

prohibition and certiorari. 1 & 2 Geo. 6, c. 63, s. 7.

Supreme Court for any purpose, the Court may make an order requiring the act to be done, or prohibiting or removing the proceedings or matter, as the case may be.

(3) The said orders shall be called respectively an order of mandamus, an order of prohibition and an order of certiorari.

(4) Applications for the said orders shall be heard and determined by one or more judges of the Supreme Court as the Chief Justice may direct in accordance with section 27 of the Supreme Court Ordinance. (Cap. 4).

(5) No return shall be made to any such order and no pleadings in prohibition shall be allowed, but the order shall be final, subject to any right of appeal therefrom.

(6) In any enactment references to any writ of mandamus, prohibition or certiorari shall be construed as references to the corresponding order and references to the issue or award of any such writ shall be construed as references to the making of the corresponding order.

Power to make order of mandamus to magistrate. 1 & 2 Geo. 6, c. 63, s. 8. (Cap. 227).

3. The power of the Supreme Court under the Magistrates Ordinance to require the magistrate to state a case for the opinion of the Court shall be exercisable by order of mandamus.

Abolition of informations in the nature of quo warranto. 1 & 2 Geo. 6, c. 63, s. 9.

4. (1) Informations in the nature of quo warranto are hereby abolished.

(2) In any case where any person acts in an office in which he is not entitled to act and an information in the nature of quo warranto would, but for the provisions of subsection (1), have lain against him, the Supreme Court may grant an injunction restraining him from so acting and may, if the case so requires, declare the office to be vacant.

(3) No proceedings for an injunction under this section shall be taken by a person who would not immediately before the commencement of this Ordinance have been entitled to apply for an information in the nature of quo warranto.

5. Rules of Court may be made under section 37 of the Supreme Court Ordinance—

Rules to be made under section 37 of Cap. 4. 1 & 2 Geo. 6, c. 63, s. 10. (Cap. 4).

- (a) prescribing the procedure in cases where an order of mandamus, prohibition or certiorari is sought, or proceedings are taken for an injunction under section 4;
- (b) requiring, except in such cases as may be specified in the rules, that leave shall be obtained before an application is made for any such order or before any such proceedings are commenced;
- (c) requiring that, where leave is so obtained, no relief shall be granted and no ground relied upon, except with the leave of the Court, other than the relief and grounds specified when the application for leave was made.

Passed the Legislative Council of Hong Kong, this 4th day of November, 1953.

Deputy Clerk of Councils.

HONG KONG

No. 35 OF 1953.



I assent,

W. H. Murray
Governor.

19th November, 1953.

An Ordinance to authorize the North Pacific Insurance Company Limited to convert the currency of its capital.

[20th November, 1953.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the North Pacific Insurance Company Limited (Capital Conversion) Ordinance, 1953. Short title.

2. In this Ordinance—

"the Company" means the North Pacific Insurance Company Limited; Inter-pretation.

"Registrar" means a registrar, deputy and assistant registrar appointed by the Governor under subsection (2) of section 288 of the Companies Ordinance. (Cap. 32).

Conversion of currency of capital: procedure.

3. It shall be competent for the company to convert into sterling the currency of its capital (both authorized and issued) and to alter accordingly the denomination of the shares into which its capital is divided and such conversion and alteration may be effected in the following manner—

- (a) by special resolution of the Company authorizing such conversion and alteration and specifying in detail the manner and the date on which such conversion and alteration is to take place; and
- (b) by filing with the Registrar within one month of the passing of such resolution a certificate under the seal of the Company countersigned by the auditors of the Company certifying that such resolution has been duly passed and that in the opinion of the directors of the Company and of such auditors the net assets of the Company had at a date stated in the resolution which shall for all purposes be regarded as the date of conversion a value equivalent at the least to the amount of such converted capital as has been paid up;

Provided that the date stated in the resolution shall be a date not earlier than the date of the resolution by more than twelve months.

Issue of fresh certificate of incorporation.

4. Upon the filing of any such certificate as is referred to in paragraph (b) of section 3, the Registrar shall issue a fresh certificate of incorporation of the Company showing the capital of the Company as affected by such conversion and alteration. Such fresh certificate shall take the place of the original certificate of incorporation of the Company and shall be the certificate of incorporation of the Company.

Saving.

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

Passed the Legislative Council of Hong Kong, this 18th day of November, 1953.

Deputy Clerk of Councils.

(Secretariat 20/3231/53)

HONG KONG

No. 36 OF 1953.



I assent.

Governor's Deputy.

3rd December, 1953.

