study available to the pupils, and any other matters relating thereto.

(4) If at any time it appears to the Board that any training school has ceased to comply with any of the requirements specified in paragraph (2), the Board may, after such inquiry as the Board may think fit, withdraw its approval.

(5) Every approval and every withdrawal of approval under this regulation shall be declared by the Board by notification in the *Gazette*.

(6) Every training school shall be subject to such inspection as the Board may from time to time direct.

(7) Every establishment approved in accordance with the provisions of the Midwives Regulations revoked by these regulations to be a training school for midwives shall be deemed to have been duly approved under this regulation to be a training school.

8. (1) No woman shall be admitted to any training school unless her name is registered with the Board as a pupil midwife.

(2) No woman shall be eligible for registration under paragraph (1) unless either her name appears on the register of the Hong Kong Nursing Board or she satisfies the Board—

- (a) that she has attained the age of nineteen years;

(Vol. X,
p. 233).

Eligibility
and
admission
to midwives'
training
schools.

- (b) that she has attained the following minimum standard of education—

(i) for English Speaking Training Schools—that she has completed Form IV and is eligible for entry to Form V, or

(ii) for Non-English Speaking Training Schools—that she has completed Senior Middle I and is eligible for entry to Senior Middle II;

(iii) that she is a woman of good character; and

(iv) that she is not suffering from any infectious disease within the meaning of the Quarantine and Prevention of Disease Ordinance which would, in the opinion of the Board, (Cap. 141). render her unfit to attend women in childbirth.

(3) Application for registration under this regulation shall be made to the Board in writing accompanied by documentary evidence of the particulars specified in paragraph (2) and submitted through the authority administering the training school at which the applicant intends to undertake her training.

9. (1) Every course of training for pupil midwives intending to apply for registration under the Ordinance shall be carried out under the supervision of one or more competent teachers of midwifery and—

Training of
midwives.

- (a) shall extend over a period—

(i) in the case of any woman whose name appears on the register of the Hong Kong Nursing Board, of one year, and

(ii) in other cases, of two years; and

- (b) shall include—

(i) not less than thirty lectures and demonstrations in midwifery, including ante-natal care and care of the new-born infant;

(ii) the conduct of ante-natal examination of not less than fifty pregnant women;

(iii) attendance at not less than thirty cases of labour, making full examination during the course of labour and personally delivering the infant and afterbirth in each case, and the personal care of not less than twenty laying-in women and their infants during the time the patients are in the training school;

(iv) attendance at infant welfare clinics and practical instruction in the care and management of infants;

(v) in the case of pupil midwives taking two years' training, a preliminary course in elementary anatomy, physiology, and the elementary principles of general nursing and hygiene.

(2) Every course of training shall be continuous and no pupil midwife shall be permitted to engage in any other work or study, except with the written permission of the Director, than such as is prescribed in furtherance of the course of training required by these regulations.

(3) Every pupil midwife may, at the discretion of the person in charge of the training school at which she is undergoing training, be granted leave of absence from training for a period in the aggregate not exceeding twenty-eight days (including public holidays) in each year of training.

(4) If any pupil midwife interrupts her course of training for any period exceeding that prescribed by paragraph (3), no part of any training which she has undergone prior to such interruption shall be taken into account towards completion of the course of training required by paragraph (1):

Provided that where such interruption is caused by the illness of the pupil or domestic or other emergency beyond her control which, in the opinion of the person in charge of the training school, constitutes a sufficient cause, the time lost from training may be made up upon the condition that the pupil undergoes additional training at the rate of one week's training for every month or part of a month, excluding the first, during which her course of training is interrupted.

Examinations.
(25 of 1957).

10. (1) The qualifying examination for registration shall be conducted by not less than two persons registered under the Medical Registration Ordinance, 1957, and appointed for such purpose by the Board, and such assistant examiners as the Board may appoint in addition thereto.

(2) Each candidate for examination shall, as a condition of entry for the examination, pay the entrance fee therefor prescribed in the Second Schedule.

Second
Schedule.

(3) The examination shall be both written and oral and shall be conducted in respect of such subjects as the Board may from time to time require.

(4) The examiners shall inform the Board of the marks obtained by each candidate at the examination.

(5) The Board may specify, and may from time to time vary at its discretion, the number of marks which shall be deemed to constitute a pass in any subject set for examination and may specify the number of subjects in which a candidate shall be required to pass in order to pass the examination.

(6) No person who has three times failed to pass the Board's examination may again enter therefor.

(7) Except as otherwise permitted by the Board, either generally or in any particular case, no woman shall be eligible to enter for examination under this regulation unless she has completed a course of training in accordance with regulation 9.

PART IV.

Proceedings preparatory to exercise of disciplinary powers by the Board.

11. (1) For the purpose of performing the functions of the Board under section 10 of the Ordinance there shall be established a committee of the Board known as the Preliminary Investigation Committee, consisting of—

Constitution
of Committee.

- (a) the Principal Matron of the Medical and Health Department, who shall be chairman of the Committee; and
- (b) two members of the Board appointed thereto under paragraph (d), (e) or (f) of subsection (2) of section 3 of the Ordinance and elected to the Committee by the Board from time to time for periods of twelve months.

(2) The Committee shall meet from time to time when called upon by the secretary, and any meeting of the Committee may be adjourned at any time by the chairman of the Committee.

