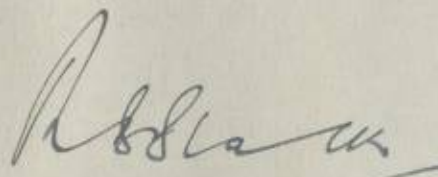


HONG KONG

No. 1 of 1960.



I assent.


Governor.

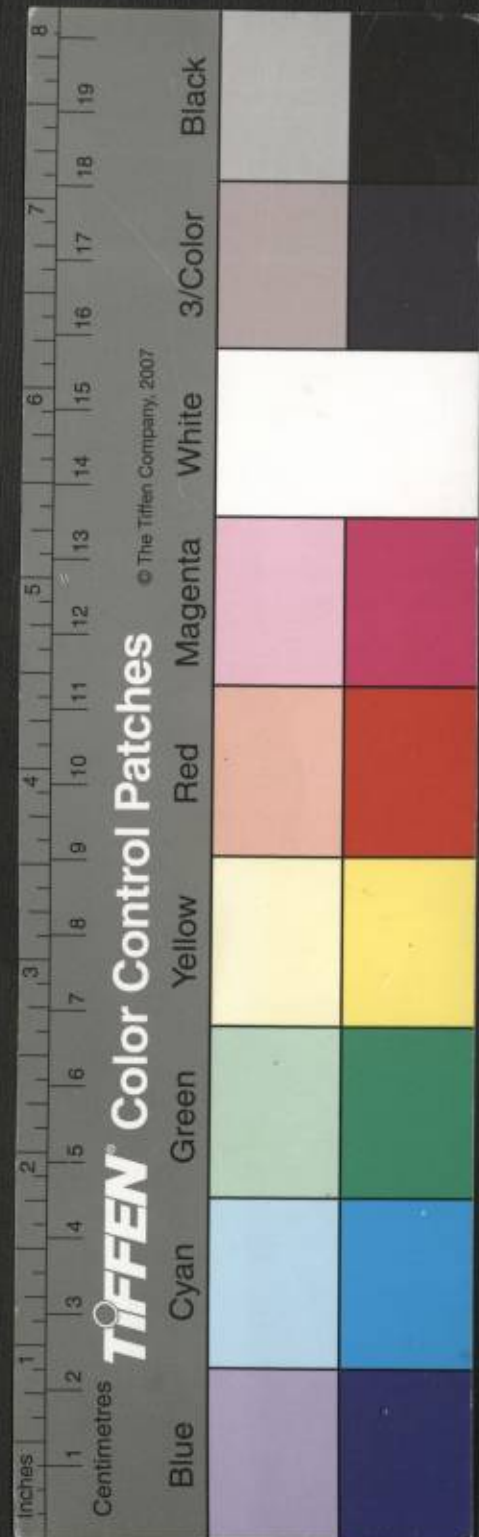
21st January, 1960.

An Ordinance to amend the Marriage Ordinance, Chapter 181.

[22nd January, 1960.]

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 Marriage (Amendment) Ordinance, 1960. Short title.
2. The Long Title to the Marriage Ordinance (hereinafter referred to as the principal Ordinance) is deleted and replaced by the following—
“To provide for the celebration of Christian marriages or the civil equivalent thereof, and for matters connected therewith.” Replacement of Long Title.
(Cap. 181).
3. Section 6 of the principal Ordinance is amended by the insertion therein, at the end of the word “person”, of the letter “s”. Amendment of section 6.
4. Section 9 of the principal Ordinance is amended by— Amendment of section 9.
 - (a) the deletion therefrom of the words and brackets “(except when the Governor grants a licence)”;
 - (b) the deletion from the end thereof of the full stop and the substitution therefor of a colon; and



- (c) the addition thereto of the following proviso—

“Provided that, where he is satisfied that there are special circumstances justifying his doing so, the Registrar of Marriages may issue such certificate at any time within the period of fifteen days after the giving of such notice.”

Repeal of section 10.

5. Section 10 of the principal Ordinance is repealed.

Amendment of marginal note to section 12.

6. The marginal note to section 12 of the principal Ordinance is amended by the deletion therefrom of the words “in case of emergency”.

Amendment of section 15.

7. Section 15 of the principal Ordinance is amended by—

- (a) the deletion of the full stop at the end thereof and the substitution therefor of a colon;
- (b) the addition thereto of the following proviso—

(1 of 1951). “Provided that, where the Director of Social Welfare is the guardian or lawful guardian of such party under the provisions of the Protection of Women and Juveniles Ordinance, 1951, and his written consent is produced to the Registrar, the Registrar may issue a certificate or the Governor may grant a special licence, as the case may be, notwithstanding that the written consent of the father or mother of such party has not been produced to him and notwithstanding that such father or mother has forbidden the marriage under the provisions of section 17.”

Amendment of section 16.

8. Section 16 of the principal Ordinance is amended by—

- (a) the insertion therein, before the word “guardian” where that word first occurs therein, of the following—

“lawful”;

- (b) the insertion therein, after the word “consenting”, of the following—

“or if such party satisfies the Registrar that after diligent inquiry such party is unable to trace any such parent or guardian”; and

- (c) the deletion therefrom of the words “father or mother” and the substitution therefor of the following—

“parent”.

Amendment of section 20.

9. Section 20 of the principal Ordinance is amended by the deletion from subsection (1) thereof of the number “6” in both places where it occurs therein and the substitution therefor of the following—

“7”.

10. Section 21 of the principal Ordinance is amended by the deletion from subsection (3) thereof of the comma appearing after the word “parties”. Amendment of section 21.

11. Section 22 of the principal Ordinance is amended by— Amendment of section 22.

- (a) the addition thereto, after subsection (2), of the following new subsection—

“(2A). The marriage shall take place in the office of the Registrar, with open doors, between 9 a.m. and 7 p.m. :

Provided that, in the case of a marriage by special licence, the Registrar may celebrate the marriage in his office or elsewhere as, and at any time, specified in the licence :

Provided further that the Registrar may, where, having regard to the number of persons desiring to be married at a particular place on a particular date, he thinks fit and he has given not less than seven days’ notice of his intention to marry such persons at that place on that date by exhibiting a notice to that effect in his office, celebrate the marriages of such persons at that place on that date between 9 a.m. and 9 p.m.”;

- (b) the deletion of subsection (3) thereof and the substitution therefor of the following—

“(3) (a) The marriage shall take place in the presence of two or more witnesses, and in the following manner—

(i) the Registrar shall first address the parties to the following effect—

“*Before you are joined in matrimony, it is my duty to remind you of the solemn and binding character of a marriage in this Registry (or place), which is in law the voluntary union for life of one man and one woman to the exclusion of all others. Know ye, therefore, A.B., and C.D., that, by the public taking of each other as man and wife in my presence and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally married to each other, although no other rite of a civil or religious nature shall take place.*”; and

(ii) each of the parties shall then say to the other—

“*I call upon all persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife (or husband).*”.

(b) Where the Registrar is satisfied that he and the parties and witnesses all understand the Chinese language or the same dialect thereof, the marriage may be celebrated wholly in that language or that dialect."

Amendment
of section 23.

12. Section 23 of the principal Ordinance is amended by—

- (a) the deletion therefrom of the word "registered" and the substitution therefor of the following—
"licensed"; and
- (b) the insertion therein, after the word "Registrar" where that word first occurs therein, of the following—
"and such marriage is not to be celebrated by the Registrar".

Amendment
of section 26.

13. Section 26 of the principal Ordinance is amended by the deletion therefrom of the words and commas ", when authorized by the Colonial Secretary to do so,".

Amendment
of section 27.

14. Section 27 of the principal Ordinance is amended by the insertion therein, at the end of the word "certificate" where that word first occurs in that section, of the letter "s".

Amendment
of section 28.

15. Section 28 of the principal Ordinance is amended by the insertion in subsection (2) thereof, within the brackets and after the word "licence", of the following—

"; or when celebrated under the provisions of the second proviso to subsection (2A) of section 22, or when celebrated under the provisions of section 40".

Repeal and
replacement
of section 33.

16. Section 33 of the principal Ordinance is repealed and replaced by the following—

"Penalty for
removing, etc.
records.

33. Any person who wilfully removes, defaces, alters or destroys any notice, certificate, licence or other document kept or filed by the Registrar pursuant to, or for the purposes of, the provisions of this Ordinance shall be liable to a fine of one thousand dollars and to imprisonment for six months."

Amendment
of section 37.

17. Section 37 of the principal Ordinance is amended by the deletion therefrom of the comma appearing after the word "alterations" in the second place where that word occurs in that section.

Amendment
of section 40.

18. Section 40 of the principal Ordinance is amended by—

- (a) the deletion of subsection (1) thereof and the substitution therefor of the following—

"(1) Where two persons who have lived together in unlawful concubinage desire to marry and one of them is *in articulo mortis*, the Registrar or any competent minister

may celebrate the marriage at any place and at any time notwithstanding that the Registrar has not issued a certificate under the provisions of section 9 and that the Governor has not granted a special licence under the provisions of section 12:

Provided that no such marriage shall be valid unless the following conditions are observed—

- (a) no such marriage shall be celebrated unless both the parties are able to signify their consent thereto and do so in the presence of two witnesses;
- (b) no such marriage shall be celebrated where either of the parties is under twenty-one years of age, not being a widower or widow, unless either the written consent of the person whose consent is required under the provisions of section 15 or 16 is produced to the Registrar or minister, or such person is present and gives his or her consent verbally;
- (c) no such marriage shall be valid which would be null and void, on the ground of kindred or affinity, in England or Wales;
- (d) a certificate in the prescribed form shall be signed by the Registrar or minister, and by the witnesses to the marriage, and, where practicable, by the persons so married, and, if either of the parties is unable to sign, the Registrar or minister shall certify accordingly;
- (e) where the marriage is celebrated by a minister, the minister shall, within seven days from the celebration thereof, forward such certificate to the Registrar, to be filed in his office."; and

First
Schedule.
Form 7.

- (b) the deletion from subsection (3) thereof of the figures and brackets "(1)"; and
- (c) the re-numbering of paragraph (2) of subsection (3) thereof as subsection (4) thereof.

19. The First Schedule to the principal Ordinance is amended by—

- (a) the deletion from the first column of Form 1 of the word "bridegroom" and the substitution therefor of the following—
"bridegroom";

- (b) the deletion from the second column of Form 1 of the words "*Bachelor or widower.—Spinster or widow.*" and the substitution therefor of the following—

"*Bachelor, widower or divorced person.—Spinster, widow or divorced person.*";

Amendment
of First
Schedule.

- (c) the deletion of the heading to the sixth column of Form 1 and the substitution therefor of the following—
“By whom consent (if any) given.”;
- (d) the deletion from Form 2 of the words “by virtue of the Governor’s licence dated the _____ day of _____, 19 _____” and the substitution therefor of the following—
“under the provisions of the proviso to section 9”;
- (e) the deletion of Form 3;
- (f) the deletion from Form 5, in both places where they occur therein, of the words and brackets “*Hong Kong (Marriage Ordinance (Chapter 181 of the Revised Edition)) section 21*” and the substitution therefor of the following—
“*Hong Kong Marriage Ordinance, section 21*”;
- (g) the deletion from Form 5, in both places where they occur therein, of the words “Marriage in the _____ according in” and the substitution therefor of the following—
“Married in the _____ according to”;
- (h) the deletion from Form 6 of the words “before the death of the other” and the substitution therefor of the following—
“during the lifetime of the other”;
- (i) the deletion from Form 7, in both places where they occur therein, of the words, figures and brackets “(Chapter 181 of the Revised Edition)”;
- (j) the insertion in Form 7 after the words “according to the rites and ceremonies of the by” in both places where they occur therein, of the following—
“/before”;
- (k) the insertion in the Note in Form 7, before the word “*minister*”, of the following—
“*Registrar or*”; and
- (l) the insertion in Form 7, before the words “*Minister celebrating marriage*” at the foot thereof, of the following—
“*Registrar or*”.

Amendment of Second Schedule.

by—
20. The Second Schedule to the principal Ordinance is amended

- (a) the insertion in Item 2 thereof after the words “Certificate of notice” of the following—
“except when issued under the proviso to section 9”;
- (b) the addition thereto of the following new item—
“2A. Certificate of notice when issued under the proviso to section 9 60 00”;

- (c) the deletion therefrom of Item 6;
- (d) the deletion from the end thereof of the full stop; and
- (e) the addition, at the end thereof, of the following new items—
 - “9. Celebration by Registrar, elsewhere than in his office, of marriage by special licence or of person *in articulo mortis* 20 00
 - 10. Celebration by Registrar of marriages under the second proviso to section 22 (2A), per marriage 10 00
and in addition (to be paid proportionately by the parties being married). 10 00
or 2 00
per marriage, whichever is the greater.”.

21. (1) The Government Printer shall, if directed by the Governor, cause to be prepared and published a reprint of the principal Ordinance and all the Schedules thereto incorporating therein all additions, omissions, substitutions and amendments effected by this Ordinance and by any other enactment amending the principal Ordinance or the Schedules thereto, and shall, if so directed, print as part of such reprint and as an appendix thereto section 1 of this Ordinance together with this section.

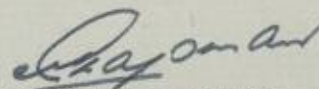
Provision for a reprint of the principal Ordinance as amended and of this Ordinance.

(2) The publication of such reprint and appendix shall be notified by the Colonial Secretary in the *Gazette* and, with effect from the date of such notification, such reprint and appendix shall be deemed authentic copies of the principal Ordinance and the Schedules thereto as amended and of this Ordinance and shall be judicially noticed as such, and further shall be deemed to be official copies for the purposes of subsection (3) of section 7 of the Interpretation Ordinance.

(Cap. 1).

(3) If any inconsistency is shown to exist between a provision of any enactment authorized to be published in such reprint and appendix and that provision as published in such reprint and appendix, the provision as enacted shall prevail.

Passed the Legislative Council of Hong Kong, this 20th day of January, 1960.


Deputy Clerk of Councils.

(Secretariat GR18/3231/53)

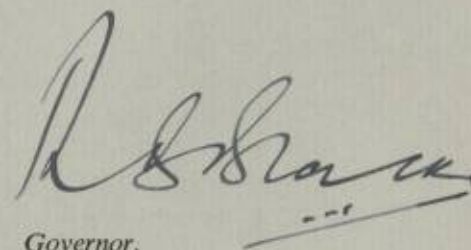


HONG KONG

No. 2 OF 1960.



I assent.



Governor.

21st January, 1960.

An Ordinance to provide for the taking of a census.

[22nd January, 1960.]

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 Census Ordinance, 1960. Short title.

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

“census officer” means the Commissioner, any Deputy Commissioner of Census appointed under section 4 and any person employed under section 6;

“Commissioner” means the Commissioner of Census appointed under section 4;

“return” means a return made in accordance with section 12.

Power to direct census to be taken.

3. The Governor in Council may by order, which shall be published in the *Gazette*, direct that a census of the population or any portion thereof be taken for the Colony or for any part of the Colony, and every such order shall prescribe—

- (a) the date on which the census is to be taken; and
- (b) the purpose for which the census is required,

and in addition thereto may prescribe the persons with respect to whom particulars for the purpose of such census are to be obtained.

Appointment of Commissioner and other officers.

4. The Governor may appoint by name or office any public officer to be Commissioner of Census for the Colony and may in the same manner appoint such number of Deputy Commissioner of Census for the Colony or for any part thereof as may appear to him to be necessary to give effect to the purposes of this Ordinance.

Duties of the Commissioner.

5. Subject to any regulations made under section 23, it shall be the duty of the Commissioner to make such arrangements and to do all such things as are necessary for the taking of a census in accordance with the provisions of this Ordinance, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection of the forms when completed:

Provided that no person shall be required to incur any expense either in order to comply with any such instruction or in relation to the collection of any such form.

Employment of census officers.

6. (1) The Commissioner may employ, whether for payment or otherwise, from time to time such number of persons to be census officers as may appear to him to be necessary for the taking of any census ordered to be taken under section 3.

(2) No census officer shall be deemed by reason only of employment under this section to be employed in the public service for the purposes of the Pensions Ordinance.

(Cap. 89).

Identification of census officers.

7. (1) Every census officer, other than a census officer appointed under section 4, shall carry with him when on census duty a certificate issued by the Commissioner or by a Deputy Commissioner of Census, stating his name and certifying his employment as a census officer and specifying the census in respect of which he is employed; and every such census officer shall produce such certificate for inspection by any person who may question his authority to act under this Ordinance.

(2) Any certificate purporting to be issued under subsection (1) by the Commissioner or by any Deputy Commissioner of Census shall be admissible in evidence in any civil or criminal proceedings and shall, until the contrary is proved, be sufficient evidence of the facts stated therein.

(3) In addition to the issue of certificates under subsection (1) the Commissioner may issue or cause to be issued to census officers such insignia, arm bands or other tokens as he may consider necessary for the purpose of identification.