An Ordinance to amend the Crown Rights (Re-entry) Ordinance, Chapter 126.

[4th December, 1953.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Crown Rights Short title. (Re-entry) (Amendment) Ordinance, 1953.

2. Section 5 of the Crown Rights (Re-entry) Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from the third line of the word "twelve", and the substitution therefor of the following—

"six".

3. The principal Ordinance is amended by the addition, after section 11, of the following new section—

"Acceptance of rent not to operate as a waiver of right of re-entry or forfeiture.

12. The acceptance of rent by or on behalf of the Crown shall not operate as a waiver by the Crown of any right of re-entry accruing or of any forfeiture incurred by reason of either the breach of any covenant in a Crown lease or the breach of any condition or stipulation in any tenancy of land held of the Crown."

Amendment of section 5. (Cap. 126).

Addition of new section 12.

Applica-
tion of
section 12
of the
principal
Ordinance.

4. The provisions of section 12 of the principal Ordinance shall apply to all tenancies of Crown land whether created before or after the commencement of this Ordinance, and shall also apply whether the acceptance of rent occurred before or after the commencement of this Ordinance.

Passed the Legislative Council of Hong Kong, this 2nd day of December, 1953.


Deputy Clerk of Councils.

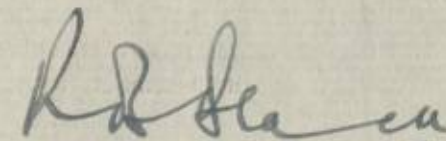
(Secretariat 29/3231/53)

HONG KONG

No. 37 OF 1953.



I assent.



Governor's Deputy.

3rd December, 1953.

An Ordinance to amend the Tallyclerks (Licensing) Ordinance, Chapter 85.

[1st January, 1954.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Tallyclerks (Licensing) (Amendment) Ordinance, 1953, and shall come into operation on the 1st day of January, 1954. Short title and commencement.

2. Section 4 of the Tallyclerks (Licensing) Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from the first line of subsection (1) of the words "The Director of Commerce and Industry" and the substitution therefor of the following— Amendment of section 4. (Cap. 85).

"The Director of Marine".

Insertion
of new
section 6A.

3. The principal Ordinance is amended by the insertion after section 6, of the following new section—

“Wearing
of arm-
bands or
badges.

6A. (1) Every tallyclerk licensed under this Ordinance shall, at any time when he is engaged in tallying cargo for the tallying of which a licence is required under this Ordinance, wear an arm-band or badge of a type and in a manner approved by the Director: Penalty: a fine of fifty dollars.

(2) No person other than a tallyclerk licensed under this Ordinance shall wear an arm-band or badge of the type or similar to the type approved by the Director in accordance with subsection (1): Penalty: a fine of two hundred dollars.”

Amendment
to
Schedule.

4. The Schedule to the principal Ordinance is amended by the deletion of the words “*Director of Commerce and Industry*” and the substitution therefor of the following—

“*Director of Marine*”.

Passed the Legislative Council of Hong Kong, this 2nd day of December, 1953.

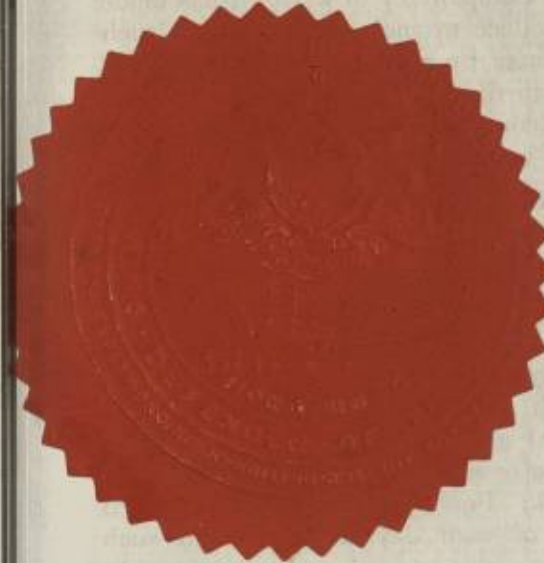
Deputy Clerk of Councils.

(Secretariat 36/2961/46)

HONG KONG

No. 38 OF 1953.

I assent.



Governor.

17th December, 1953.

An Ordinance to amend the Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951.

[18th December, 1953.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Hong Kong and Yaumati Ferry Company (Services) (Amendment) Ordinance, 1953. Short title.

2. The Hong Kong and Yaumati Ferry Company (Services) Ordinance, 1951 (hereinafter referred to as the principal Ordinance) is amended by the insertion after section 6 of the following new section— Addition of
new section
6A.
(11 of
1951).