12. (1) Where a complaint is made to the secretary or where it appears to the secretary that any registered midwife—

Submission
of complaint
or informa-
tion to
Committee.

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

or that any applicant for registration—

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

the secretary shall submit the complaint or refer the matter in question (hereinafter referred to as the information) to the Committee.

(2) Any complaint in regard to the conduct of a registered midwife or of an applicant for registration, shall—

- (a) be formulated in writing, addressed to the secretary;
- (b) contain the grounds for such complaint; and
- (c) be accompanied by one or more statutory declarations as to the facts alleged:

Provided that where the complaint is made by a public officer no statutory declaration shall be required.

- (3) Each statutory declaration referred to in paragraph (2)—
 - (a) shall state the address and description of the declarant; and
 - (b) if any fact declared is not within the personal knowledge of the declarant, shall state the source of the declarant's information and the grounds for his belief in the truth of the allegation; and
 - (c) shall be duly stamped.
- (4) The secretary shall—
 - (a) notify the defendant of the receipt of the complaint or of his intention to refer the information to the Committee; and
 - (b) inform her of the substance thereof; and
 - (c) forward to her a copy of any statutory declaration furnished under paragraph (2); and
 - (d) inform her of the next date of meeting of the Committee; and
 - (e) invite her to submit to the Committee either verbally or in writing any explanation which she may have to offer.
- (5) The secretary shall summon a meeting of the Committee and shall furnish the Committee with the complaint or information and any statutory declaration received therewith together with any explanation submitted by the defendant.

Determina-
tion of
Committee.

13. (1) When a complaint or information has been referred to the Committee, having regard to any explanation made by the defendant, the Committee shall consider the complaint or information and shall determine either—

- (a) that no inquiry shall be held; or
- (b) that the complaint or information shall, in whole or in part, be referred to the Board for inquiry.

(2) Before coming to a determination the Committee may cause such further investigations to be made and may obtain such additional advice or assistance as it considers necessary.

14. If the Committee determine that no inquiry shall be held, the secretary shall inform the complainant and the defendant of the decision of the Committee and no inquiry shall be held accordingly.

Determination
of Committee
that no
inquiry be
held.

15. (1) If the Committee determine that an inquiry shall be held, the secretary, within thirty days after the determination of the Committee, shall serve on the defendant a notice of inquiry in accordance with Form 4 in the First Schedule together with a copy of these regulations:

Determina-
tion of
Committee
that inquiry
be held.
First
Schedule,
Form 4.

Provided that no notice of inquiry shall be issued without prior reference thereof to the legal adviser.

- (2) Every notice of inquiry shall—
 - (a) specify, in the form of one or more charges, the matters into which inquiry is to be made; and
 - (b) state the date, time and place at which the inquiry is to be held.
- (3) Except with the consent in writing of the defendant no inquiry shall be held within less than twenty-eight days after the date of service of the notice of inquiry upon the defendant.

(4) Service of a notice of inquiry on the defendant may be by registered post addressed to her at the address shown on the register or at her last address known to the secretary if different therefrom.

(5) Within the time stipulated for service of the notice of inquiry, the secretary shall send a copy of the notice of inquiry to any complainant.

16. The chairman may adjourn any inquiry to such date as he thinks fit:

Adjournment
of inquiry.

Provided that notice of any such adjournment shall be given to the defendant and to any complainant.

17. (1) Where, after a complaint or information has been referred to the Board for inquiry, and further information is subsequently produced in writing which suggests that an inquiry should not be held, the Board may refer back the case to the Committee for further consideration.

Referring
back to
Committee.

(2) As soon as may be after the giving of any such direction the secretary shall give notice thereof to any complainant and to the defendant.

18. The defendant and any complainant shall furnish to the secretary not less than ten days before the date of an inquiry or such lesser period as the Board may determine, two copies of all documents upon which he intends to rely at the hearing of the said inquiry.

Documents
to be
furnished
to Board.

Documents to be available to the parties.

19. The secretary, at the request of the defendant or any complainant and on payment of his reasonable charges therefor, if any, shall send for the purpose of the inquiry to the defendant or to the complainant, as the case may be, copies of any document sent to him by the other party to the proceedings.

Notice to produce.

20. Any party may at any time after service of a notice of inquiry give to any other party to such inquiry notice to produce any document alleged to be in the possession of that party and, on failure to produce such document, may prove the contents thereof by other evidence.

Amendment of notice.

21. (1) Where before the hearing, or at any stage during the hearing, it appears to the Board that a notice of inquiry is defective in any respect the chairman may give such directions for the amendment of the notice as may be thought necessary to meet the circumstances of the case unless, having regard to the circumstances, he is of the opinion that the amendments required may not be made without resulting in an injustice to the defendant.

(2) The secretary, as soon as is practicable after the amendment of any notice of inquiry, shall give notice in writing thereof to the defendant and to any complainant unless the amendment is directed verbally by the chairman in the presence of the parties thereto at the hearing of an inquiry by the Board.

PART V.

Proceedings at a hearing of the Board.

Record of proceedings.

22. (1) A shorthand writer may be appointed by the Board for the purposes of any inquiry.

(2) If a verbatim record of any proceedings or any part of any proceedings has been prepared, the secretary, on application to him by any party to such proceedings and on payment to him of a fee of seventy-five cents for each folio of seventy-two words or part thereof, shall furnish such party with a copy of such record.