8. (1) Every person occupying any land, building, enclosure, vessel or other place shall allow any census officer, upon request, such access thereto as may reasonably be necessary to enable him to carry out his duties under this Ordinance; and shall in addition thereto, upon request, permit such census officer to paint, mark or affix, on or to any such property in the occupation of such person, any letters, marks, numbers or other means of identification considered by the Commissioner to be necessary for the purpose of the taking of any census.

Occupier to permit access and numbering of premises, etc.

(2) Any person who—

- (a) refuses or fails to comply with any request made to him by any census officer under subsection (1); or
- (b) without permission of a census officer, removes, obliterates or alters any letter, mark, number or other identification affixed by any census officer acting in accordance with subsection (1),

shall be guilty of an offence.

9. (1) Any census officer may ask of any person all such questions as may reasonably be necessary to obtain the information required for the purpose of the taking of any census.

Questions by census officers.

(2) Any person who refuses to answer, or who knowingly answers untruthfully, any question lawfully put to him in accordance with subsection (1) shall be guilty of an offence.

10. (1) Subject to any directions issued by the Commissioner, any census officer may deliver or cause to be delivered to the occupier of any land, building, enclosure, vessel, or other place, or any specified part thereof, one or more forms requiring completion by such occupier.

Delivery and completion of forms.

(2) Every such occupier shall complete, or cause to be completed, each such form both in the manner and in the time indicated therein and shall thereafter return it on request, or cause it to be so returned, so completed either to the census officer from whom it was obtained or to such other census officer as the Commissioner may direct in writing or shall otherwise dispose of such form in the manner and time (if any) directed therein.

(3) If any occupier to whom a form is delivered under subsection (1) is unable either himself to complete it in the manner or in the time indicated therein or to cause some other person so to complete it, such occupier shall either return the form in the condition in which he received it to the census officer from whom it was obtained or to such other census officer as the Commissioner may direct in writing, or shall dispose of such form in the manner and time (if any) directed therein and shall declare, either verbally or in writing, his inability to complete the form.

(4) Notwithstanding anything contained in subsection (2) or (3), if it appears expedient to any census officer charged with the delivery of any form for completion by any person for the purpose of any census he may either at the request of such person or of his own motion obtain verbally from such person the particulars required for completion of the form and himself complete the form in the manner required.

(5) At any time within two months after the date ordered for the taking of any census, if so required by the Commissioner or any Deputy Commissioner, any census officer may visit any land, building, enclosure, vessel or other place for the purpose of checking any information obtained or of obtaining any further information for the purpose of such census, and may, after asking such questions under section 9 as he may consider necessary, add any name or particular to or delete any name or particular from any form issued for the purpose of such census or otherwise correct any material particular contained in any such form.

(6) Any person who refuses or fails to comply with any of the provisions of subsection (2) or (3) shall be guilty of an offence.

11. (1) If so directed by the Commissioner, any census officer may deliver, or cause to be delivered, to the person in charge of—

- (a) any public or private institute of any kind whatsoever in which inmates reside, whether for payment or otherwise, including any penal, corrective or remand establishment; or

Collective forms for use in the case of institutions, etc.

- (b) any hotel, boarding house, lodging house, club or other residential establishment,

a form to be completed in respect of the persons who, at the time of the taking of the census, are in or upon the premises.

(2) The person to whom any form is delivered under subsection (1) shall complete the same to the best of his knowledge and belief both in the manner and in the time indicated in such form and shall thereafter, either return the same to the census officer from whom it was obtained or to such other census officer as the Commissioner may direct in writing or otherwise dispose of such form in the manner and time (if any) directed therein.

(3) Any person who refuses or fails to comply with any of the provisions of subsection (2) shall be guilty of an offence.

12. (1) Where for the purpose of any census it appears to the Commissioner expedient to obtain returns relating to employment he may, in addition to any other particulars which may be required, call upon any person to make returns, upon forms to be provided by the Commissioner for that purpose, of all persons in such person's employment at the time of the taking of the census including, if so required, particulars as to the hours worked and the nature of the employment.

Employment returns.

(2) Any person who, when called upon to make a return under subsection (1), refuses or fails to make such return shall be guilty of an offence.

13. The Commissioner may obtain, by such lawful means as may appear to him best adapted for the purpose, such particulars as may be required for the purposes of any census, regarding—

Enumeration of armed forces and travellers.

- (a) any naval, military or air force personnel stationed or for the time being in the Colony whether engaged in the Armed Forces of the Crown or in the armed forces of any foreign power; and
- (b) any persons who, at the time of the taking of the census, are travelling or on shipboard or for any reason not abiding in any premises or vessel of which account is to be taken in the census.

14. Subject to any regulations made under section 23, every census officer shall deal, in the manner directed by the Commissioner, with all forms or returns collected or received by him under this Ordinance:

Disposal of completed forms.

Provided that not later than nine months after the date directed for the taking of any census every such completed form or return, and any copy thereof, shall be destroyed by fire and a certificate to that effect shall be signed by the Commissioner and delivered to the Governor.

Custody of documents.

15. Any person having the custody, whether on his own behalf or on the behalf of any other person, of any form or return completed or made under this Ordinance, or of any abstract or other document compiled therefrom which contains particulars relating to any person, or to any such person's business, who—

- (a) fails to keep such form, return, abstract or other document at all times in such manner as to prevent any unauthorized person having access thereto; or
- (b) discloses to any unauthorized person the contents of such form, return, abstract or other document,

shall be guilty of an offence.

False entries in forms or returns.

16. Any person who enters or causes to be entered in any form or return required to be completed or made by him under this Ordinance any particular which he knows to be false or which he does not believe to be true, shall be guilty of an offence.

Obstructing census officers.

17. Any person who obstructs any census officer acting in the course of his duty under this Ordinance shall be guilty of an offence.

Impersonation of census officers, etc.

18. Any person who—

- (a) with the intention of obtaining any information from any person, impersonates a census officer; or
- (b) without lawful excuse, has in his possession any document purporting to be a certificate issued under subsection (1) of section 7 or any insignia, arm band or other token issued under subsection (3) of that section or any insignia, arm band or token so nearly resembling any such insignia, arm band or other token as to be likely to deceive,

shall be guilty of an offence.

Offences by census officers.

19. Any census officer and any person engaged in the preparation of any abstract, report or other document in connexion with any census who—

- (a) without reasonable cause refuses or neglects to comply with any lawful instruction issued to him by the Commissioner;
- (b) wilfully in the course of carrying out his duty in connexion with the taking of any census puts to any person an offensive or improper question;
- (c) knowingly makes any false return or alters any particular contained in any form or return with the intention to falsify the same; or

- (d) discloses to any unauthorized person any information which has come to his knowledge in the course of his duty in connexion with any census,

shall be guilty of an offence.

20. Any person convicted of an offence—

Penalties.

- (a) against section 8, 9, 10, 11, 12 or 17 or paragraph (a) or (b) of section 19 shall be liable to a fine of five hundred dollars; or
- (b) against section 15, 16 or 18, or paragraph (c) or (d) of section 19 shall be liable to a fine of five thousand dollars and imprisonment for six months.

21. No prosecution for any offence against this Ordinance shall be commenced without the written consent of the Attorney General.

Prosecution of offences.

22. No census officer nor any other person shall be required in any civil or criminal proceedings whatsoever to give in evidence any information relating to particulars concerning any person, institution, business or undertaking which has been obtained by him in the course of and as a result of his connexion with the taking of any census or with the preparation of any abstract, report or other document compiled in connexion with such census; and no completed form, return, abstract or other document which contains particulars of any person, institution, business or undertaking shall be admissible in evidence in any such proceedings:

Information obtained by census not admissible in evidence.

Provided that nothing in this section shall be taken to prevent the production of such evidence as may be necessary for the purpose of any proceedings instituted for an offence against this Ordinance.

23. (1) The Governor in Council may make regulations prescribing or providing for—

Regulations.

- (a) the employment, payment and duties of census officers;
- (b) the methods to be used for the taking of any census;
- (c) the custody, including destruction, of confidential documents relating to any census;
- (d) the preparation and publication of census reports;
- (e) generally, the carrying into effect of the provisions of this Ordinance.

(2) Regulations made under this section may provide that contravention of any of the provisions of such regulations shall be an offence and may prescribe penalties therefor not exceeding a fine of one thousand dollars.

Repeal of
previous
enactment.

24. The Census Ordinance, 1931, is repealed.

Passed the Legislative Council of Hong Kong, this 20th day of
January, 1960.

Deputy Clerk of Councils.

(Secretariat GR15/3231/59)



HONG KONG

No. 3 of 1960.

I assent.

Governor.

4th February, 1960.

An Ordinance further to amend the Vagrancy Ordinance, Chapter 229.

[5th February, 1960.]

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 Vagrancy (Amendment) Short title.
Ordinance, 1960.

2. Section 27 of the Vagrancy Ordinance (hereinafter referred to
as the principal Ordinance) is amended by the deletion of subsection (2)
and the substitution therefor of the following—

Amendment
of section 27
of the
principal
Ordinance.
(Cap. 229).

“(2) Any person who is guilty of mendicancy shall upon
summary conviction be liable—

- (a) for a first or second offence, to a fine of five hundred
dollars and to imprisonment for one month; and
- (b) for a third or subsequent offence, to a fine of five hundred
dollars and to imprisonment for twelve months.”.

Amendment
of section 28
of the
principal
Ordinance.

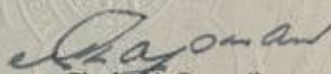
3. Section 28 of the principal Ordinance is amended by the deletion of the words and full stop "shall upon summary conviction be liable to imprisonment for three months." and the substitution therefor of the following—

"shall upon summary conviction be liable—

- (a) for a first or second offence, to imprisonment for three months; and
- (b) for a third or subsequent offence, to imprisonment for eighteen months."

Passed the Legislative Council of Hong Kong, this 3rd day of February, 1960.

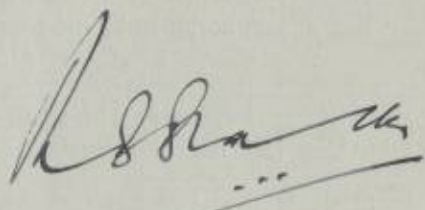
(Secretariat CR1/5091/59)


Deputy Clerk of Councils.

HONG KONG

No. 4 OF 1960.

I assent.


Governor.

4th February, 1960.

An Ordinance to grant to the China Motor Bus Company Limited the exclusive right to maintain and operate certain public transport services.

[15th February, 1960.]

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 Public Transport Services (Hong Kong Island) Ordinance, 1960 and shall come into operation on the 15th day of February, 1960. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
"Authority" means the Commissioner of Police or any other person who may be designated by any other enactment to be the Authority for the purposes of this Ordinance;

"Company" means the China Motor Bus Company Limited;

"grant" means the grant of the exclusive right made by section 3;

"public omnibus", "public car" and "road" have the meanings assigned to them by section 2 of the Road Traffic Ordinance, 1957;

(39 of 1957).

"Schedule of Services" means the Schedule of Services referred to in section 14 as amended from time to time;

"service" means a service of public passenger transport vehicles provided and maintained by the Company in accordance with the provisions of section 13 or by any other person in accordance with the provisions of subsection (2) of section 18.

Grant of exclusive right.

3. Subject to the provisions of this Ordinance, the Government grants to the Company the exclusive right to transport persons by road in public omnibuses and in public cars on the island of Hong Kong and Aplichau in such circumstances that payment is made for the seat occupied by the passenger so transported, as distinct from the hiring of the vehicle.

Duration of grant and renewal thereof.

4. (1) The grant is made for a term of fifteen years from the 15th day of February, 1960.

(2) If not less than one year before the date of expiry of the term referred to in subsection (1) or of any extension thereof, the Company shall have given to the Government notice requesting the extension of such term and if at such date of expiry there shall not be any existing breach or non-observance by the Company of any of the provisions of this Ordinance and the Governor in Council is satisfied that during the term and any such extension there has been no substantial breach or non-performance or non-observance on the part of the Company of any of the provisions of this Ordinance, the Government shall extend the term of the grant for a further term of five years:

Provided that no extension granted in accordance with the provisions of this subsection shall extend the term of the grant beyond the 14th day of February, 1990.

Limitations and exclusions.

5. There shall be excluded from the grant the exclusive right to maintain the following services—

- (a) the tramway service carried on by the Hong Kong Tramway Company Limited in accordance with the provisions of the Tramway Ordinance, or any trolley service substituted therefor;

(Cap. 107).

- (b) the chartering and hiring of public omnibuses and public cars where payment is made otherwise than for the seat occupied by the passenger;
- (c) the running of sight-seeing tours where the journey commences and ends at the same place, even though there may be breaks or stops in the journey, no person being permitted to join the vehicle for the first time other than at the departure point or, by prior arrangement only, at an intermediate point, and payment being made by or on behalf of each person travelling on the vehicle at a fare for the whole journey, irrespective of the distance actually travelled;
- (d) services provided and used by an employer for the conveyance only of his employees to and from their place of work;
- (e) services between an airport and hotels, airline offices or ferry terminals where persons are conveyed from the airport to a hotel, to an airline office or to a ferry terminal or from a hotel, an airline office or a ferry terminal to the airport, no passengers being permitted to embark on or disembark from the vehicle in the course of the journey and passengers being limited to persons who have arrived in the Colony or intend to leave the Colony by an aeroplane, persons meeting or accompanying them and airline and airport employees;
- (f) services provided by the Government or the Armed Forces of the Crown for the conveyance of Government servants or members of the Armed Forces of the Crown and members of the families of either;
- (g) services of vehicles used for the conveyance only of school children and their teachers and persons accompanying or in charge of school children to and from schools; and
- (h) services run by hotels for the convenience of hotel guests only where every person using the service either enters or leaves the vehicle at the hotel:

Provided that nothing in this section shall limit the right of the Company to provide any such service as is described in this section.

6. (1) The Company shall not assign its rights and obligations under this Ordinance or any part of such rights and obligations without the prior consent of the Governor in Council. Assignment.

(2) The Governor in Council, in granting such consent, may impose such conditions as he shall consider necessary in addition to and not in substitution for any provisions of this Ordinance.

(3) On any assignment of the rights and obligations of the Company under this Ordinance, no stamp duty shall be payable in accordance with the provisions of the Stamp Ordinance on the value of such rights and obligations as distinct from the value of any other assets of the Company passing on such assignment.

Control
of the
Company.
(Cap. 32).

7. (1) The Company shall remain registered under the Companies Ordinance.

(2) No person other than a *bona fide* resident of Hong Kong shall be or remain a director of the Company.

(3) The majority of the directors of the Company shall, at all times, be British subjects.

(4) The management and administrative staff of the Company, or an effective majority thereof to the satisfaction of the Governor in Council, shall be British subjects.

Royalty.

(Cap. 112).

8. (1) The Company shall pay to the Government a royalty of forty six per cent of the net profit of the Company for each year, ascertained in accordance with Part IV of the Inland Revenue Ordinance:

Provided that—

- (a) in making the deductions set forth in section 16 of that Ordinance due regard shall be had to the current level of prices and costs, so that any such deduction shall be limited to such sum as the Financial Secretary may decide 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 that Ordinance on what the Financial Secretary may decide is a reasonable price for such asset at the time of acquisition; and
- (b) in ascertaining the net profit as aforesaid, no deduction shall be made in respect of any sum which may be payable as royalty by the Company to the Government.

(2) 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 and any person appointed to carry out duties under that Ordinance shall on demand of the Financial Secretary or such authorized person 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.

9. (1) On or within three days after the first day of April 1960 and on or within three days after the first day of every subsequent month during the continuance of the grant the Company shall pay to the Government on account of the royalty accruing during each current accounting year of the Company a sum equal to one-twelfth of forty six per cent of the estimated net profit for the current year or such sum as the Financial Secretary may determine, the sum payable on the 1st day of April 1960 being determined proportionately to cover the period from the 15th day of February 1960 until the 31st day of March 1960.

Payment of
royalty.

(2) As soon as the net profit for such current year has been ascertained a final adjustment shall be made and the Government shall refund any sum paid on account in excess of the royalty due for that year or if total of the amounts paid on account by the Company is less than the royalty due, the Company shall pay the balance thereof to the Government.

(3) In respect of any broken period, the amount payable to the Government shall be computed from the accounts of the Company for such period and adjustment shall be made accordingly.

10. For the purpose of ascertaining the net profit of the Company during any period in respect of which royalty is payable in accordance with the provisions of section 8 or of ascertaining whether any deduction which the Company has made or may be seeking to make from profits is reasonable, the Financial Secretary may, by direction under his hand, call upon the Company and any employee of the Company to produce to him, at such time and place as may be specified in such direction, such books and statements of account as may be required.

Powers of
Financial
Secretary
in relation
to royalty.

11. (1) The Company shall not, without the prior permission in writing of the Financial Secretary, form or acquire any subsidiary company or any company in which the Company has a majority of the shares or control of the voting power.

Subsidiary
companies.

(2) The Company shall not, without the prior permission in writing of the Financial Secretary, enter into any contract whatsoever with any company such as is described in subsection (1).

