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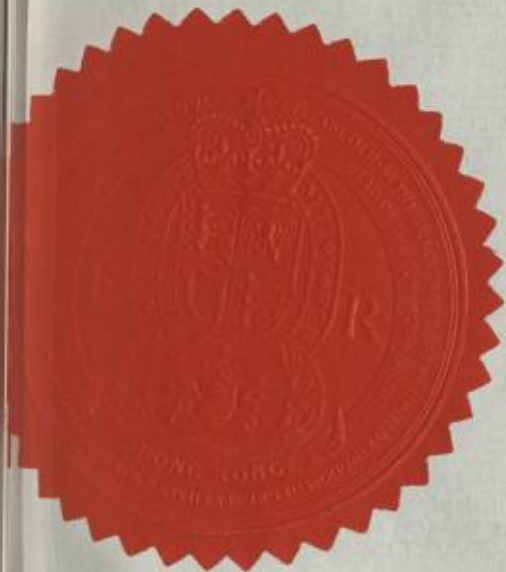
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10th Ja

**HONG KONG**

No. 1 OF 1979



I assent.

Governor.

10th January, 1979.

An Ordinance to amend the Merchant Shipping Ordinance.

[10th January, 1979]

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

1. This Ordinance may be cited as the Merchant Shipping (Amendment) Ordinance 1979. Short title.

2. Section 34 of the principal Ordinance is amended—

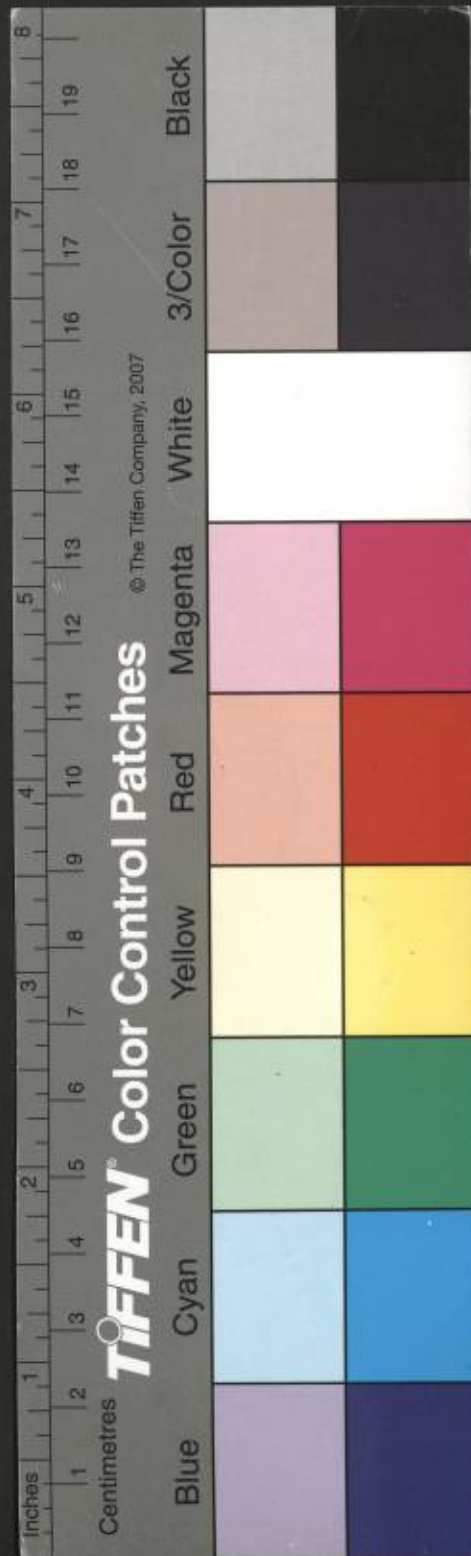
Amendment of section 34. (Cap. 281.)

(a) in subsection (1), by deleting "be liable on conviction to imprisonment for 6 months and to a fine of \$10,000 and an additional fine of \$5,000 for each passenger in excess of the number allowed by the passenger certificate" and substituting the following—

"be liable—

(a) on conviction upon indictment to imprisonment for 4 years and to a fine of \$10,000 and an additional fine of \$5,000 for each passenger in excess of the number allowed by the passenger certificate; and

(b) on summary conviction to imprisonment for 2 years and to a fine of \$10,000 and an additional fine of \$5,000 for each passenger in excess of the number allowed by the passenger certificate";



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

“(3) For the purposes of this section—

(a) every person carried in a ship, other than—

(i) a person employed or engaged in any capacity on board the ship on the business of the ship; and

(ii) a child under 1 year of age,

shall, until the contrary is proved, be presumed to be a passenger on that ship;

(b) every ship, other than a ferry vessel plying between 2 or more points within the Colony, carrying more than 12 passengers within the waters of the Colony shall, until the contrary is proved, be deemed to be a passenger ship.”.

3. The principal Ordinance is amended by adding after section 34 the following sections—

“Forfeiture of ships.

34A. (1) Where the owner or master of a passenger ship has committed an offence under section 34, the ship shall be liable to forfeiture, whether or not the owner or master is convicted in respect of such offence.

(2) With the approval of the Attorney General, the Director may seize and detain any ship which appears to him to be liable to forfeiture under subsection (1), and within 21 days of any such seizure the Director shall serve notice of seizure on the owner of the ship:

Provided that where there is more than one owner of a ship it shall be sufficient for the purposes of this subsection to give notice to one of the owners.

(3) A notice under subsection (2) shall be deemed to have been duly served if—

(a) it is delivered to the person on whom it is to be served;

(b) it is sent by registered post addressed to such person at the place of residence or business of such person, if any, known to the Director; or

(c) where it cannot be served in accordance with paragraph (a) or (b), the notice is exhibited in the Marine Department in a place to which the public have access for a period of not less than 7 days commencing within 21 days of the seizure of the ship.

(4) Within 7 days after the service under subsection (2) of a notice of seizure, notice of the seizure of the ship shall be—

(a) published in the *Gazette* and in 1 newspaper published in Hong Kong in the English language and in 1 newspaper so published in the Chinese language; and

(b) in the case of a foreign ship, served on the consular officer (if any) for the state to which the ship belongs.

(5) Where a notice of seizure has been served under subsection (2), any person who has a claim (hereinafter referred to as the claimant) may within 30 days after—

(a) the date of the notice, if it was served under subsection (3)(a) or (b); or

(b) the first day on which the notice was exhibited, if it was served under subsection (3)(c),

give notice in writing to the Director that he claims that the ship is not liable to forfeiture.

(6) If, on the expiry of the appropriate period of time specified in subsection (5) for the giving of a notice of claim, no such notice has been given in writing to the Director, the ship shall be forfeited forthwith to the Crown.

(7) A person has a claim for the purposes of this section and section 34B if—

(a) he is the owner of the ship or the agent of the owner; or

(b) he was in possession of the ship at the time it was seized.

34B. (1) Where a notice of claim is given under section 34A(5), the Director shall apply to a magistrate for the forfeiture of the ship and shall state in the application the name and address of the claimant as specified in the notice of claim.

(2) When any such application is made to a magistrate, the magistrate shall issue a summons in the prescribed form to the claimant, requiring him to appear before a magistrate on the hearing of the application, and shall cause a copy of the summons to be served on the Director.

(3) If, on the hearing of an application under this section—

(a) neither the claimant nor any other person appears before the magistrate to make a claim and the magistrate is satisfied that the summons was duly served; or

(b) neither the claimant nor any other person satisfies the magistrate that he has a claim,

and the magistrate is satisfied that the ship is liable to forfeiture, the magistrate shall order that the ship be forfeited to the Crown.

(4) If, on the hearing of an application under this section—

(a) a person satisfies the magistrate that he has a claim; and

(b) the magistrate is satisfied that the ship is liable to forfeiture,

the magistrate may order that the ship be—

(i) forfeited to the Crown; or

(ii) delivered to the owner thereof or his agent.

(5) If, on the hearing of an application under this section, the magistrate is not satisfied that the ship is liable to forfeiture, he shall order that it be delivered to the owner thereof or his agent.

(6) On the hearing of an application under this section, a certified true copy of the record of the proceedings, including the decision of the court, in any proceedings in respect of the offence under section 34 of this Ordinance or section

Determination of applications for forfeiture.

(Cap. 221.) 90(1) of the Criminal Procedure Ordinance shall be admissible in evidence.

(Cap. 227.) (7) Subject to the provisions of this Ordinance, an application under this section shall be deemed for the purposes of the Magistrates Ordinance to be a complaint to which section 8 of that Ordinance applies.

Claims for return of forfeited ships.

34C. (1) The owner of any ship forfeited to the Crown under section 34A or section 34B or his agent may within 6 weeks after—

- (a) the ship was forfeited to the Crown; or
- (b) the determination of any appeal against the order for its forfeiture,

give notice in writing to the Director of his intention to submit to the Governor a moral claim in respect of the forfeited ship.

(2) Where the owner of a forfeited ship has given notice in writing to the Director under subsection (1) and has submitted a moral claim to the Governor by lodging it with the Chief Secretary within 1 month from the date of such notice, the Governor may—

- (a) order the return of the forfeited ship to the owner or his agent; or
- (b) direct that the claim be referred to the Governor in Council.

(3) The Governor in Council, on considering a claim referred to him under subsection (2), may—

- (a) order the return of the forfeited ship to the owner or his agent; or
- (b) reject the claim.

Expiry of sections 34A, 34B and 34C.

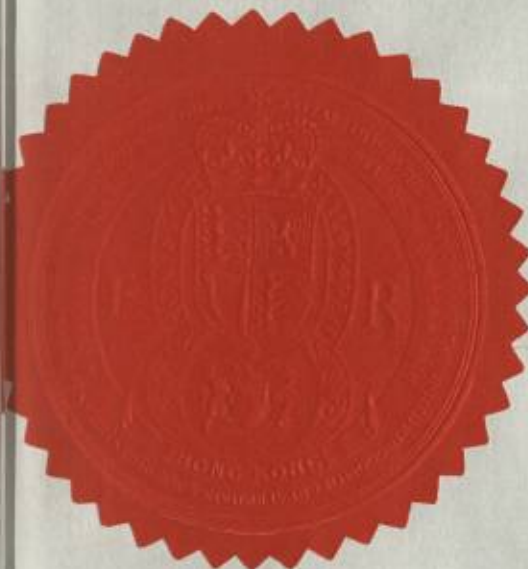
34D. Sections 34A, 34B and 34C shall expire on 31st December 1979 unless the Legislative Council by resolution otherwise determines."

Passed by the Hong Kong Legislative Council this 10th day of January, 1979.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



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10th J

under this section shall be deemed for the purpose of the Magistrates Ordinance to be a complaint to which section 8 of that Ordinance applies.

(c) The owner of any ship forfeited to the Crown under section 34A or section 34B or his agent may within 14 days after the date of the order—

—apply to the Director for the return of the ship if the ship was forfeited to the Crown; or  
—apply for a determination of any appeal against the order or for the return of the ship if the ship was forfeited to the Crown; or  
—in writing to the Director of his intention to appeal to the Governor a moral claim in respect of the forfeiture.

Where the owner of a forfeited ship has given notice of appeal to the Director under subsection (1) and has submitted a moral claim to the Governor by lodging it with the Director within 1 month from the date of such notice, the Director may—

—order the return of the forfeited ship to the owner or to his agent; or  
—order that the claim be referred to the Governor or to the Council.

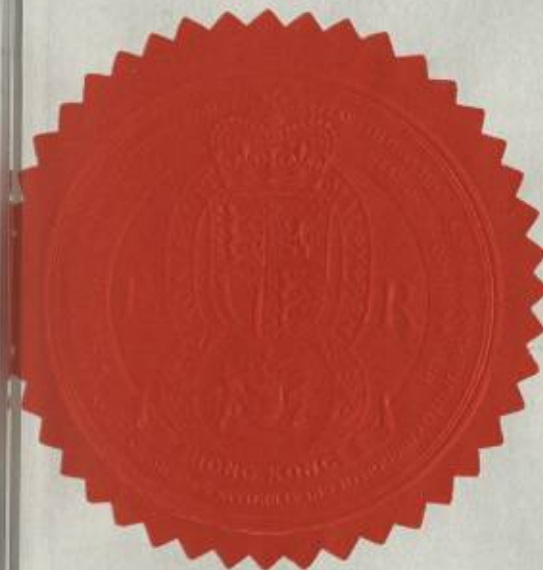
The Governor in Council, on considering a claim submitted to him under subsection (2), may—

—order the return of the forfeited ship to the owner or to his agent; or  
—order that the claim be referred to the Governor or to the Council.

Sections 34A, 34B and 34C shall expire on 31st December 1979 unless the Legislative Council by resolution

## HONG KONG

No. 2 OF 1979



I assent.

Governor.

10th January, 1979.

An Ordinance to amend the Shipping and Port Control Ordinance 1978.

[10th January, 1979]

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

1. This Ordinance may be cited as the Shipping and Port Control (Amendment) Ordinance 1979. Short title.

2. Section 72 of the principal Ordinance is amended by deleting "is liable to a fine of \$50,000 and to imprisonment for 2 years" and substituting the following— Amendment of section 72. (76 of 1978.)

"is liable—

- (a) on conviction on indictment to a fine of \$200,000 and to imprisonment for 4 years; and
- (b) on summary conviction to a fine of \$200,000 and to imprisonment for 2 years".

3. The principal Ordinance is amended by adding after section 72 the following section— Addition of section 72A.

"Beaching or scuttling vessel.

72A. Any person who, by any unlawful act or in any manner whatsoever without reasonable excuse, disables, abandons, scuttles or beaches any vessel within the waters of Hong Kong commits an offence and is liable—

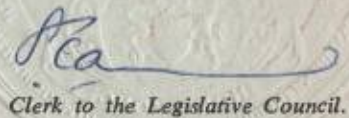
- (a) on conviction on indictment to a fine of \$200,000 and to imprisonment for 4 years; and
- (b) on summary conviction to a fine of \$200,000 and to imprisonment for 2 years."

Passed by the Hong Kong Legislative Council this 10th day of January, 1979.



*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*



10th

An Ordinance to amend the Immigration Ordinance

...imprisonment for 2 years."

Hong Kong Legislative Council this 10th day of



...impression has been carefully compared by me  
and is found by me to be a true and correctly  
the said bill.

**HONG KONG**

No. 3 OF 1979



I assent.

Governor.

10th January, 1979.

An Ordinance to amend the Immigration Ordinance.

[10th January, 1979]

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

1. This Ordinance may be cited as the Immigration (Amendment) Short title.  
Ordinance 1979.

2. Section 18 of the principal Ordinance is amended by inserting  
after subsection (2) the following subsections—

Amendment of  
section 18.  
(Cap. 115.)

"(3) Subsection (2) shall not apply if it appears to the Director  
that the person refused permission to land was previously resident in  
Vietnam.

(4) Subsection (3) shall expire on 31st December 1979 unless the  
Legislative Council by resolution otherwise determines."

Passed by the Hong Kong Legislative Council this 10th day of  
January, 1979.

Clerk to the Legislative Council.

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



*Clerk to the Legislative Council.*

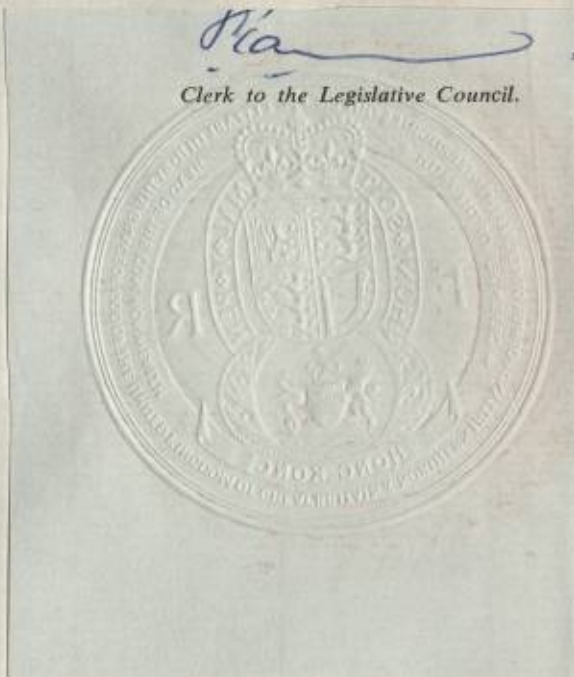


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An Ordinance to amend the Dutiable Commodities

**HONG KONG**

No. 4 OF 1979



*Clerk to the Legislative Council.*



I assent.

A handwritten signature in black ink, appearing to read "Mary K. Leung".

*Governor.*

*11th January, 1979.*

An Ordinance to amend the Dutiable Commodities Ordinance.

[12th January 1979]

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

1. This Ordinance may be cited as the Dutiable Commodities (Amendment) Ordinance 1979. Short title.

2. Section 6 of the principal Ordinance is amended—

(a) in subsection (1)(n) by inserting after "issue" the following—  
", suspension and revocation"; and

Amendment of  
section 6.  
(Cap. 109.)

(b) in subsection (2) by deleting "Regulations" and substituting the following—

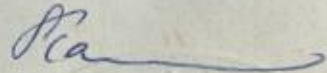
"Without prejudice to subsection (1)(n), regulations".

Passed by the Hong Kong Legislative Council this 10th day of January, 1979.