Opening of inquiry.

23. (1) At the opening of any inquiry the secretary shall read the notice of inquiry to all persons being present at the inquiry.

(2) If the defendant is not present nor represented at the opening of the inquiry, the secretary shall furnish to the Board such evidence as the Board may require that the notice of inquiry was served on the defendant in accordance with the provisions of regulation 15 and, on being satisfied that the notice was served, the Board may proceed with the inquiry in the absence of the defendant.

(3) If the defendant is present at the inquiry the chairman, immediately after the charge has been read, shall inform her that she may

cross-examine witnesses, give evidence and call witnesses on her own behalf and address the Board subject to the provisions of regulations 24 and 25.

24. (1) After the reading of the notice of inquiry the defendant, or her representative, may object to any charge on a point of law and, upon such objection, any other party to the inquiry may reply thereto and, if any such party replies to such objection, the defendant, or her representative, shall be permitted to answer such reply.

Objections on point of law.

(2) If such objection is upheld by the Board the charge to which such objection relates shall be considered only subject to such objection.

25. The following order of procedure shall be observed—

Order of procedure.

(a) the complainant, or his solicitor or counsel, or in the absence of them, or if there is no complainant, the secretary, shall present the case against the defendant and adduce the evidence in support thereof and shall close the case against the defendant:

Provided that, on the application of the Director, the Attorney General may appoint a legal officer within the meaning of the Legal Officers Ordinance other than the legal adviser to the Board, to carry out the duties of the secretary in respect of that inquiry in the absence of a complainant or his solicitor or counsel;

(Cap. 87).

(b) at the conclusion of the presentation of the case against the defendant, the defendant or her representative, may make either or both of the following submissions in relation to any charge—

(i) that no or insufficient evidence has been adduced upon which the Board can find that the facts alleged in that charge have been proved;

(ii) that the facts alleged in the charge are not such as to constitute the offence charged;

(c) where submission referred to in paragraph (b) is made, a reply thereto may be made by the complainant, or by his solicitor or counsel, or in their absence by the secretary; and the defendant may answer such reply;

(d) if a submission is made under paragraph (b), the Board shall consider and determine whether the submission shall be upheld and—

(i) the chairman shall announce the determination of the Board; and

(ii) if the Board upholds the submission in respect of any charge, the finding shall be recorded that the defendant is not guilty on that charge; or

(iii) if the Board rejects the submission the chairman shall call upon the defendant to state her case;

- (e) the defendant, or her representative, may then adduce evidence in support of her case and may address the Board:

Provided that, except with leave of the Board, only one address may be made under this paragraph, and where evidence has been adduced by or on behalf of the defendant such address may be made either before or after such evidence has been adduced;

- (f) at the conclusion of the case of the defendant, the complainant, or his solicitor or counsel, or in their absence the secretary, may address the Board in reply, only if evidence has been adduced by or on behalf of the defendant other than by her own evidence; or with the leave of the Board.

Postponement
of judgment.

26. (1) At the conclusion of the proceedings the Board shall consider and determine whether to postpone judgment.

(2) If the Board decides to postpone judgment, the judgment of the Board shall stand postponed until such future meeting of the Board as the Board may decide, and the chairman shall announce the decision of the Board in such terms as the Board may approve.

(3) If the Board decides not to postpone judgment, the Board shall consider and determine whether the facts alleged in any charge before the Board have been proved to its satisfaction and whether the defendant is guilty of the matter charged.

(4) When the Board has come to its decision under paragraph (3), the chairman shall announce the decision of the Board in such terms as the Board shall approve.

Notice of
determination
of judgment.

27. (1) Where under the provisions of paragraph (2) of regulation 26, the judgment of the Board in respect of a charge stands postponed to a future meeting of the Board, the secretary, not less than one week before the date fixed for such future meeting, shall serve in the manner prescribed in paragraph (4) of regulation 15 on the defendant a notice specifying the date, time and place fixed for the meeting of the Board and inviting her to appear at such meeting.

(2) If there is a complainant in respect of the charge, a copy of the notice shall be sent to such complainant.

(3) The Board shall then consider and determine its judgment and the chairman shall announce the decision of the Board in such terms as the Board may approve.

28. (1) After the announcement of the decision of the Board in respect of the charge, if such decision be a finding of guilty of the matter charged, the Board shall consider and determine whether or not to postpone sentence on the defendant. Postponement
of sentence.

(2) If the Board decides to postpone sentence, the sentence of the Board shall stand postponed until such future meeting of the Board as the Board may decide, and the chairman shall announce the decision of the Board in such terms as the Board may approve.

29. (1) At any meeting of the Board at which sentence on a defendant is to be decided, before the Board shall decide such sentence an opportunity shall be given to the defendant, or her representative, to address the Board by way of mitigation and to adduce evidence as to the circumstances leading to the offence and as to the character and antecedents of the defendant. Address in
mitigation.

(2) The Board shall then consider and determine the sentence on the defendant and the chairman shall announce the decision of the Board in such terms as the Board may approve.

(3) If the defendant fails to attend personally, or by her representative, the announcement of the decision of the Board, the secretary, in the manner prescribed by paragraph (4) of regulation 15, shall, within seven days after the announcement of the decision serve upon the defendant a notice setting out the terms of such decision.