(3) If the Company shall have entered into any contract with a company such as is described in subsection (1) or with any company in respect of which the Company has substantial voting power or in respect of which any person who has substantial voting power in the Company has also substantial voting power, the Financial Secretary in ascertaining the amount due by the Company in respect of royalty may examine the terms and conditions of such contract and may refuse to permit the Company to consider its liability under such contract or any part thereof as a deduction from the profits of the Company for the purpose of ascertaining the amount of the royalty, if the Financial Secretary shall decide that the purpose or effect of such contract is to transfer from the Company to any other company any profits of the Company which might otherwise be included for the purpose of ascertaining the amount of the royalty.

List of shares of Company in stock exchange.

12. (1) The Company shall take such steps as are necessary in consultation with the Hong Kong Stock Exchange to have and to continue to have the shares of the Company listed and quoted on the Hong Kong Stock Exchange.

(2) If by the 15th day of February 1961, the shares of the Company are not listed or quoted on the Hong Kong Stock Exchange, the Government may cause to be served on the Company notice requiring the Company to show cause to the Governor in Council within one month of the date of such service why the grant should not be revoked by reason of the failure of the Company to obtain the listing and quotation of its shares on the Hong Kong Stock Exchange and if, after the expiry of such period of one month, the Governor in Council is satisfied that the failure of the Company to obtain the listing and quotation of its shares on the Hong Kong Stock Exchange is due to the failure or neglect of the Company, the Governor in Council may revoke the grant and such revocation shall deem to have been by reason of non-compliance on the part of the Company with the provisions of this Ordinance.

(3) The provisions of subsection (2) shall apply if, during the term of the grant or any extension thereof, the shares of the Company cease to be listed or quoted on the Hong Kong Stock Exchange.

Company to provide services.

13. (1) The Company shall provide and maintain throughout the term of the grant and any extension thereof to the satisfaction of the Authority adequate and efficient services of public passenger transport vehicles for the transport of passengers on roads on Hong Kong Island and Aplichau, in return for payment on a per seat basis.

(2) The services shall be provided and maintained on the routes specified from time to time in the Schedule of Services at fares not exceeding the fares specified therein, and according to the time-tables

set forth therein and by the use of vehicles of such types and capable of lawfully carrying not less than the number of passengers as are specified therein.

(3) The Company shall not charge any person a fare greater than the appropriate fare specified in the Schedule of Services.

(4) Nothing in this section shall prevent the Company from providing a supplementary service of public omnibuses and public cars in addition to the service specified in the Schedule of Services, on any route or on any part of a route if the service specified in the Schedule of Services is inadequate to meet the demands therefor and the Company, if required by the Authority to do so, shall provide such supplementary service.

14. (1) A Schedule of Services which has been agreed between the Authority and the Company and a copy of which, signed by or on behalf of the Authority and the Company has been deposited with the Colonial Secretary shall be the Schedule of Services for the purpose of the Ordinance, subject to amendment in accordance with the provisions of section 15.

Schedule of Services.

(2) A copy of such Schedule of Services shall be published in the *Gazette* as soon as is practicable after the coming into operation of this Ordinance.

15. (1) The Authority, at the request of or after consultation with the Company, may at any time amend the Schedule of Services and shall publish in the *Gazette* notice of such amendment.

Amendment of Schedule of Services.

(2) Subject to the provisions of sections 16 and 17, an amendment made in accordance with the provisions of subsection (1) shall take effect on such date as is provided in the notice, which date shall be not less than twenty eight days after the date of publication in the *Gazette*.

(3) Nothing in this section shall empower the Authority—

(a) to require the Company to commence and maintain a service on any route not specified in the Schedule of Services or to decrease the fares payable on any route specified in the Schedule of Services without the prior agreement of the Company; or

(b) to increase the fares payable on any route specified in the Schedule of Services.

(4) Nothing in this section shall prevent the Company, with the consent of the Authority, from commencing and continuing any additional service for a period not exceeding three months notwithstanding that such service shall not have been included in the Schedule of Services.

Appeal by
rate payers.

16. (1) If any two hundred and fifty or more persons who are rate payers resident in the Colony are of the opinion that—

- (a) the Company has failed and is failing to maintain the service or any part thereof in accordance with the provisions of section 13; or
- (b) any amendment to the Schedule of Services provided by a notice published in accordance with the provisions of subsection (1) of section 15 is unreasonable,

such persons may appeal collectively by petition to the Governor in Council.

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

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

(4) On any such appeal, the Governor in Council may—

- (a) order the Company to remedy such failure; or
- (b) revoke or amend the notice,

as the case may be.

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

(6) Any order made by the Governor in Council in accordance with the provisions of subsection (4) shall be published in the *Gazette*.

Appeal
by the
Company.

17. (1) If the Company is aggrieved by any decision or requirement or direction of—

- (a) the Financial Secretary in accordance with the provisions of subsection (1) of section 8, subsection (1) of section 9, section 10, or section 11;
- (b) the Colonial Secretary in accordance with the provisions of subsection (2) of section 29;
- (c) the Authority in accordance with the provisions of subsection (4) of section 13, subsection (1) of section 15, or section 23 or subsection (1) or subsection (3) of section 26; or
- (d) the Commissioner of Labour in accordance with the provisions of section 25.

the Company may appeal, by petition, to the Governor in Council and, subject to the provisions of section 19, the decision of the Governor in Council on any such appeal shall be final.

(2) When any such appeal has been made, the decision, requirement or direction shall not be enforced until the decision of the Governor in Council on the appeal has been made, unless the Governor in Council otherwise directs.

18. (1) The Governor in Council may at any time, by order served on the Company by the Authority, require the Company, after the expiry of such period as may be specified in the order, which period shall not be less than one month, to provide and maintain an additional service on a route specified in such order, not being a route specified in the Schedule of Services and at fares not exceeding the fares specified in such order and according to the time-table set forth in such order and by the use of vehicles of such type and capable of lawfully carrying not less than the number of passengers as may be specified in such order. Additional services.

(2) If the Company fails, without reasonable cause, to commence and establish the service in accordance with such order, the Governor in Council, at any time thereafter, without prejudice to the powers conferred on him by section 27 may grant permission to any person to establish and maintain the service referred to in such order upon such terms and conditions, including conditions relating to fares, time-tables, and vehicles, as the Governor in Council may consider necessary and no service established and maintained in accordance with such permission shall constitute a breach of the exclusive right granted by this Ordinance;

Provided that if the Governor in Council shall grant to any person permission to establish and maintain the service specified in an order made under subsection (1), the grant shall not be liable to revocation in accordance with the provisions of section 27 in respect of the failure of the Company to comply with such order.

19. (1) If—

- (a) the Company is of the opinion that by reason of—
 - (i) any material change in the economic and financial conditions of the Colony;
 - (ii) an order made in accordance with the provisions of subsection (1) of section 15;
 - (iii) the dismissal of an appeal by the Company made under section 17;
 - (iv) compliance with an order made in accordance with the provisions of subsection (1) of section 18; or
 - (v) any other circumstances affecting the grant;
 the carrying out of the obligations of the Company under this Ordinance is not reasonably remunerative; or

Adjustment
of fares
and royalty.

- (b) the Governor in Council is of the opinion that by reason of—
- (i) any material change in the economic or financial conditions of the Colony; or
 - (ii) any material change in any other circumstances affecting the grant,
- the exercise by the Company of its rights under this Ordinance is excessively remunerative to the Company,

the Company and the Governor in Council may agree to the variation of the fares set forth in the Schedule of Services and the Governor in Council may, by order published in the *Gazette* vary such fares in accordance with such agreement but if the Company and the Governor in Council are unable to agree to such variation of such fares as may appear reasonable, the Company or the Governor in Council, as the case may be, may, notwithstanding any previous negotiations, submit the proposed variation of such fares to arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII,
p. 44).

- (2) If on any such arbitration, the Arbitrator decides that the fares set forth in the Schedule of Services should be varied, the Governor in Council shall, either—
- (a) by order published in the *Gazette* amend the fares set forth in the Schedule of Services in compliance with the decision of the Arbitrator; or
 - (b) by order, vary the rate of royalty specified in subsection (1) of section 8 with or without varying such fares in such manner as shall, in the opinion of the Governor in Council increase or decrease the remuneration received by the Company from the carrying out of its obligations under this Ordinance in the same manner and to the same extent as if the fares set forth in the Schedule of Services had been varied in accordance with the decision of the Arbitrator.

(3) If the Company is of the opinion that the order made by the Governor in Council in accordance with the provisions of paragraph (b) of subsection (2) does not increase or decrease the remuneration received by the Company from the carrying out of its obligations under this Ordinance in the same manner and to the same extent as if the fares stipulated in the Schedule of Services had been varied in accordance with the decision of the Arbitrator, the Company may resubmit the matter to arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure and, on such arbitration, the Arbitrator shall have power to decide what royalty should be paid by the Company to the Government if the fares were as laid down in such order and as from the date of the decision of the Arbitrator, royalty shall be paid in accordance with the provisions of subsection (1) of section 8 at the rate decided by the Arbitrator.

(Vol. VII,
p. 44).

20. (1) The Company shall cause to be displayed in a conspicuous place, available for inspection at all times by members of the public—
- (a) outside the registered office of the Company, a copy of the Schedule of Services; and
 - (b) at or near the terminus of every service, a copy of every part of the Schedule of Services which relates to that service.
- (2) The Company shall cause to be displayed in a conspicuous place in every vehicle used on any service, a copy of every part of the Schedule of Services which relates to that service.

Display of
Schedule of
Services.

21. (1) Children below the age of twelve years and members of the Armed Forces of the Crown in uniform shall be charged on every service only one half of the normal adult fare for any journey, calculated in the case of a fare which is not an even multiple of five cents to the nearest whole five cents above and subject to a minimum fare of ten cents.

Reduced
fares.

(2) A child below the age of four years, if accompanied by an adult and not occupying a seat, not more than two children being accompanied by any one adult, shall be carried free of charge.

(3) Members of the Police Force, the Hong Kong Auxiliary Police Force, the Preventive Service and the District Watch Force and postmen on duty and in uniform and members of the Police Force and Preventive Service on duty and, if not in uniform, in possession of a pass issued by the Company, shall be carried free of charge on every service.

22. (1) Subject to the provisions of subsection (3) every vehicle used by the Company in complying with the provisions of this Ordinance shall be of British or of British Commonwealth manufacture.

Vehicles to
be of
British
manufacture

(2) If any dispute shall arise as to whether any vehicle used or employed by the Company in the service, complies with the provisions of this section, the decision of the Governor in Council thereon shall be final.

(3) If for any reason whatsoever, the Company deems it necessary or expedient to use in connexion with the grant any vehicle not of British or of British Commonwealth manufacture the Company may apply to the Governor in Council for permission to use such vehicle and the Governor in Council may grant such permission upon such terms as he shall think fit.

23. (1) The Company shall not use or employ on any service any double-decker public omnibuses without the prior permission in writing of the Authority.

Double-
decker
omnibuses.

(2) The Authority may at any time require the Company, at not less than six months' notice, to provide a service of double-decker public omnibuses on any route.

Records.

24. (1) The Company shall keep the following records in respect of every service—

- (a) the number and capacity of motor vehicles running;
- (b) the number of daily journeys and mileage run by each such vehicle;
- (c) the number of tickets sold on each vehicle on each journey; and
- (d) detailed receipts in respect of each route.

(2) The Company shall permit the Financial Secretary and any person authorized in writing by him to inspect all such records and also all accounts kept by the Company in connexion with every service and all stocks of tickets and the Company shall afford such facilities for such inspection as may from time to time be required.

Canteen and latrine facilities.

25. (1) Not later than the 31st day of December, 1960 and thereafter during the continuance of the grant and of any extension thereof the Company will provide or ensure the provision of adequate canteen and latrine facilities for employees of the Company at or near to every terminus of every service to the satisfaction of the Commissioner of Labour unless the Commissioner of Labour is satisfied that such facilities are otherwise available, are not necessary or can not be reasonably provided.

(2) Any facilities provided by the Company in accordance with the provisions of subsection (1) shall be at the sole expense of the Company.

Cost of other facilities.

26. (1) The Company shall provide at its own expense depots of such size and in such numbers as the Authority may consider necessary for the maintenance of all vehicles used by the Company in complying with the provisions of this Ordinance and for the parking of all such vehicles during such time as they are not employed for such purpose.

(2) Subject to the provisions of subsection (3) the Government will provide at its own expense at or near the terminus of every service such facilities as the Authority may consider necessary for the temporary parking and turn-round of such vehicles while employed for such purpose.

(3) The Company shall reimburse to the Government the cost of erection, removal and replacement of any canopies and shelters over waiting platforms and the cost of erection, maintenance, removal and replacement of any queue railings and the cost of the lighting of any such canopies and shelters which the Authority may consider necessary for the efficient provision of the services.

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

- (a) there has been a substantial failure on the part of the Company to comply with any of the provisions of the Road Traffic Ordinance, 1957;
- (b) the Company is insolvent;
- (c) the Company has failed to establish and maintain the service in accordance with the provisions of section 13;
- (d) the Company has failed to pay the royalty in accordance with the provisions of subsection (1) of section 8;
- (e) the Company has failed to comply with an order served on the Company in accordance with the provisions of subsection (1) of section 18;
- (f) the Company has failed to comply with an order made by the Governor in Council in accordance with the provisions of subsection (4) of section 16; or
- (g) there has been substantial failure on the part of the Company to comply with any of the provisions of this Ordinance,

Revocation of grant.
(No. 39 of 1957).

the Governor in Council may direct the Authority to serve on the Company a notice specifying the extent of such failure and requiring the Company to show cause in writing to the Governor in Council within twenty eight days after the date of such service why the grant should not be revoked:

Provided that the Governor in Council may from time to time extend such period if he shall consider such course necessary or advisable.

(2) If the Company fails, within twenty eight days of the service of such notice, to show cause why the grant should not be revoked, or if the Governor in Council, after considering the representations of the Company, is of the opinion that the Company has not shown cause why the grant should not be revoked, the Governor in Council may by order revoke the grant.

(3) Any order made in accordance with the provisions of subsection (2) shall be served on the Company and, as soon as is practicable thereafter, shall be published in the *Gazette*.

(4) On the revocation of the grant in accordance with the provisions of subsection (2) all the rights and obligations of the Company under this Ordinance shall wholly cease and determine as from the date of the order save and except the liability of the Company to pay royalty in accordance with the provisions of section 8 up to the date of the order and the obligation of the Company in respect of the com-

pulsory purchase of the assets of the Company in accordance with the provisions of section 30:

Provided that the right of compulsory purchase under section 30 may be exercised by the Government only within three months of the date of revocation.

Emergency.

28. (1) If the Governor in Council is of the opinion that there is such emergency as would justify the taking over of the services, the Governor in Council may order that the Government shall take over the services together with such of the assets of the Company as are necessary for the running of the services and continue the same with or without modifications or suspend the same as the Governor in Council shall consider necessary until the Governor in Council is satisfied that the emergency no longer exists.

(2) The Government shall pay to the Company for the use of such assets and for loss and damage suffered by reason of such take-over such amount as may be agreed between the Government and the Company or, in default of agreement, as shall be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII,
p. 44).

(3) The duration of any such emergency and any such taking-over shall be computed in and not deducted from the term of the grant or of any extension or renewal thereof.

Failure of
Company.

29. (1) Notwithstanding any provision hereinbefore contained if, in the opinion of the Governor in Council, the Company shall have failed or be likely to fail to make provision for the motor vehicles or organization requisite for carrying on effectively the service to be provided in accordance with the provisions of this Ordinance, the Governor in Council, without prejudice to any other right or remedy, may make such arrangements with any other person as may in his opinion be desirable for the commencement and maintenance of an efficient service on all or any of the routes in the area in which the Company has agreed to provide such service, either in substitution for or in conjunction with the Company and for such period as the Governor in Council may think fit and in such event no compensation shall be claimed by or shall be payable to the Company in respect thereof.

(2) For the purpose of enabling the Governor in Council to ascertain what arrangements have been made or are going to be made by the Company for the proper fulfilment of its obligations under this Ordinance, the Company shall on request of the Colonial Secretary forthwith furnish to the Colonial Secretary such information as to motor vehicles obtained or ordered and all other matters relevant to the organization of the Company as the Colonial Secretary may require.

30. (1) The Governor in Council on the 15th day of February, 1970 and on the 15th day of February in every fifth year thereafter, during the term of the grant or of any renewal thereof, on giving to the Company not less than twelve months' previous notice in writing may require the Company to sell and thereupon the Company shall sell to the Government or to a nominee of the Government its undertaking, vehicles, land, building, works, materials and plant suitable to and used by the Company for the purpose of fulfilling its obligations under this Ordinance for and on consideration of the then value of the same. Compulsory
purchase.

(2) The value referred to in subsection (1) shall be the fair value at the time of the purchase, due regard being had to the cost of all goods, less depreciation and to the then nature, condition and state of repair of the buildings, works, materials, plant and vehicles and to the fact that they are in such condition and repair as to be ready for immediate working and to the suitability of the same for the purpose of the fulfilment of the obligations of the Company under the Ordinance but without any addition in respect of compulsory purchase or of goodwill or of any profits which might have been made from the undertaking or of any similar considerations.