“Power
for the
Financial
Secretary
to call
upon the

6A. (1) It shall be lawful for the Financial Secretary for the purpose of ascertaining the net profits of the Company during any period in respect of which royalty is payable under the terms and conditions con-

Company and certain persons dealing with the Company to produce books and statements of account.

tained in the Schedule or of ascertaining whether any deduction which the Company has made or may be seeking to make from profits is reasonable, by writing under his hand to call upon the Company and any person (other than a bank) who has entered into any agreement with the Company or to whom it has made any payment to produce to such person and at such time and place as may by any general or particular description be specified in such writing such books and statement of account (including bank statements) as he may by such writing require.

(2) The Company or any person aggrieved by any exercise of the discretion conferred upon the Financial Secretary may appeal to the Governor in Council whose decision shall be final.

(3) Without prejudice to the right of appeal conferred by subsection (2) it shall be an offence to fail to comply with any requirement lawfully made under subsection (1) or any requirement which may have been confirmed or substituted therefor on appeal under subsection (2): Penalty: a fine of one hundred dollars in respect of each day during which such failure continues."

Amendment of Schedule.

3. The Schedule to the principal Ordinance is amended as follows—

- (a) in paragraph 1—
 - (i) by the deletion from the third line thereof of the words "across the harbour of Hong Kong";
 - (ii) by the deletion from the fourth line thereof of the words "between the frontages and piers" and the substitution of the following—
"specified in Appendix I";
- (b) in paragraph 2 by the insertion immediately after the word "piers" in the second line thereof of the following—
"specified in paragraph 3";
- (c) by the deletion of paragraph 3 and the substitution of the following paragraph—

"3. (1) The Company shall pay as pier rent to the Government for the use of the piers specified in this section the total sum of \$45,900 a month

inclusive of rates. The said rent shall be payable in advance on the first day of each calendar month and shall be apportioned among the piers as follows—

(a) Jubilee Street Ferry Pier	\$ 22,000
(b) Jordan Road Ferry Pier	13,500
(c) Mongkok Ferry Pier	2,500
(d) Shamshuipo Ferry Pier	2,500
(e) Tonnochy Road Ferry Pier	2,000
(f) Wilmer Street Ferry Pier	3,000
(g) Cheung Chau Ferry Pier	400
	\$ 45,900
	\$ 45,900

(2) If any other pier be substituted for a pier specified in sub-paragraph (1), the amount of rent therefor shall be such sum as may be agreed between Government and the Company regard being had to the capital cost of the said substituted pier (excluding the cost of frontage) and including interest on capital cost at the rate of 4 per cent: Provided that such agreed sum shall not result in the monthly total of rent payable as aforesaid being exceeded."

- (d) in paragraph 4 by the deletion of sub-paragraph (3);
- (e) by the deletion of paragraph 5 and the substitution of the following paragraph—

"5. (1) The Company shall pay to the Government a royalty of twenty-five per cent of the net profit of the Company for each year.

(Cap. 112).

(2) The net profit as aforesaid shall be ascertained in accordance with Part IV of the Inland Revenue Ordinance provided that in making the deductions set forth in section 16 thereof due regard shall be had to the current level of prices and costs, so that any such deduction shall be limited to a sum which in the opinion of the Financial Secretary is reasonable, and so that allowance of any sum by way of depreciation of a capital asset shall be limited to an amount which represents the allowance approved under Part VI of the said Ordinance on what in the opinion of the Financial Secretary is a reasonable price for such asset.

(3) The Financial Secretary and any person authorized by him in writing shall for the purpose of ascertaining the net profit be an authorized representative of the Company for the purposes of section 4 of the Inland Revenue Ordinance to the intent that the Commissioner of Inland Revenue and any assessor or person appointed to carry out duties under the said Ordinance shall, on demand by the Financial Secretary, disclose all such matters relating to the affairs of the Company as the Financial Secretary or such authorized person may require, and such disclosure shall not be deemed to be a breach of the duties imposed upon the person making it by the said section.

(4) In the event of the Company failing to agree with the assessment of net profit made by the Financial Secretary, an appeal shall lie to the Governor in Council, whose decision shall be final.