30. (1) Where, in accordance with the provisions of regulation 28, the sentence of the Board in respect of any charge stands postponed to a future meeting of the Board, the secretary, not less than one week before the date fixed for such future meeting, shall serve on the defendant a notice, in the manner prescribed in paragraph (4) of regulation 15, specifying the date, time and place fixed for the meeting of the Board and inviting her to appear at such meeting. Notice of
postponement
of sentence.

(2) If there is a complainant in respect of the charge, a copy of the notice shall be sent to such complainant.

31. (1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement. Evidence.

(2) A summons to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession in accordance with the provisions of section 11 of the Ordinance may be in accordance with Form 5 in the First Schedule.

First
Schedule,
Form 5.

(3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and thereafter be re-examined upon matters arising out of such cross-examination by the party producing him.

(4) The Board may decline to admit the evidence of any deponent to a document who is not present for or who declines to submit to cross-examination.

(5) The chairman, and members of the Board through the chairman, may put such questions to the parties or to any witness as they may think expedient, or, at the request of the chairman, the legal adviser may put such questions.

Voting.

32. (1) In the taking of the votes of the Board on any question to be determined by them, the chairman shall call upon the members to signify their votes, and shall thereupon declare the determination of the Board in respect of such question.

(2) Where on any question to be determined by the Board the votes are equal, the question shall be deemed to have been decided in favour of the defendant.

(3) No person other than members of the Board, the secretary and the legal adviser shall be present when the Board votes on any matter.

PART VI.

Duties of legal adviser.

Inquiry by
the Board.

33. The legal adviser shall be present at every inquiry held by the Board under section 8 or section 10 of the Ordinance and no such inquiry shall be deemed valid if the legal adviser is not present throughout the proceedings.

Advice by
legal adviser.

34. (1) When the legal adviser advises the Board on any question of law or as to evidence, procedure or any other matter, in any inquiry under section 8 or section 10 of the Ordinance, he shall do so in the presence of every party to the proceedings or the person representing each such party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person as aforesaid shall be informed of the advice that the legal adviser has tendered.

(2) In any case where the Board does not accept the advice of the legal adviser on any such question as aforesaid, every such party or person shall be informed accordingly.

35. Without prejudice to anything contained in regulation 33 the legal adviser shall not be required to attend meetings of the Board unless notified by the secretary in advance of any meeting that his presence is likely to be specifically required at such meeting.

Attendance
of legal
adviser
at ordinary
meetings of
the Board.

PART VII.

Miscellaneous.

36. The Midwives Regulations are revoked.

Revocation
of previous
regulations.
(Vol. X,
p. 233).

FIRST SCHEDULE.

[reg. 3.]

FORM 1.

Particulars to be entered in the register:—

Registration No.

Name.

Date of Registration.

Married/Single/Widow.

Age.

Address.

Hospital, where trained.

Details of training:—

(a) General Nursing.

(b) Registration with Nursing Board.

(c) Other Work.

(d) Midwifery.

Name of Licensing Body, if by virtue of reciprocity.

Certificate of character by.

Passport or Identification Certificate.

Midwives Board Examination.

Signature of Applicant.

Signature of Secretary of Midwives Board.

MIDWIVES REGISTRATION ORDINANCE, 1960.

(No. 57 of 1960).

MIDWIVES (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATIONS, 1960.

NOTICE OF INQUIRY.

Madam,

On behalf of the Midwives Board notice is hereby given to you in consequence of ⁽¹⁾ an inquiry is to be held into the following charge(s) against you—

(If the charge relates to conviction).

That you were on the day of 19..... at
(2)
convicted of ⁽³⁾

or

(If the charge relates to conduct).

That you ⁽⁴⁾
and that in relation to the facts alleged you have been guilty of infamous conduct in a professional respect.

or

(If the charge relates to obtaining registration by fraud or misrepresentation).

That you ⁽⁴⁾
and that in relation to the facts alleged you obtained registration by fraud or misrepresentation.

or

(If the charge alleges that the registered midwife was not entitled, at the time of her registration, to be registered).

That you ⁽⁴⁾
and that in relation to the facts alleged you were not at the time of your registration entitled to be registered.

(Where there is more than one charge, the charges are to be numbered consecutively).

Notice is further given to you that on (day of the week) the day of, 19....., a meeting of the Midwives Board will be held at at a.m./p.m. to consider the above-mentioned charge(s) against you, and to determine whether or not the Midwives Board should take any action against you under subsection of section of the Midwives Registration Ordinance, 1960.

You are hereby invited to answer in writing the above-mentioned charge(s) and also to appear before the Board at the place and time specified above, for the purpose of answering it/them. You may appear in person or by counsel or solicitor. The Board has power, if you do not appear, to hear and decide upon the said charge(s) in your absence.

Any answer, admission or other statement or communication which you may desire to make with respect to the said charge(s) before the hearing of the said charge(s) by the Board should be addressed to the Secretary of the Board.

If you desire to make any application that the inquiry should be postponed, you should send the application to the Secretary as soon as may be, stating the grounds on which you desire a postponement. Any such application will be considered by the Chairman of the Midwives Board.

A copy of the Midwives (Registration and Disciplinary Procedure) Regulations, 1960 is sent herewith for your information.

I have the honour to be
Madam,
Your obedient servant.

.....
Secretary of the Board.

Note:

- (1) A complaint made against you to the Board
or
Information received by the Board.
- (2) Specify court recording the conviction.
- (3) Set out particulars of the conviction in sufficient detail to identify the case.
- (4) Set out briefly the facts alleged.