(3) If the Government and the Company are unable to agree the amount to be paid to the Company in accordance with the provisions of this section, the amount shall be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII
p. 44)

(4) When any such sale has been made and completed all the rights, powers and authorities of the Company in respect of the premises and property sold shall be transferred to and vested in and may be exercised by the Government or by its nominee.

(5) Notwithstanding anything contained in this section, the Government, immediately on the revocation of the grant or on the expiration of any such period as aforesaid in relation to which notice requiring the Company to sell has been given, may take possession and use such of the assets of the Company as the Governor may deem necessary for maintaining an effective service:

Provided that on the revocation of the grant, the Government shall not maintain such possession for longer than three months without compulsorily acquiring such assets and, if such assets are not compulsorily acquired, the Government shall pay reasonable compensation for use and occupation thereof to be agreed between the Government and the Company or in default of agreement to be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII
p. 44)

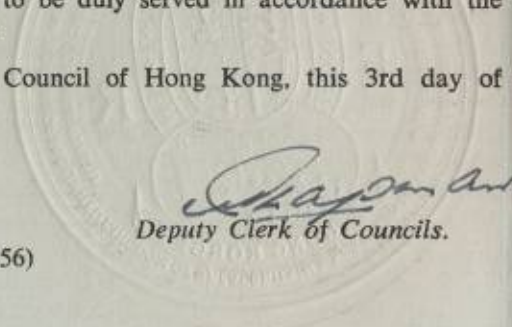
(6) The Government shall pay to the Company interest at the rate of four per cent on the amount finally determined for payment by the Government to the Company from the date of any taking-over until the date of payment.

Notices.

31. (1) Any notice or other communication from the Governor in Council, the Government, the Authority or from any Government department to the Company may be delivered to or sent by ordinary post to the Company at the registered address of the Company and shall be deemed to be duly served at the time when it was delivered or, if posted, at the time when it ought in due course to be delivered to the address to which it is sent.

(2) Any notice from the Company to the Governor in Council, the Government, the Authority or to any Government department, may be delivered or posted by ordinary post addressed to the addressee at the Central Government Offices, Lower Albert Road, Hong Kong, and if so sent shall be deemed to be duly served in accordance with the provisions of subsection (1).

Passed the Legislative Council of Hong Kong, this 3rd day of February, 1960.



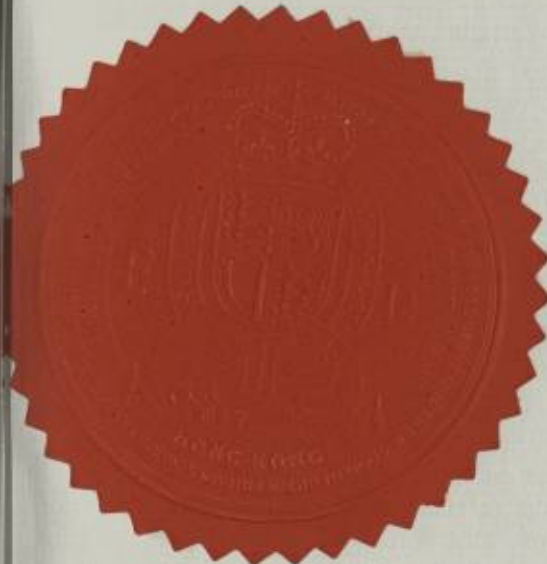
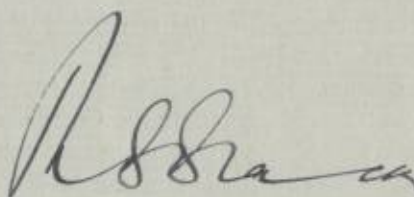
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Deputy Clerk of Councils.

(Secretariat GR1/5541/56)

HONG KONG

No. 5 OF 1960.

I assent.

Governor.

4th February, 1960.

An Ordinance to grant to the Kowloon Motor Bus Company (1933) Limited the exclusive right to maintain and operate certain public transport services.

[15th February, 1960.]

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 Public Transport Services (Kowloon and New Territories) Ordinance, 1960, and shall come into operation on the 15th day of February, 1960. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
"Authority" means the Commissioner of Police or any other person who may be designated by any other enactment to be the Authority for the purposes of this Ordinance;

"Company" means the Kowloon Motor Bus Company (1933) Limited or such other person to whom the rights and obligations of the Kowloon Motor Bus Company (1933) Limited may be assigned with the consent of the Governor in Council in accordance with the provisions of section 6;

"grant" means the grant of the rights made by section 3;

"public omnibus", "public car" and "road" have the meanings assigned to them by section 2 of the Road Traffic Ordinance, 1957;

"Schedule of Services" means the Schedule of Services referred to in section 12 as amended from time to time;

"service" means a service of public passenger transport vehicles provided and maintained by the Company in accordance with the provisions of section 11 or by any other person in accordance with the provisions of subsection (2) of section 16.

Grant of rights.

3. Subject to the provisions of this Ordinance, the Government grants to the Company the exclusive right to transport persons in public omnibuses and in public cars on roads in Kowloon and the mainland portion of the New Territories (excluding the islands adjacent thereto) in such circumstances that payment is made for the seat occupied by the passenger so transported, as distinct from the hiring of the vehicle, and the right to carry goods in such public omnibuses and public cars.

Duration of grant and renewal thereof.

4. (1) The grant is made for a term of fifteen years from the 15th day of February, 1960.

(2) If not less than one year before the date of expiry of the term referred to in subsection (1) or of any extension thereof, the Company shall have given to the Government notice requesting the extension of such term and if at such date of expiry there shall not be any existing breach or non-observance by the Company of any of the provisions of this Ordinance and the Governor in Council is satisfied that during the term and any such extension there has been no substantial breach or non-performance or non-observance on the part of the Company of any of the provisions of this Ordinance, the Government shall extend the term of the grant for a further term of five years:

Provided that no extension granted in accordance with the provisions of this subsection shall extend the term of the grant beyond the 14th day of February, 1990.

5. There shall be excluded from the grant the exclusive right to maintain the following services—

Limitations and exclusions.

- (a) the chartering and hiring of public omnibuses and public cars where payment is made otherwise than for the seat occupied by the passenger;
- (b) the running of sight-seeing tours where the journey commences and ends at the same place, even though there may be breaks or stops in the journey, no person being permitted to join the vehicle for the first time other than at the departure point or, by prior arrangement only, at an intermediate point, and payment being made by or on behalf of each person travelling on the vehicle at a fare for the whole journey, irrespective of the distance actually travelled;
- (c) services provided and used by an employer for the conveyance only of his employees to and from their place of work;
- (d) services between an airport and hotels, airline offices or ferry terminals where persons are conveyed from the airport to a hotel, to an airline office or to a ferry terminal or from a hotel, an airline office or a ferry terminal to the airport, no passengers being permitted to embark on or disembark from the vehicle in the course of the journey and passengers being limited to persons who have arrived in the Colony or intend to leave the Colony by an aeroplane, persons meeting or accompanying them and airline and airport employees;
- (e) services provided by the Government or the Armed Forces of the Crown for the conveyance of Government servants or members of the Armed Forces of the Crown and members of the families of either;
- (f) services of vehicles used for the conveyance only of school children and their teachers and persons accompanying or in charge of school children to and from schools; and
- (g) services run by hotels for the convenience of hotel guests only where every person using the service either enters or leaves the vehicle at the hotel:

Provided that nothing in this section shall limit the right of the Company to provide any such service as is described in this section.

Assignment.

6. (1) The Company shall not assign its rights and obligations under this Ordinance or any part of such rights and obligations without the prior consent of the Governor in Council.

(2) The Governor in Council, in granting such consent, may impose such conditions as he shall consider necessary in addition to and not in substitution for any provisions of this Ordinance.

(Cap. 117).

(3) On any assignment of the rights and obligations of the Company under this Ordinance no stamp duty shall be payable in accordance with the provisions of the Stamp Ordinance on the value of such rights and obligations as distinct from the value of any other assets of the Company passing on such assignment.

Control of the Company. (Cap. 32).

7. (1) The Company shall remain registered under the Companies Ordinance.

(2) No person other than a *bona fide* resident of Hong Kong shall be or remain a director of the Company.

(3) The majority of the directors of the Company shall, at all times, be British subjects.

(4) The management and administrative staff of the Company, or an effective majority thereof to the satisfaction of the Governor in Council, shall be British subjects.

Royalty.

8. (1) The Company shall pay to the Government a royalty of twenty per cent of the gross receipts of the Company derived from the operation of services operated by the Company as listed in the Schedule of Services and any supplementary or additional services operated in accordance with the provisions of subsection (5) of section 11 or subsection (4) of section 13 including receipts from advertising in vehicles employed by the Company on such service, but excluding services supplied by the Company under section 5 and excluding receipts and income from any other source.

(2) The first payment of such royalty shall be made on or before the 22nd day of April, 1960 in respect of the receipts of the Company for the period from the 15th day of February, 1960 until the 31st day of March, 1960, both days inclusive, and thereafter royalty shall be paid on or before the twenty second day of each month in respect of the receipts of the Company in the previous calendar month.

(3) If on the twenty second day of any month the Company has not been able to ascertain the complete total of the gross receipts for the previous calendar month the Company shall pay to the Government

a sum representing twenty per cent of the gross receipts of the Company for the next previous calendar month and in such case the amount paid as royalty in respect of such month shall be adjusted to the correct amount by the deduction from or the addition to the amount paid in any subsequent months.

(4) The acceptances by the Government of any sum tendered by the Company in accordance with the provisions of this section shall in no way debar or preclude the Government from claiming any further sum in respect of the same month or any adjustment appearing to be due or necessary on any subsequent examination of the books and accounts and other materials furnished by the Company for the inspection of the Financial Secretary or of his representative.

(5) The payment by the Company of any sum in accordance with the provisions of this section shall in no way debar or preclude the Company from claiming a refund in respect of any overpayment made by the Company and proved to the satisfaction of the Financial Secretary.

9. For the purpose of ascertaining the royalty payable in accordance with the provisions of section 8, the Company shall permit the Financial Secretary and any person authorized in writing by him to inspect at all reasonable times all books of account, vouchers, receipts, and all other records of the Company including all records maintained by the Company in accordance with the provisions of section 22 and to make extracts from all such documents and to take away any such documents for further examination.

Powers of Financial Secretary in relation to royalty.

10. (1) The Company shall take such steps as are necessary and reasonable in consultation with the Hong Kong Stock Exchange to have and to continue to have the shares of the Company listed and quoted on the Hong Kong Stock Exchange.

List of shares of Company in stock exchange.

(2) If by the 15th day of February, 1961 the shares of the Company are not listed or quoted on the Hong Kong Stock Exchange, the Government may cause to be served on the Company notice requiring the Company to show cause to the Governor in Council within one month of the date of such service why the grant should not be revoked by reason of the failure of the Company to obtain the listing and quotation of its shares on the Hong Kong Stock Exchange and if, after the expiry of such period of one month, the Governor in Council is satisfied that the failure of the Company to obtain the listing and

quotation of its shares on the Hong Kong Stock Exchange is due to the failure or neglect of the Company, the Governor in Council may revoke the grant and such revocation shall deem to have been by reason of non-compliance on the part of the Company with the provisions of this Ordinance.

(3) The provisions of subsection (2) shall apply if, during the term of the grant or any extension thereof, the shares of the Company cease to be listed or quoted on the Hong Kong Stock Exchange.

Company to
provide
services.

11. (1) The Company shall provide and maintain throughout the term of the grant and any extension thereof to the satisfaction of the Authority adequate and efficient services of public passenger transport vehicles for the transport of passengers on roads in Kowloon and the mainland portion of the New Territories (excluding the islands adjacent thereto) in return for payment on a per seat basis.

(2) The services shall be provided and maintained on the routes specified from time to time in the Schedule of Services at fares not exceeding the fares specified therein, and according to the time-tables set forth therein and by the use of vehicles of such types and capable of lawfully carrying not less than the number of passengers as are specified therein.

(3) Subject to the provisions of any other enactment the Company shall permit a passenger on a public omnibus or a public car on a route listed in the Schedule of Services for the carriage of goods to carry baggage or packages not exceeding a total weight of one hundred pounds, so long as no item of baggage or package exceeds fifty pounds in weight or five and two fifths cubic feet in size, together with a bamboo or wooden pole not exceeding two and a half inches in diameter and five feet in length, if such baggage or packages can be safely and conveniently carried on the vehicle.

(4) The Company shall not charge any person a fare greater than the appropriate fare specified in the Schedule of Services or a baggage charge for any baggage or packages carried, greater than the appropriate charge specified in the Schedule of Services.

(5) Nothing in this section shall prevent the Company from providing a supplementary service of public omnibuses and public cars in addition to the service specified in the Schedule of Services, on any route or on any part of a route if the service specified in the Schedule of Services is inadequate to meet the demands therefor and the Company, if required by the Authority to do so, shall provide such supplementary service.

Schedule of
Services.

12. (1) A Schedule of Services which has been agreed between the Authority and the Company and a copy of which, signed by or on behalf of the Authority and the Company has been deposited with the Colonial Secretary shall be the Schedule of Services for the purpose of

the Ordinance, subject to amendment in accordance with the provisions of section 13.

(2) A copy of such Schedule of Services shall be published in the *Gazette* as soon as is practicable after the coming into operation of this Ordinance.

13. (1) The Authority, at the request of or after consultation with the Company, may at any time amend the Schedule of Services and shall publish in the *Gazette* notice of such amendment. Amendment
of Schedule
of Services.

(2) Subject to the provisions of sections 14 and 15, an amendment made in accordance with the provisions of subsection (1) shall take effect on such date as is provided in the notice, which date shall be not less than twenty eight days after the date of publication in the *Gazette*.

(3) Nothing in this section shall empower the Authority—

(a) to require the Company to commence and maintain a service on any route not specified in the Schedule of Services or to decrease the fares payable on any route specified in the Schedule of Services without the prior agreement of the Company; or

(b) to increase the fares payable on any route specified in the Schedule of Services.

(4) Nothing in this section shall prevent the Company, with the consent of the Authority, from commencing and continuing any additional service for a period not exceeding three months notwithstanding that such service shall not have been included in the Schedule of Services.

14. (1) If any two hundred and fifty or more persons who are rate payers resident in the Colony are of the opinion that— Appeal by
rate payers.

(a) the Company has failed and is failing to maintain the service or any part thereof in accordance with the provisions of section 11; or

(b) any amendment to the Schedule of Services provided by a notice published in accordance with the provisions of subsection (1) of section 13 is unreasonable,

such persons may appeal collectively by petition to the Governor in Council.

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

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

(4) On any such appeal, the Governor in Council may—

- (a) order the Company to remedy such failure; or
- (b) revoke or amend the notice,

as the case may be.

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

(6) Any order made by the Governor in Council in accordance with the provisions of subsection (4) shall be published in the *Gazette*.

15. (1) If the Company is aggrieved by any decision or requirement or direction of—

- (a) the Colonial Secretary in accordance with the provisions of subsection (2) of section 27;
- (b) the Authority in accordance with the provisions of subsection (5) of section 11, subsection (1) of section 13, section 21 or subsection (1) or (3) of section 24; or
- (c) the Commissioner of Labour in accordance with the provisions of section 23,

the Company may appeal, by petition, to the Governor in Council and, subject to the provisions of section 17, the decision of the Governor in Council on any such appeal shall be final.

(2) When any such appeal has been made, the decision, requirement or direction shall not be enforced until the decision of the Governor in Council on the appeal has been made, unless the Governor in Council otherwise directs.

16. (1) The Governor in Council may at any time, by order served on the Company by the Authority, require the Company, after the expiry of such period as may be specified in the order, which period shall not be less than one month, to provide and maintain an additional service on a route specified in such order, not being a route specified in the Schedule of Services and at fares not exceeding the fares specified in such order and according to the time table set forth in such order and by the use of vehicles of such type and capable of lawfully carrying not less than the number of passengers as may be specified in such order.

(2) If the Company fails, without reasonable cause, to commence and establish the service in accordance with such order, the Governor in Council, at any time thereafter, without prejudice to the powers

Appeal by
the
Company.

Additional
services.

conferred on him by section 25 may grant permission to any person to establish and maintain the service referred to in such order upon such terms and conditions, including conditions relating to fares, timetables and vehicles, as the Governor in Council may consider necessary and no service established and maintained in accordance with such permission shall constitute a breach of the exclusive right granted by this Ordinance:

Provided that if the Governor in Council shall grant to any person permission to establish and maintain the service specified in an order made under subsection (1), the grant shall not be liable to revocation in accordance with the provisions of section 25 in respect of the failure of the Company to comply with such order.