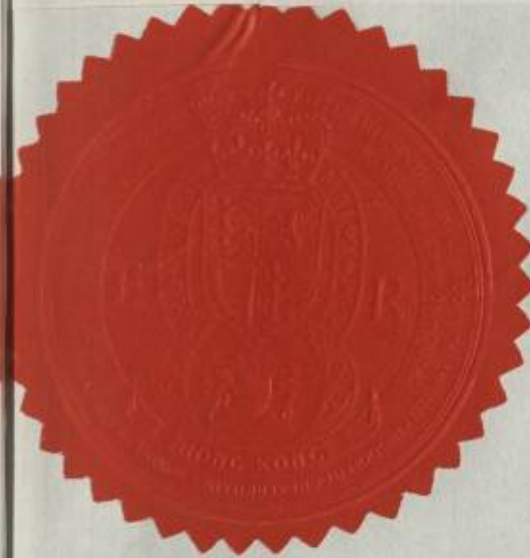
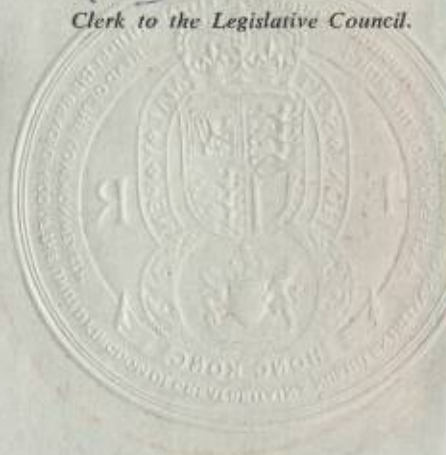
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*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*



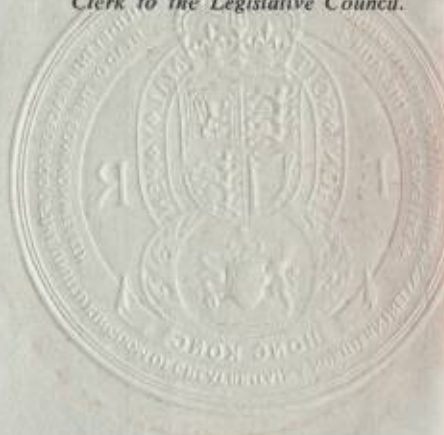
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An Ordinance to amend the Road Traffic Ordinance

**HONG KONG**

No. 5 of 1979

*Ma*  
Clerk to the Legislative Council.



I assent.

*Ma*  
Governor.

Governor.

11th January, 1979.

An Ordinance to amend the Road Traffic Ordinance.

[ ]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1979 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.
2. Section 3(3) of the principal Ordinance is amended by deleting "\$1,000" and substituting the following—  
"\$3,000". Amendment of section 3. (Cap. 220.)
3. Section 4(3) of the principal Ordinance is amended by deleting "\$1,000" and substituting the following—  
"\$3,000". Amendment of section 4.
4. Section 23 of the principal Ordinance is amended by inserting after subsection (1) the following new subsection—  
"(1A) Without prejudice to any other penalty, any court or magistrate before whom a person is convicted of any offence under any regulations made under this Ordinance of—  
(i) wilfully refusing or neglecting to accept a hire from a hirer whether the intention of such hirer is indicated expressly or by implication; Amendment of section 23.

- (ii) refusing or neglecting to drive the taxi from a taxi stand to any place indicated by the hirer;
- (iii) refusing or neglecting to drive the taxi to any place indicated by a hirer having responded to a hail from the hirer;
- (iv) refusing or neglecting to drive the taxi to any place indicated by a hirer when requested otherwise than at a taxi stand or after responding to a hail;
- (v) charging for the hiring of a taxi a fare exceeding the appropriate scale of fares prescribed by this Ordinance,

may order him to be disqualified from holding or obtaining a driving licence to drive a taxi for such period as the court or magistrate thinks fit.”.

Passed by the Hong Kong Legislative Council this 10th day of January, 1979.



*[Signature]*

*Clerk to the Legislative Council.*

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

*[Signature]*

*Clerk to the Legislative Council.*



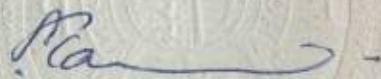
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An Ordinance to amend the Partition Ordinance

neglecting to drive the taxi to any place indicated when requested otherwise than at a taxi stand or ding to a hail;

the hiring of a taxi a fare exceeding the approved fares prescribed by this Ordinance, is disqualified from holding or obtaining a driving licence for such period as the court or magistrate

Hong Kong Legislative Council this 10th day of



Clerk to the Legislative Council.

A copy of this Ordinance has been carefully compared by me and found by me to be a true and correct copy of the said bill.



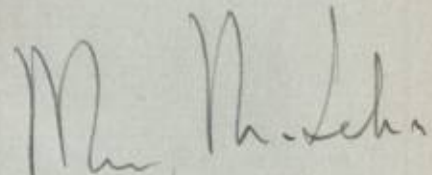
Clerk to the Legislative Council.

**HONG KONG**

No. 6 OF 1979



I assent.



Governor.

11th January, 1979.

An Ordinance to amend the Partition Ordinance.

[12th January, 1979]

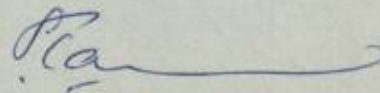
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Partition (Amendment) Ordinance 1979. Short title.

2. Section 3 of the principal Ordinance is amended by deleting subsection (2). Amendment of section 3. (Cap. 352.)

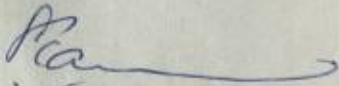
3. Section 9 of the principal Ordinance is amended by inserting before "land," the following—  
"property in". Amendment of section 9.

Passed by the Hong Kong Legislative Council this 10th day of January, 1979.

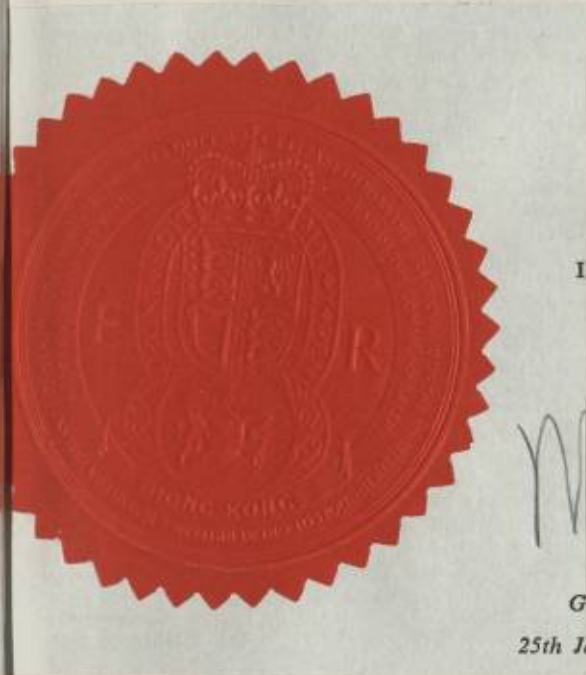


Clerk to the Legislative Council.

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



*Clerk to the Legislative Council.*



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25th J

*[Signature]*  
Clerk to the Legislative Council.



**HONG KONG**

No. 7 OF 1979



I assent.

*[Signature]*

Governor.

25th January, 1979.

An Ordinance to amend the Inland Revenue Ordinance.

[1st April, 1979]

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

1. This Ordinance may be cited as the Inland Revenue (Amendment) Ordinance 1979 and shall come into operation on the 1st April 1979.

Short title and commencement.

2. Section 5(3) of the principal Ordinance is amended—

Amendment of section 5. (Cap. 112.)

(a) by deleting the full stop at the end of paragraph (c) and substituting a semicolon; and

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

“(d) in the case of any land or building or land and building or part thereof owned by—

(i) a person who carries on a club or similar institution on or in such land or building or land and building or such part, being a person who is, by virtue of section 24(1), deemed not to carry on a business;

(ii) a person who carries on a trade, professional or business association on or in such land or building or land and building or part in such circumstances that he is not deemed by section 24(2) to carry on a business;

(iii) a clan, family or t'ong, which land or building or land and building or part if situate in the New Territories is certified by the Secretary for the New Territories, or if situate in the urban areas is certified by the Secretary for Home Affairs, to be the ancestral property of the clan or family or the property of the t'ong,

and occupied by such person, clan, family and t'ong solely for the purposes of a club or similar institution or a trade, professional or business association or for the purposes of the clan, family or t'ong, as the case may be, throughout the whole of any year of assessment, property tax shall not be charged in respect thereof for that year of assessment, and any tax paid shall be refunded:

Provided that where, during a year of assessment, such person, clan, family or t'ong received any rent or other similar consideration, other than from a member of the club or similar institution or of the trade, professional or business association or of the clan, family or t'ong, under a lease or licence or an agreement for a lease or licence of such land or building or land and building or part thereof, property tax shall be charged for that year in accordance with subsection (1) by reference to—

(i) the proportion which the area the subject of the lease or licence or agreement therefor bears to the total area of the whole of the land or building or land and building or part; and

(ii) the proportion which the number of days during which such land or building or land and building or part was subject to such lease or licence or agreement therefor during that year bears to the number of days in that year."

Amendment  
of section 7B.

3. Section 7B(1) of the principal Ordinance is amended by deleting "or (c)" and substituting the following—


" , (c) or (d)".

Amendment  
of section 70.


4. Section 70 of the principal Ordinance is amended by inserting after "profits" wherever it occurs of the following—

"or net assessable value".

Passed by the Hong Kong Legislative Council this 24th day of January, 1979.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



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if situate in the urban areas is certified by the Secretary for Home Affairs, to be the ancestral property of the clan or family or the property of the t'ong,

occupied by such person, clan, family and t'ong solely for the purposes of a club or similar institution or for the purposes of a trade, professional or business association or for the purposes of the clan, family or t'ong, as the case may be, throughout the whole of any year of assessment, property tax shall not be charged in respect thereof for that year of assessment, and any tax paid shall be refunded:

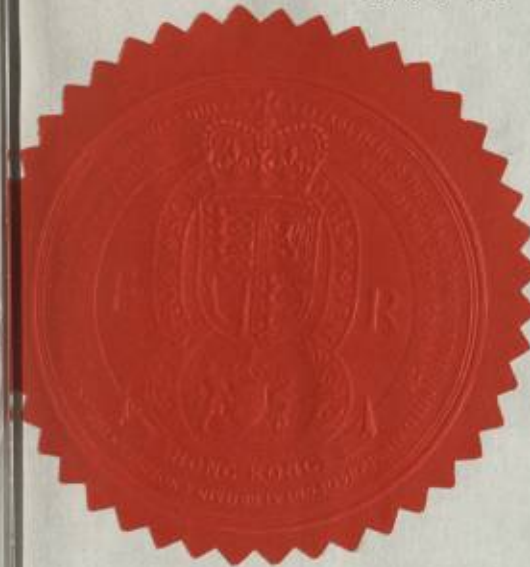
Provided that where, during a year of assessment, a person, clan, family or t'ong received any rent or other consideration, other than from a member of the club or similar institution or of the trade, professional or business association or of the clan, family or t'ong, under a lease or licence or an agreement for a lease or licence of such land or building or land and building or part thereof, property tax shall be charged that year in accordance with subsection (1) by the proportion to—

(a) the proportion which the area the subject of the lease or licence or agreement therefor bears to the total area of the whole of the land or building or land and building or part; and

(b) the proportion which the number of days during that year in which such land or building or land and building or part was subject to such lease or licence or agreement therefor during that year bears to the number of days in that year."

## HONG KONG

No. 8 OF 1979



I assent.

Governor.

25th January, 1979.

An Ordinance to amend the Criminal Procedure Ordinance.

[26th January 1979]

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance 1979.

Short title.

2. The principal Ordinance is amended by renumbering section 13 as section 12A and adding thereafter the following sections—

Renumbering of section 13 and addition of new sections 12B, 12C and 13. (Cap. 221.)

"Restriction on multiple bail applications.

12B. If an accused person is refused or denied bail by the court or a judge, he shall not thereafter be entitled to make a fresh application for bail—

- (a) before the commencement of his trial, except to the court or a judge and only if he satisfies the court or judge that since the refusal or denial there has been a material change in relevant circumstances; or
- (b) during his trial, except to the court conducting his trial.

Application  
by Attorney  
General for  
review.  
(Cap. 227.)

12C. (1) Where a District Judge or magistrate has admitted or directed the admission of an accused person to bail, or a magistrate has released or directed the release of an appellant from custody under section 119 of the Magistrates Ordinance, the Attorney General may apply to a judge to review the decision of the District Judge or magistrate.

(2) Subject to section 13(3), an application under subsection (1) shall be made by summons before a judge in chambers and supported by affidavit.

(3) The summons may be served on the accused person or appellant at any time before the time appointed therein for the hearing.

(4) On the hearing of the application the Attorney General shall be entitled to put before the judge such relevant argument and such relevant matter as he thinks proper, whether or not the same was before the District Judge or the magistrate who made the decision, and the accused person or appellant shall also be entitled to be heard.

(5) Notwithstanding subsection (4), a judge may hear and determine the application in the absence of the accused person or appellant if he is satisfied that the accused person or appellant has been served with the summons or has refused to accept service of the summons or that all reasonable attempts have been made to serve the summons.

(6) Where a judge has heard an application under this section in the absence of the accused person or appellant, he may re-hear the application if he is satisfied that it is just to do so.

(7) Upon hearing the application, a judge may by order confirm, revoke or vary the decision of the District Judge or magistrate, and may make such other order in the matter including an order as to costs as he thinks just.

(8) Where in the absence of the accused person or appellant, a judge has revoked the admission to bail or release from custody of the accused person or appellant, he shall issue a warrant for the arrest and detention of the accused person or appellant.

(9) No appeal shall lie from the decision of a judge on an application under this section.

Custody  
pending  
review.

(Cap. 227.)

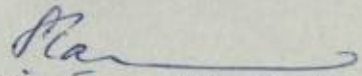
13. (1) Where a District Judge or magistrate has admitted or directed the admission to bail of an accused person, or a magistrate has released or directed the release of an appellant from custody under section 119 of the Magistrates Ordinance, he shall upon application by or on behalf of the Attorney General and if the accused person or appellant is present or still in custody, remand the accused person or appellant in custody and order him to be brought before a judge at such time and place as the Registrar may direct.

(2) Where a District Judge or magistrate makes an order under subsection (1) he shall immediately notify the Registrar who shall cause the accused person or appellant to be brought before a judge as soon as practicable, and in any event within 48 hours, and inform the Attorney General of the time and place at which that will be done.


(3) When the accused person or appellant is brought before him under this section, a judge may, if he thinks fit, dispense with the requirements of subsections (2) and (3) of section 12C and proceed to hear an application under section 12C(1).

(4) If the judge declines to dispense with the requirements of subsections (2) and (3) of section 12C, he shall order the accused person or appellant to be kept in custody for such time as he deems sufficient to enable subsections (2) and (3) of section 12C to be complied with, and may make such other order as he thinks just."

Passed by the Hong Kong Legislative Council this 24th day of January, 1979.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



15th

An Ordinance to amend the Island Revenue Act

**HONG KONG**

No. 9 OF 1979



I assent.

*Governor.*

*15th February, 1979.*

An Ordinance to amend the Inland Revenue Ordinance.

[2nd January 1979]

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

1. This Ordinance may be cited as the Inland Revenue (Amendment) (No. 2) Ordinance 1979 and shall be deemed to have come into operation on the 2nd January 1979.

Short title and commencement.

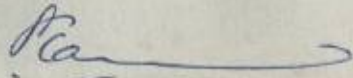
2. Section 28(1) of the principal Ordinance is amended in paragraph (a) of the proviso by deleting "5" and substituting the following—  
"7½".

Amendment of section 28. (Cap. 112.)

Passed by the Hong Kong Legislative Council this 14th day of February, 1979.

*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*



I  
G  
15th Fe

An Ordinance to approve a supplementary appropri

**HONG KONG**

No. 10 OF 1979

*Ham*  
Clerk to the Legislative Council.



I assent.

*May Th. Leung*  
Governor.

15th February, 1979.

An Ordinance to approve a supplementary appropriation to the service of the financial year which ended on 31st March 1978.

[16th February 1979]

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

1. This Ordinance may be cited as the Supplementary Appropriation (1977-78) Ordinance 1979. Short title.

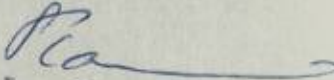
2. The appropriation in the manner expressed in the Schedule of a sum of \$1,163,564,359.11 from the general revenue and other funds of Hong Kong for the service of the financial year which ended on 31st March 1978 is approved. Approval of appropriation Schedule.