(5) As from the 1st January, 1954, the Company shall make monthly payments on account of the royalty accruing during each current accounting year of the Company and the amount of each such payment shall be a sum equal to one twelfth of twenty-five per cent of the estimated net profit for the current year or such sum as the Financial Secretary may determine. As soon as the net profit for the current year has been ascertained a final adjustment shall be made and Government shall refund any sum paid on account in excess of the royalty due for that year or if the amounts paid on account by the Company are less than the royalty due, the Company shall pay Government the balance thereof.”;

- (f) in paragraph 11—
- (i) by the insertion after the word “piers” in the second line thereof of the following—
“specified in paragraph 3”;
 - (ii) by the deletion of the colon in the eighth line thereof and the substitution of a full-stop;
 - (iii) by the deletion of the second proviso;
- (g) in paragraph 13—
- (i) by the deletion from the second line of “1912,”;
 - (ii) by the deletion of the colon in the third line thereof and the substitution of a full-stop;

- (iii) by the deletion of the proviso;
 - (iv) by the deletion from the marginal note of “Ordinance No. 19 of 1912” and the substitution of the following—
“(Cap. 52)”;
- (h) by the deletion of paragraph 15;
- (i) in paragraph 16—
- (i) by the insertion after the word “represented” in the first line of sub-paragraph (1) of the following—
“that the Company is and will continue to be a public company;”;
 - (ii) by the insertion after the word “British;” in the sixth line of sub-paragraph (1) of the following—
“that all the books and accounts of the Company will be kept in the English language;”;
 - (iii) by the deletion of the full-stop at the end of sub-paragraph (1) and the substitution of a comma and the addition of the following—
“in which event the ferry services shall be deemed to have been discontinued and the provisions of sub-paragraphs (2) and (3) of paragraph 8 shall apply.”;
- (j) by the deletion of paragraph 17 and the substitution of the following paragraph—

“17. (1) The Governor in Council may, on giving ten months’ notice, expiring at the expiration of the concession, such notification to be published in the *Gazette*, require the Company to sell, and thereupon the Company shall sell, to the Government its undertaking for and in consideration of the then value of the same without any addition in respect of goodwill, compulsory purchase, expectation or possibility of renewal, or of any profits which might have been made from the undertaking.

(2) The power of compulsory purchase given by sub-paragraph (1) shall apply also to any event upon which under the provisions of this Schedule the ferry services have been discontinued or must be deemed to have been discontinued save that in such case no period of notice shall be required and

the powers may be exercised by notification published in the *Gazette* at any time after the occurrence of such event.”;

(k) in paragraph 19—

(i) by the deletion from the second line of sub-paragraph (1) of the date “1st January, 1964,” and the substitution of the following—

“31st December, 1963,”;

(ii) by the deletion from the sixth line of sub-paragraph (1) of the figures “1964” and the substitution of the following—

“1965”;

(iii) by the deletion from the second line of sub-paragraph (2) of the date “1st January, 1969,” and the substitution of the following—

“31st December, 1968,”;

(iv) by the deletion from the second line of sub-paragraph (3) of the date “1st January, 1974,” and the substitution of the following—

“31st December, 1973,”;

(l) by the deletion of paragraph 21;

(m) by the deletion of Appendix I and the substitution of the following Appendix—

“APPENDIX I.

FERRY RUNS.

- | | | | |
|-----|-----------------------------------|---|----------------------------------|
| (a) | Jubilee Street Pier | — | Jordan Road Pier. |
| (b) | Jubilee Street Pier | — | Mongkok Pier. |
| (c) | Jubilee Street Pier | — | Shamshuipo Pier. |
| (d) | Tonnochy Road Pier | — | Jordan Road Pier. |
| (e) | Wilmer Street Pier | — | Shamshuipo Pier. |
| (f) | Jubilee Street Pier | — | Cheung Chau Pier. |
| (g) | Jubilee Street Pier | — | Silvermine Bay. |
| (h) | Wilmer Street Pier—Aberdeen— | | Cheung Chau Pier. |
| (i) | Wilmer Street Pier—Aberdeen— | | Tai O. |
| (j) | Jubilee Street Pier—Ping Chau— | | Silvermine Bay—Cheung Chau Pier. |
| (k) | Jubilee Street Pier—Kap Shui Mun— | | Castle Peak—Tung Chung—Tai O. |
| (l) | Jubilee Street Pier | — | Tai O. |

FERRY PIERS AND FRONTAGES.

<i>Ferry Piers</i>	<i>Frontages</i>
Jubilee Street Pier	Praya from Gilman Street to Pottinger Street.
Jordan Road Pier	North side of Waterloo Road to North face of Public Pier at Kowloon Point.
Mongkok Pier	North side of Waterloo Road to Prince Edward Road.
Shamshuipo Pier	North side of Prince Edward Road to North West boundary of Military Camp, Shamshuipo.
Tonnochy Road Pier	Western entrance Causeway Bay Typhoon Shelter to Eastern boundary of Royal Naval Dockyard.
Wilmer Street Pier	Praya from Gilman Street to Cadogan Street.
Cheung Chau Pier	The shore of Cheung Chau Island.