MIDWIVES REGISTRATION ORDINANCE, 1960.

(No. 57 of 1960).

MIDWIVES (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATIONS, 1960.

SUMMONS TO WITNESS.

In the matter of an Inquiry under section of the Midwives Registration Ordinance, 1960:

And in the matter of ⁽¹⁾
To ⁽²⁾

You are hereby summoned to appear before the Midwives Board of Hong Kong at upon the day of at o'clock in the noon to give evidence touching the matter under inquiry ⁽³⁾ and also to bring with you and produce ⁽⁴⁾

Given under my hand this day of

.....
Secretary of the Board.

Note:


- (1) Insert name of registered midwife or other person concerned.
- (2) Insert name and address of witness.
- (3) Delete if not required.
- (4) Specify the books, documents or other things to be produced.

SECOND SCHEDULE.

[regs. 5 & 10.]

FEES.

1. Registration fees—	
(a) Payable on first registration—	
(i) by midwives trained in the Colony	\$20.00
(ii) by midwives trained outside the Colony	\$35.00
(b) Payable on re-registration	\$10.00
2. Annual practising fee	\$ 5.00
3. Entrance fee for examination	\$10.00
4. Consolidated retention fee payable on or before the 31st December, 1960 by midwives registered in the year—	
1960	\$10.00
1959	\$ 9.00
1958	\$ 8.00
1957	\$ 7.00
1956	\$ 6.00
1955	\$ 5.00
1954	\$ 4.00
1953	\$ 3.00
1952	\$ 2.00
1951	\$ 1.00



Clerk of Councils.

COUNCIL CHAMBER,
9th December, 1960.

Explanatory Note.

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

These regulations replace, with amendments, the Midwives Regulations made under the Midwives Ordinance, Chapter 162.

2. In addition to the provisions relating to the training and examination of midwives contained in the regulations revoked by these regulations, the substance of which are retained, these regulations make comprehensive provision for the registration of midwives and the proper conduct of the practice of midwifery in the Colony which is effected through the medium of the disciplinary powers vested in the Board by the enabling Ordinance, procedural particulars for which are contained in detail in these regulations.

(Secretariat GR26/2961/46)

**BUILDINGS ORDINANCE, 1955, (APPLICATION TO THE
NEW TERRITORIES) ORDINANCE, 1960.**

(No. 27 of 1960).

**BUILDINGS ORDINANCE, 1955, (APPLICATION TO THE NEW TERRITORIES)
REGULATIONS, 1960.**

In exercise of the powers conferred by section 4 of the Buildings Ordinance, 1955, (Application to the New Territories) Ordinance, 1960, the Governor in Council has made the following regulations—


1. These regulations may be cited as the Buildings Ordinance, 1955, (Application to the New Territories) Regulations, 1960, and shall come into operation on the day appointed for the commencement of the Buildings Ordinance, 1955, (Application to the New Territories) Ordinance, 1960.

Citation and commencement.

2. The provisions of sections 4, 7, 9, 9A, 9B, 9C, 12, 14, 15, 19 and 20A of the principal Ordinance and the provisions of the regulations made under that Ordinance shall not apply to building works for the erection, alteration or demolition of, or which are otherwise connected with, any of the following buildings, situated or to be situated in the New Territories—

Certain provisions of principal Ordinance and provisions of regulations made under that Ordinance not to apply to certain building works.

- (1) any dwelling house which—
 - (a) has, or, when erected or altered, will have, a roofed over area not exceeding 700 square feet; and
 - (b) is not, or, when erected or altered, will not be—
 - (i) more than 15 feet in height, or
 - (ii) where no structural reinforced concrete was or will be used in its construction, more than 25 feet in height, measured, where such dwelling house has, or, when erected or altered, will have, a pitched roof, to the level of the apex or, where such dwelling house has, or, when erected or altered, will have, a flat roof, to the level of the main roof;
- (2) any building which is not, or, when erected or altered, will not be, more than 15 feet in height measured to the highest part of the building and which is, or, when erected or altered, will be, used solely for agricultural purposes.



COUNCIL CHAMBER,
9th December, 1960.

Clerk of Councils.

Explanatory Note.

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

These regulations provide for the exemption from certain provisions of the Buildings Ordinance, 1955 and from the regulations made under that Ordinance of building works for the erection, alteration or demolition of, or which are otherwise connected with, specified buildings in the New Territories. The buildings which are exempted under paragraph (1) of regulation 2 may, generally speaking, be described as houses of a simple type, normally occupied by villagers, and the buildings which are exempted under paragraph (2) thereof are buildings used solely for agricultural purposes.

(Secretariat BL6/736/48)

**PROCLAMATION**

No. 11 of 1960.

Governor.

By His Excellency the Governor.