**SCHEDULE**

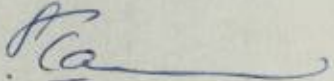
<i>Number of Vote</i>	<i>Head of Expenditure</i>	<i>Amount</i>
		\$
23	Audit Department	380,356.63
29	Defence: Miscellaneous Measures	22,812,212.48
30	Defence: Royal Hong Kong Auxiliary Air Force	329,807.32

<i>Number of Vote</i>	<i>Head of Expenditure</i>	<i>Amount</i>
		\$
32	Education Department	16,006,890.19
36	Government Supplies Department	11,241,088.79
42	Inland Revenue Department	890,643.81
43	Judiciary	1,230,561.01
46	Legal Department	555,950.98
50	Miscellaneous Services	860,538,393.92
53	Pensions	4,786,831.10
54	Police: Royal Hong Kong Police Force	3,130,319.77
60	Public Services Commission	1,750.49
61	Public Works Department: Headquarters	1,460,410.11
63	Public Works Department: Engineering Development	15,886,077.98
65	Public Works Department: New Territories Development	1,532,150.69
66	Public Works Department: Water Supplies	121,962,750.83
69	Public Works Non-recurrent: Engineering	37,034,363.79
70	Public Works Non-recurrent: New Towns and Public Housing (other than Housing Authority)	53,274,977.75
73	Rating and Valuation Department	207,572.07
75	Registry of Trade Unions	38,933.22
79	Subventions: Medical	8,384,564.81
80	Subventions: Miscellaneous	5,133.94
81	Subventions: Social Welfare	580,800.65
83	Treasury	1,291,816.78
		<u>\$1,163,564,359.11</u>

Passed by the Hong Kong Legislative Council this 14th day of February, 1979.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



15th

An Ordinance to amend the Employment Ordinances

Department	16,006,890.19
Supplies Department	11,241,088.79
Public Works Department	890,643.81
	1,230,561.01
Department	555,950.98
Public Services	860,538,393.92
	4,786,831.10
Special Hong Kong Police Force	3,130,319.77
Police Commission	1,750.49
Police Department: Headquarters	1,460,410.11
Police Department: Engineering	15,886,077.98
Police Department: New Territories	1,532,150.69
Police Department: Water Supplies	121,962,750.83
Police Non-recurrent: Engineering	37,034,363.79
Police Non-recurrent: New Towns	
Public Housing (other than Housing	53,274,977.75
)	
Valuation Department	207,572.07
Trade Unions	38,933.22
Medical	8,384,564.81
Miscellaneous	5,133.94
Social Welfare	580,800.65
	1,291,816.78
	<hr/>
	\$1,163,564,359.11

**HONG KONG**

No. 11 of 1979



I assent.

Governor.

15th March, 1979.

An Ordinance to amend the Employment Ordinance.

[16th March 1979]

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

1. This Ordinance may be cited as the Employment (Amendment) Ordinance 1979.

2. Section 41A of the principal Ordinance is amended—

Amendment of  
section 41A.  
(Cap. 57.)

(a) by deleting subsection (3) and substituting the following subsection—

“(3) The annual leave shall be granted by the employer and shall be taken by the employee within the period of 12 months during which that leave is required by subsection (1) to be granted on 7 consecutive days or, if the employee so requests, on 4 consecutive days, and the remaining days of annual leave, if any, shall be granted consecutively or separately in accordance with subsection (1).”; and

(b) by deleting subsection (4) and substituting the following subsection—

“(4) If a rest day or holiday falls within any period of annual leave granted in accordance with this section, it shall

be counted as annual leave and another rest day or holiday shall be substituted in accordance with section 18(5) or subsection (2), (3) or (4) of section 39, as the case may require."; and

(c) by inserting after subsection (5) the following subsection—

"(6) For the avoidance of doubt it is declared that annual leave is, and shall be granted, in addition to the rest days and holidays to which an employee is entitled under this Ordinance."

Amendment of section 41C.

3. Section 41C(1) of the principal Ordinance is amended by inserting after "he had worked" the following—

"every day".

Amendment of section 41D.

4. Section 41D is amended—

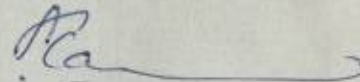
(a) in subsection (1) by deleting "is terminated under section 9" and substituting the following—

"terminates or is terminated"; and

(b) in subsection (2) by deleting "more than 3 but less than 12 months, and the contract" and substituting the following—

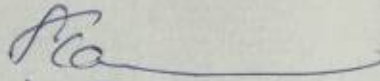
"3 months or more but less than 12 months, and the contract terminates or".

Passed by the Hong Kong Legislative Council this 14th day of March, 1979.

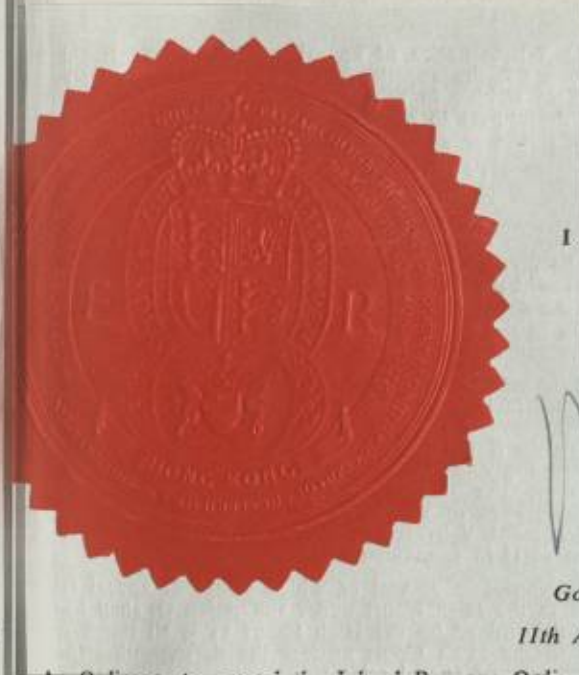


Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



Go  
11th A

er subsection (5) the following subsection—  
the avoidance of doubt it is declared that annual  
d shall be granted, in addition to the rest days  
rs to which an employee is entitled under this

the principal Ordinance is amended by inserting  
the following—

“every day”.

amended—

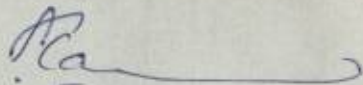
) by deleting “is terminated under section 9” and  
following—

minates or is terminated”; and

) by deleting “more than 3 but less than 12 months,  
t” and substituting the following—

or more but less than 12 months, and the contract  
or”.

ng Kong Legislative Council this 14th day of



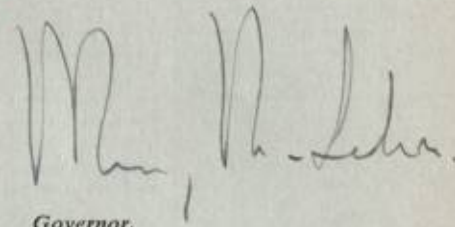
*Clerk to the Legislative Council.*

**HONG KONG**

No. 12 OF 1979



I assent.



*Governor.*

*11th April, 1979.*

An Ordinance to amend the Inland Revenue Ordinance.

[12th April, 1979]

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

1. This Ordinance may be cited as the Inland Revenue (Amendment) Short title.  
(No. 3) Ordinance 1979.

2. Section 63C(1) of the principal Ordinance is amended by deleting Amendment of  
“calculated in accordance with section 12, for the year preceding the year section 63C.  
of assessment.” and substituting the following— (Cap. 112.)

“for the preceding year of assessment adjusted, for the purposes of  
this section, as follows—

- (a) any loss set off under section 12A in calculating that amount shall be added;
- (b) any loss which may be set off under section 12A in the year of assessment shall be set off against that amount:

Provided that in no case shall the amount of provisional salaries tax charged on any person in respect of any year of assessment exceed the amount which would have been chargeable on him had the standard rate for the year of assessment been charged on the

whole of his assessable income for the preceding year of assessment as reduced by the outgoings, expenses and allowances provided for in section 12(1) and any excess set off under section 12A.”.

Addition of  
new section 67.

3. The principal Ordinance is amended by adding after section 66 the following—

“Transfer of  
appeals under  
section 66 for  
hearing and  
determination  
by High Court  
instead of  
Board of  
Review.”

67. (1) Where notice of appeal is given to the Board under section 66, the appellant or the Commissioner may give notice in writing in accordance with this section that he desires the appeal to be transferred to the High Court:

Provided that if both the appellant and the Commissioner give such notice, the notice given by the Commissioner shall have no effect and shall be deemed not to have been given.

(2) A notice under subsection (1) shall, if given by the appellant, be given to the Commissioner, or, if given by the Commissioner, be given to the appellant, not later than 21 days after the date on which the notice of appeal is received by the clerk to the Board, and the person giving such notice shall at the same time send a copy thereof to the Board.

(3) If the person to whom notice is given under subsection (1) consents thereto, he shall, not later than 21 days after the date on which the notice is given, notify his consent in writing to the Board and serve a copy of such notification on the person giving the notice, and on receipt of such notification by the Board the clerk to the Board shall transmit the notice of appeal to the High Court together with the documents delivered to the Board under this section and section 66(1) in connexion with the appeal.

(4) An appeal in respect of which notice of appeal is transmitted to the High Court under subsection (3) shall be heard and determined by the High Court as in all respects an appeal to the High Court against the determination to which the notice of appeal relates.

(5) The following provisions shall apply in relation to the hearing of an appeal under this section—

- (a) the High Court shall give 14 clear days' notice to the appellant and the Commissioner of the date fixed for the hearing of the appeal, and may adjourn the hearing to any other date as the High Court may deem fit;
- (b) the Commissioner shall be entitled to appear and be heard at the hearing of the appeal;
- (c) save with the leave of the High Court and on such terms as to costs or otherwise as the High Court may order, the appellant shall not at the hearing of the appeal rely on any grounds of appeal other than the grounds contained in his statement of grounds of appeal given with the notice of appeal under section 66(1);
- (d) the onus of proving that the assessment appealed against is excessive or incorrect shall be on the appellant;
- (e) the High Court may summon any person appearing to the High Court to be able to give evidence respecting the appeal to attend at the hearing of

the appeal and may examine any such person as a witness on oath or otherwise.

(6) An appeal in respect of which notice of appeal is transmitted to the High Court under subsection (3) shall not be withdrawn without the leave of the High Court and except on such terms as to costs or otherwise as the High Court may order.

(7) In determining an appeal under this section, the High Court may—

- (a) confirm, reduce, increase or annul the assessment determined by the Commissioner;
- (b) make any assessment which the Commissioner was empowered to make at the time he determined the assessment, or direct the Commissioner to make such an assessment, in which case an assessment shall be made by the Commissioner so as to conform to that direction;
- (c) make such order as to costs as the High Court may deem fit.”.

4. Section 68 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

Amendment of  
section 68.

“(1) Except where a notification of consent in respect of the transfer of any appeal under section 67 is received by the Board within the time allowed in that behalf by that section, every appeal under section 66 shall be heard by the Board in accordance with this section and the clerk to the Board shall, as soon as may be after the receipt of the notice of appeal, fix a time and place for the hearing of the appeal, and shall give 14 clear days' notice thereof to the appellant and the Commissioner:

Provided that the time so fixed for the hearing of the appeal shall not be earlier than—

- (a) in the case of an appeal in respect of which neither party to the appeal gives notice under section 67(1), the expiration of the time allowed by that section for giving such notice; or
- (b) in the case of an appeal in respect of which notice under section 67(1) is given—
  - (i) by the appellant; or
  - (ii) by the Commissioner but not by the appellant,
 the expiration of a period of 21 days after the date on which such notice is given.”.

5. The principal Ordinance is amended by adding after section 69 the following—

Addition of new  
section 69A.

“Right to  
appeal  
directly to  
Court of  
Appeal against  
decision of  
Board of  
Review.”

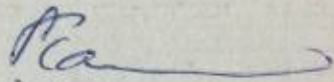
69A. (1) Notwithstanding section 69, the appellant or the Commissioner may, with the leave of the Court of Appeal granted on the application of the appellant or the Commissioner, as the case may be, appeal directly to the Court of Appeal against the decision of the Board.

(2) Leave to appeal under this section may be granted on the ground that in the opinion of the Court of Appeal it is desirable that, by reason of the amount of tax in dispute or of the general or public importance of

the matter or its extraordinary difficulty or for any other reason, the appeal be heard and determined by the Court of Appeal instead of the High Court.

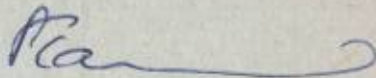
(3) Section 69 shall apply in relation to appeals under this section as it applies in relation to appeals under that section except that for references in that section to the High Court or a judge of the High Court there shall be substituted references to the Court of Appeal."

Passed by the Hong Kong Legislative Council this 11th day of April, 1979.

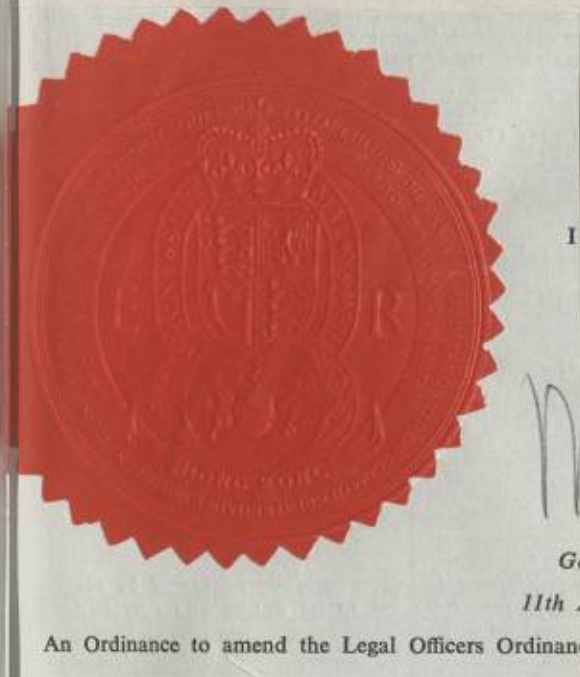


*Clerk to the Legislative Council.*

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



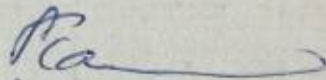
*Clerk to the Legislative Council.*



An Ordinance to amend the Legal Officers Ordinance

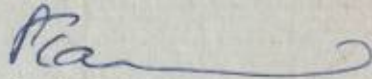
section as it applies in relation to appeals  
section except that for references in that  
the High Court or a judge of the High Court  
substituted references to the Court of Appeal."

Hong Kong Legislative Council this 11th day of



*Clerk to the Legislative Council.*

A copy of this Ordinance has been carefully compared by me  
found by me to be a true and correctly  
drafted bill.



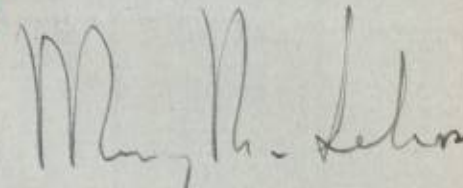
*Clerk to the Legislative Council.*

**HONG KONG**

No. 13 OF 1979



I assent.



*Governor.*

11th April, 1979.

An Ordinance to amend the Legal Officers Ordinance.

[12th April, 1979]

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

1. This Ordinance may be cited as the Legal Officers (Amendment) Ordinance 1979. Short title.

2. Section 5 of the principal Ordinance is amended by— Amendment of section 5. (Cap. 87.)  
(a) deleting "and the Solicitor General"; and  
(b) deleting "and Solicitor General of England respectively" and substituting the following—  
"of England".

3. Section 8 of the principal Ordinance is repealed. Repeal of section 8.

4. Section 9 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 9.

"Evidence of signature.

9. Any certificate or document purporting to be given or made in the exercise or discharge of any of the rights and duties—

(a) which the Attorney General is by law or any enactment entitled to exercise or discharge; or

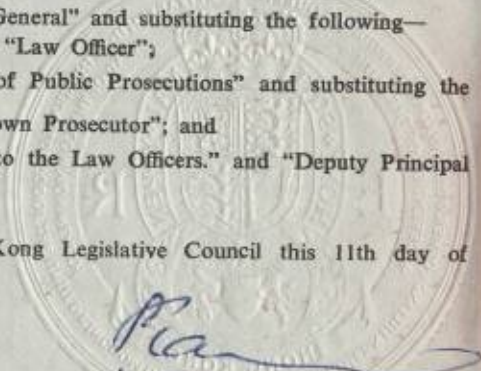
(b) which any legal officer is authorized under section 7 to exercise or discharged,

shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to such certificate or document is that of the Attorney General or of such legal officer, as the case may be."

Amendment of  
Schedule.


5. The Schedule to the principal Ordinance is amended by—
- (a) deleting "Solicitor General" and substituting the following—  
"Law Officer";
  - (b) deleting "Director of Public Prosecutions" and substituting the following—  
"Crown Prosecutor"; and
  - (c) deleting "Assistant to the Law Officers." and "Deputy Principal Crown Counsel."

Passed by the Hong Kong Legislative Council this 11th day of April, 1979.



*Pa*  
Clerk to the Legislative Council.

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



*Pa*  
Clerk to the Legislative Council.



G


11th

An Ordinance to amend the Magistrates Ordinance

proof being given that the signature to such certificate is that of the Attorney General or of a Law Officer, as the case may be.”.

to the principal Ordinance is amended by—  
“Crown Prosecutor” and substituting the following—  
“Law Officer”;  
“Director of Public Prosecutions” and substituting the  
“Crown Prosecutor”; and  
“Assistant to the Law Officers.” and “Deputy Principal  
Clerk.”.

Hong Kong Legislative Council this 11th day of

  
Clerk to the Legislative Council.

*Impression has been carefully compared by me  
and is found by me to be a true and correctly  
the said bill.*

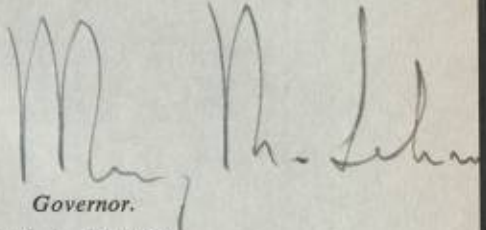
*AS*

**HONG KONG**

No. 14 OF 1979



I assent.

  
Governor.

11th April, 1979.

An Ordinance to amend the Magistrates Ordinance.