FERRY POINTS AND FRONTAGES.

<i>Ferry Points</i>	<i>Frontages</i>
Aberdeen	The whole of the village of Aberdeen to the East of Aberdeen Wholesale Fish Market.
Silvermine Bay	The Eastern and Western shores of Lantau Island.
Tai O	The North Western shores of Lantau Island.
Ping Chau	The shore of Ping Chau Island.
Kap Shui Mun	The shore of Mah Wan Island.
Tung Chung	The North Western shores of Lantau Island.
Castle Peak	The shore three miles either side of the Public Pier at Castle Peak.

(n) in Appendix II—

(i) by the insertion immediately below the heading “FARES AND CHARGES” of the following—

“1. ACROSS THE HARBOUR SERVICES”;

(ii) by the addition at the end thereof of the following—

“2. OTHER SERVICES.

	<i>1st Class</i>	<i>3rd Class</i>	<i>Freight</i> (per cwt.)
HONG KONG—PING CHAU ISLAND	60 cents	50 cents	50 cents
—SILVER-MINE BAY (Indirect Service)	70 cents	60 cents	60 cents
(Direct Service)	\$1.00		

	<i>1st Class</i>	<i>3rd Class</i>	<i>Freight (per cwt.)</i>
—CHEUNG CHAU ISLAND (Indirect Service)	90 cents	70 cents	70 cents
—CHEUNG CHAU ISLAND (Direct Service)	\$1.20	\$1.00	
HONG KONG—KAP SHUI MUN	60 cents	50 cents	50 cents
—CASTLE PEAK	60 cents	50 cents	50 cents
—TUNG CHUNG	\$1.20	\$1.00	\$1.00
—TAI O	\$1.20	\$1.00	\$1.00
—TAI O (Sunday Excursion)	\$2.00 (All Classes)		
PING CHAU—SILVERMINE BAY	30 cents	20 cents	20 cents
—CHEUNG CHAU	60 cents	40 cents	40 cents
SILVERMINE BAY—CHEUNG CHAU	30 cents	20 cents	20 cents
—PING CHAU	30 cents	20 cents	20 cents
KAP SHUI MUN—CASTLE PEAK	60 cents	50 cents	} 50 cents per cwt.
—TUNG CHUNG	60 cents	50 cents	
—TAI O	60 cents	50 cents	
CASTLE PEAK—TUNG CHUNG	60 cents	50 cents	
—TAI O	60 cents	50 cents	
TUNG CHUNG—KAP SHUI MUN	60 cents	50 cents	
—CASTLE PEAK	60 cents	50 cents	
—TAI O	60 cents	50 cents	
ABERDEEN—CHEUNG CHAU	\$1.20		
—TAI O	\$1.20		

(o) by the deletion of Appendix III.

Commencement and transitional.

4. (1) The provisions of the Schedule to the principal Ordinance as amended by section 3 of this Ordinance shall, save and except the provisions of sub-paragraph (5) of paragraph 5 of the Schedule, be deemed to have had effect from the 1st day of January, 1951.

(2) Notwithstanding subsection (1), the Company shall continue until the 31st day of December, 1953, to make payments of pier rent and royalty in accordance with the provisions of paragraphs 3 and 5 of the Schedule to the principal Ordinance before its amendment by this Ordinance.

(3) So soon as may be after the 31st day of December, 1953, pier rent and royalty for the period from the 1st day of January, 1951, to the 31st day of December, 1953, both days inclusive, shall be calculated in accordance with the provisions of paragraphs 3 and 5 of the Schedule to the principal Ordinance as amended by this Ordinance, and the sums so calculated shall be the sums lawfully due to the Government by way of pier rent and royalty for the said period.

(4) Where the sums lawfully due to the Government by virtue of subsection (3) exceed those actually paid by the Company by way of pier rent and royalty for the said periods, the Company shall pay the difference to the Government; and where the sums actually paid by the Company by way of pier rent and royalty for the said periods exceed those lawfully due to the Government by virtue of subsection (3), the Government shall repay the difference to the Company.

Passed the Legislative Council of Hong Kong, this 16th day of December, 1953.


Deputy Clerk of Councils.

(Secretariat 10/3231/51)

HONG KONG

No. 39 OF 1953.

I assent.



Robert Gordon
Governor.

17th December, 1953.