17. (1) If—

(a) the Company is of the opinion that by reason of—

- (i) any material change in the economic and financial conditions of the Colony;
- (ii) an order made in accordance with the provisions of subsection (1) of section 13;
- (iii) the dismissal of an appeal by the Company made under section 15;

(iv) compliance with an order made in accordance with the provisions of subsection (1) of section 16; or

(v) any other circumstances affecting the grant,

the carrying out of the obligations of the Company under this Ordinance is not reasonably remunerative; or

(b) the Governor in Council is of the opinion that by reason of—

(i) any material change in the economic or financial conditions of the Colony; or

(ii) any material change in any other circumstances affecting the grant,

the exercise by the Company of its rights under this Ordinance is excessively remunerative to the Company,

the Company and the Governor in Council may agree to the variation of the fares set forth in the Schedule of Services and the Governor in Council may, by order published in the *Gazette* vary such fares in accordance with such agreement but if the Company and the Governor in Council are unable to agree to such variation of such fares as may appear reasonable, the Company or the Governor in Council, as the case may be, may, notwithstanding any previous negotiations, submit the proposed variation of such fares to arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

Adjustment
of fares
and royalty.

(Vol. VII,
p. 44).

(2) If on any such arbitration, the Arbitrator decides that the fares set forth in the Schedule of Services should be varied, the Governor in Council shall either—

- (a) by order published in the *Gazette*, amend the fares set forth in the Schedule of Services in compliance with the decision of the Arbitrator; or
- (b) by order, vary the rate of royalty specified in subsection (1) of section 8 with or without varying such fares, in such manner as shall, in the opinion of the Governor in Council increase or decrease the remuneration received by the Company from the carrying out of its obligations under this Ordinance in the same manner and to the same extent as if the fares set forth in the Schedule of Services had been varied in accordance with the decision of the Arbitrator.

(3) If the Company is of the opinion that the order made by the Governor in Council in accordance with the provisions of paragraph (b) of subsection (2) does not increase or decrease the remuneration received by the Company from the carrying out of its obligations under this Ordinance in the same manner and to the same extent as if the fares stipulated in the Schedule of Services had been varied in accordance with the decision of the Arbitrator, the Company may resubmit the matter to arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure and, on such arbitration, the Arbitrator shall have power to decide what royalty should be paid by the Company to the Government if the fares were as laid down in such order and as from the date of the decision of the Arbitrator, royalty shall be paid in accordance with the provisions of subsection (1) of section 8 at the rate decided by the Arbitrator.

Display of
Schedule of
Services.

18. (1) The Company shall cause to be displayed in a conspicuous place, available for inspection at all times by members of the public—

- (a) outside the registered office of the Company, a copy of the Schedule of Services; and
- (b) at or near the terminus of every service, a copy of every part of the Schedule of Services which relates to that service.

(2) The Company shall cause to be displayed in a conspicuous place, in every vehicle used on any service, a copy of every part of the Schedule of Services which relates to that service.

Reduced
fares.

19. (1) Children below the age of twelve years and members of the Armed Forces of the Crown in uniform shall be charged on every service only one half of the normal adult fare for any journey, calculated in the case of a fare which is not an even multiple of five cents to the nearest whole five cents above and subject to a minimum fare of ten cents.

(2) A child below the age of four years, if accompanied by an adult and not occupying a seat, not more than two children being accompanied by any one adult, shall be carried free of charge.

(3) Members of the Police Force, the Hong Kong Auxiliary Police Force, the Preventive Service and the District Watch Force and postmen on duty and in uniform and members of the Police Force and Preventive Service on duty and, if not in uniform, in possession of a pass issued by the Company, shall be carried free of charge on every service.

20. (1) Subject to the provisions of subsection (3) every vehicle used by the Company in complying with the provisions of this Ordinance shall be of British or of British Commonwealth manufacture.

Vehicles
to be of
British
manufacture.

(2) If any dispute shall arise as to whether any vehicle used or employed by the Company in the service, complies with the provisions of this section the decision of the Governor in Council thereon shall be final.

(3) If for any reason whatsoever, the Company deems it necessary or expedient to use in connexion with the grant any vehicle not of British or of British Commonwealth manufacture the Company may apply to the Governor in Council for permission to use such vehicle and the Governor in Council may grant such permission upon such terms as he shall think fit.

21. (1) The Company shall not use or employ on any service any double-decker public omnibuses without the prior permission in writing of the Authority.

Double-
decker
omnibuses.

(2) The Authority may at any time require the Company, at not less than six months' notice, to provide a service of double-decker public omnibuses on any route.

22. (1) The Company shall keep the following records in respect of every service—

Records.

- (a) the number and capacity of motor vehicles running;
- (b) the number of daily journeys and mileage run by each such vehicle;
- (c) the number of tickets sold on each vehicle on each journey; and
- (d) detailed receipts in respect of each route.

(2) The Company shall permit the Financial Secretary and any person authorized in writing by him to inspect all such records and also all accounts kept by the Company in connexion with every service and all stocks of tickets and the Company shall afford such facilities for such inspection as may from time to time be required.

Canteen and
latrine
facilities.

23. (1) Not later than the 31st day of December, 1960 and thereafter during the continuance of the grant and of any extension thereof the Company will provide or ensure the provision of adequate canteen and latrine facilities for employees of the Company at or near to every terminus of every service to the satisfaction of the Commissioner of Labour unless the Commissioner of Labour is satisfied that such facilities are otherwise available, are not necessary or can not be reasonably provided.

(2) Any facilities provided in accordance with the provisions of this section shall be at the sole expense of the Company.

Cost of
other
facilities.

24. (1) The Company shall provide at its own expense depots of such size and in such numbers as the Authority may consider necessary for the maintenance of all vehicles used by the Company in complying with the provisions of this Ordinance and for parking of all such vehicles during such time as they are not employed for such purpose.

(2) Subject to the provisions of subsection (3) the Government will provide at its own expense at or near the terminus of every service such facilities as the Authority may consider necessary for the temporary parking and turnround of such vehicles while employed for such purpose.

(3) The Company shall reimburse to the Government the cost of erection, removal and replacement of any canopies and shelters over waiting platforms and the cost of erection, maintenance, removal and replacement of any queue railings and the cost of the lighting of any such canopies and shelters which the Authority may consider necessary for the efficient provision of the services.

Revocation
of grant.

(39 of 1957).

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

- (a) there has been a substantial failure on the part of the Company to comply with any of the provisions of the Road Traffic Ordinance, 1957;
- (b) the Company is insolvent;
- (c) the Company has failed to establish and maintain the service in accordance with the provisions of section 11;
- (d) the Company has failed to pay the royalty in accordance with the provisions of subsection (1) of section 8;
- (e) the Company has failed to comply with an order served on the Company in accordance with the provisions of subsection (1) of section 16;
- (f) the Company has failed to comply with an order made by the Governor in Council in accordance with the provisions of subsection (4) of section 14; or

- (g) there has been substantial failure on the part of the Company to comply with any of the provisions of this Ordinance,

the Governor in Council may direct the Authority to serve on the Company a notice specifying the extent of such failure and requiring the Company to show cause in writing to the Governor in Council within twenty eight days after the date of such service why the grant should not be revoked:

Provided that the Governor in Council may from time to time extend such period if he shall consider such course necessary or advisable.

(2) If the Company fails, within twenty eight days of the service of such notice, to show cause why the grant should not be revoked, or if the Governor in Council, after considering the representations of the Company, is of the opinion that the Company has not shown cause why the grant should not be revoked, the Governor in Council may by order revoke the grant.

(3) Any order made in accordance with the provisions of subsection (2) shall be served on the Company and, as soon as is practicable thereafter, shall be published in the *Gazette*.

(4) On the revocation of the grant in accordance with the provisions of subsection (2) all the rights and obligations of the Company under this Ordinance shall wholly cease and determine as from the date of the order save and except the liability of the Company to pay royalty in accordance with the provisions of section 8 up to the date of the order and the obligation of the Company in respect of the compulsory purchase of the assets of the Company in accordance with the provisions of section 28:

Provided that the right of compulsory purchase under section 28 may be exercised by the Government only within three months of the date of revocation of the grant.

26. (1) If the Governor in Council is of the opinion that there is such emergency as would justify the taking over of the services, the Governor in Council may order that the Government shall take over the services together with such of the assets of the Company as are necessary for the running of the services and continue the same with or without modifications or suspend the same as the Governor in Council shall consider necessary until the Governor in Council is satisfied that the emergency no longer exists.

Emergency.

(2) The Government shall pay to the Company for the use of such assets and for loss and damage suffered by reason of such take-over such amount as may be agreed between the Government and the

(Vol. VII,
p. 44).

Company or, in default of agreement, as shall be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(3) The duration of any such emergency and any such taking-over shall be computed in and not deducted from the term of the grant or of any extension or renewal thereof.

Failure of
Company.

27. (1) Notwithstanding any provision hereinbefore contained if, in the opinion of the Governor in Council, the Company shall have failed or be likely to fail to make provision for the motor vehicles or organization requisite for carrying on effectively the service to be provided in accordance with the provisions of this Ordinance, the Governor in Council, without prejudice to any other right or remedy, may make such arrangements with any other person as may in his opinion be desirable for the commencement and maintenance of an efficient service on all or any of the routes in the area in which the Company has agreed to provide such service, either in substitution for or in conjunction with the Company and for such period as the Governor in Council may think fit and in such event no compensation shall be claimed by or shall be payable to the Company in respect thereof.

(2) For the purpose of enabling the Governor in Council to ascertain what arrangements have been made or are going to be made by the Company for the proper fulfilment of its obligations under this Ordinance, the Company shall on request of the Colonial Secretary forthwith furnish to the Colonial Secretary such information as to motor vehicles obtained or ordered and all other matters relevant to the organization of the Company as the Colonial Secretary may require.

Compulsory
purchase.

28. (1) The Governor in Council on the 15th day of February, 1970 and on the 15th day of February in every fifth year thereafter, during the term of the grant or of any renewal thereof, on giving to the Company not less than twelve months' previous notice in writing may require the Company to sell and thereupon the Company shall sell to the Government or to a nominee of the Government its undertaking, vehicles, land, building, works, materials and plant suitable to and used by the Company for the purpose of fulfilling its obligations under this Ordinance for and on consideration of the then value of the same.

(2) The value referred to in subsection (1) shall be the fair value at the time of the purchase, due regard being had to the cost of all goods, less depreciation and to the then nature, condition and state of repair of the buildings, works, materials, plant and vehicles and to the fact that they are in such condition and repair as to be ready for immediate working and to the suitability of the same for the purpose of

the fulfilment of the obligations of the Company under the Ordinance but without any addition in respect of compulsory purchase or of goodwill or of any profits which might have been made from the undertaking or of any similar considerations.

(3) If the Government and the Company are unable to agree the amount to be paid to the Company in accordance with the provisions of this section, the amount shall be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII,
p. 44).

(4) When any such sale has been made and completed all the rights, powers and authorities of the Company in respect of the premises and property sold shall be transferred to and vested in and may be exercised by the Government or by its nominee.

(5) Notwithstanding anything contained in this section, the Government, immediately on the revocation of the grant or on the expiration of any such period as aforesaid in relation to which notice requiring the Company to sell has been given, may take possession and use such of the assets of the Company as the Governor may deem necessary for maintaining an effective service:

Provided that on the revocation of the grant, the Government shall not maintain such possession for longer than three months without compulsorily acquiring such assets and, if such assets are not compulsorily acquired, the Government shall pay reasonable compensation for use and occupation thereof to be agreed between the Government and the Company or in default of agreement to be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(6) The Government shall pay to the Company interest at the rate of four per cent on the amount finally determined for payment by the Government to the Company from the date of any taking-over until the date of payment.

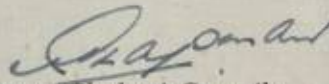
29. (1) Any notice or other communication from the Governor in Council, the Government, the Authority or from any Government department to the Company may be delivered to or sent by ordinary post to the Company at the registered address of the Company and shall be deemed to be duly served at the time when it was delivered or, if posted, at the time when it ought in due course to be delivered to the address to which it is sent.

Notices.

(2) Any notice from the Company to the Governor in Council, the Government, the Authority or to any Government department, may be delivered or posted by ordinary post addressed to the addressee at

the Central Government Offices, Lower Albert Road, Hong Kong, and if so sent shall be deemed to be duly served in accordance with the provisions of subsection (1).

Passed the Legislative Council of Hong Kong, this 3rd day of February, 1960.

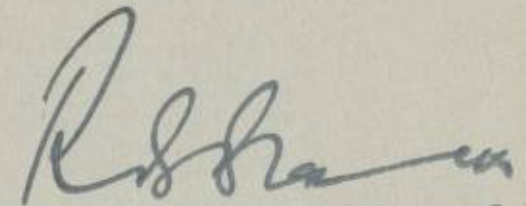

Deputy Clerk of Councils.

(Secretariat GR2/5541/56)

HONG KONG

No. 6 OF 1960.

I assent.



Governor.

24th March, 1960.

An Ordinance to apply a sum not exceeding nine hundred and thirty-eight million, two hundred and seventy-seven thousand, six hundred and ten dollars to the Public Service of the financial year ending the 31st day of March, 1961.

[25th March, 1960.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March, 1961, has been estimated at the sum of nine hundred and thirty-eight million, two hundred and seventy-seven thousand, six hundred and ten dollars: Preamble.

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 Appropriation (1960-61) Ordinance, 1960. Short title.

2. A sum not exceeding nine hundred and thirty-eight million, two hundred and seventy-seven thousand, six hundred and ten dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing Appropriation from the general revenues and other funds.

on the 1st day of April, 1960, and ending on the 31st day of March, 1961, and the said sum so charged may be expended in the manner expressed in the Schedule.

Schedule.

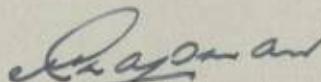
SCHEDULE.

[s. 2.]

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
21.	His Excellency the Governor's Establishment	582,800
22.	Agriculture, Fisheries and Forestry Department	6,305,900
23.	Audit Department	1,052,700
24.	Census Department	3,371,300
25.	Civil Aviation Department	7,474,700
26.	Colonial Secretariat and Legislature	5,059,900
27.	Commerce and Industry Department	8,303,500
28.	Co-operative Development Department	828,400
29.	Defence: R.H.K.D.F. Headquarters and Hong Kong Regiment	2,294,900
30.	Defence: Hong Kong Royal Naval Reserve	1,048,900
31.	Defence: Hong Kong Auxiliary Air Force	535,200
32.	Defence: Essential Services Corps	107,700
33.	Defence: Auxiliary Fire Service	358,900
34.	Defence: Auxiliary Medical Service	1,142,600
35.	Defence: Civil Aid Services	2,152,700
36.	Defence: Registration of Persons Office	1,191,800
37.	Defence: Directorate of Manpower	84,700
38.	Defence: Miscellaneous Measures	26,498,000
39.	Education Department	45,849,600
40.	Fire Brigade	9,835,500
41.	Information Services Department	2,283,700
42.	Inland Revenue Department	4,223,800
43.	Judiciary	4,578,300
44.	Kowloon-Canton Railway	5,668,000
45.	Labour Department: Labour Division	2,198,500
46.	Labour Department: Mines Division	113,500
47.	Legal Department	1,307,800
48.	Marine Department	12,789,800
49.	Medical and Health Department	63,381,300
50.	Miscellaneous Services	18,211,000
51.	New Territories Administration	6,941,100
52.	Pensions	18,332,000
53.	Police Force: Hong Kong Police	68,816,500
54.	Police Force: Auxiliary Police	1,483,300
55.	Post Office	27,228,900
56.	Printing Department	3,430,500
57.	Prisons Department	10,899,600
58.	Public Debt	2,731,310
59.	Public Services Commission	54,500
60.	Public Works Department	44,156,600
61.	Public Works Recurrent	35,713,000

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
62.	Public Works Non-Recurrent	290,291,000
63.	Quartering Office	4,670,800
64.	Radio Hong Kong	3,278,500
65.	Rating and Valuation Department	1,122,800
66.	Registrar General's Department	1,771,900
67.	Registry of Trade Unions	275,000
68.	Resettlement Department	11,226,400
69.	Royal Observatory	2,300,700
70.	Secretariat for Chinese Affairs	1,434,600
71.	Social Welfare Department	6,293,200
72.	Stores Department	10,185,100
73.	Subventions: Social Welfare	3,804,800
74.	Subventions: Medical	21,811,700
75.	Subventions: Education	72,436,500
76.	Subventions: Miscellaneous	2,845,900
77.	Treasury	2,924,400
78.	Urban Services Department and Urban Council	35,762,900
79.	Urban Services Department: Housing Division	1,477,700
80.	Urban Services Department: New Territories Division	1,910,400
81.	Colonial Development and Welfare Schemes	60,000
82.	World Refugee Year Schemes	3,770,600
	TOTAL	\$938,277,610

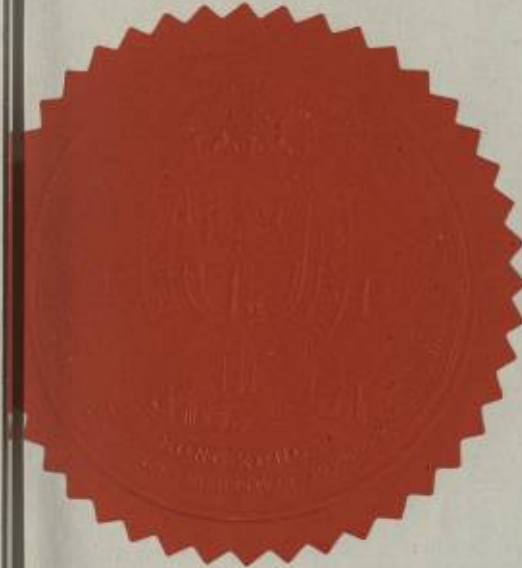
Passed the Legislative Council of Hong Kong, this 23rd day of March, 1960.