[12th April, 1979]

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

1. This Ordinance may be cited as the Magistrates (Amendment) Ordinance 1979.

2. Section 35 of the principal Ordinance is amended by deleting subsection (5).

Amendment of section 35. (Cap. 227.)

3. The principal Ordinance is amended by adding after section 35 the following section—

Addition of new section 35A.

*“Inspection etc. of minute and register.”*

35A. (1) Every minute taken under section 34(1) and every register kept under section 35(1) shall be open for inspection without fee or reward by—

- (a) the Chief Justice;
- (b) the Registrar;
- (c) a magistrate;
- (d) any party to the proceedings to which the minute relates or which may be recorded in the register;
- (e) the Attorney General.

(2) Where a person is entitled under subsection (1) to inspect a minute or register, he shall also be entitled, subject to subsection (3), to have supplied to him by the magistrates' clerk a typewritten copy of the minute or of the relevant extract from the register, as the case may be.

(3) Where a person other than the Chief Justice, the Registrar, a magistrate or the Attorney General applies under subsection (2) for a copy of a minute or of an extract from a register he shall, before he becomes entitled to have the copy supplied to him, pay to the magistrates' clerk or other proper officer such fee as may be prescribed."

Amendment of  
section 134.

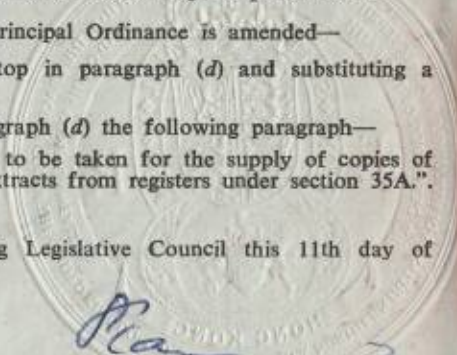
4. Section 134(1) of the principal Ordinance is amended—

(a) by deleting the full stop in paragraph (d) and substituting a semicolon; and

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

"(e) as to the fees to be taken for the supply of copies of minutes and extracts from registers under section 35A."

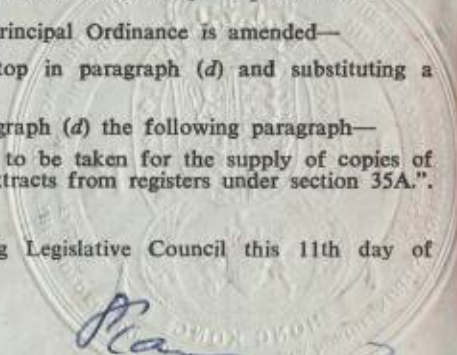
Passed by the Hong Kong Legislative Council this 11th day of April, 1979.



*[Signature]*

Clerk to the Legislative Council.

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



*[Signature]*

Clerk to the Legislative Council.



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from the register, as the case may be.

Where a person other than the Chief Justice, the Clerk, a magistrate or the Attorney General applies for a copy of a minute or of an extract from the register he shall, before he becomes entitled to have a copy supplied to him, pay to the magistrates' clerk or other proper officer such fee as may be prescribed."

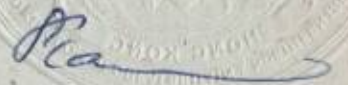
Section 35A of the principal Ordinance is amended—

by deleting the full stop in paragraph (d) and substituting a comma

and after paragraph (d) the following paragraph—

"(e) the fees to be taken for the supply of copies of minutes and extracts from registers under section 35A."

Hong Kong Legislative Council this 11th day of



Clerk to the Legislative Council.

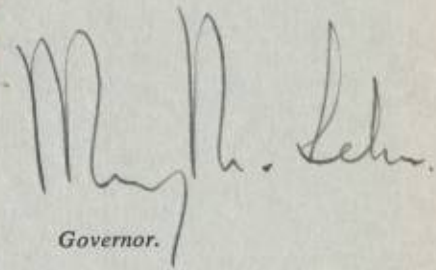
This impression has been carefully compared by me and it is found by me to be a true and correct copy of the said bill.

**HONG KONG**

No. 15 OF 1979



I assent.



Governor.

11th April, 1979.

An Ordinance to amend the Public Services Commission Ordinance and to make consequential amendments to other Ordinances.

[12th April, 1979]

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

1. This Ordinance may be cited as the Public Services Commission (Amendment) Ordinance 1979. Short title.
2. The long title to the principal Ordinance is amended by deleting "Services" and substituting the following—  
"Service". Amendment of long title. (Cap. 93.)
3. Section 1 of the principal Ordinance is amended by deleting "Services" and substituting the following—  
"Service". Amendment of section 1.
4. Section 2 of the principal Ordinance is amended—  
(a) in the definition of "Commission" by deleting "Services" and substituting the following—  
"Service"; and Amendment of section 2.

(b) by deleting the definition of "judicial office" and substituting the following—

" "judicial office" means—

(a) the office of Chief Justice; and

(Cap. 92.)

(b) any judicial office specified in the First Schedule to the Judicial Service Commission Ordinance;".

Amendment of section 3.

5. Section 3 of the principal Ordinance is amended—

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

"Service"; and

(b) by deleting subsection (5) and substituting the following—

"(5) Whenever—

(a) the Chairman or any member is absent from the Colony or is unable to act; or

(b) the office of Chairman or of a member is vacant pending a new appointment or reappointment,

the Governor may appoint another person to act temporarily as Chairman or a member, as the case may be."

Amendment of section 6.

6. Section 6(1) of the principal Ordinance is amended—

(a) by deleting the full stop at the end of paragraph (d) and substituting a semicolon; and

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

"(e) any matter affecting the conduct and discipline of public officers on which the Governor is required by Colonial Regulations to consult the Commission."

Amendment of Second Schedule.

7. The Second Schedule to the principal Ordinance is amended by deleting "Services" wherever it appears and substituting in each place the following—

"Service".

Amendment to specified Ordinances. Schedule.

8. The Ordinances specified in the Schedule are amended in the manner specified therein.

Amendment of references to Public Services Commission in Ordinances and documents.

9. Every reference in an Ordinance or in any document to the Public Services Commission or to the Public Services Commission Ordinance or to the Public Services Commission Regulations shall, unless the context otherwise requires, be read respectively as a reference to the Public Service Commission or the Public Service Commission Ordinance or the Public Service Commission Regulations.

## SCHEDULE

[s. 8.]

### Ordinance

### Amendment

(Cap. 89.)

Pensions Ordinance

Sections 2(1), 5(3) and 8(3) are amended by deleting "Public Services" wherever it appears and substituting the following—

"Public Service".

### Ordinance

### Amendment

Judicial Service Commission Ordinance

Section 3(1) is amended by deleting (Cap. 92.) "Services" and substituting the following—

"Service".

Fire Services Ordinance

Section 4 is amended by deleting (Cap. 95.) "Services" in both places where it appears and substituting the following—

"Service".

Customs and Excise Service Ordinance

Section 9 is amended by deleting (Cap. 342.) "Services" wherever it appears and substituting the following—

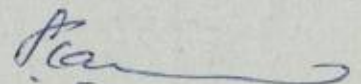
"Service".

Public Services Commission Regulations

Regulations 1 and 2 are amended (Cap. 93, sub. leg.) by deleting "Services" wherever it appears and substituting the following—

"Service".

Passed by the Hong Kong Legislative Council this 11th day of April, 1979.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



*[Handwritten signature]*

G

26th

An Ordinance to apply a sum not exceeding \$12,454  
of the financial year ending on 31 March 1980

**HONG KONG**

No. 16 OF 1979



I assent.

*Mary K. O'Leary*  
Governor.

26th April, 1979.

An Ordinance to apply a sum not exceeding \$12,454,070,000 to the service of the financial year ending on 31 March 1980.

[27th April, 1979]

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

1. This Ordinance may be cited as the Appropriation Ordinance Short title. 1979.

2. (1) The appropriation in the manner expressed in the Schedule of a sum not exceeding \$11,541,768,000 from the general revenue and other funds of Hong Kong, being the total sum shown in the third column of the Schedule, for the service of the financial year commencing on 1 April 1979, and ending on 31 March 1980, is authorized.

Authorization  
of appropriation.  
Schedule.

(2) The sums shown in the fourth column of the Schedule may be applied as appropriations-in-aid of the votes for the services and purposes specified in the second column of the Schedule.

(3) Where the Financial Secretary directs that any revenue, whether received by way of fee, penalty or proceeds of sale or by way of an extra or unusual receipt, shall be applied as an appropriation-in-aid of any vote referred to in the Schedule, such revenue shall be deemed to be a sum provided under this Ordinance and shall, without being paid into the general revenue, be applied, audited and dealt with accordingly, and so far as it is not so applied shall be paid into the general revenue;

and where the revenue so directed to be applied as an appropriation-in-aid of any vote referred to in the Schedule, exceeds in a financial year—

- (a) the sum specified in the fourth column of the Schedule as the amount to be applied to such purpose; or
- (b) the sum of gross expenditure specified in the fifth column of the Schedule opposite the head of expenditure specified in the second column of the Schedule,

the excess so realized shall be paid into the general revenue.

## SCHEDULE

[s. 2.]

Number of Vote	Head of Expenditure	Amount of Vote	Appropriations-in-Aid	Gross Expenditure
		\$	\$	\$
21.	His Excellency the Governor's Establishment .....	2,320,000	—	2,320,000
22.	Agriculture and Fisheries Department ..	71,501,000	1,366,000	72,867,000
23.	Audit Department .....	8,800,000	—	8,800,000
24.	Census and Statistics Department ....	16,816,000	—	16,816,000
25.	Civil Aviation Department .....	—	66,430,000	66,430,000
26.	Defence: Auxiliary Medical Service ..	3,757,000	—	3,757,000
27.	Defence: Civil Aid Services .....	8,067,000	—	8,067,000
28.	Defence: Miscellaneous Measures ....	425,530,000	—	425,530,000
29.	Defence: Royal Hong Kong Auxiliary Air Force .....	6,598,000	110,000	6,708,000
30.	Defence: Royal Hong Kong Regiment (The Volunteers) .....	8,776,000	—	8,776,000
31.	Education Department .....	292,799,000	14,518,000	307,317,000
32.	Education Subventions .....	1,311,353,000	—	1,311,353,000
33.	Fire Services Department .....	154,957,000	1,640,000	156,597,000
34.	Government Laboratory .....	7,695,000	10,000	7,705,000
35.	Government Secretariat .....	83,958,000	505,000	84,463,000
36.	Government Supplies Department .....	28,803,000	6,500,000	35,303,000
37.	Home Affairs Department .....	26,458,000	1,553,000	28,011,000
38.	Housing Department .....	64,933,000	—	64,933,000
39.	Immigration Department .....	—	59,751,000	59,751,000
40.	Independent Commission Against Corruption .....	57,614,000	—	57,614,000
41.	Information Services Department .....	13,003,000	5,500,000	18,503,000
42.	Inland Revenue Department .....	72,818,000	—	72,818,000
43.	Judiciary .....	31,056,000	11,120,000	42,176,000
44.	Kowloon-Canton Railway .....	—	44,723,000	44,723,000
45.	Labour Department .....	38,929,000	4,453,000	43,382,000
46.	Legal Department .....	18,608,000	100,000	18,708,000
47.	Legal Aid Department .....	11,296,000	3,500,000	14,796,000

Number of Vote	Head of Expenditure	Amount of Vote	Appropriations-in-Aid	Gross Expenditure
		\$	\$	\$
48.	London Office .....	9,301,000	14,000	9,315,000
49.	Marine Department .....	46,134,000	27,675,000	73,809,000
50.	Medical and Health Department .....	600,706,000	32,968,000	633,674,000
51.	Medical Subventions .....	339,827,000	—	339,827,000
52.	Miscellaneous Services .....	634,076,000	—	634,076,000
53.	New Territories Administration .....	73,862,000	4,055,000	77,917,000
54.	Office of Unofficial Members of Executive and Legislative Councils ....	3,897,000	—	3,897,000
55.	Pensions .....	331,600,000	—	331,600,000
56.	Police: Royal Hong Kong Police Force	716,319,000	1,609,000	717,928,000
57.	Police: Royal Hong Kong Auxiliary Police Force .....	37,024,000	—	37,024,000
58.	Post Office .....	—	200,690,000	200,690,000
59.	Printing Department .....	25,530,000	656,000	26,186,000
60.	Prisons Department .....	133,404,000	—	133,404,000
61.	Public Debt .....	47,340,000	—	47,340,000
62.	Public Services Commission .....	633,000	—	633,000
63.	Public Works Department: Headquarters .....	16,397,000	—	16,397,000
64.	Public Works Department: Building Development .....	207,515,000	4,500,000	212,015,000
65.	Public Works Department: Engineering Development .....	368,363,000	84,885,000	453,248,000
66.	Public Works Department: Lands, Survey and Town planning ..	62,408,000	1,700,000	64,108,000
67.	Public Works Department: New Territories Development .....	16,201,000	250,000	16,451,000
68.	Public Works Department: Water Supplies .....	21,824,000	246,000,000	267,824,000
69.	Public Works Non-recurrent: Headquarters .....	99,588,000	—	99,588,000
70.	Public Works Non-recurrent: Buildings .....	408,200,000	—	408,200,000
71.	Public Works Non-recurrent: Engineering .....	673,802,000	—	673,802,000
72.	Public Works Non-recurrent: New Towns and Public Housing (other than Housing Authority) .....	1,299,526,000	—	1,299,526,000
73.	Public Works Non-recurrent: Waterworks .....	118,000,000	—	118,000,000
74.	Radio Television Hong Kong .....	45,987,000	—	45,987,000
75.	Rating and Valuation Department .....	20,912,000	—	20,912,000
76.	Registrar General's Department .....	—	23,280,000	23,280,000
77.	Registry of Trade Union .....	876,000	—	876,000
78.	Royal Observatory .....	17,691,000	131,000	17,822,000
79.	Social Welfare Department .....	513,299,000	697,000	513,996,000

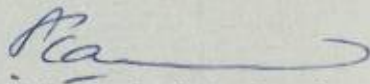
<i>Number of Vote</i>	<i>Head of Expenditure</i>	<i>Amount of Vote</i>	<i>Appropriations-in-Aid</i>	<i>Gross Expenditure</i>
		\$	\$	\$
80.	Social Welfare Subventions .....	117,000,000	—	117,000,000
81.	Standing Commission on Civil Service Salaries and Conditions of Service ....	414,000	—	414,000
82.	Subventions: Miscellaneous .....	116,637,000	—	116,637,000
83.	Trade Industry and Customs Department	45,984,000	42,172,000	88,156,000
84.	Transfers to Funds .....	1,010,500,000	—	1,010,500,000
85.	Transport Department .....	13,179,000	12,800,000	25,979,000
86.	Treasury .....	20,995,000	30,000	21,025,000
87.	Universities and Polytechnic .....	461,407,000	—	461,407,000
88.	Urban Services Department .....	98,965,000	6,411,000	105,376,000
	<b>Total .....</b>	<b>11,541,768,000</b>	<b>912,302,000</b>	<b>12,454,070,000</b>

Passed by the Hong Kong Legislative Council this 25th day of April 1979.



*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*



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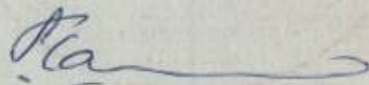
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26th A

An Ordinance to amend the Exchange Fund Ordinance

.....	117,000,000	—	117,000,000
ivil Service			
Service ....	414,000	—	414,000
.....	116,637,000	—	116,637,000
s Department	45,984,000	42,172,000	88,156,000
.....	1,010,500,000	—	1,010,500,000
.....	13,179,000	12,800,000	25,979,000
.....	20,995,000	30,000	21,025,000
.....	461,407,000	—	461,407,000
.....	98,965,000	6,411,000	105,376,000
.....	<u>11,541,768,000</u>	<u>912,302,000</u>	<u>12,454,070,000</u>

Kong Legislative Council this 25th day of



Clerk to the Legislative Council.

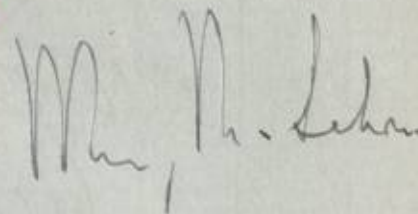
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found by me to be a true and correctly

**HONG KONG**

No. 17 OF 1979



I assent.



Governor.

26th April, 1979.

An Ordinance to amend the Exchange Fund Ordinance.

[1st May, 1979]

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

1. This Ordinance may be cited as the Exchange Fund (Amendment) Ordinance 1979 and shall come into operation on 1 May 1979. Short title and commencement.
2. The long title to the principal Ordinance is amended by inserting after "exchange fund" the following—  
"and as to the employment of its assets in Hong Kong". Amendment of long title. (Cap. 66.)
3. The principal Ordinance is amended by adding, after section 4, the following section—  
Addition of new section 4A.

"Section 18(2A) of Banking Ordinance applied to short term bank deposits of Fund. (Cap. 155.)

**4A.** (1) Subsection (2A) of section 18 of the Banking Ordinance shall apply to funds held by a bank in Hong Kong for the account of the Fund—  
(a) on demand; or  
(b) as money at call; or  
(c) as money at short notice,

as if they were respectively balances payable on demand, money at call and money at short notice due by that bank

to another bank in Hong Kong, and subsection (3) of the said section 18 shall also have effect accordingly.