An Ordinance to provide for the incorporation of the local representative in Hong Kong of the Institute of the Marist Brothers of the Schools.

[18th December, 1953.]

BE it enacted by the Governor of Hong Kong with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Institute of the Marist Brothers of the Schools Incorporation Ordinance, 1953. Short Title.

2. The representative for the time being in Hong Kong of the Institute of the Marist Brothers of the Schools hereinafter referred to as the Visitor, shall be a body corporate, hereinafter referred to as the corporation, and shall have the name "The Visitor in Hong Kong of the Institute of the Marist Brothers of the Schools" and in that name shall have perpetual succession, Incorporation.

and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal and may from time to time break, change, alter and make anew the said seal.

Powers of corporation.

3. (1) The corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any government, municipality, corporation, or company and also to purchase, acquire and possess goods and chattels of what nature and kind soever.

(2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or other goods and chattels whatsoever which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit.

Transfer of property.

4. The legal estate in any property whatsoever, vested in the corporation in any manner whatsoever, shall, in the event of death of the Visitor, or in the event of his ceasing to hold office as such Visitor pass to his successor in such office subject to compliance with subsection (2) of section 6.

Execution of documents.

5. All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the Visitor or of his attorney duly authorized, and such deeds and instruments and all other documents, instruments and writings requiring the signature of the corporation shall be signed by the Visitor or his attorney.

Appointment of Visitor & registration of particulars.

6. (1) The Appointment of a new Visitor in the event of death or for any other reason, shall be made by the General Board of Administration of The Institute of the Marist Brothers of the Schools of St. Genis-Laval, Rhone, France.

(2) Within three weeks of the coming into operation of the Ordinance or within such further period as the Governor may allow and whenever thereafter any person is appointed to the office of Visitor within the same period or extended period after

such appointment, the Visitor shall furnish to the Registrar of Companies notice of his appointment and evidence thereof to the satisfaction of such Registrar, and shall then and within three weeks of any change of address, furnish to such Registrar particulars of his place of residence or other sufficient address within the Colony.

(3) The registration of the appointment of a Visitor shall be conclusive evidence of such appointment.

(4) There shall be payable to the Registrar of Companies a fee of five dollars in respect of a registration of appointment and address under subsection (2) and a similar fee in respect of each change of address, and a fee of one dollar shall be payable in respect of each search of the file.

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

Passed the Legislative Council of Hong Kong, this 16th day of December, 1953.


Deputy Clerk of Councils.

(Secretariat 26/3231/53)

HONG KONG

No. 40 OF 1953.

I assent.


Chau
Governor.

17th December, 1953.

An Ordinance for the incorporation of the executive committee
of the Hong Kong Juvenile Care Centre.

[18th December, 1953.]

BE it enacted by the Governor of Hong Kong, with the
advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Hong Kong Juvenile Short title.
Care Centre Incorporation Ordinance, 1953.

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

“Centre” means the Hong Kong Juvenile Care Centre;

“constitution” means the constitution of the Centre approved
from time to time by the executive committee for the time
being of the Centre, subject to the provisions of the Ordinance
relating to any matter expressly dealt with in the Ordinance;

“executive committee” means the executive committee of the Centre for the time being appointed in accordance with the constitution.

Incorporation.

3. (1) The executive committee of the Centre and their successors in office shall be a body corporate, hereinafter referred to as the corporation, and shall have the name of “The Hong Kong Juvenile Care Centre” and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have use a common seal.

(2) The members of the executive committee shall be appointed in accordance with the constitution and shall for the periods of their respective appointments be members of the corporation upon notice of their appointment, and where such appointment is made to replace a retiring member of the executive committee, upon, in addition, notice of such retirement, being filed with the Registrar of Companies. Any such notice shall be signed by three of the continuing or retiring members and shall be sealed with the common seal of the corporation.

(3) The executive committee on incorporation shall consist of the persons holding such office at the date of the Ordinance coming into operation.

(4) The executive committee shall be lawfully constituted notwithstanding any vacancies occurring therein by death absence resignation or incapacity of any member or any other cause.

Powers of the corporation.

4. (1) The corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and where-soever situate in this Colony, and also to invest moneys upon mortgage of any lands, buildings, debentures, stocks, funds, shares or securities of any corporation or company carrying on business or having an office in the Colony and also to purchase and acquire all goods and chattels of what nature or kind soever.

(2) The corporation shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages or tenements, mortgages, debentures, stocks, securities, goods and chattels vested in the corporation on such terms as the corporation may seem fit.