Deputy Clerk of Councils.

(Secretariat GR2/2291/60)

HONG KONG

No. 7 OF 1960.



I assent.

Governor.

24th March, 1960.

An Ordinance to amend the Legal Officers Ordinance, Chapter 87.

[25th March, 1960.]

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 Legal Officers (Amendment) Ordinance, 1960, and shall be deemed to have had effect as from the 1st day of July, 1959. Short title.

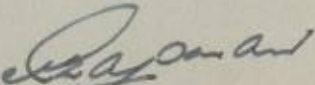
2. The Legal Officers Ordinance is amended by the deletion of the Schedule and the substitution therefor of the following— Replacement of Schedule. (Cap. 87).

“SCHEDULE.

[ss. 2, 3 and 11.]

Attorney General
Solicitor General
Principal Crown Counsel
Senior Crown Counsel
Crown Counsel”.

Passed the Legislative Council of Hong Kong, this 23rd day of March, 1960.

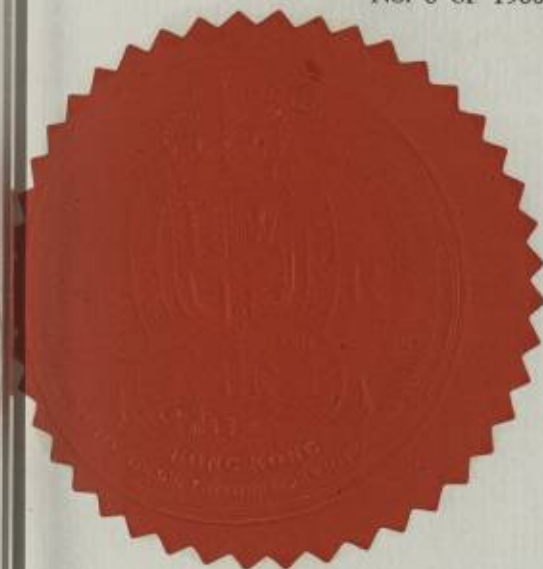

Deputy Clerk of Councils.

(Secretariat GR42/3231/49)

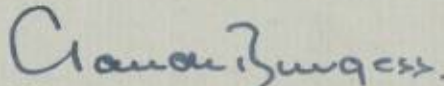


HONG KONG

No. 8 OF 1960.



I assent.


Officer Administering the Government.

7th April, 1960.

An Ordinance to amend the Juvenile Offenders Ordinance, Chapter 226.

[8th April, 1960.]

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 Juvenile Offenders Short title.
(Amendment) Ordinance, 1960.
2. Section 2 of the Juvenile Offenders Ordinance (hereinafter Amendment
referred to as the principal Ordinance) is amended by the deletion of of section 2.
the definition "probation officer". (Cap. 226).
3. Section 18 of the principal Ordinance is amended by the dele- Amendment
tion of paragraph (c) and the substitution therefor of the following— of section 18.
" (c) by dealing with the offender under the provisions of
(57 of 1956). the Probation of Offenders Ordinance, 1956."

Amendment
of section 24.

4. Section 24 of the principal Ordinance is repealed and replaced by the following new section—

“24. The Governor in Council may make such rules as from time to time appear to him to be necessary for the proper carrying into effect of the purposes of this Ordinance.”

Passed the Legislative Council of Hong Kong, this 6th day of April, 1960.

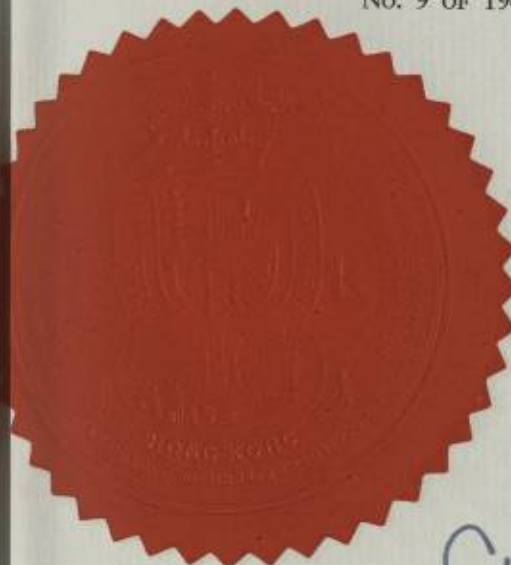

Deputy Clerk of Councils.

(Secretariat GR2/3091/55)

HONG KONG

No. 9 OF 1960.

I assent.


Claude Burgess
Officer Administering the Government.

7th April, 1960.

An Ordinance to amend the Pok Oi Hospital Incorporation Ordinance, 1954.

[8th April, 1960.]

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 Pok Oi Hospital Incorporation (Amendment) Ordinance, 1960. Short title.
2. Section 2 of the Pok Oi Hospital Incorporation Ordinance, 1954, (hereinafter referred to as the principal Ordinance) is amended— Amendment
of section 2.
(10 of 1954).
 - (a) by the deletion of the definition “constitution” and the substitution therefor of the following—

““constitution” means the constitution of the hospital approved from time to time by the board of directors and filed with the Registrar of Companies;”;
 - (b) by the deletion of the place name “Un Long” from the definition “hospital” and the substitution therefor of the following—

“Yuen Long”.

Amendment
of section 3.

3. Section 3 of the principal Ordinance is amended by the deletion from subsection (2) thereof of the words "The articles of constitution specified in the Schedule" and the substitution therefor of the following—
"The constitution".

Amendment
of section 4.

4. Section 4 of the principal Ordinance is amended by the addition thereto of the following new subsections—

"(3) The corporation shall cause to be filed with the Registrar of Companies the former constitution as amended under subsection (4), and such amendments shall make provision for an executive committee responsible for the day to day administration of the hospital. The filing of such constitution shall be deemed to be a continuance of the former constitution preserving the validity of acts done thereunder and the rights of persons holding office thereunder.

(4) The corporation may from time to time amend the constitution by resolution passed by a majority of not less than three quarters of the directors for the time being:

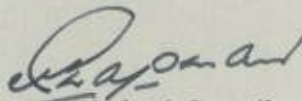
Provided that the consent in writing of the District Commissioner of the New Territories shall have been obtained prior to the introduction of any such resolution.

(5) The corporation shall be deemed to have delegated to the executive committee established under the constitution such of its functions as are necessary to enable the executive committee to administer efficiently the day to day affairs of the hospital, and may delegate to such committee such other of its functions as it shall see fit."

Repeal of
the Schedule.

5. The Schedule to the principal Ordinance is hereby repealed and shall cease to have effect from the date of the filing with the Registrar of Companies of the constitution under subsection (3) of section 4 of the principal Ordinance enacted hereby.

Passed the Legislative Council of Hong Kong, this 6th day of April, 1960.



Deputy Clerk of Councils.

(Secretariat GR3287/57)

HONG KONG

No. 10 OF 1960.

I assent.


Claude Burgess
Officer Administering the Government.

20th April, 1960.

An Ordinance to amend the Dangerous Drugs Ordinance, Chapter 134.

[22nd April, 1960.]

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 Dangerous Drugs Short title. (Amendment) Ordinance, 1960.

2. Section 2 of the Dangerous Drugs Ordinance (hereinafter referred to as the principal Ordinance) is amended—

Amendment
of section 2.
(Cap. 134).

(a) by the insertion after the definition "Director" of the following new definition—

"divan" means any place opened, kept or used—

(a) for the sale of any dangerous drug to be smoked, consumed, ingested or injected in such place; or

(b) for the smoking, consumption, ingestion or injection of any dangerous drug where a fee or its equivalent is charged for such smoking,

consumption, ingestion or injection or where any benefit or advantage whatever, direct or indirect, is derived by the keeper of such place in consequence of such smoking, consumption, ingestion or injection;”;

- (b) by the insertion after the definition “diversion certificate” of the following new definition—

“ecgonine” means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially;”;

- (c) by the deletion of the definition “heroin divan”;

- (d) by the insertion after the definition “Indian hemp” of the following new definition—

“inject” or “injection” means the sub-cutaneous injection by a hypodermic syringe or any other method of a dangerous drug into the human body;”;

- (e) by the deletion of the definition “opium divan”.

Repeal and replacement of section 3.

3. Section 3 of the principal Ordinance is repealed and replaced by the following—

“First Schedule.

3. (1) For the purposes of the First Schedule—

- (a) percentages in the case of liquid preparations shall, unless other provision in that behalf is made by regulations under this Ordinance, be calculated on the basis that a preparation containing one per centum of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage;

- (b) in the case of salts, the percentage shall be calculated as in respect of the anhydrous base.

(2) The provisions of this Ordinance so far as they relate to the manufacture, import, export and wholesale trade in dangerous drugs, shall apply to any drug or substance included in Part II of the First Schedule and its respective salts:

Provided that nothing in this subsection shall be deemed to control the retail trade in any such drug or substance or to interfere with medical preparations containing such drug or substance, or with the use of such drug or substance for medical purposes.

(3) The Governor in Council may by order, which shall be published in the *Gazette*, amend the First Schedule in any manner whatsoever.”.

4. The principal Ordinance is amended by the addition after section 10 of the following new section—

Addition of new section 10A.

“Restrictions on smoking, consuming, ingesting or injecting dangerous drugs.

10A. No person shall smoke, consume, ingest or inject any dangerous drug:

Provided that—

- (a) the provisions of this section shall not apply to a person who consumes, ingests or injects any dangerous drug under the direction or supervision of—

(25 of 1957).

(i) a medical practitioner registered under the Medical Registration Ordinance, 1957; or

(29 of 1957).

(ii) a dentist registered under the Dentists Registration Ordinance, 1959, by reason of his holding the qualifications specified in paragraph (a) or (b) of section 8 of that Ordinance: and

- (b) nothing in this section shall be construed as prohibiting the administration of a dangerous drug by such a medical practitioner or such a dentist in the normal course of his profession.”.

5. Section 13 of the principal Ordinance is amended—

Amendment of section 13.

- (a) in subsection (1) by the insertion after the words “public officer” in the first place where they occur of the following—

“or any class of public officer”;

- (b) in paragraph (d) of subsection (1)—

(i) by the insertion after the word “stop” of the following—
“ , detain”;

(ii) by the insertion after the words in brackets “(not being or having the status of a ship of war)” of the following—

“ , aircraft (not being a military aircraft) or vehicle”;

- (c) in subsection (2)—

(i) in paragraph (b) by the insertion after the word “ship” of the following—

“ , aircraft or vehicle”;

(ii) by the deletion of paragraph (e) and the substitution therefor of the following—

“(e) detain every person on board such ship, aircraft or vehicle and prevent every person from approaching or boarding such ship, aircraft or vehicle, until such ship, aircraft or vehicle has been searched.”.

Amendment
of section 15.

6. Section 15 of the principal Ordinance is amended—

- (a) by the deletion of subsection (1) and the substitution therefor of the following—

“(1) Any person who is proved to have had in his possession or custody or under his control any thing whatsoever containing any dangerous drug or the keys of any box, cupboard, drawer or other receptacle whatsoever containing any dangerous drug or the keys of any premises or part thereof in which any dangerous drug is found shall, until the contrary is proved, be deemed to have been in possession of such drug, and shall until the contrary is proved, be deemed to have known the nature of such drug.”;

- (b) by the deletion of subsection (2) and the substitution therefor of the following—

“(2) Any person who is proved to have had in his possession or custody or under his control or subject to his order—

(a) any document of title to goods, as defined in section 2 of the Sale of Goods Ordinance; or
(Cap. 26).

(b) any of the following documents, whether or not they are documents of title as defined in section 2 of the Sale of Goods Ordinance, namely, any dock warrant, godown warrant, warehouse keeper's certificate, warrant or order for the delivery of goods or any baggage receipt or any document or thing intended to serve the purpose of a baggage receipt,

relating to anything whatsoever containing any dangerous drug, shall, until the contrary is proved, be deemed to have been in possession of such drug, and shall, until the contrary is proved, be deemed to have known the nature of such drug.”.

Amendment
of section 17.

7. (1) Subsection (2) of section 17 of the principal Ordinance is amended—

- (a) in paragraph (a)—

(i) by the deletion of the word “fifty” and the substitution therefor of the following—

“one hundred”;

(ii) by the deletion of the word “ten” and the substitution therefor of the following—

“fifteen”;

- (b) in paragraph (b)—

(i) by the deletion of the word “ten” and the substitution therefor of the following—

“fifty”;

(ii) by the deletion of the words “twelve months” and the substitution therefor of the following—

“three years”.

- (2) Section 17 of the principal Ordinance is amended by the addition after subsection (8) of the following new subsection—

“(9) Where it is alleged that each of a number of persons has severally committed a distinct offence contrary to section 10A or paragraph (a) or (b) of subsection (1) of section 22 or a distinct offence of possession of a dangerous drug contrary to section 10, and it is further alleged that each such distinct offence was committed by each such person in the same place and at about the same time, it shall be lawful, notwithstanding anything contained in the Magistrates Ordinance and notwithstanding that it is not alleged that any offence has been committed jointly by two or more persons, to accuse all such persons of the distinct offences alleged to have been committed by them individually in charges set forth in one and the same information or complaint and for the proceedings against all such persons for their respective offences to be made the subject of one trial. In this subsection the same definition shall be given to the word “place” as that contained in paragraph (a) of subsection (2) of section 22.”.

(Cap. 227).

8. Section 22 of the principal Ordinance is amended—

- (a) by the deletion of subsection (1) and the substitution therefor of the following—

“(1) No person shall—

(a) have in his possession or custody or under his control any pipe, equipment or apparatus fit and intended for the smoking, consumption, ingestion or injection of any dangerous drug. The burden of proof that any such pipe, equipment or apparatus is not intended for such smoking, consumption, ingestion or injection shall lie on the defendant:

Provided that the prohibition in this paragraph relating to the possession of equipment or apparatus fit and intended for the ingestion or injection of any dangerous drug shall not apply to a person in possession thereof in the normal course of his lawful profession business or em-

Amendment
of section 22.

ployment or in accordance with the direction of a registered medical practitioner and provided further that in any prosecution for an offence contrary to this paragraph the burden of proof that a person is a person to whom such prohibition does not apply shall lie upon the defendant;

- (b) smoke, consume, ingest or inject any dangerous drug in any divan;
 - (c) keep, manage or act or assist in the management of any divan or of any place in which any dangerous drug is unlawfully stored or manufactured;
 - (d) being the tenant, lessee, occupier or person in charge of any place, permit or suffer such place or any part thereof to be used as a divan or for the unlawful storage or manufacture of any dangerous drug;
 - (e) let or agree to let whether as principal or agent any premises or place with the knowledge that such premises or place or some part thereof is to be used as a divan or for the unlawful storage or manufacture of any dangerous drug or consent to the use at any time of such place or any part thereof as a divan or for the unlawful storage or manufacture of any dangerous drug.”;
- (b) in subsection (2) by the deletion of paragraphs (d), (e), (f) and (g) and the substitution therefor of the following—
- “(d) whenever any pipe or any article of equipment or apparatus fit for the smoking, consumption, ingestion or injection of any dangerous drug is found in any place it shall be presumed until the contrary is proved that such place is a divan;
 - (e) any person found in a divan or found escaping therefrom on the occasion of its being entered under this Ordinance shall, until the contrary is proved, be presumed to be or to have been smoking, consuming, ingesting or injecting a dangerous drug therein;
 - (f) any person who lets or agrees to let whether as principal or agent any premises or place or part thereof shall be presumed to have consented to the use of such premises or place or any part thereof as a divan or, as the case may be, for the unlawful storage or manufacture of a dangerous drug if it is proved to the satisfaction of the

magistrate that he knew of such use and failed forthwith to proceed to put an end to the same by making a report at a police station or by taking such steps as were open to him to terminate the letting or the agreement therefor;

- (g) “unlawful” or “unlawfully” in relation to the storage or manufacture of a dangerous drug means otherwise than in accordance with this Ordinance or the Pharmacy and Poisons Ordinance or the terms or conditions of any licence or authorization granted in pursuance thereof.”;
- (Cap. 138).
- (c) by the deletion of subsection (6);
 - (d) by the deletion from the marginal note thereto of the words “heroin or opium”.
9. The First Schedule to the principal Ordinance is amended—
- (a) by the insertion after the heading “FIRST SCHEDULE” of the following—

“PART I.”;
 - (b) by the deletion of paragraph 3 and the substitution therefor of the following—

“3. Morphine and its salts; diacetylmorphine; diacetylmorphine hydrochloride and any other salt of diacetylmorphine; any ester of morphine; any salt of any ester of morphine.”;
 - (c) by the deletion of paragraph 6 and the substitution therefor of the following—

“6. Any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine, diacetylmorphine hydrochloride, or other salt of diacetylmorphine.”;
 - (d) by the deletion of paragraph 8 and the substitution therefor of the following—

“8. Thebaine and its salts; benzylmorphine and the other ethers of morphine and their respective salts, but with the exception of methylmorphine, commonly known as codeine, ethylmorphine commonly known as dionin, morpholynilethyilmorphine commonly known as pholcodeine, and their respective salts.”;
 - (e) by the addition after paragraph 37 of the following—

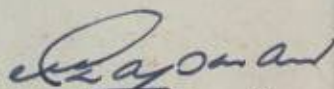
“PART II.