(2) Notwithstanding subsection (5)(a) of the said section 18, funds of a kind mentioned in subsection (1) which are held by a bank in Hong Kong for the account of the Fund shall not be treated as deposit liabilities of that bank for the purposes of subsection (2) of that section.

(3) In this section, "bank", "money at call" and "money at short notice" have the respective meanings assigned to them by section 2 of the Banking Ordinance."

Passed by the Hong Kong Legislative Council this 25th day of April 1979.



*[Signature]*

Clerk to the Legislative Council.

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

*[Signature]*

Clerk to the Legislative Council.



... are held by a bank in Hong Kong for the account of the Fund shall not be treated as deposit liabilities of the bank for the purposes of subsection (2) of that

In this section, "bank", "money at call" and "at short notice" have the respective meanings ascribed to them by section 2 of the Banking Ordinance."

Hong Kong Legislative Council this 25th day of



Clerk to the Legislative Council.

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



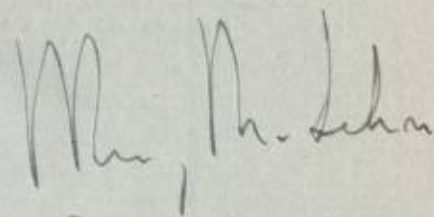
Clerk to the Legislative Council.

**HONG KONG**

No. 18 of 1979



I assent.



Governor.

26th April, 1979.

An Ordinance to amend the Banking Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Banking (Amendment) Ordinance 1979. Short title.

2. The principal Ordinance is amended by deleting the long title and substituting the following— Replacement of long title, (Cap. 155.)

*"To make better provision for the licensing and control of banks and banking business, to regulate such business for monetary policy purposes, and to make provision for matters connected therewith."*

3. The principal Ordinance is amended by adding, after section 18, the following section— Addition of new section 18A.

"Variation of minimum holding of specified liquid assets for monetary policy purposes.

18A. The Financial Secretary may from time to time, in pursuance of the monetary policy of the Government, by order, which shall be published in the *Gazette*, raise or reduce the minimum percentage of deposit liabilities by reference to which every bank is required to maintain a holding—

- (a) in specified liquid assets pursuant to section 18(2);  
or
- (b) in specified liquid assets in the form mentioned  
in section 18(3)."

Amendment of  
section 64.

4. Section 64(1)(a) of the principal Ordinance is amended by in-  
serting after "section 18" the following—  
"or 18A".

Passed by the Hong Kong Legislative Council this 25th day of  
April 1979.

*[Signature]*  
Clerk to the Legislative Council.

*[Signature]*  
Clerk to the Legislative Council.

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



I

*[Signature]*

Go

26th

An Ordinance to amend the Description of...

Section 18(2).  
If the principal Ordinance is amended by in-  
the following—  
"or 18A".

Hong Kong Legislative Council this 25th day of



Clerk to the Legislative Council.

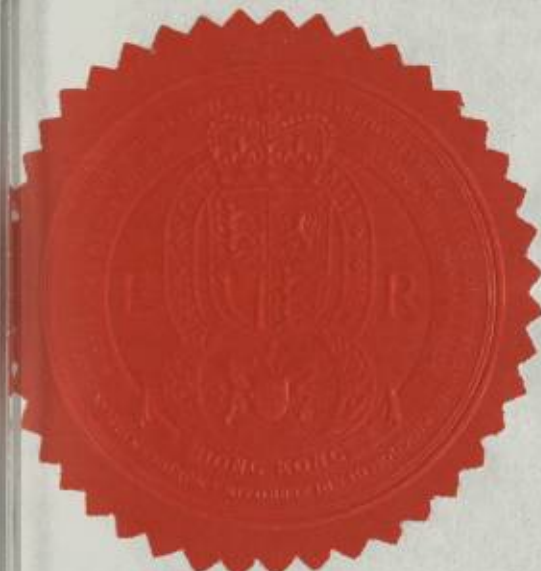
A copy of this Ordinance has been carefully compared by me  
found by me to be a true and correctly  
and bill.



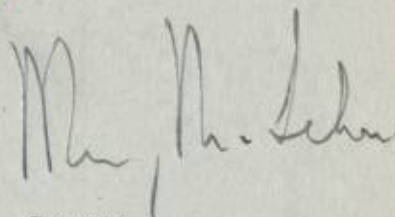
Clerk to the Legislative Council.

**HONG KONG**

No. 19 OF 1979



I assent.



Governor.

26th April, 1979.

An Ordinance to amend the Deposit-taking Companies Ordinance.

[ ]

Enacted by the Governor of Hong Kong, with the advice and con-  
sent of the Legislative Council thereof.

1. This Ordinance may be cited as the Deposit-taking Companies (Amendment) Ordinance 1979 and shall come into operation on the day appointed for the commencement of section 9 of the Deposit-taking Companies (Amendment) Ordinance 1978. Short title and commencement. (74 of 1978.)

2. The long title to the principal Ordinance is amended by inserting after "deposit money" the following—  
"and for the regulation of deposit-taking business for monetary policy purposes". Amendment of long title. (Cap. 328.)

3. The principal Ordinance is amended by adding after section 24A the following section— Addition of new section 24B.

"Variation of minimum holding of specified liquid assets for monetary policy purposes.

**24B.** The Financial Secretary may from time to time, in pursuance of the monetary policy of the Government, by order, which shall be published in the *Gazette*, raise or reduce the minimum percentage of deposit liabilities by reference to which every registered deposit-taking company is required to maintain a holding—

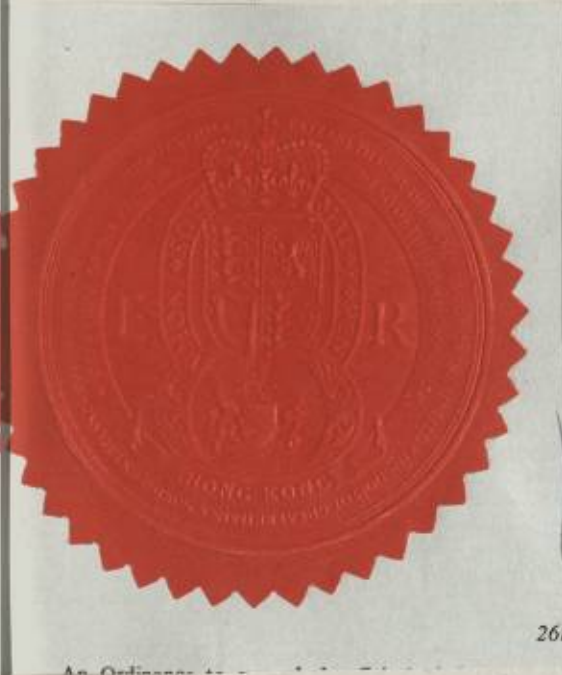
- (a) in specified liquid assets pursuant to section 24A(2); or
- (b) in specified liquid assets in the form mentioned in section 24A(4)."

Passed by the Hong Kong Legislative Council this 25th day of April 1979.

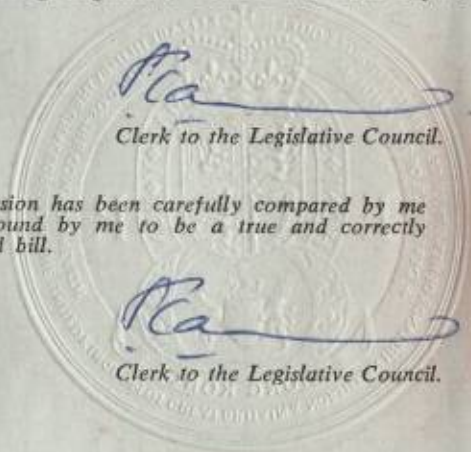
  
*Pa*  
Clerk to the Legislative Council.

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

*Pa*  
Clerk to the Legislative Council.

  
261  
An Ordinance to...

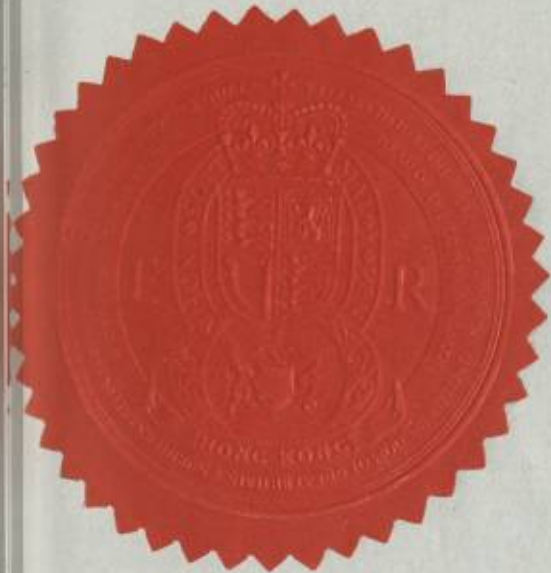
Hong Kong Legislative Council this 25th day of



impression has been carefully compared by me  
and is found by me to be a true and correctly  
the said bill.

**HONG KONG**

No. 20 OF 1979



I assent.

Governor.

26th April, 1979.

An Ordinance to amend the Criminal Procedure Ordinance and to make consequential amendments to the Supreme Court Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment) (No. 2) Ordinance 1979. Short title.
2. The heading to Part IV of the principal Ordinance is amended by inserting after "RESERVED" the following—  
"AND REFERRED". Amendment of heading to Part IV. (Cap. 221.)
3. Section 80(1) of the principal Ordinance is amended by deleting "(save in sections 81A, 81B and 81C)". Amendment of section 80.
4. Section 81A of the principal Ordinance is amended—  
(a) in subsection (2)(b) by deleting "record of the case, or a copy thereof" and substituting the following—  
"documents, or copies of the documents, specified in subsection (2A)"; Amendment of section 81A.

(b) in subsection (2)(c), by—

(i) deleting "14" and substituting the following—  
"21";

(ii) inserting after "passed" the following—

(Cap. 227.)

"or any proceedings for the review, under section 104 of the Magistrates Ordinance, of the sentence or of the conviction on which the sentence was passed, were withdrawn or disposed of";

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

"(2A) The following documents are specified for the purpose of subsection (2)(b)—

(Cap. 336.)

(a) in the case of a sentence passed by a magistrate, a statement of the facts found by him or admitted before him and of the reasons for the sentence;

(b) in the case of a sentence passed by a District Judge, the statement of the reasons for the verdict placed on record in accordance with section 80 of the District Court Ordinance and a statement of the reasons for the sentence;

(c) in the case of a sentence passed by a judge of the Supreme Court, the record of the whole of the proceedings before him other than the evidence given in any trial that took place in those proceedings;

(d) in any case, any report concerning the respondent which was before the court which passed the sentence.

(2B) The documents, or copies of the documents, specified in subsection (2A) shall be delivered to the Attorney General within 7 days of a request therefor being made in writing to the magistrate or District Judge who passed the sentence or, if the sentence was passed by a judge of the Supreme Court, to the Registrar.";

(d) in subsection (6)—

(i) by deleting the semicolon and substituting a full stop; and

(ii) by deleting the definition of "sentence".

Amendment of section 81B.

5. Section 81B of the principal Ordinance is amended by inserting after subsection (2) the following subsection—

"(2A) The Court of Appeal may hear and determine an application for the review of a sentence notwithstanding that the respondent is not present, if the respondent has been served with an application or notice of it."

Amendment of section 81C.

6. Section 81C of the principal Ordinance is amended—

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

"(a) appealed against the conviction in respect of which the sentence was passed, unless the appeal has been withdrawn or disposed of;"

(b) in subsection (2) by inserting after "Ordinance" the following—

"; but the Court of Appeal may hear together an application for the review of a sentence and an appeal by the respondent under this Part against the sentence".

7. The principal Ordinance is amended by inserting after section 81C the following sub-heading and section—

Addition of new sub-heading and section 81D.

*"Reference of question of law"*

Reference to Court of Appeal of question of law following acquittal, 1972 c. 71, s. 36.

81D. (1) Where a person tried on indictment has been acquitted (whether in respect of the whole or part of the indictment) the Attorney General may, if he desires the opinion of the Court of Appeal on a question of law which has arisen in the case, refer that question to the Court of Appeal which shall, in accordance with this section, consider the point and give its opinion on it.

(2) For the purpose of its consideration of a question referred to them under this section the Court of Appeal shall hear argument—

(a) by, or by counsel on behalf of, the Attorney General;

(b) if the acquitted person desires to present any argument, by counsel on his behalf or, with the leave of the Court of Appeal, by the acquitted person himself; and

(c) if the Court of Appeal so directs, by counsel appointed as *amicus curiae* by the Registrar.

(3) Where, on a question being referred to the Court of Appeal under this section, the acquitted person appears by counsel for the purpose of presenting any argument to the Court of Appeal, he shall be entitled to his costs, that is to say to the payment out of the general revenue of such sums as are reasonably sufficient to compensate him for any expenses properly incurred by him for the purpose of being represented on the reference; and any amount recoverable under this subsection shall be ascertained as soon as practicable by the Registrar.

(4) A reference under this section shall not affect the trial in relation to which the reference is made or any acquittal in that trial."

8. Section 83Y(2) of the principal Ordinance is amended—

Amendment of section 83Y.

(a) by deleting the full stop at the end of paragraph (i) and substituting a semicolon; and

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

"(j) to order a respondent to be detained in custody under section 81A(3)."

9. The principal Ordinance is amended by inserting after section 84 the following sub-heading and sections—

Addition of new sub-heading and sections 84A and 84B.

*"Criminal bankruptcy orders"*

Criminal bankruptcy orders against convicted persons, 1973 c. 62, s. 39.

84A. (1) Where a person is convicted of an offence before the court and it appears to the court that—

(a) as a result of the offence, or of that offence taken together with any other relevant offences, loss or damage (not attributable to personal injury) has been suffered by one or more persons whose identity is known to the court; and

- (b) the amount, or aggregate amount, of the loss or damage exceeds \$150,000,

the court may, in addition to dealing with the offender in any other way (but not if it makes a compensation order against him under section 73), make an order, to be called a criminal bankruptcy order, against him in respect of the offence or, as the case may be, that offence and any other relevant offences.

- (2) In subsection (1) "relevant offences" means offences—

- (a) of which the person in question is convicted in the same proceedings;
- (b) which the court takes into consideration in determining its sentence; or
- (c) which, whether or not they are specifically charged or admitted, a judge of the court is satisfied are proved by the evidence adduced by the prosecution in the same proceedings.

- (3) A criminal bankruptcy order shall specify—

- (a) the amount of the loss or damage appearing to the court to have resulted from the offence or, if more than one, the total amount appearing to have resulted from all the offences;
- (b) the person or persons appearing to the court to have suffered that loss or damage;
- (c) the amount of that loss or damage which it appears to the court that person, or each of those persons, has suffered; and
- (d) the date which appears to the court to be the earliest date on which the offence or, if more than one, the earliest of the offences, was committed.

(4) A criminal bankruptcy order may be made against two or more offenders in respect of the same loss or damage.

(5) The Governor in Council may by order amend subsection (1)(b) by substituting, for the amount specified therein, such amount as may be specified in the order.

- (6) In this section "court" includes the District Court.

**84B.** (1) No appeal shall lie against the making of a criminal bankruptcy order.

(2) Where a person successfully appeals to the Court of Appeal against his conviction of an offence by virtue of which such an order was made, the Court of Appeal shall rescind the order unless he was convicted in the same proceedings of another offence of which he remains convicted and a criminal bankruptcy order could have been made without reference to loss or damage caused by the first-mentioned offence; and where, accordingly, the Court of Appeal does not rescind the order it shall amend it by striking out so much of it as relates to loss or damage caused by the offence in respect of which the conviction is quashed.

(3) Where on an appeal by a person against his conviction of an offence by virtue of which a criminal bankruptcy order was made the Court of Appeal substitutes a verdict of guilty of another offence, the Court of Appeal shall—

Appeals in the case of criminal bankruptcy orders, 1973, c. 62, s. 40.

- (a) rescind the order if a criminal bankruptcy order could not have been made against that person if he had originally been convicted of that other offence;

- (b) in any other case, amend the order so far as may be required in consequence of the substitution of a verdict of guilty of the other offence.

(4) Where the Court of Appeal rescinds or amends a criminal bankruptcy order, the rescission or amendment shall not take effect—

- (a) in any case until the expiration of 14 days from the date of the decision of the Court of Appeal;

- (b) if within that period an application is made for special leave to appeal to the Privy Council against the Court of Appeal's decision on the appeal against conviction, so long as the appeal is pending; and

- (c) if on such an appeal the conviction is restored by the Privy Council.

(5) For the purposes of subsection (4) an appeal to the Privy Council shall be treated as pending until any application for special leave to appeal is disposed of and, if special leave to appeal is granted, until the appeal is disposed of; and if no application for special leave to appeal is made before the expiration of 14 days from the date of the decision of the Court of Appeal, the rescission or amendment shall take effect at the end of that time."

**10.** The Supreme Court Ordinance is amended—

- (a) in section 13(3) by deleting paragraph (c) and substituting the following—

"(c) the consideration of—

(i) applications by the Attorney General for the review of any sentence under section 81A(1) of the Criminal Procedure Ordinance;

(ii) references by the Attorney General of questions of law under section 81D of the Criminal Procedure Ordinance;"

- (b) in section 34(7)—

(i) by deleting "and" where it occurs after "Court of Appeal" and substituting a comma;

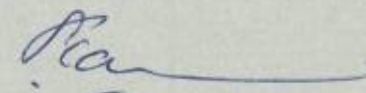
(ii) by inserting after "sentence" the following—

"and the consideration of a reference by the Attorney General of a question of law,"; and

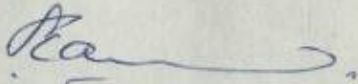
(iii) by deleting "and 81A" and substituting the following—  
"81A and 81D".