WHEREAS by Article 4 of the Hong Kong (Coinage) Order, 1936, (hereinafter referred to as the Order) it is provided that if any new coins are coined they shall, from a date fixed by the Governor in a Proclamation made with the approval of the Commissioners of Her Majesty's Treasury and a Secretary of State setting forth in a Schedule particulars of the metal, standard weight, remedy allowance and, in the case of silver coins, fineness, and provided that they have not been dealt with in any manner prohibited by law, be legal tender in the case of coins of denominations of not less than one dollar for the payment of an amount not exceeding one hundred dollars, and in the case of coins of other denominations for the payment of an amount not exceeding two dollars:

NOW THEREFORE I, ROBERT BROWN BLACK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same, by virtue and in exercise of the powers conferred by the said Article 4 of the Order with



the approval of the Commissioners of Her Majesty's Treasury and of the Secretary of State for the Colonies do hereby PROCLAIM AND FIX the twelfth day of December, 1960, as the date from which the coins, particulars of which are set forth in the Schedule hereto, shall, provided that they have not been dealt with in any manner prohibited by law, be legal tender for an amount not exceeding one hundred dollars.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong, this 3rd day of December, 1960.

Published by His Excellency's Command.

Cranch Zuygo
Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE.

Coin	Metal	Standard Weight		Remedy Allowance	Limit of Tender
		Grains	Grammes		
Hong Kong One Dollar Piece	Cupro-Nickel	180	11.664	One part in one hundred and eighty parts	One hundred dollars

(Secretariat GR5/2241/47II)

ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES) ORDINANCE, 1955.

ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES) (AMENDMENT OF FIRST SCHEDULE) ORDER, 1960.

In exercise of the powers conferred by section 7 of the Administration of Justice (Summary Offences) Ordinance, 1955, the Governor in Council has made the following Order—

1. This Order may be cited as the Administration of Justice (Summary Offences) (Amendment of First Schedule) Order, 1960. Citation.

2. The First Schedule to the Administration of Justice (Summary Offences) Ordinance, 1955, is amended by the deletion of Item 10 and the substitution thereof of the following— Amendment of First Schedule, (52 of 1955).

"10. Without lawful authority or excuse, in any market, so erecting any structure, or so placing any article or vehicle, as to cause obstruction therein, contrary to by-law 9 of the Public Market By-laws, 1960, \$10."

(G.N.A. 107/60).

Deputy Clerk of Councils.
Deputy Clerk of Councils.

COUNCIL CHAMBER,

22nd November, 1960.

Explanatory Note.

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

The amendment of Item 10 is necessitated by the enactment of by-law 9 of the Public Market By-laws, 1960, which replaces by-law 27 of the Market By-laws.

(Secretariat GR5/2706/54)



PROCLAMATION

No. 10 of 1960.

Governor.



BY HIS EXCELLENCY SIR ROBERT BROWN BLACK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same.

WHEREAS by regulation 35 of the Dairies Regulations, 1960 (G.N. No. A. 126 of 1960), it is provided that in relation to any dairy which is being lawfully maintained at the commencement of the said regulations, certain provisions shall apply until such date as the Governor may appoint by Proclamation in the *Gazette* for the purposes of the said regulation 35:

NOW THEREFORE, I, ROBERT BROWN BLACK, do hereby PROCLAIM that the said provisions shall apply to every such dairy until the 1st day of January, 1961.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong this 15th day of November, 1960.

Published by His Excellency's Command.

Colonial Secretary.

GOD SAVE THE QUEEN.

(Secretariat GR L/M 9507/59)

**NURSING AND MATERNITY HOMES REGISTRATION
ORDINANCE.**

(Chapter 165).

**NURSING AND MATERNITY HOMES REGISTRATION
(EXEMPTION) ORDER, 1960.**

In exercise of the powers conferred by section 8 of the Nursing and Maternity Homes Registration Ordinance, the Governor in Council, having cancelled the exemption in respect of the Pok Oi Hospital (notification of which was gazetted as G.N.A.82 in the *Gazette* of May 11th, 1951), has made the following Order—

1. This Order may be cited as the Nursing and Maternity Homes Citation. Registration (Exemption) Order, 1960.
2. The Schedule to the Nursing and Maternity Homes Registration Ordinance is amended by the addition thereto of the following—
“The Pok Oi Hospital”.


Clerk of Councils.

COUNCIL CHAMBER,
15th November, 1960.

Explanatory Note.

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

In 1951 the Governor in Council by resolution exempted the Pok Oi Hospital from the provisions of this Ordinance subject to certain conditions. That exemption has been cancelled and this Order, by adding the name of the Pok Oi Hospital to the Schedule in the Ordinance, exempts this hospital generally from its provisions.

(Secretariat GR25/3231/49)



REGISTRATION OF PERSONS ORDINANCE, 1960.
(No. 18 of 1960).

REGISTRATION OF PERSONS (RE-REGISTRATION) (NO. 5)
ORDER, 1960.

In exercise of the powers conferred by section 10 of the Registration of Persons Ordinance, 1960, the Governor has made the following Order—

1. This Order may be cited as the Registration of Persons Citation. (Re-registration) (No. 5) Order, 1960.

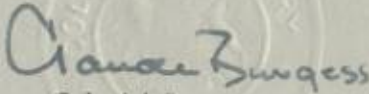
2. Every person specified in the Schedule is required to register again in accordance with the provisions of the Registration of Persons Ordinance, 1960, and regulations made thereunder.

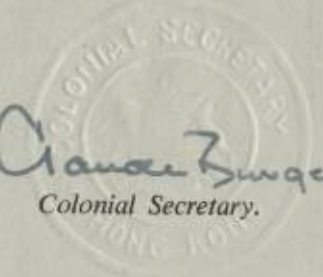
Category
of persons
required to
re-register.
(18 of 1960).

SCHEDULE.