1. Methylmorphine (commonly known as codeine).

Amendment
of First
Schedule.

2. Ethylmorphine (commonly known as dionin).
3. Morpholynileythylmorphine (commonly known as pholcodeine)."

Passed the Legislative Council of Hong Kong, this 20th day of April, 1960.

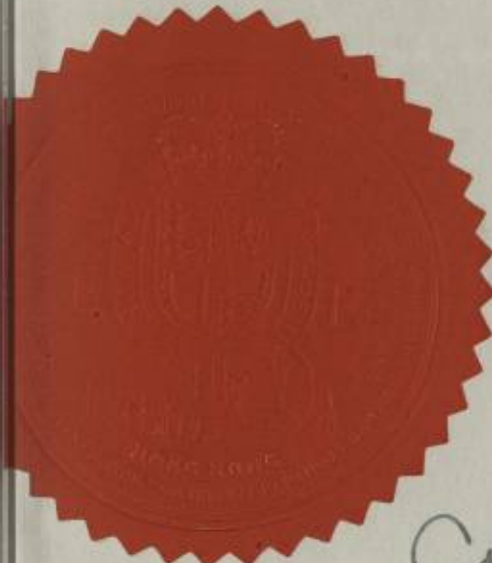
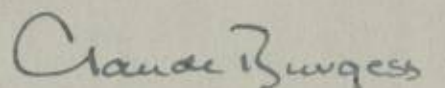

Deputy Clerk of Councils.

(Secretariat CR5/3281/51)

HONG KONG

No. 11 OF 1960.

I assent.



Officer Administering the Government.

20th April, 1960.

An Ordinance to amend the J. E. Joseph Trust Fund Ordinance, 1954.

[22nd April, 1960.]

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 J. E. Joseph Trust Fund Short title. (Amendment) Ordinance, 1960.

2. Section 7 of the J. E. Joseph Trust Fund Ordinance, 1954, is repealed and replaced by the following—

"Accounts.

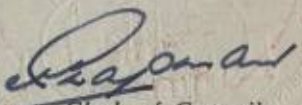
7. (1) The trustee shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared for every period of twelve months ending on the 31st day of March in each year, a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by the trustee.

Repeal and replacement of section 7. (No. 3 of 1954).

(2) The accounts of the fund and the signed statement of the accounts shall be audited by an auditor appointed by the Governor and the auditor shall certify such statement subject to such report, if any, as he may think fit.

(3) A copy of the signed and audited statement of accounts together with the auditor's report, if any, and a report by the trustee on the administration of the fund during the period covered by the audited accounts shall be laid upon the Table of the Legislative Council not later than the 30th day of September next following the end of such period or so soon thereafter as the Governor, in his absolute discretion, may allow."

Passed the Legislative Council of Hong Kong, this 20th day of April, 1960.



Deputy Clerk of Councils.

(Secretariat GR16/2321/52II)

HONG KONG

No. 12 OF 1960.

I assent.


Claude Burgess
Officer Administering the Government.

5th May, 1960.

An Ordinance to amend the Criminal Procedure Ordinance, Chapter 221.

[6th May, 1960.]

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 Criminal Procedure (Amendment) Ordinance, 1960. Short title.

2. Section 82 of the Criminal Procedure Ordinance (hereinafter referred to as the principle Ordinance) is amended by the insertion after subsection (7) of the following new subsection— Amendment of section 82. (Cap. 221).

“(7A) (a) Where a protected prisoner of war or a protected internee has been sentenced to death or to imprisonment for a term of two years or more, the time within which he must give notice of appeal or of an application for leave to appeal shall be, notwithstanding the provisions of subsection (7), the period from the date of his

conviction or, in the case of an appeal against sentence, of his sentence to the expiration of ten days after the date on which he received a notice given—

(i) in the case of a protected prisoner of war, by an officer of Her Majesty's Forces;

(ii) in the case of a protected internee, by or on behalf of the Commissioner of Prisons,

that the protecting power has been notified of his conviction and sentence.

- (b) For the purposes of this subsection the expressions "protected prisoner of war", "protected internee" and "the protecting power" have the meanings assigned to them by the Geneva Conventions Act, 1957, as applied to Hong Kong by the Geneva Conventions Act (Colonial Territories) Order in Council, 1959."

(G.N.A. 65/59).

Amendment
of section
108.

3. Subsection (1) of section 108 of the principal Ordinance is amended by the deletion of the words—

"or that it is expedient to release the offender on probation".

Repeal and
replacement
of section
115.

4. Section 115 of the principal Ordinance is repealed and replaced by the following—

"Powers of
court in
relation to
fines and
forfeited
recogni-
zances.

115. (1) Subject to the provisions of this section, where a fine is imposed by, or a recognizance is forfeited before, a court, an order may be made in accordance with the provisions of this section—

- (a) allowing time for the payment of the amount of the fine or the amount due under the recognizance;
- (b) directing payment of the said amount by instalments of such amounts and on such dates respectively as may be specified in the order;
- (c) fixing a term of imprisonment which the person liable to make the payment is to undergo if any sum which he is liable to pay is not duly paid or recovered;
- (d) in the case of a recognizance, discharging the recognizance or reducing the amount due thereunder:

Provided that any term of imprisonment fixed under this subsection in default of payment of a fine shall not exceed twelve months.

(2) Where any person liable for the payment of a fine or a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment, the court may order that any term of imprisonment fixed under paragraph (c) of subsection (1) shall not begin to run until after the end of the first-mentioned term of imprisonment.

(3) The power conferred by this section to discharge a recognizance or reduce the amount due thereunder shall be in addition to the powers conferred by any other enactment relating to the discharge, cancellation, mitigation or reduction of recognizances or sums forfeited thereunder.

(4) Where any such order as aforesaid is made directing payment by instalments of a fine or the amount due under a recognizance, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

(5) Where any such order as aforesaid is made fixing a term of imprisonment in default of payment of a fine or the amount due under a recognizance, then—

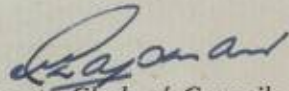
(a) on payment of the fine or the said amount to the officer responsible for the recovery thereof, or (if the person in respect of whom the order was made is in prison) to the Commissioner of Prisons, the order shall cease to have effect; and, if the said person is in prison and is not liable to be detained for any other cause, he shall forthwith be discharged;

(b) on payment to the said officer or to the Commissioner of Prisons of a part of the fine or of the amount due under the recognizance, the total number of days in the term of imprisonment shall be reduced proportionately, that is to say, by such number of days as bears to the said total number of days less one day the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the amount of the fine or the amount due under the recognizance.

(6) In reducing the number of days in the term of imprisonment under paragraph (b) of subsection (5), the term of such imprisonment to be reduced shall be deemed, at any given time, to have been reduced by any period of remission earned under the Prison Rules, 1954.

(7) For the purposes of this section "court" shall include District Court."

Passed the Legislative Council of Hong Kong, this 4th day of May, 1960.

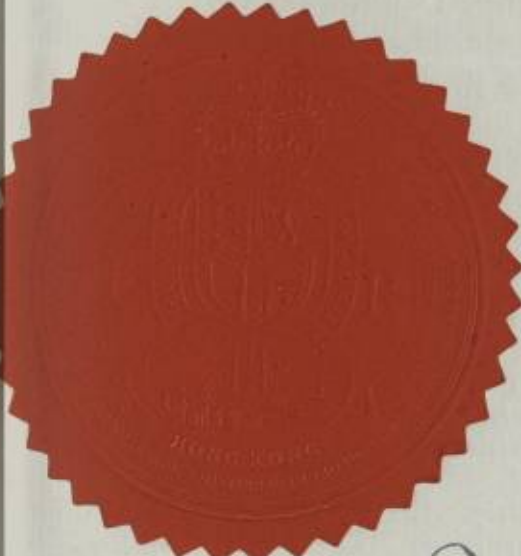

Deputy Clerk of Councils.

(Secretariat GR2/3231/54)

HONG KONG

No. 13 OF 1960.

I assent.


Claudia Junges
Officer Administering the Government.

5th May, 1960.

An Ordinance to make provision for the enforcement in the Colony of Hong Kong of judgments given in other parts of Her Majesty's dominions, certain other territories and foreign countries which afford reciprocal treatment to judgments given in the Colony of Hong Kong, for facilitating the enforcement in such dominions, territories or countries of judgments given in the Colony of Hong Kong, and for matters connected therewith.

[6th May, 1960.]

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 Foreign Judgments Short title (Reciprocal Enforcement) Ordinance, 1960.

2. (1) In this Ordinance, unless the context otherwise requires— Interpre-
"appeal" includes any proceedings by way of discharging or setting tation.
aside a judgment or an application for a new trial or a stay of
execution;

"country of the original court" means the country in which the original court is situated;

"foreign country" has the same meaning as in the United Kingdom Foreign Judgments (Reciprocal Enforcement) Act, 1933;

"judgment" means—

- (a) a judgment or order given or made by a court in any civil proceedings; or
- (b) a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party; or
- (c) an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;

"judgment creditor" means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise;

"judgment debtor" means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable under the law of the original court;

"judgments given in the superior courts of the Colony" means judgments given in the Supreme Court and includes judgments given in any court whether of the Colony or not, on appeals against any judgments so given;

"original court" in relation to any judgment means the court by which the judgment was given;

(Cap. 4). "prescribed" means prescribed by rules of court made under section 37 of the Supreme Court Ordinance as modified by section 5 of this Ordinance;

"registration" means registration under section 4, and the expressions "register" and "registered" shall be construed accordingly;

"registering court" in relation to any judgment means the court to which an application to register the judgment is made.

(2) For the purposes of this Ordinance the expression "action in personam" shall not be deemed to include any matrimonial cause or any proceedings in connexion with any of the following matters—

- (a) matrimonial matters;
- (b) administration of the estates of deceased persons;
- (c) bankruptcy;

(d) winding up of companies;

(e) lunacy;

(f) guardianship of infants.

3. (1) The Governor in Council, if he is satisfied that, in the event of the benefits conferred by this Ordinance being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior courts of the Colony, may by order direct—

Power to extend the provisions of the Ordinance to countries giving reciprocal treatment.

(a) that the provisions of this Ordinance shall extend to that foreign country; and

(b) that such courts of that foreign country as are specified in the order shall be deemed superior courts of that foreign country for the purposes of this Ordinance.

(2) Any judgment of a superior court of any foreign country to which the provisions of this Ordinance extend, other than a judgment of such a court given on appeal from a court which is not a superior court, shall be a judgment to which the provisions of this Ordinance apply, if—

(a) it is final and conclusive as between the parties thereto; and

(b) there is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and

(c) it is given after the coming into operation of the order directing that the provisions of this Ordinance shall extend to that foreign country.

(3) For the purposes of this section, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal is pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.

(4) The Governor in Council may by a subsequent order vary or revoke any order previously made under this section.

4. (1) A person, being a judgment creditor under a judgment to which the provisions of this Ordinance apply, may apply to the Supreme Court at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the Supreme Court, and on any such application the court shall, subject to proof of the prescribed matters and to the other provisions of this Ordinance, order the judgment to be registered:

Application for, and effect of, registration of foreign judgments.

Provided that a judgment shall not be registered if at the date of the application—

- (a) it has been wholly satisfied; or
- (b) it could not be enforced by execution in the country of the original court.

(2) Subject to the provisions of this Ordinance with respect to the setting aside of registration—

- (a) a registered judgment shall, for the purposes of execution, be of the same force and effect; and
- (b) proceedings may be taken on a registered judgment; and
- (c) the sum for which a judgment is registered shall carry interest; and
- (d) the registering court shall have the same control over the execution of a registered judgment,

as if the judgment had been a judgment originally given in the registering court and entered on the day of registration:

Provided that the execution shall not issue on the judgment so long as, under the provisions of this Ordinance and any prescribed rules, it is competent for any party to make an application to have the registration of the judgment set aside, or, where such an application is made, until after the application has been finally determined.

(3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of the Colony, the judgment shall be registered as if it were a judgment for such sum in the currency of the Colony as, on the basis of the rate of exchange prevailing at the date of judgment of the original court, is equivalent to the sum so payable.

(4) If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall not be registered in respect of the whole sum payable under the judgment of the original court, but only in respect of the balance remaining payable at that date.

(5) If, on an application for the registration of a judgment, it appears to the registering court that the judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

(6) In addition to the sum of money payable under the judgment of the original court, including any interest which by the law of the country of the original court becomes due under the judgment up to

the time of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original court.

5. (1) The power to make rules of court under section 37 of the Supreme Court Ordinance shall, subject to the provisions of this section, include power to make rules for the following purposes—

Rules of Court.
(Cap. 4).

- (a) for making provision with respect to the giving of security for costs by persons applying for the registration of judgments;
- (b) for prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters;
- (c) for providing for the service on the judgment debtor of notice of the registration of a judgment;
- (d) for making provision with respect to the fixing of the period within which an application may be made to have the registration of a judgment set aside and with respect to the extension of the period so fixed;
- (e) for prescribing the method by which any question arising under the provisions of this Ordinance whether a foreign judgment can be enforced by execution in the country of the original court, or what interest is payable under a foreign judgment under the law of the original court, is to be determined;
- (f) for prescribing any matter which under the provisions of this Ordinance is to be prescribed.

(2) Rules made for the purposes of this Ordinance shall be expressed to have, and shall have, effect subject to any such provisions contained in orders made by the Governor in Council under section 3 as are declared by such orders to be necessary for the giving of effect to agreements made between Her Majesty and any foreign country in relation to matters with respect to which there is power to make rules of court for the purposes of the provisions of this Ordinance.

6. (1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

Cases in which registered judgments must, or may be set aside.

- (a) shall be set aside if the registering court is satisfied—
 - (i) that the judgment is not a judgment to which the provisions of this Ordinance apply or was registered in contravention of any of the foregoing provisions of this Ordinance; or

- (ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case; or

(iii) that the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear; or

(iv) that the judgment was obtained by fraud; or

(v) that the enforcement of the judgment shall be contrary to public policy in the country of the registering court; or

(vi) that the rights under the judgment are not vested in the person by whom the application for registration was made;

(b) may be set aside if the registering court is satisfied that the matter in dispute in the proceedings in the original court had previously to the date of the judgment in the original court been the subject of a final and conclusive judgment by a court having jurisdiction in the matter.

(2) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of subsection (3), be deemed to have had jurisdiction—

(a) in the case of a judgment given in an action in personam—

(i) if the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting, or obtaining the release of, property seized, or threatened with seizure, in the proceedings or of contesting the jurisdiction of that court; or

(ii) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court; or

(iii) if the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the country of that court; or

(iv) if the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted resident in, or being a body corporate had its principal place of business in, the country of that court; or

(v) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that court were in respect of a transaction effected through or at that office or place;

(b) in the case of a judgment given in an action of which the subject matter was immovable property or in an action in rem of which the subject matter was movable property, if the property in question was at the time of the proceedings in the original court situate in the country of that court;

(c) in the case of a judgment given in an action other than any such action as is mentioned in paragraph (a) or paragraph (b), if the jurisdiction of the original court is recognized by the law of the registering court.

(3) Notwithstanding anything contained in subsection (2), the courts of the country of the original court shall not be deemed to have had jurisdiction—

(a) if the subject matter of the proceedings was immovable property outside the country of the original court; or

(b) except in the cases mentioned in sub-paragraphs (i), (ii) and (iii) of paragraph (a) or in paragraph (c) of subsection (2), if the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the country of that court; or

(c) if the judgment debtor, being a defendant in the original proceedings, was a person who under the rules of public international law was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court.

7. (1) If, on an application to set aside the registration of a judgment, the applicant satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment, the court, if it thinks fit, may, on such terms as it may think just, either set aside the registration or adjourn the application to set aside the registration until after the expiration of such period as appears to the court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by the competent tribunal.

Powers of registering courts on application to set aside registrations.

(2) Where the registration of a judgment is set aside under subsection (1), or solely for the reason that the judgment was not at the date of the application for registration enforceable by execution in the country of the original court, the setting aside of the registration shall not prejudice a further application to register the judgment when the appeal has been disposed of or if and when the judgment becomes enforceable by execution in that country, as the case may be.

(3) Where the registration of a judgment is set aside solely for the reason that the judgment, notwithstanding that it had at the date of the application for registration been partly satisfied, was registered for the

whole sum payable thereunder, the registering court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

Foreign judgments which can be registered not to be enforceable otherwise.