Consequential amendments. (Cap. 4.)

Passed by the Hong Kong Legislative Council this 25th day of April 1979.

  
Clerk to the Legislative Council.

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

A handwritten signature in cursive script, appearing to read "Kam", with a long horizontal flourish extending to the right.

*Clerk to the Legislative Council.*



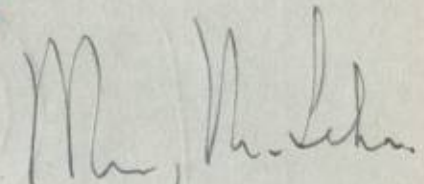

261

An Ordinance to amend the Bankruptcy Ordinar

**HONG KONG**

No. 21 OF 1979

I assent.



*Governor.*

26th April, 1979.

An Ordinance to amend the Bankruptcy Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Bankruptcy (Amendment) Ordinance 1979. Short title.

2. The principal Ordinance is amended by adding after section 74 the following new Part— Addition of new Part IIIA. (Cap. 6.)

**"PART IIIA**

**CRIMINAL BANKRUPTCY**

*Interpretation*

Interpretation. 74A. In this Part and in the Schedule—

Schedule. "criminal bankruptcy administration petition" means a petition under section 112 presented by virtue of the Schedule;

(Cap. 221.) "criminal bankruptcy order" means an order made under section 84A of the Criminal Procedure Ordinance;

"criminal bankruptcy petition" means a bankruptcy petition presented by virtue of the Schedule.

*Official Petitioner*

Office and functions of Official Petitioner. 1972 c. 71, s. 9.

74B. (1) For the purposes of discharging, in relation to cases in which a criminal bankruptcy order is made, the functions mentioned in subsection (2), there shall be an officer known as the Official Petitioner; and the Attorney General shall, by virtue of his office, be the Official Petitioner.

- (2) The functions of the Official Petitioner shall be—
- (a) to consider whether, in a case where a criminal bankruptcy order is made, it is in the public interest that he should himself present a criminal bankruptcy petition;
  - (b) to present a criminal bankruptcy petition in any such case where he determines it is in the public interest for him to do so;
  - (c) to make payments, in such cases as he may determine, towards expenses incurred by other persons in connexion with proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition;
  - (d) to exercise, so far as he considers it to be in the public interest to do so, any of the powers conferred on him by the Schedule.

Schedule.

(3) Neither the Official Petitioner nor any person acting under his authority shall be liable to any action or proceeding in respect of anything done or omitted in the discharge, or purported discharge, of the functions of the Official Petitioner under or by virtue of this Ordinance.

(4) Any functions of the Official Petitioner under this Ordinance may be discharged on his behalf by any person acting with his authority.

*General*

Effect of criminal bankruptcy order. Schedule.

74C. The Schedule shall apply to give effect to the operation of this Ordinance in a case where a criminal bankruptcy order has been made and to supplement this Ordinance in relation to dispositions made by a person against whom such an order has been made."

3. The principal Ordinance is amended by inserting after section 142 the following Schedule—

"SCHEDULE [ss. 74A, 74B and 74C.]

## CRIMINAL BANKRUPTCY ORDERS

## PART I

## GENERAL

*Interpretation*

1. In this Schedule—  
"criminal bankruptcy debt" means a debt deemed to be due to any person by virtue of paragraph 3.

Addition of Schedule.

1973 c. 62  
Schedule 2.

*Act of bankruptcy*

2. Subject to the provisions of this Schedule, where a criminal bankruptcy order is made against any person he shall be treated as a debtor who has committed an act of bankruptcy on the date on which the order is made.

*Creditors and criminal bankruptcy debts*

3. A person specified in a criminal bankruptcy order as having suffered loss or damage of any amount shall be treated for the purpose of any ensuing proceedings pursuant to—

- (a) a bankruptcy petition presented by virtue of paragraph 2; or
- (b) a petition under section 112 (administration in bankruptcy of estate of person dying insolvent) presented by virtue of this Schedule,

as a creditor for a debt of that amount provable in the bankruptcy of the person against whom the order was made.

## PART II

APPLICATION OF THE ORDINANCE IN PROCEEDINGS BASED ON A  
CRIMINAL BANKRUPTCY ORDER*Criminal bankruptcy petition*

4. No criminal bankruptcy petition shall be presented by the person who under paragraph 2 is the debtor; and, in relation to such a petition presented by a creditor, section 6 shall have effect with the following modifications—

- (a) subsections (1)(a) and (b) and (2) (conditions as to nature of debt) shall not apply to a criminal bankruptcy debt; and
- (b) subsection (1)(d) (domicile of debtor) shall be omitted.

*Receiving order*

5. For the purposes of section 9(2) and (3) (matters to be proved before receiving order is made) the act of bankruptcy which a person is treated by this Schedule as having committed and any criminal bankruptcy debt shall be treated as conclusively proved by the production of a copy of the criminal bankruptcy order in question and the following provisions of that section shall not apply in relation to any such debt—

- (a) so much of subsection (3) which provides that if the court is not satisfied that the assets for division among the unsecured creditors, after payment of all costs, charges and expenses, and the debts which are preferential under that Ordinance, will be sufficient to pay a dividend of 15 per cent, it may dismiss the petition;
- (b) subsection (5);
- (c) subsection (6).

*Trustee of criminal bankrupt's property*

6. Where a person is adjudged bankrupt in proceedings pursuant to a criminal bankruptcy petition the Official Receiver shall in the bankruptcy be the trustee of the property of the bankrupt and section 23 shall not apply in relation to any such proceedings.

*Proof of criminal bankruptcy debt in bankruptcy proceedings*

7. (1) For the purpose of proving a criminal bankruptcy debt in proceedings pursuant to a criminal bankruptcy petition, a copy of the criminal bankruptcy order specifying the amount deemed by virtue of paragraph 3 to be due as a debt shall, subject to paragraph 5, be treated as sufficient evidence of the debt unless it is shown by any party to the proceedings that the amount of the relevant loss or damage is greater or less than the amount specified in the order or that the loss or damage did not in fact result from any offence specified in the order; and if it is shown by any party to the proceedings that the amount of the relevant loss or damage is other than that specified in the order, paragraph 3 shall have effect as if that other amount had been specified in the order, but without prejudice to the validity of the order if the amount of the relevant loss is shown not to exceed \$150,000 or such other amount as may be specified in an order made under section 84A(5) of the Criminal Procedure Ordinance.

(Cap. 221.)

(2) Nothing in this paragraph or paragraph 3 shall be taken as prejudicing the proof in proceedings pursuant to a criminal bankruptcy petition of debts other than criminal bankruptcy debts.

(3) Nothing in sub-paragraph (1) shall be construed as entitling any person to contend that the offence or offences specified in a criminal bankruptcy order were not committed by the person against whom the order was made.

*Recovery of assets for benefit of criminal bankrupt's creditors*

8. (1) Without prejudice to any other provision of this Ordinance, sub-paragraphs (2) to (5) shall apply, where a person is adjudged bankrupt in proceedings pursuant to a criminal bankruptcy petition, with respect to dispositions of property or any interest in property made by the bankrupt on or after the relevant date, either by way of gift or for an under-value.

In this sub-paragraph, "relevant date" means the date specified in the criminal bankruptcy order (in accordance with section 84A(3)(d) of the Criminal Procedure Ordinance) as the earliest date on which the offence or, as the case may be, the earliest of the offences, was committed.

(Cap. 221.)

(2) On the application of the Official Receiver (in his capacity as trustee) the court may make orders requiring—

- (a) the person taking under any such disposition; or
- (b) subject to sub-paragraph (3), any other person who by virtue of any subsequent disposition acquired (whether or not from the person taking under the bankrupt's disposition) the whole or any part of the property or any interest therein,

to transfer the whole or any part of the property, or such interest as the order may specify, to the trustee, or to make such payments to the trustee as the court thinks just with a view to making available to the creditors the full value of the property or interest disposed of by the bankrupt (including any increase in its value since the disposition was made).

(3) No order shall be made by virtue of sub-paragraph (2)(b) against a person appearing to the court to have given full value for anything taken by him under a relevant disposition or to claim (directly or indirectly) through a person who gave full value.

(4) An order of the court under this paragraph requiring a person to transfer any property or interest may include such consequential directions for giving effect to the order, and be made on such terms (including in particular terms allowing the person to retain or recover

consideration given by him for any relevant disposition) as the court thinks just in all the circumstances.

(5) In this paragraph, "disposition" includes any conveyance or assurance of property of any description.

*Administration in bankruptcy of deceased offender's estate*

9. (1) Where an order for administration is made under section 112 on a criminal bankruptcy administration petition, so much of subsection (4) of that section as enables the creditors to appoint a trustee of the property of the debtor in place of the Official Receiver shall not apply.

(2) Paragraph 7 shall apply in relation to proof of criminal bankruptcy debts in proceedings pursuant to a criminal bankruptcy administration petition as it applies in relation to proof of such debts in proceedings pursuant to a criminal bankruptcy petition.

*Bankruptcy proceedings otherwise than by virtue of this Schedule*

10. Where a criminal bankruptcy order has been made against any person and a bankruptcy petition has been presented in respect of him before the order was made, or is presented in respect of him thereafter otherwise than by virtue of paragraph 2, the court may, on the application of the Official Petitioner, dismiss the petition, rescind any receiving order made in pursuance thereof or, if that person has been adjudged bankrupt, annul the adjudication on such terms, if any, as the court thinks fit.

*Effect of appeal against conviction*

11. (1) Subject to the provisions of this paragraph, the fact that an appeal is pending against any conviction by virtue of which a criminal bankruptcy order was made shall not preclude the taking of any proceedings by virtue of this Schedule in consequence of the making of the order.

(2) Where a person is adjusted bankrupt in proceedings pursuant to a criminal bankruptcy petition, no property shall be distributed by his trustee in bankruptcy and no order shall be made by the court under paragraph 8 so long as an appeal is pending against his conviction of any offence by virtue of which the criminal bankruptcy order was made.

(3) For the purposes of this paragraph an appeal against a conviction is pending—

- (a) in any case until the expiration of the time for giving notice of appeal or applying for leave to appeal under section 83Q of the Criminal Procedure Ordinance (disregarding any extension of time which may be granted under subsection (3) of that section);
- (b) if notice of appeal or of application for leave is given during that period and during that period the appellant notifies the Official Receiver thereof, until the determination of the appeal and thereafter for so long as an appeal to the Privy Council is pending within the meaning of section 84B(5) of that Ordinance.

(Cap. 221.)

(4) Where in consequence of an appeal a criminal bankruptcy order is rescinded—

- (a) any bankruptcy petition based on the order shall lapse and any receiving order or adjudication of bankruptcy made in consequence thereof shall cease to have effect, but without prejudice to anything previously done thereunder;

- (b) where any such adjudication ceases to have effect, the property of the person who was adjudicated bankrupt shall revert to him for all his estate or interest therein; and
- (c) the court may, on his application or on the application of the Official Receiver, by order give such directions, if any, as appear to the said court to be necessary or desirable in consequence of the provisions of sub-paragraphs (a) and (b).
- (5) Where in consequence of an appeal a criminal bankruptcy order is amended by the deletion of any amount specified therein as the loss or damage suffered by any person, paragraph 3 shall not thereafter apply to that loss or damage but without prejudice to anything done before the amendment takes effect.

### PART III

#### FUNCTIONS OF OFFICIAL PETITIONER

##### *Presentation of criminal bankruptcy petition by Official Petitioner*

12. (1) The Official Petitioner may present a criminal bankruptcy petition, and a receiving order may be made on that petition.

(2) Section 6, as modified by paragraph 4 of this Schedule, shall apply to a criminal bankruptcy petition presented by the Official Petitioner as it applies to a petition presented by a creditor, but the court may allow the petition to be presented later than required by subsection (1)(c) of that section.

(3) The following provisions—

- (a) section 9(2) (making of receiving order on creditor's petition);
- (b) section 9(3) (dismissal of petition); and
- (c) section 9(7) (withdrawal of creditor's petition),

shall apply in relation to a criminal bankruptcy petition presented by the Official Petitioner as if any reference to the debt of the petitioning creditor were a reference to any criminal bankruptcy debt within the meaning of this Schedule; and paragraph 5 shall have effect in relation to section 9(2) and (3) as they apply by virtue of this paragraph.

##### *Presentation of criminal bankruptcy administration petition by Official Petitioner*

13. (1) The Official Petitioner may present a petition under section 112 in any case in which a creditor could do so by virtue of this Schedule, and an order may be made under that section on that petition.

(2) Section 112(2) shall have effect in relation to a petition presented by the Official Petitioner as if the reference to the petitioner's debt were a reference to any criminal bankruptcy debt within the meaning of this Schedule.

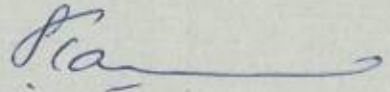
##### *Participation of Official Petitioner in proceedings brought by virtue of this Schedule (whether by the Official Petitioner or by a creditor)*

14. (1) In the case of proceedings pursuant to a criminal bankruptcy petition or a criminal bankruptcy administration petition, the Official Petitioner shall be entitled—

- (a) to attend any meeting of creditors and, before the meeting, to receive any notice or other document required to be sent before such a meeting to any creditor;

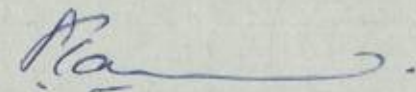
- (b) to be a member of any committee of inspection appointed under section 24, but not so as to count towards the number of members mentioned in subsection (2) or (9), or be subject to removal under subsection (7), of that section;
- (c) to be a party to any such proceedings before the court.
- (2) In the case of proceedings pursuant to—
- (a) a criminal bankruptcy petition or a criminal bankruptcy administration petition, the provisions of the Ordinance mentioned in sub-paragraph (3) shall have effect as if any reference to a creditor, or to a creditor who has proved or tendered a proof, included a reference to the Official Petitioner; and
- (b) a criminal bankruptcy administration petition, the expression "a petition under this section" in section 112(8) shall include a reference to a petition by the Official Petitioner.
- (3) The provisions referred to in sub-paragraph (2) are—
- (a) section 15 (power to appoint special manager);
- (b) section 18(2) and (4) (debtor's statement of affairs);
- (c) section 19(4) and (8) (public examination of debtor);
- (d) section 20(5), (6) and (8) (compositions and schemes of arrangement);
- (e) section 30(2) and (8) (discharge of bankrupt);
- (f) section 42 (relation back of trustee's title);
- (g) section 78(1)(e) (report to creditors of debtor's proposal);
- (h) section 83 (appeal to court against act or decision of trustee)."

Passed by the Hong Kong Legislative Council this 25th day of April 1979.



*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*



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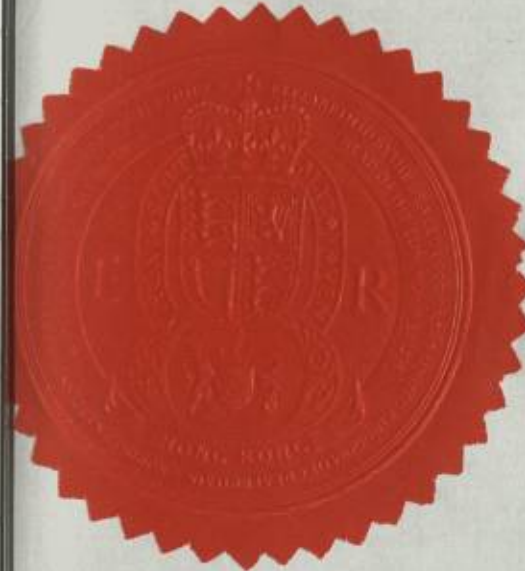
26th

An Ordinance to amend the Legal Practitioners Or



**HONG KONG**

No. 22 OF 1979



I assent.

Governor.

26th April, 1979.

An Ordinance to amend the Legal Practitioners Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Legal Practitioners (Amendment) Ordinance 1979. Short title.

2. Section 6(6) of the principal Ordinance is amended by deleting "for such period not exceeding 2 years after his admission as the Committee may direct" and substituting the following— Amendment of section 6. (Cap. 159.)

"until he satisfies the Committee that since being admitted as a solicitor he has been *bona fide* employed in the practice of a solicitor in Hong Kong for at least 2 years".

3. The principal Ordinance is amended by adding after section 26 the following— Addition of section 26A.

"Restriction upon enrolment as a student.

26AA. (1) Notwithstanding any other provisions, no person shall be enrolled as student by the Society unless that person—

- (a) is the holder of a recognized law degree;
- (b) has obtained the Post Graduate Certificate in Laws awarded by the University of Hong Kong;

- (c) has passed Part I of the qualifying examination set by the English Law Society;
- (d) has passed the Common Professional Examination recognized by the English Law Society; or
- (e) has obtained exemption from the English Law Society from taking the examination referred to in paragraph (c) or (d).

(2) In this section "recognized law degree" means a law degree from such university as may from time to time be recognized by the Society.

(3) Where, after the date on which the Legal Practitioners (Amendment) Ordinance 1979 was published as a Bill in the *Gazette* and before the date on which that Ordinance came into operation, the Society enrolled as a student any person who, had he applied to be enrolled after the date on which that Ordinance came into operation, would not have been entitled to be enrolled by virtue of subsection (1), the Society may remove that person's name from the roll of students.