Every person being resident in Hong Kong, Kowloon or Tsuen Wan, being the holder of an identity card which bears a registration number in the series 85,001 to 110,000, and the family, if any, of such holder.

By Command,


Colonial Secretary.



8th November, 1960.

(Secretariat D/RPO)



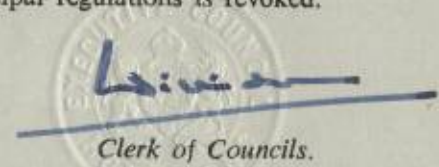
Amendment
of regula-
tion 8.

4. Paragraph (d) of regulation 8 of the principal regulations is amended—

- (a) in sub-paragraph (i)—
 - (i) by the deletion of the word “fifty” and the substitution therefor of the following—
“one hundred”;
 - (ii) by the deletion of the word “ten” and the substitution therefor of the following—
“fifteen”;
- (b) in sub-paragraph (ii)—
 - (i) by the deletion of the word “ten” and the substitution therefor of the following—
“fifty”;
 - (ii) by the deletion of the words “twelve months” and the substitution therefor of the following—
“three years”.

Revocation
of regula-
tion 18.

5. Regulation 18 of the principal regulations is revoked.



Clerk of Councils.

COUNCIL CHAMBER,
8th March, 1960.

Explanatory Note.

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

Regulation 2 replaces the existing regulation 2 in that amendment to the definition of “dental surgeon” and “registered medical practitioner” as they appear in the existing regulations is necessitated by the enactment of the Medical Registration Ordinance, 1957 and the Dentists Registration Ordinance, 1959.

2. Regulation 3 deletes any reference to any individual drug from regulation 3 of the existing regulations, and substitutes any dangerous drug specified in the First Schedule to the Ordinance. A definition of “manufacture” has also been included.

3. Regulation 4 provides for heavier penalties in regulation 8 of the existing regulations.

4. Regulation 5 revokes regulation 18 of the existing regulations.

(Secretariat CR5/3281/51)



DANGEROUS DRUGS ORDINANCE.

(Chapter 134).

DANGEROUS DRUGS (AMENDMENT) REGULATIONS, 1960.

In exercise of the powers conferred by section 11 of the Dangerous Drugs Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Dangerous Drugs (Amendment) Regulations, 1960. Citation.

2. Regulation 2 of the Dangerous Drugs Regulations (hereinafter referred to as the principal regulations) is revoked and replaced by the following new regulation— Revocation and replacement of regulation 2 (Vol. X, p. 31).

“2. In these regulations—

“dental surgeon” means a person registered as a dentist under the Dentists Registration Ordinance, 1959, by reason of his holding the qualification specified in paragraph (a) or (b) of section 8 of that Ordinance; (29 of 1959).

“registered medical practitioner”, “medical practitioner” and “duly qualified medical practitioner” means a medical practitioner duly registered under the Medical Registration Ordinance, 1957.”. (25 of 1957).

3. Regulation 3 of the principal regulations is amended—

(a) by the insertion after the figure “3” of the following—
“(1)”; Amendment of regulation 3.

(b) by the deletion of the words “morphine, esters of morphine, dihydromorphinone, acetyldihydrocodeinone, cocaine, ecgonine, diamorphine, benzoyl-morphine, dihydrooxycodone or dihydrocodeinone or their respective salts or medicinal opium” and the substitution therefor of the following—

“any dangerous drug specified in the First Schedule to the Ordinance”; and

(c) by the addition at the end thereof of the following new paragraph—

“(2) In this regulation “manufacture” includes the preparation of any extract of any dangerous drug or any process whereby any dangerous drug is combined or mixed with any other substance whether such substance is or is not a dangerous drug.”.

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.

(No. 30 of 1960).

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960 (AMENDMENT OF FOURTH SCHEDULE) ORDER, 1960.

In exercise of the powers conferred by subsection (6) of section 106 of the Public Health and Urban Services Ordinance, 1960, the Governor has made the following Order—

1. This Order may be cited as the Public Health and Urban Services Ordinance, 1960 (Amendment of Fourth Schedule) Order, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960 (hereinafter referred to as the Ordinance). Citation and commencement.

2. The Fourth Schedule to the Ordinance is amended by the deletion therefrom of the words “Tai Lam Beach”. Amendment of Fourth Schedule.

By Command,


Colonial Secretary.

9th November, 1960.

Explanatory Note.

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

Tai Lam Beach, which is situated in the Tsuen Wan District of the New Territories, was included in the Fourth Schedule to the Public Health and Urban Services Ordinance, 1960, in error. The beach is, in fact, used by the Sand Monopoly, and it was never intended that it should be designated as a public pleasure ground under that Ordinance.

(Secretariat GR8/3281/54)

CRIMINAL PROCEDURE ORDINANCE.

(Chapter 221).

CRIMINAL APPEAL (AMENDMENT) RULES, 1960.

In exercise of the powers conferred by section 9 of the Criminal Procedure Ordinance, I, the Acting Chief Justice, have made the following rules—

1. These rules may be cited as the Criminal Appeal (Amendment) Rules, 1960. Citation.

2. Rule 9 of the Criminal Appeal Rules is amended by the insertion after the word "made" where it first appears in paragraph (1) thereof of the following— Amendment
of rule 9.
(Vol. XI,
p. 14).


"or such longer period as may be permitted for giving notice of appeal under subsection (7A) of section 82 of the Criminal Procedure Ordinance".