8. No proceedings for the recovery of a sum payable under a foreign judgment, being a judgment to which the provisions of this Ordinance apply, other than proceedings by way of registration of the judgment, shall be entertained in any court in the Colony.

Power to apply the provisions of the Ordinance to Her Majesty's dominions and territories outside the Colony. S.R. & O. 1933. (No. 1073). (Cap. 9).

9. The Governor in Council may by order made under section 3 direct that the provisions of this Ordinance shall apply to any of Her Majesty's dominions or territories outside the Colony to which the Reciprocal Enforcement of Judgments (General Application to His Majesty's Dominions, etc.) Order, 1933, or any Order in Council varying such Order, applies and to judgments obtained in the superior courts of such dominions or territories, as they apply to foreign countries and judgments obtained in the superior courts of foreign countries; and upon the making of any such order under section 3, if the provisions of the Judgments (Facilities for Enforcement) Ordinance extends to such part of Her Majesty's dominions or territories aforesaid, the provisions of that Ordinance shall cease to have effect in relation to that part of Her Majesty's dominions or territories:

Provided—

- (a) that the fact that a judgment was given in any such part of Her Majesty's dominions or territories to which the provisions of the Judgments (Facilities for Enforcement) Ordinance applied before the coming into operation of such order made under section 3 shall not prevent such judgment from being a judgment to which the provisions of this Ordinance apply, but the time limited for the registration of such judgment so given shall be twelve months from the date of the judgment or such longer period as may be allowed by the Supreme Court; and
- (b) any judgment registered in the Supreme Court under the provisions of the Judgment (Facilities for Enforcement) Ordinance before the coming into operation of such order made under section 3 shall be deemed to have been registered in that court under the provisions of this Ordinance and anything done in relation thereto under the provisions of the Judgments (Facilities for Enforcement) Ordinance or any rules of court or other provisions applicable thereto shall be deemed to have been done under the provisions of this Ordinance or corresponding rules of court or other provisions applicable thereto.

10. (1) Subject to the provisions of this section, a judgment to which the provisions of this Ordinance apply or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognized in any court in the Colony as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counter-claim in any such proceedings.

General effect of certain foreign judgments.

(2) This section shall not apply in the case of any judgment—

- (a) where a judgment has been registered and the registration thereof has been set aside on some ground other than—
 - (i) that a sum of money was not payable under the judgment; or
 - (ii) that the judgment had been wholly or partly satisfied; or
 - (iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court; or
- (b) where the judgment has not been registered, it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a).

(3) Nothing in this section shall be taken to prevent any court in the Colony recognizing any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognized before the commencement of this Ordinance.

11. (1) If it appears to the Governor in Council that the treatment in respect of recognition and enforcement accorded by the courts of any foreign country to judgments given in the superior courts of the Colony is substantially less favourable than that accorded by the courts of the Colony to judgments of the superior courts of that country, the Governor in Council may by order apply this section to that country.

Power to make foreign judgments unenforceable in the Colony if no reciprocity.

(2) Except in so far as the Governor in Council may by order under this section otherwise direct, no proceedings shall be entertained in any court in the Colony for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.

(3) The Governor in Council may by a subsequent order vary or revoke any order previously made under this section.

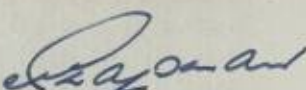
Issue of Certificates of judgments obtained in the Colony.

(Cap. 4).

12. Where a judgment under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, has been entered in the Supreme Court against any person and the judgment creditor is desirous of enforcing the judgment in a foreign country to which the provisions of this Ordinance apply, the court shall, on an application made by the judgment creditor and on payment of such fee as may be fixed for the purposes of this section by rules of court made under section 37 of the Supreme Court Ordinance as modified by section 5 of this Ordinance issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed:

Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

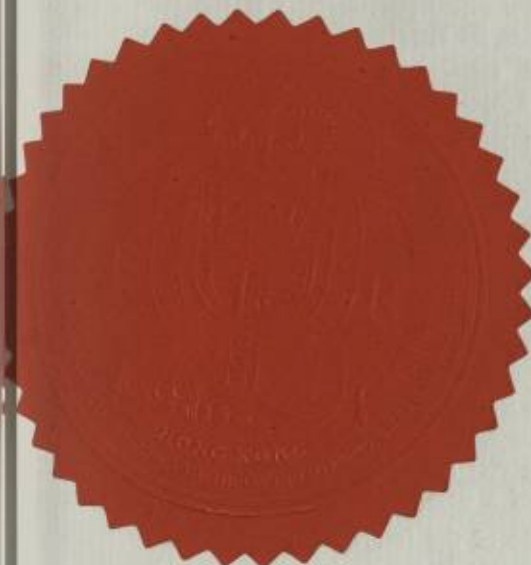
Passed the Legislative Council of Hong Kong, this 4th day of May, 1960.


Deputy Clerk of Councils.

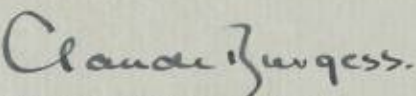
(Secretariat GR5/3231/58)

HONG KONG

No. 14 OF 1960.



I assent.


Officer Administering the Government.

5th May, 1960.

An Ordinance further to amend the Medical Registration Ordinance, 1957.

[]

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 Medical Registration (Amendment) Ordinance, 1960 and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title and commencement.

2. Section 3 of the Medical Registration Ordinance, 1957 (hereinafter referred to as the principal Ordinance) is amended by the deletion of subsections (2) and (3) and the substitution therefor of the following new subsections—

Amendment of section 3. (25 of 1957).

“(2) The Council shall consist of—

(a) the Director;

- (b) two Medical Officers of Her Majesty's Forces to be nominated by the Commander British Forces, Hong Kong, and appointed by the Governor;
- (c) two registered medical practitioners in the public service of the Colony to be appointed by the Governor;
- (d) one registered medical practitioner nominated by the University and appointed by the Governor;
- (e) five medical practitioners resident in the Colony to be nominated by the Hong Kong and China Branch of the British Medical Association and by the Hong Kong Chinese Medical Association and appointed by the Governor.

(3) The members referred to in paragraphs (c), (d) and (e) of subsection (2) of this section shall hold office for a period of three years but at the end of such period they may be reappointed."

Amendment
of section 7.

3. Paragraph (b) of section 7 of the principal Ordinance is amended by—

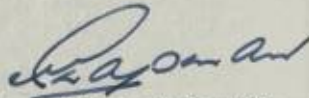
- (a) the deletion of the full stop at the end thereof, and the substitution therefor of a colon; and
- (b) the addition thereto of the following proviso—

"Provided that where in the place issuing such degree or diploma a Colony diploma is not accepted as entitling the owner to registration as a medical practitioner, the Registrar may require an applicant holding a degree or diploma issued in such place to produce evidence of registration with the General Medical Council of the United Kingdom."

Avoidance
of doubt.

4. For the avoidance of doubt it is declared that the members of the Council as constituted before the amendment of the principal Ordinance by section 2 of this Ordinance shall cease to hold office upon the coming into operation of this Ordinance.

Passed the Legislative Council of Hong Kong, this 4th day of May, 1960.



Deputy Clerk of Councils.

(Secretariat CR8/3231/5311)

HONG KONG

No. 15 OF 1960.

I assent.


Claude Burgess.
Officer Administering the Government.

19th May, 1960.

An Ordinance to provide for the registration and control of certain Post Secondary Colleges and their consequent exemption from the provisions of the Education Ordinance and for other matters connected therewith.

[20th May, 1960.]

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 Post Secondary Colleges Ordinance, 1960. Short title.

2. In this Ordinance save where the context otherwise requires— Interpretation.
"College" means a Post Secondary College registered under this Ordinance, and such College should be known as an Approved Post Secondary College;

"Board of Governors" includes a Board of Trustees where such a body exists in place of a Board of Governors;

"Director" means the Director of Education.

Registers.

3. For the purposes of this Ordinance the Director shall keep the following registers—

- (a) a register of Colleges;
- (b) a register of members of Boards of Governors;
- (c) a register of members of College Councils;
- (d) a register of teachers in Colleges.

Requirements for registration.

4. A Post Secondary College shall be eligible for registration under section 3 and thereafter to remain on the register where the Director is satisfied as to—

- (a) the composition of the Board of Governors, College Council and teaching staff being such as to ensure satisfactory academic and general standards and conduct;
- (b) the constitution, statutes or other instruments which govern the Post Secondary College, which documents shall contain such provisions as are set out in the regulations;
- (c) the courses offered being suitable in all respects for Post Secondary Colleges meeting a community need and including major courses extending over at least four years;
- (d) the equipment, laboratories, library and general facilities being adequate for the courses offered;
- (e) the number, qualifications, remuneration and conditions of service of the Post Secondary College staff;
- (f) the premises being adequate for the purposes of a Post Secondary College and being in all ways suitable and safe for such purposes;
- (g) the conditions as to age and attainments of the students qualifying for admission, the standard of instruction and the final examination standards;
- (h) the number of students being admitted having regard to the maintenance of status and standards, facilities available and community need;
- (i) students being admitted without favour being shown on grounds of race, nationality or religion save where on the application of the Post Secondary College the Director approves of an exception in favour of a class of persons holding a particular religious faith;
- (j) the Post Secondary College being free from affiliation with or control by any foreign government, foreign organization or political group and the students teachers and officers refraining from political propaganda and from any undesirable political activity and from any other activity whatsoever which the Director considers inimical to the interests of the College;

- (k) adequate provision being made in the Post Secondary College for the encouragement of corporate and social life and for recreation;
- (l) the finances of the Post Secondary College;
- (m) the legal status of the Post Secondary College which shall be a corporation unless other arrangements are made, to the approval of the Director, for the proper discharge of legal obligations and safeguarding of rights of the College;
- (n) the College complying in all respects with the provisions of this Ordinance.

5. So long as a College remains registered under section 3 it shall be exempt from the provisions of the Education Ordinance, 1952.

Effect of registration. (33 of 1952, 1958 Re-print).

6. (1) The Director may refuse to register or may cancel the registration of—

Refusal of registration and cancellation.

- (a) any Post Secondary College where he is not satisfied in respect of any of the matters specified in section 4;
 - (b) any person as a member of a Board of Governors or College Council or as a teacher where it appears to him that such person is not a fit and proper person to act in that capacity or that such person fails to comply with the provisions of this Ordinance.
- (2) The Director shall cancel the registration of—
- (a) any College where it appears to him that such College has ceased to function or where the Chairman of the Board of Governors, on the instructions of the Board of Governors, requests cancellation;
 - (b) any person from the register of members of Boards of Governors or College Councils or teachers where such person ceases to act in that capacity.

(3) The Director shall give notice in writing of any refusal to register or of any cancellation to the Post Secondary College or person concerned.

(4) Where the Director refuses to register or cancels a registration under subsection (1) the Post Secondary College or person concerned may within twenty-one days of the receipt of the notice under subsection (3) appeal by way of petition to the Governor in Council, and the decision of the Governor in Council shall be final.

(5) For the purpose of considering a petition and determining the appeal the Governor in Council may appoint a tribunal to inquire into the matters raised in such petition, and may empower such tribunal

to hear evidence and do all other such things as are necessary for its due inquiry. Any tribunal so appointed shall conduct its inquiry in private and submit a report in writing to the Governor in Council.

- (6) (a) In addition to the powers of the Director under subsection (1) the Governor in Council may order the Director to refuse to register or to cancel the registration of any Post Secondary College or of any person as a member of a Board of Governors or College Council or as a teacher where it appears to the Governor in Council that the registration or the continued registration of such College or person would be prejudicial to the public interest, to the welfare of students or to education generally.
- (b) Before making any order under this subsection the Governor in Council shall afford to the Post Secondary College or person concerned the opportunity to submit any representations in writing which shall be considered by the Governor in Council.

Visits.

7. For the purposes of this Ordinance, and for the purpose of ensuring compliance with any conditions attaching to financial assistance from Government, the Director and any person authorized by him in writing in that behalf, may visit any College, and shall be afforded all reasonable facilities and information by the College and the teachers and officers.

Name of College.

8. (1) Every College shall be registered under such name in both English and Chinese as may be approved by the Director, who shall not without the prior sanction of the Governor in Council approve any name containing the word "University", or the Chinese words "Tai Hok" (大學) or "Hok Yuen" (學院).

(2) No College may use any name other than its registered name.

Evening Colleges.

9. (1) Where any Post Secondary College provides courses in the evening of a like nature to those provided in a College, such Post Secondary College may be required by the Director to include the word "Evening (夜)" in its name.

(2) Every Post Secondary College so required shall be deemed a separate College and shall be required to register as such, notwithstanding that it is registered as a College in respect of the courses conducted during the day.

Award of diplomas and certificates. (33 of 1952, 1958 Re-print).

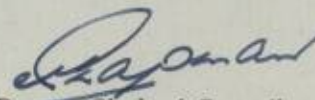
10. Colleges registered under this Ordinance and Post Secondary Colleges registered under the Education Ordinance, 1952, may award College diplomas and College certificates but shall not award degrees or issue any document which could reasonably be taken as signifying the award of a university degree.

11. Colleges may establish institutes or departments of research or special studies with the approval in writing of the Director, who in giving his approval shall take into consideration the need for any such institute or department and the ability of the College to maintain satisfactory standards therein with reference to the adequacy of the teaching staff, equipment and general facilities. Research and special studies.

12. (1) The Governor in Council may by regulation prescribe or provide for— Regulations.

- (a) the provisions required to be in college constitutions including provisions relating to the composition of Boards of Governors, College Councils, Academic Boards and Faculty Boards, the officers and academic staff with their conditions of service and generally for the administration of the College;
- (b) the conduct of the affairs of the College;
- (c) forms;
- (d) generally for the carrying into effect of the provisions of this Ordinance.
- (2) The Director may exempt any College, officer, teacher or student thereof from any of the provisions of any regulations made under this section.

Passed the Legislative Council of Hong Kong, this 18th day of May, 1960.


Deputy Clerk of Councils.

(Secretariat CR4/3231/59)

HONG KONG

No. 16 OF 1960.

I assent.

Claude Burgess.
Officer Administering the Government.

19th May, 1960.

An Ordinance to amend the Magistrates Ordinance, Chapter 227.

[20th May, 1960.]

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

1. This Ordinance may be cited as the Magistrates (Amendment) Ordinance, 1960. Short title.

2. Section 11 of the Magistrates Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 11. (Cap. 227).

(a) by the insertion after the word “character” of the following—

“, or where a prosecution is for an offence against the Societies Ordinance and is an offence relating to or otherwise connected with a Triad Society”;

(Cap. 151).

(b) by the deletion of the full stop at the end thereof and the addition of the following—

“: Provided that in any case the delivery by the magistrate of his determination and any proceedings subsequent thereto, other than a review under section 102 which requires the hearing of evidence, shall take place in open and public court.”.

Amendment
of section 35.

3. Section 35 of the principal Ordinance is amended by the deletion of subsection (1) and the substitution therefor of the following new subsection—

“(1) Where any person is charged before a magistrate with an offence punishable on summary conviction, and the magistrate thinks that the charge is proved but is of opinion that, having regard to the character, antecedents, age, health or mental condition of the person charged or to the trivial nature of the offence or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, the magistrate, with or without recording a conviction, may make an order either—

- (a) discharging the offender absolutely; or
- (b) discharging the offender conditionally on his entering into a recognizance, with or without sureties, in a sum not greater than five hundred dollars, to be of good behaviour and to appear for conviction and sentence or for sentence, as the case may be, when called on at any time during such period, not exceeding three years, as may be specified in the order.”.

Amendment
of section 95

4. Section 95 of the principal Ordinance is amended by the deletion of the words “two hundred and fifty dollars” and the substitution therefor of the following—

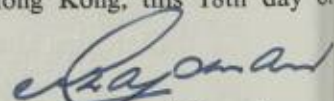
“five hundred dollars”.

Amendment
of section
118.

5. Subsection (2) of section 118 of the principal Ordinance is amended by the deletion of the full stop at the end thereof and the addition of the following—

“: Provided that the provisions of this subsection shall not apply to the payment of costs ordered by the judge to be paid by the Attorney General.”.

Passed the Legislative Council of Hong Kong, this 18th day of May, 1960.



Deputy Clerk of Councils.

(Secretariat GR9/3231/53)

HONG KONG

No. 17 OF 1960.

I assent.


Clara Burgess
Officer Administering the Government.

19th May, 1960.

An Ordinance further to amend the Urban Council Ordinance, 1955.

[20th May, 1960.]

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 (Amendment) Ordinance, 1960. Short title.
2. Section 2 of the Urban Council Ordinance, 1955 (hereinafter referred to as the principal Ordinance) is amended by the deletion therefrom of the definition of the words “Health Officer”. Amendment
of section 2.
(14 of 1955).
3. Section 3 of the principal Ordinance is amended by the deletion from sub-paragraph (ii) of paragraph (a) thereof of the words “Assistant Director of Health Services” and the substitution therefor of the following— Amendment
of section 3.
“Deputy Director of Medical and Health Services”.