5. All deeds documents and other instruments requiring Seal. the seal of the corporation shall be sealed with its common seal in the presence of three members of the executive committee and shall also be signed by them and such signing shall be taken as sufficient *prima facie* evidence of the due sealing of such deeds documents and other instruments.

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

Passed the Legislative Council of Hong Kong, this 16th day of December, 1953.




Deputy Clerk of Councils.

(Secretariat 30/3231/53)

HONG KONG

No. 41 OF 1953.

I assent.



W. H. Murray
Governor.

30th December, 1953.

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1953.

[31st December, 1953.]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ended the 31st day of March, 1953, in addition to the charge upon the revenue of the Colony authorized by the Appropriation for (9 of 1952). 1952-1953 Ordinance, 1952 :

NOW, THEREFORE, BE IT ENACTED by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Supplementary Short title. Appropriation (1952-53) Ordinance, 1953.

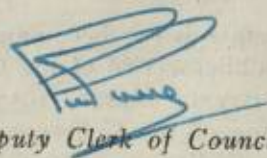
2. A sum of one hundred and forty-five million six hundred and fifty-three thousand six hundred and fifty-seven dollars is hereby charged upon the revenue and other funds of the Colony

Appropriation.

for the service of the financial year ended the 31st day of March, 1953, the appropriation of the sum so charged being approved as specified in the Schedule.

SCHEDULE.		
<i>Number of vote.</i>	<i>Title of vote.</i>	<i>Amount of vote.</i>
		\$
1.	His Excellency the Governor	19,042
9.	Defence:—	
	G. Miscellaneous Measures	4,992,531
13.	Judiciary:—	
	A—Supreme Court	26,354
	B—Hong Kong Magistracy	9,120
19.	Miscellaneous Services	36,554,003
20.	New Territories, District Administration ...	49,321
26.	Public Debt	1,992,518
30.	Public Works Recurrent	570,700
32.	Quartering Authority	665
37.	Secretariat for Chinese Affairs:—	
	B—Social Welfare Office	1,152,966
38.	Stores Department	286,437
41.	Transfer of Surplus Balance to Revenue Equalization Fund	100,000,000
	Total	\$145,653,657

Passed the Legislative Council of Hong Kong, this 30th day of December, 1953.

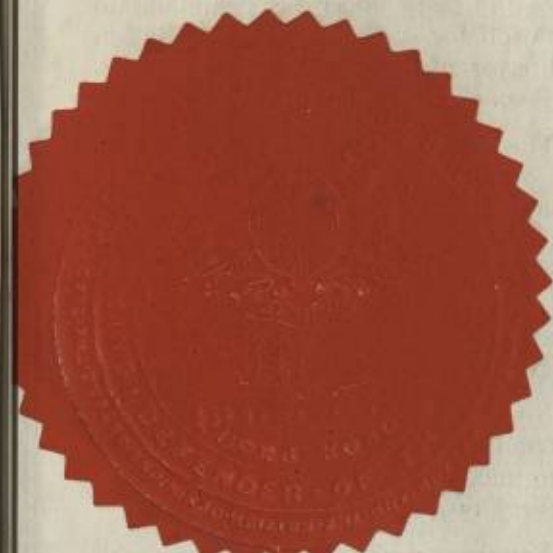


Deputy Clerk of Councils.

(Secretariat 13/2311/52)

HONG KONG

No. 42 OF 1953.



I assent.



Governor.

30th December, 1953.

An Ordinance to amend the Compulsory Service Ordinance, 1951.

[31st December, 1953.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Compulsory Service Short title. (Amendment) Ordinance, 1953.
2. Part III of the Compulsory Service Ordinance, 1951, Amendment of Part III. (24 of 1951).
 - (a) by the deletion of the heading "Compulsory Transfers." and the substitution therefor of the following—
"Compulsory Medical Examinations and Transfers.";

(b) by the addition after section 18 of the following new section—

"Power to order medical examination.

18A. (1) The Commandant of the Royal Hong Kong Defence Force, the Commissioner of the Essential Services Corps and the Commissioner of Police may require any member of the body under his command to submit himself for such medical examination as the Director of Medical and Health Services may consider necessary or desirable.

(2) The power conferred upon the Commissioner of the Essential Services Corps by subsection (1) shall so far as it concerns members of the Auxiliary Fire Service Unit, members of the Civil Aid Services Unit and members of the Auxiliary Medical Service Unit be exercised by the respective Unit Controllers thereof.

(3) No person to whom this Part applies shall be required under this section to submit himself to medical examination more than once in every two years.

(4) Any person who fails to comply with a requirement made under this section shall be guilty of an offence and shall be liable to a fine of one thousand dollars."