(4) This section shall expire on 31 December 1979 or on such other later date as the Legislative Council may, by resolution, appoint."

Repeal and replacement of section 74A.

4. Section 74A of the principal Ordinance is repealed and replaced by the following—

"Advisory Committee on Legal Education.

74A. (1) There is hereby established an Advisory Committee on Legal Education to advise the Governor on—

- (a) the education and training of persons wishing to become barristers or solicitors; and
- (b) the future demand for barristers, solicitors and the means whereby that demand may be met.

(2) The Advisory Committee shall consist of—

- (a) the Chief Justice, or his representative, who shall be the Chairman;
- (b) the Attorney General, or his representative; and
- (c) not less than 7 and not more than 9 other members appointed by the Governor by notice in the *Gazette*, of whom—
  - (i) not less than 3 shall be nominated by the Society;
  - (ii) not less than 2 shall be nominated by the Bar Committee; and
  - (iii) not less than 2 shall be nominated by the Vice-Chancellor of the University of Hong Kong.

(3) Any member appointed under subsection (2)(c) may at any time by notice in writing to the Governor resign from the Advisory Committee.

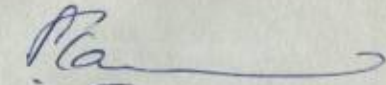
(4) Where any member appointed under subsection (2)(c) resigns or has his appointment revoked, notice of such resignation or revocation shall be published in the *Gazette*.

(5) At any meeting of the Advisory Committee, the Chairman, or in the absence of the Chairman, such other member as the members may select, shall preside.

(6) The Registrar of the Supreme Court shall be secretary to the Advisory Committee.

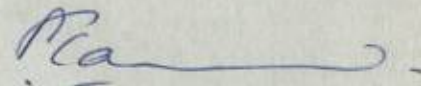
(7) Subject to this Ordinance the procedure at, and the conduct of, the Advisory Committee's meetings, shall be determined by the Advisory Committee."

Passed by the Hong Kong Legislative Council this 25th day of April 1979.



Clerk to the Legislative Council.

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

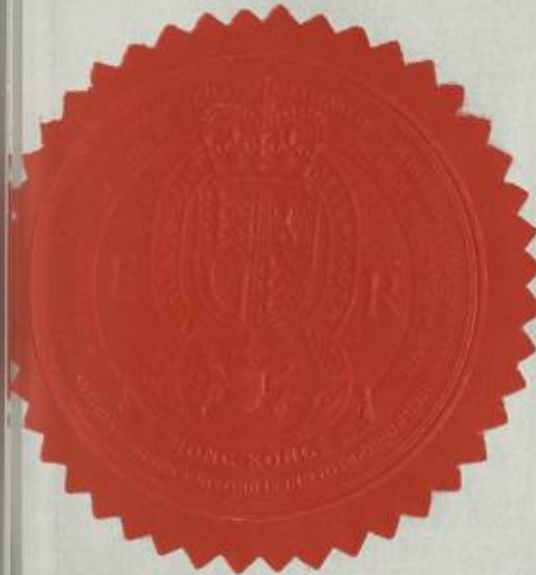
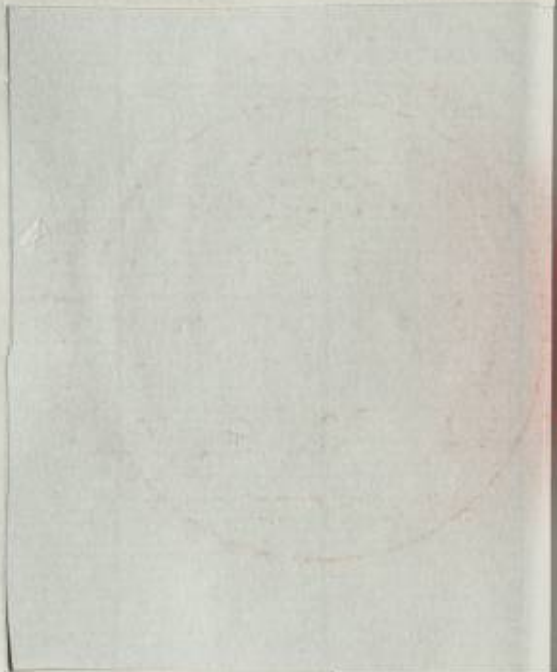


Clerk to the Legislative Council.



**HONG KONG**

No. 23 OF 1979



I assent.

*M. S. S. S.*  
*M. S. S. S.*

*Governor.*

*26th April, 1979.*

An Ordinance to amend the Auxiliary Forces Pay and Allowances Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Auxiliary Forces Pay and Allowances (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended by deleting the definitions of "appropriate daily rate of pay" and "appropriate hourly rate of pay" and substituting the following— Amendment of section 2. (Cap. 254.)

"appropriate daily rate of pay", in respect of a member, means such amount of daily pay as may be fixed by the Finance Committee of the Legislative Council for the classification for his rank;

"appropriate hourly rate of pay", in respect of a member, means such amount of hourly pay as may be fixed by the Finance Committee of the Legislative Council for the classification for his rank;"

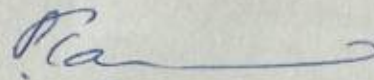
3. Section 3 of the principal Ordinance is amended by inserting after "shall be" the following— Amendment of section 3.

"of such amounts as may from time to time be fixed by the Finance Committee of the Legislative Council and".

- Amendment of section 4. 4. Section 4 of the principal Ordinance is amended by deleting "Governor" and substituting the following—  
"Secretary for Security".
- Amendment of section 5. 5. Section 5 of the principal Ordinance is amended—  
(a) in subsections (1) and (2) by deleting "first column of the"; and  
(b) by deleting "Governor" wherever it occurs and substituting in each place the following—  
"Secretary for Security".
- Amendment of section 7. 6. Section 7 of the principal Ordinance is amended by deleting "Governor" and substituting the following—  
"Secretary for Security".
- Amendment of section 10. 7. Section 10(1) of the principal Ordinance is amended by deleting "prescribed" and substituting the following—  
"fixed under section 3".
- Amendment of section 11. 8. Section 11 of the principal Ordinance is amended—  
(a) by inserting after "pilots" the following—  
"or serves in"; and  
(b) by deleting "prescribed" and substituting the following—  
"fixed under section 3".
- Amendment of section 14. 9. Section 14 of the principal Ordinance is amended by deleting "Governor" and substituting the following—  
"Secretary for Security".
- Amendment of section 15. 10. Section 15 of the principal Ordinance is amended by deleting "prescribed" and substituting the following—  
"fixed under section 3".
- Amendment of section 16. 11. Section 16 of the principal Ordinance is amended by deleting paragraphs (c) and (d).
- Amendment of Schedule. 12. The Schedule to the principal Ordinance is amended—  
(a) in the heading thereof by deleting "CODE" and substituting the following—  
"CLASSIFICATIONS";  
(b) in the heading to the first column by deleting "1"; and  
(c) by deleting the second and third columns.
- Revocation of Auxiliary Forces Pay and Allowances Regulations. (Cap. 254, sub. leg.) 13. The Auxiliary Forces Pay and Allowances Regulations are revoked.
- Saving. 14. (1) Notwithstanding the deletion from the Schedule to the principal Ordinance by this Ordinance of the hourly and daily rates of pay, those rates shown in the Schedule immediately before the commencement of this Ordinance shall continue in force as if they had been fixed under section 3 of the principal Ordinance as amended by this Ordinance.

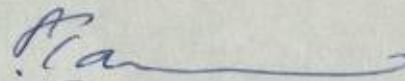
(2) Notwithstanding the revocation of the Auxiliary Forces Pay and Allowances Regulations by this Ordinance, the amounts of the ration allowance, flying allowance and bounty prescribed in those regulations shall continue in force as if they had been fixed under section 3 of the principal Ordinance as amended by this Ordinance. (Cap. 254, sub. leg.)

Passed by the Hong Kong Legislative Council this 25th day of April 1979.

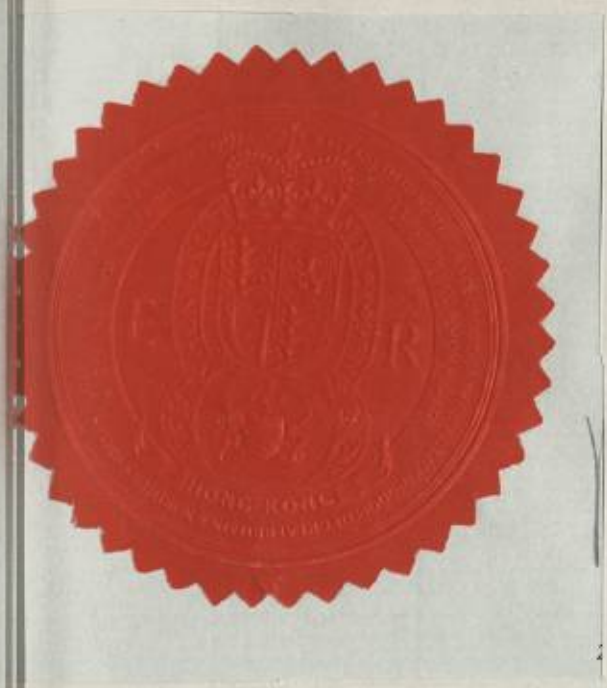


Clerk to the Legislative Council.

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

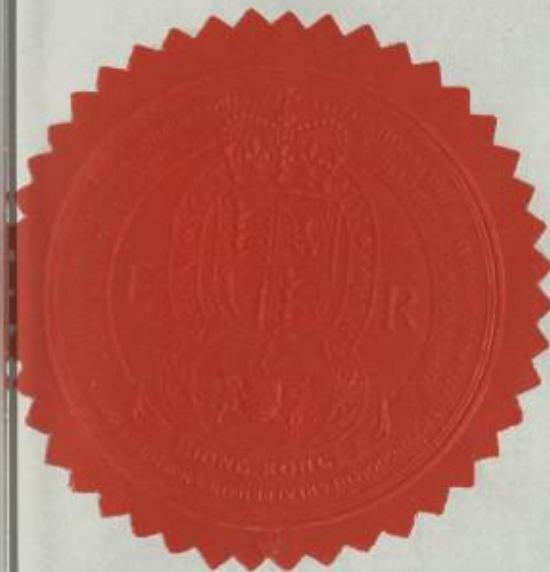


Clerk to the Legislative Council.



**HONG KONG**

No. 24 OF 1979



I assent.

*Governor.*

26th April, 1979.

An Ordinance to amend the Buildings Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Buildings (Amendment) Ordinance 1979. Short title.

2. Section 38 of the principal Ordinance is amended by deleting subsection (4) and substituting the following— Amendment of section 38. (Cap. 123.)

“(4) Regulations under this section may provide that a contravention of any specified provision thereof shall be an offence and may prescribe penalties therefor not exceeding a fine of \$100,000 and imprisonment for 2 years.”.

3. Section 40 of the principal Ordinance is amended— Amendment of section 40.

(a) by deleting subsections (1) and (2) and substituting the following—

“(1) Any person who contravenes section 14(1) or 21(1) shall be guilty of an offence and shall be liable on conviction—

(a) to a fine of \$100,000 and to imprisonment for 2 years; and

(b) to a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

(1A) Any person who contravenes section 22(2)(a) or 27(5)(a) shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 6 months.

(1B) Any person who—

- (a) contravenes section 30(1) or 31(1); or
- (b) without reasonable excuse, fails to comply with an order served on him under section 19(2), 20(2), 22(3), 23, 24(1), 25(2), 26(1), 28(2)(a) or (3)(a), 29(2)(a), 30(3) or 31(2)(a).

shall be guilty of an offence and shall be liable on conviction—

- (i) to a fine of \$50,000 and to imprisonment for 1 year; and
- (ii) in the case of an offence consisting of a failure to comply with an order served on him under section 23, 24(1), 25(2) or 26(1), to a further fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the failure to comply with the order has continued.

(1C) Any person who—

- (a) without reasonable excuse, fails to comply with an order served on him under section 32(2); or
- (b) contravenes section 32(3),

shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 6 months.

(2) Any person who—

- (a) fails to give any notice required to be given under section 25(1);
- (b) contravenes any condition of a permit granted by the Building Authority under section 42; or
- (c) obstructs the Building Authority, any officer authorized by him, any other public officer, a committee of review appointed under section 50 or any member of such committee of review, in the exercise of his or its powers under this Ordinance,

shall be guilty of an offence and shall, without prejudice to any other penalty, be liable on conviction to a fine of \$10,000 and to imprisonment for 6 months.”;

(b) in subsection (2A)—

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

“(c) knowingly misrepresents a material fact in any plan, certificate, form or notice given to the Building Authority under this Ordinance.”;

(ii) by deleting “\$50,000 and to imprisonment for 2 years:” and substituting the following—

“\$250,000 and to imprisonment for 3 years.”; and

(iii) by deleting the proviso;

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

“(2AA) Any authorized person or registered structural engineer who contravenes section 4(3)(b), or any registered contractor who contravenes section 9(3)(b), shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000 and to imprisonment for 3 years:

Provided that it shall be a defence in any prosecution for a contravention of any section referred to in this subsection for the person charged to prove to the satisfaction of the court that he did not know, nor could reasonably have discovered, the contravention referred to in the charge.”;

(d) by deleting subsection (2B) and substituting the following—

“(2B) Any person (whether or not an authorized person, a registered structural engineer or a registered contractor) directly concerned with any site formation works, piling works, foundation works or other form of building works who—

- (a) carries out or has carried out such works, or authorizes or permits or has authorized or permitted such works to be carried out, in such manner that it causes injury to any person or damage to any property; or
- (b) carries out or has carried out such works, or authorizes or permits or has authorized or permitted such works to be carried out, in such manner as is likely to cause a risk of injury to any person or damage to any property,

shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000 and to imprisonment for 3 years.”;

(e) in subsection (2C)—

(i) in paragraph (a), by deleting “\$50,000 and to imprisonment for 2 years” and substituting the following—

“\$250,000 and to imprisonment for 3 years”; and

(ii) in paragraph (b), by deleting “\$10,000” and substituting the following—

“\$50,000”;

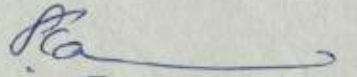
(f) in subsection (3), by deleting “\$2,000 and to imprisonment for 6 months” and substituting the following—

“\$50,000 and to imprisonment for 1 year”; and

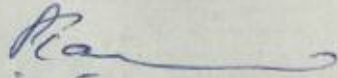
(g) in subsection (4), by deleting “\$2,000 and to imprisonment for 6 months” and substituting the following—

“\$50,000 and to imprisonment for 1 year”.

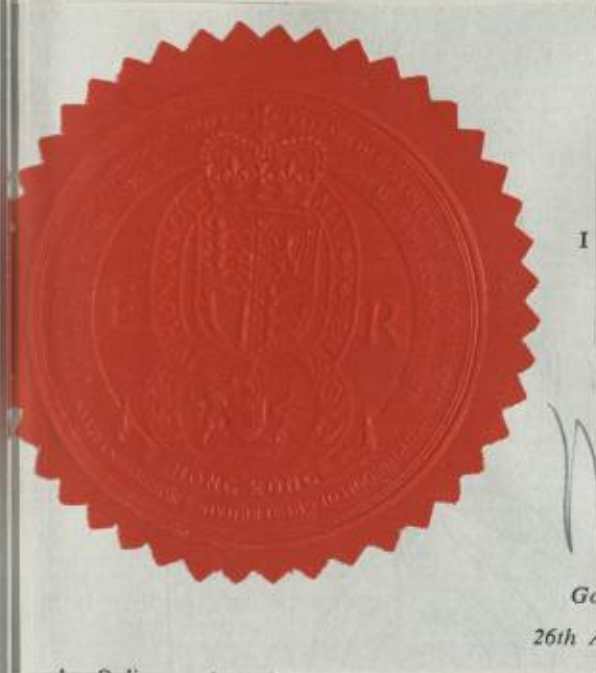
Passed by the Hong Kong Legislative Council this 25th day of April 1979.

  
Clerk to the Legislative Council.

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




*Clerk to the Legislative Council.*



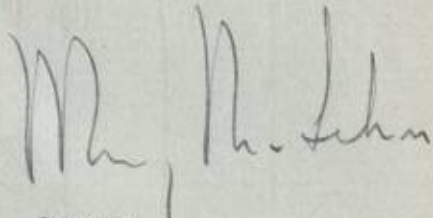
**HONG KONG**

No. 25 of 1979

  
Clerk to the Legislative Council.



I assent.

  
Governor.

26th April, 1979.

An Ordinance to amend the Registration of United Kingdom Patents Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Registration of United Kingdom Patents (Amendment) Ordinance 1979. Short title.

2. The long title of the principal Ordinance is amended by deleting "United Kingdom". Amendment of long title. (Cap. 42.)

3. Section 1 of the principal Ordinance is amended by deleting "United Kingdom". Amendment of section 1.

4. Section 2 of the principal Ordinance is amended by inserting before the definition of "Registrar" the following definitions— Amendment of section 2.

1977 c. 37  
s. 130.

"comptroller" means the Comptroller-General of Patents, Designs and Trade Marks in the United Kingdom;

1977 c. 37  
s. 130.