Dated this 25th day of October, 1960.

J. R. GREGG (Retired)

Acting Chief Justice.

Approved by the Legislative Council this 9th day of November, 1960.


Deputy Clerk of Councils.

COUNCIL CHAMBER,
9th November, 1960.

Explanatory Note.

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

Rule 9 of the Criminal Appeal Rules provides for the suspension of certain orders made by the trial judge during the time allowed for giving notice of appeal and thereafter until the determination of the appeal if notice is given. The Criminal Procedure Ordinance (Cap. 221) has been amended to extend the period of time within which notice of appeal must be given in the case of prisoner of war and internees. This amendment is consequential thereon.

(Secretariat GR2/3231/54)

PROCLAMATION

No. 9 of 1960.



A handwritten signature in blue ink, appearing to read 'R. B. Black', with a horizontal line underneath.

Governor.

BY HIS EXCELLENCY SIR ROBERT BROWN BLACK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellency Order of the British Empire, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same.

WHEREAS by section 1 of the Public Health (Animals and Birds) (Amendment) Ordinance, 1960 (No. 25 of 1960), it is provided that the said Ordinance shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette* :

NOW, THEREFORE, I, ROBERT BROWN BLACK, do hereby PROCLAIM that the said Ordinance shall come into operation on the 11th day of November, 1960.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong this 8th day of November, 1960.

Published by His Excellency's Command,

A handwritten signature in blue ink, appearing to read 'C. J. G. G. G.', with the title 'Colonial Secretary' printed below it.

GOD SAVE THE QUEEN.

(Secretariat L/M G. 9507/59)





PROCLAMATION

No. 8 of 1960.



Governor.

By His Excellency Sir Robert Brown Black, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellency Order of the British Empire, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies and Vice-Admiral of the same.

WHEREAS by section 1 of the Public Health and Urban Services Ordinance, 1960 (No. 30 of 1960), it is provided that the said Ordinance shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*:

NOW, THEREFORE, I, ROBERT BROWN BLACK, do hereby PROCLAIM that the said Ordinance shall come into operation on the 11th day of November, 1960.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong this 8th day of November, 1960.

Published by His Excellency's Command.

Colonial Secretary.

GOD SAVE THE QUEEN.

(Secretariat GR8/3281/54)



PUBLIC HEALTH AND URBAN SERVICES ORDINANCE, 1960.
(No. 30 of 1960).

CONSERVANCY (AMENDMENT) BY-LAWS, 1960.

In exercise of the powers conferred by section 29 of the Public Health and Urban Services Ordinance, 1960, the Urban Council has made the following by-laws—

1. These by-laws may be cited as the Conservancy (Amendment) By-laws, 1960, and shall come into operation on the day appointed for the commencement of the Public Health and Urban Services Ordinance, 1960. Citation and commencement.

2. By-law 5 of the Conservancy By-laws, 1960 is deleted and replaced by the following— Deletion and replacement of by-law 5.

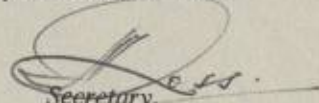
"Duties of occupiers and owners of premises, etc. with respect to water-borne sanitation."

5. (1) The occupier of any premises or part of any premises in which a watercloset or urinal is installed shall, at all times, keep such watercloset or urinal in a clean and wholesome condition. (G.N.A. 103/60).

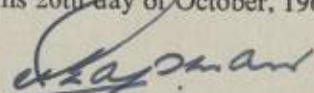
(2) The owner of any premises or part of any premises in which a watercloset or urinal is installed shall, at all times, provide an adequate supply of water for flushing purposes.

(3) Where the compartment in which any watercloset or urinal provided in any premises or any part of any premises is installed is ventilated by a mechanical ventilating system, the owner of such ventilating system shall, at all times, keep the same maintained in good working order."

Made by the Urban Council this 4th day of October, 1960.


Secretary.

Approved by the Legislative Council this 26th day of October, 1960.


Deputy Clerk of Councils.

COUNCIL CHAMBER,
26th October, 1960.

Explanatory Note.

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

At present, by-law 5 of the Conservancy By-laws, 1960 imposes certain obligations on the occupier of premises in which a watercloset or urinal is installed. Further examination of the provisions of that by-law indicates that two of those obligations, namely, the obligation to provide an adequate supply of water for flushing purposes and the obligation to keep mechanical ventilating systems in good working order, are not properly the liability of an occupier of premises as such, since the occupier may not be in a position to do what is necessary to meet his obligations. The revised by-law 5 provides, therefore, that the owner of the premises in which a watercloset or urinal is installed shall be responsible for the provision of a supply of water for flushing purposes and that the person to whom a mechanical ventilating system belongs shall be responsible for keeping it in good working order.

(Secretariat GR5/3231/60)

**ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES)
ORDINANCE, 1955.**

(No. 52 of 1955).

Resolution made and passed by the Legislative Council under section 11 of the Administration of Justice (Summary Offences) Ordinance, 1955, on the 26th day of October, 1960.

Resolved, Pursuant to section 11 of the Administration of Justice (Summary Offences) Ordinance, 1955, that the duration of the said Ordinance be extended for the term of one year with effect from the 28th October, 1960.



Deputy Clerk of Councils.

COUNCIL CHAMBER,
26th October, 1960.

(Secretariat GR5/2706/54)