Passed the Legislative Council of Hong Kong, this 30th day of December, 1953.

Deputy Clerk of Councils.

(Secretariat D/M/C)

HONG KONG

No. 43 OF 1953.



I assent.

Governor.

30th December, 1953.

An Ordinance to amend the Vehicle and Road Traffic Ordinance, Chapter 220.

[31st December, 1953.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Vehicle and Road Traffic (Amendment) Ordinance, 1953.

2. Section 7 of the Vehicle and Road Traffic Ordinance is repealed and replaced by the following section—

Repeal and replacement of section 7. (Cap. 220).

"7. (1) Where a person is prosecuted for any offence under section 4, 5 or 6, he shall not be convicted unless either—

(a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the sections aforesaid would be taken into consideration; or

- (b) within fourteen days of the commission of the offence he was either charged before a magistrate or a summons for the offence was served on him; or
- (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and the place where it is alleged to have been committed was served on, or sent by registered post to, him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

- (a) failure to comply with the requirements of this section shall not be a bar to the conviction of the accused in any case where the court or magistrate is satisfied that—

- (i) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or

- (ii) the accused by his own conduct contributed to the failure; and

- (b) the requirements of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

(2) Where a person is prosecuted under any regulation made under this Ordinance for an offence alleging that he has driven a vehicle in excess of the speed permitted in respect of that vehicle or in respect of a particular place, he shall not be convicted unless he was warned reasonably soon after the offence was committed that the question of prosecuting him would be taken into consideration."

Passed the Legislative Council of Hong Kong, this 30th day of December, 1953.

Deputy Clerk of Councils.

(Secretariat 31/3231/53)

HONG KONG

No. 44 OF 1953.

I assent.


Governor.

30th December, 1953.

An Ordinance to amend the Urban Council Ordinance, Chapter 101.

[31st December, 1953.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Urban Council Short title, (Amendment) (No. 2) Ordinance, 1953.

2. Section 3 of the Urban Council Ordinance is amended—
(a) by the deletion from subsection (2A) of the words "either part" and the substitution therefor of the following—

"the first or second part";

Amend-
ment of
section 3.
(Cap. 101).

(b) by the addition after subsection (4) of the following new subsection—

“(4A) (a) The third part of the register shall consist of persons qualified as hereinafter stated who have made due application to be included in the list.

(b) The persons qualified for inclusion in this part are all persons having reached the age of twenty-one years who, not being entitled to be included in the first or second part, are—

(33 of
1952).

(i) persons permitted to teach by section 21 or 25 of the Education Ordinance, 1952, or who are certified by the Director of Education as teachers in schools exempted from the Education Ordinance by section 6 thereof;

(Cap. 3).

(ii) persons in the service of the Government whose whole time is at the service of the Government, and who produce a certificate from the head of their department stating that they possess the qualifications set out in section 4 of the Jury Ordinance;

(iii) persons who are members of the following services—

the Royal Hong Kong Defence Force, the Essential Services Corps, which expression shall include the Civil Aid Services, the Auxiliary Medical Services and the Auxiliary Fire Services;

(Cap. 112).

(iv) persons who produce a certificate from the Commissioner of Inland Revenue stating that they have paid tax assessed under Part III or Part VII of the Inland Revenue Ordinance for the two years of assessment immediately preceding their application and any two other years:

Provided that the following shall not be qualified for inclusion—

(i) any member of the Police Force, which expression shall not include the Police Reserve or the Special Constabulary;

(ii) any member of the Regular Armed Forces of the Crown.

(c) The third part of the register shall be kept by the Registrar of the Supreme Court and shall be compiled anew after the 1st day of January in each year.”;

(c) by the insertion in the second line of subsection (5) and in the seventh line of subsection (7), after the word “second” of the following—

“or third”;

(d) by the addition after subsection (9) of the following new subsection—

“(10) No person shall be entitled to be included in any of the parts of the register who—

(a) has in any part of Her Majesty's Dominions or in any territory under Her Majesty's Protectorate or in any territory in which Her Majesty has from time to time jurisdiction been sentenced to death or imprisonment (by whatever name called) for a term exceeding six months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or

(b) is under any law in force in Hong Kong found or declared to be of unsound mind or adjudged to be a lunatic.”

Passed the Legislative Council of Hong Kong, this 30th day of December, 1953.


Deputy Clerk of Councils.

(Secretariat 2/1146/52c)

D. 15. No. 8/20

PUBLIC RECORDS OFFICE
OF HONG KONG

H.K.R.S. No. 30

28.29