"European patent (UK)" means a patent granted under the Convention on the Grant of European Patents and designating the United Kingdom;

(1949 c. 87.) "patent" means a patent granted under the Patents Act  
(1977 c. 37.) 1949 or under the Patents Act 1977 and means also a European patent (UK) that has effect in the United Kingdom pursuant to section 77 of the Patents Act 1977;

"priority date" has the meaning assigned to it—

- (1949 c. 87.) (a) in the case of a patent under the Patents Act 1949, by section 5 of that Act;
- (1977 c. 37.) (b) in the case of a patent under the Patents Act 1977, by section 5 of that Act; and
- (1977 c. 37.) (c) in the case of a European patent (UK), by section 5 of the Patents Act 1977, subject to the incidents and modifications mentioned in section 78 of that Act;".

Amendment of section 3.

5. Section 3 of the principal Ordinance is amended—

- (a) by being renumbered as subsection (1) thereof;
- (b) in subsection (1)—
- (i) by deleting "in the United Kingdom"; and
- (ii) by deleting "issue" and substituting the following—  
"grant"; and
- (c) by inserting the following subsection—

"(2) In this section "the date of grant" means—

- (1949 c. 87.) (a) in relation to a patent under the Patents Act 1949, the date of sealing of the patent under section 19 of that Act;
- (1977 c. 37.) (b) in relation to a patent under the Patents Act 1977, the date upon which the patent takes effect pursuant to section 25 of that Act; and
- (1977 c. 37.) (c) in relation to a European patent (UK), the date upon which the patent takes effect in the United Kingdom pursuant to section 77 of the Patents Act 1977."

Repeal and replacement of section 4.

6. Section 4 of the principal Ordinance is repealed and replaced by the following—

"Application to be accompanied by certain documents.

4. An application under this Ordinance shall be accompanied by—

- (a) in the case of a patent the specification of which was published in a language other than English, a certified copy of the translation into English of the specification; or
- (b) in any other case, a certified copy of the specification,

together with the drawings (if any) relating to the patent and a certificate of the comptroller giving full particulars of the grant of the patent or of its taking effect in the United Kingdom on such specification."

Amendment of section 6.

7. Section 6 of the principal Ordinance is amended by deleting "issued" and substituting the following—

"granted".

8. Section 7 of the principal Ordinance is amended—

- (a) by deleting "date" in the second place where it occurs and substituting the following—  
"commencement of the term"; and
- (b) in the proviso, by deleting "manufacture, use or sale of the invention" and substituting the following—  
"act done".

Amendment of section 7.

9. Section 7B of the principal Ordinance is amended—

- (a) in subsection (1)(b) by inserting after "granted" the following—  
"or has taken effect"; and
- (b) in subsection (2)—

Amendment of section 7B.

(i) by deleting "the priority date in the United Kingdom of the relevant claim of the complete specification" and substituting the following—

"its priority date";

(ii) by deleting "Patent Act 1949" and substituting the following—

"Patents Act 1977"; and

(iii) by deleting "In this subsection the expression "priority date" has the meaning assigned to it in section 5 of the aforesaid Act."

10. Section 8 of the principal Ordinance is amended—

- (a) in subsection (1)—
- (i) by deleting "United Kingdom" in the first place where it occurs; and
- (ii) by inserting after "revoked" the following—  
"or treated as revoked"; and
- (b) in subsection (2) by deleting paragraph (b).

Amendment of section 8.

11. Section 9 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 9.

"Amendment of specification or drawings.

9. Whenever the specification or drawings of a patent registered in Hong Kong has or have been amended or treated as amended, according to the law of the United Kingdom, a request, accompanied by a copy of the specification and drawings (if any) as amended, or a copy of the translation into English of the amendment, as the case may be, duly certified by the comptroller, may be made to the Registrar to substitute the specification and drawings as amended for the specification and drawings originally filed."

12. The enactments specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column of the Schedule.

Consequential amendments. Schedule.

## SCHEDULE

[s. 12.]

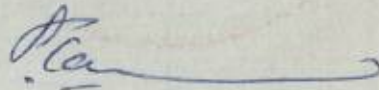
### CONSEQUENTIAL AMENDMENTS

Registration of United Kingdom Patents Rules. Rule 1 is amended by deleting "United Kingdom".

(Cap. 42, sub. leg.)

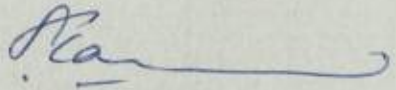
- (Cap. 42, sub. leg.) Registration of United Kingdom Patents (Fees) Rules. Rule 1 is amended by deleting "United Kingdom".
- (Cap. 133.) Agricultural Pesticides Ordinance. Section 20 is amended by deleting "United Kingdom".
- (Cap. 159, sub. leg.) Solicitors (Trade Marks and Patents) Costs Rules. Rule 2 is amended—
- (a) in paragraph (1), in the definition of "register", by deleting "United Kingdom" in both places where it appears; and
- (b) in paragraph (3), by deleting "United Kingdom" in each place where it appears.
- (Cap. 300.) Crown Proceedings Ordinance. Section 5(2) is amended—
- (a) by inserting after "Patents Act 1949," the following—  
"section 55 of the Patents Act 1977,"; and
- (b) by deleting "United Kingdom" in the first place where it appears.

Passed by the Hong Kong Legislative Council this 25th day of April 1979.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

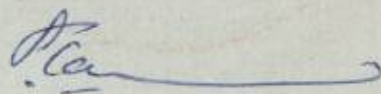


An Ordinance to amend the Employment Ord

- and Rule 2 is amended—
- (a) in paragraph (1), in the definition of "register", by deleting "United Kingdom" in both places where it appears; and
  - (b) in paragraph (3), by deleting "United Kingdom" in each place where it appears.

- ence. Section 5(2) is amended—
- (a) by inserting after "Patents Act 1949," the following—  
"section 55 of the Patents Act 1977,"; and
  - (b) by deleting "United Kingdom" in the first place where it appears.

Hong Kong Legislative Council this 25th day of



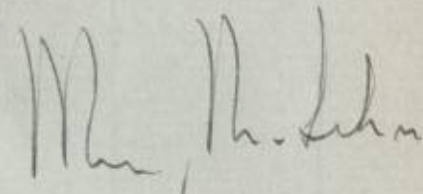
Clerk to the Legislative Council.

**HONG KONG**

No. 26 OF 1979



I assent.



Governor.

26th April, 1979.

An Ordinance to amend the Employment Ordinance.

[27th April, 1979]

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

1. This Ordinance may be cited as the Employment (Amendment) Short title. (No. 2) Ordinance 1979.

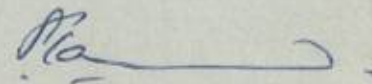
2. Section 4(2)(a) of the principal Ordinance is amended by deleting "S2,000" and substituting the following—  
"S3,500".

Amendment of section 4. (Cap. 57.)

3. Section 31G(2) of the principal Ordinance is amended by deleting "S2,000" wherever it occurs and substituting the following—  
"S3,500".

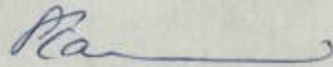
Amendment of section 31G.

Passed by the Hong Kong Legislative Council this 25th day of April 1979.

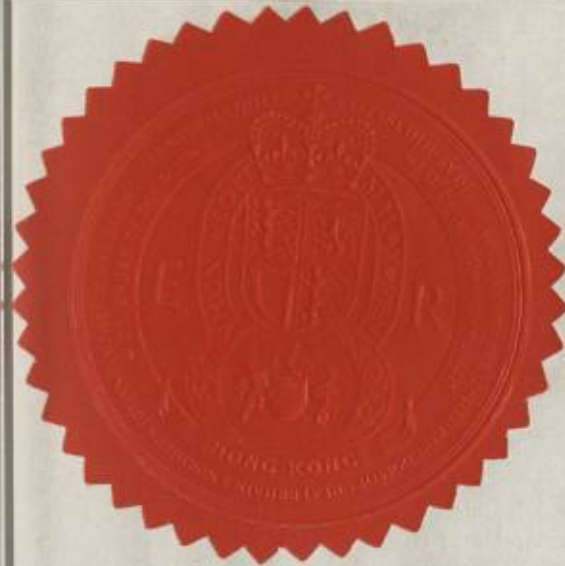


Clerk to the Legislative Council.

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



*Clerk to the Legislative Council.*



9th

An Ordinance to provide for the control of the sui

*Ma*  
Clerk to the Legislative Council.



**HONG KONG**

No. 27 OF 1979



I assent.

*M. N. Lehn*  
Governor.

9th May, 1979.

An Ordinance to provide for the control of the supply and use of oil, the conservation of oil supplies and for purposes connected therewith.

[10th May, 1979]

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

**PART I**

**PRELIMINARY**

1. This Ordinance may be cited as the Oil (Conservation and Control) Ordinance 1979. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"authorized officer" means a person authorized by the Director under section 4;  
"dealer" means a supplier carrying on the business of supplying oil as a retailer;  
"Director" means the Director of Oil Supplies appointed under section 3;  
"ferry" has the meaning assigned to it in the Ferries Ordinance; (Cap. 104.)

"oil" means mineral oil, products obtained by means of refining mineral oil and liquified petroleum gas;

(Cap. 203.)

"road" includes the tunnel as defined in the Cross-Harbour Tunnel Ordinance;

"requisition" means, in relation to any oil, take possession of the oil or require the oil to be placed at the disposal of the Director;

"supplier" means a person carrying on the business of supplying oil;

"vehicle" means any mechanically propelled vehicle intended or adapted for use on roads but does not include a tram.

Appointment of Director of Oil Supplies.

3. The Governor may appoint a public officer to be the Director of Oil Supplies and every such appointment shall be notified in the *Gazette*.

Power of Director to appoint authorized officer.

4. The Director may authorize in writing any public officer to exercise the powers and perform the duties conferred or imposed on an authorized officer by this Ordinance or any order made thereunder.

## PART II

### REGULATION OF CONSUMPTION AND SUPPLY

Supply etc. of oil, electricity or gas.

5. (1) The Governor in Council may by order regulate or prohibit—

- (a) the storage, supply, acquisition, disposal or consumption of oil; or
- (b) the supply or consumption of electricity or gas.

(2) Any order made under subsection (1) may provide that a contravention or breach thereof shall be an offence and shall be punishable by such fine not exceeding \$50,000 or by such term of imprisonment not exceeding 1 year as may be specified in the order or by both such fine and imprisonment.

Directions as to oil.

6. (1) The Director or an authorized officer may give to any supplier of, or dealer in, oil such directions as to the storage, supply, use or disposal by him of any oil as he may think fit.

(2) Directions under subsection (1) may in particular—

- (a) require any oil to be supplied, in accordance with any such requirements as may be specified by the directions, to such persons as may be so specified;
- (b) prohibit or restrict the supply of any oil to persons specified in the directions, or to persons other than those to be supplied in accordance with a requirement specified in the directions; and
- (c) regulate the price at which oil may be supplied or sold.

(3) Any supplier or dealer who contravenes or fails to comply with any directions given to him under subsection (1) commits an offence and is liable to a fine of \$100,000 and to imprisonment for 2 years.

Electricity and gas supply.

7. (1) The Director or an authorized officer may give to any electricity supply company or to any gas supply company such directions as he thinks necessary or expedient for conserving and making the best use of supplies of oil available for the generation of electricity or the manufacture of gas.

(2) Directions given under subsection (1) may in particular—

- (a) regulate the time and place during or at which electricity or gas may be supplied;
- (b) require electricity or gas to be supplied, in accordance with any such requirements as may be specified by the directions, to such persons as may be so specified; and
- (c) prohibit or restrict the supply of electricity or gas to persons specified in the directions, or to persons other than those to be supplied in accordance with a requirement specified in the directions.

(3) An electricity supply company or gas supply company may disregard or otherwise breach any obligation imposed by or under any enactment to give or continue to give supplies of electricity or gas so long as, in so doing, it is acting under and in accordance with any directions given to it under this section.

(4) Any company that contravenes or fails to comply with any direction given to it under this section commits an offence and is liable to a fine of \$100,000.

8. (1) The Governor in Council may by order regulate the use of Transport vehicles on roads and the use of aircraft, vessels, trains and trams.

(2) An order made under subsection (1) may in particular—

- (a) determine the routes to be followed by any particular class of vehicles proceeding on roads, either generally or in such circumstances as may be specified in the order;
- (b) prohibit or regulate the use of vehicles or any class of vehicles on roads or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be specified in the order; or
- (c) require persons or goods to be carried to and from places specified in the order.

(3) Without prejudice to the power conferred by subsection (1) the Director or an authorized officer may give to any person carrying on the business of operating public passenger transport vehicles, trams or a ferry directions regulating the use of such vehicles, trams or ferry and the services provided by such vehicles, trams or ferry.

(4) Directions given under subsection (3) may in particular—

- (a) determine the routes to be followed by public passenger transport vehicles, or any class thereof, or by any ferry vessel, or class thereof;
- (b) prohibit or regulate the use of public passenger transport vehicles or ferry vessels, or any class thereof, or trams, either generally or in such circumstances as may be specified in the directions;
- (c) require persons to be carried to and from places specified in the directions; or
- (d) prohibit the carriage of persons to and from places specified in the directions.

(5) A person carrying on the business of operating public passenger transport vehicles, trams or a ferry under or in accordance with any enactment, licence or franchise may disregard or otherwise breach any

obligation imposed on him by or under such enactment, licence or franchise to provide services for the transport of passengers so long as, in so doing he is acting under and in accordance with any order made or direction given to him under this section.

(6) Any order made under subsection (1) may provide that a contravention or breach thereof shall be an offence and shall be punishable by such fine not exceeding \$50,000 or by such term of imprisonment not exceeding 1 year as may be specified in the order or by both such fine and imprisonment.

(7) Any person who contravenes or fails to comply with any direction given to him under subsection (3) commits an offence and is liable to a fine of \$50,000 and to imprisonment for 1 year.

Requisitioning  
of oil.

9. (1) The Director may, if it appears to him to be necessary or expedient for conserving and making the best use of supplies of oil in Hong Kong, requisition any stock of oil and may give such directions as appear to him to be necessary or expedient in connexion with the requisition.

(2) Where the Director requisitions any stock of oil under this section, the Director may use or deal with, or authorize the use of, or dealing with, the oil for such purpose and in such manner as he thinks expedient for the purposes mentioned in subsection (1) and may hold, or sell or otherwise dispose of, the oil as if he were the owner thereof and as if the oil were free from the rights of any other person.

(3) Where any stock of oil is requisitioned under this section, there shall be paid to the owner of the oil, and to any other person interested in the oil who suffers damage owing to the requisition, such compensation as may be agreed or as may, in default of agreement, be determined by arbitration to be just having regard to all the circumstances of the particular case.

(4) Any compensation payable under this section shall be paid from the general revenue of Hong Kong.

### PART III

#### MISCELLANEOUS

Powers of  
Director as to  
keeping of  
books, making  
of returns,  
entry and  
inspection.

10. (1) The Director may, for the purposes of this Ordinance or any order, direction or requirement made or given thereunder, by notice in writing require any person—

- (a) to keep such books, accounts and records relating to any business as may be specified in the notice; and
- (b) to furnish, at such times, in such manner and in such form as may be so specified, such estimates, returns or information as may be so specified,

and if such person fails to comply with any such requirement, he shall be guilty of an offence and shall be liable to a fine of \$10,000 and to imprisonment for 6 months.

(2) Subject to subsection (6), any authorized officer may for the purposes of this Ordinance or any order or direction made or given thereunder—

- (a) enter and search any premises—
  - (i) for the purpose of enabling the Director to exercise any of the powers conferred on him by this Ordinance or any order

made thereunder, or to determine whether, and if so in what manner, any of those powers ought to be exercised;

(ii) for the purpose of securing compliance with any order, direction or requirement made or given under this Ordinance;

(iii) for the purpose of ascertaining whether an offence under this Ordinance, or any order or direction made or given thereunder, has been or is being committed in or on the premises;

(iv) if he suspects that there is in or on the premises, any article in respect of which an offence has been committed under this Ordinance, or any order or direction made or given thereunder or which is, or contains evidence of the commission of such offence;

(v) for the purpose of verifying any information furnished to the Director; or

(vi) for the purpose of securing that the work carried on in such premises is performed in such manner as the Director considers best calculated to conserve and make best use of supplies of oil available for the carrying on that work;

- (b) stop, board, search and detain any vehicle, vessel, aircraft, train or tram;
- (c) require the production of—
  - (i) any licence or permit;
  - (ii) any document which relates to the origin or nature of any oil; or
  - (iii) any book, account or record required to be kept under this Ordinance or any order, direction or requirement made or given thereunder;
- (d) examine and take copies of any licence, permit, book, account, record or document referred to in paragraph (c);
- (e) take, without payment, such sample of any oil as may be required by the Director for the purpose of examination and investigation; or
- (f) seize any article—
  - (i) in respect of which he suspects that an offence has been committed under this Ordinance, or any order or direction made or given thereunder; or
  - (ii) which he suspects to be, or to contain, evidence of the commission of such an offence.

(3) No vessel having a tonnage exceeding 250 gross tons shall be detained under subsection (2)(b) for more than 12 hours without the consent of the Director, who may, by order in writing, detain such a vessel for further periods of not more than 12 hours at a time.

(4) No aircraft shall be detained under subsection (1)(b) for more than 6 hours without the consent of the Director, who may, by order in writing, detain an aircraft for further periods of not more than 6 hours at a time.

(5) Any order made by the Director under subsection (3) or (4) shall state the times from which and for which the order shall be effective.

(6) Domestic premises shall not be entered or searched by an authorized officer except with the approval of the Director.