

HONG KONG

No. 33 OF 1970.



I assent.

Church.

Governor.

26th March, 1970.

An Ordinance to apply a sum not exceeding two thousand three hundred and ninety-three million, eighty-one thousand, two hundred and twenty dollars to the Public Service of the financial year ending the 31st day of March 1971.

[1st April, 1970.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March 1971, has been estimated at the sum of two thousand three hundred and ninety-three million, eighty-one thousand, two hundred and twenty 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 Ordinance 1970.

Short title.

Appropriation from the general revenues and other funds.

Schedule.

2. A sum not exceeding two thousand three hundred and ninety-three million, eighty-one thousand, two hundred and twenty 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 on the 1st day of April 1970, and ending on the 31st day of March 1971, and the said sum so charged may be expended in the manner expressed in the Schedule.

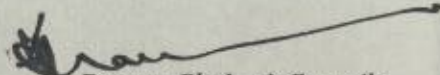
SCHEDULE.

[s. 2.]

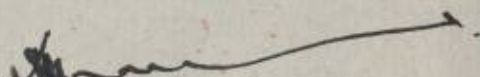
<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
21.	His Excellency the Governor's Establishment ...	988,900
22.	Agriculture and Fisheries Department	16,642,400
23.	Audit Department	2,264,500
24.	Census and Statistics Department	12,819,400
25.	Civil Aviation Department	12,583,100
26.	Colonial Secretariat and Legislature	23,392,500
27.	Colonial Secretariat: London Office	2,070,900
28.	Commerce and Industry Department	21,514,100
29.	Defence: Hong Kong Regiment (The Volunteers)	2,145,000
30.	Defence: Hong Kong Auxiliary Air Force	2,284,600
31.	Defence: Essential Services Corps and Directorate of Manpower	358,300
32.	Defence: Auxiliary Fire Service	382,000
33.	Defence: Auxiliary Medical Service	1,683,600
34.	Defence: Civil Aid Services	2,848,100
35.	Defence: Registration of Persons Office	2,019,200
36.	Defence: Miscellaneous Measures	93,344,500
37.	Education Department	383,451,500
38.	Fire Services Department	40,024,300
39.	Government Supplies Department	19,083,500
40.	Immigration Department	10,237,900
41.	Information Services Department	11,111,800
42.	Inland Revenue Department	15,657,300
43.	Judiciary	15,401,300
44.	Kowloon-Canton Railway	10,817,100
45.	Labour Department: Labour Division	7,716,300
46.	Labour Department: Mines Division	650,600
47.	Legal Department	4,522,700
48.	Marine Department	27,060,500
49.	Medical and Health Department	170,534,500

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
50.	Miscellaneous Services	52,431,000
51.	New Territories Administration	17,657,600
52.	Pensions	63,788,000
53.	Police: Royal Hong Kong Police Force	176,571,600
54.	Police: Royal Hong Kong Auxiliary Police Force	4,530,500
55.	Post Office	84,467,200
56.	Printing Department	10,070,600
57.	Prisons Department	24,727,700
58.	Public Debt	5,015,220
59.	Public Services Commission	226,000
60.	Public Works Department	136,650,800
61.	Public Works Recurrent	107,957,900
62.	Public Works Non-recurrent: Headquarters	13,111,000
63.	Public Works Non-recurrent: Buildings	188,909,700
64.	Public Works Non-recurrent: Engineering	96,592,000
65.	Public Works Non-recurrent: Waterworks	52,015,000
66.	Radio Hong Kong	6,134,800
67.	Rating and Valuation Department	4,998,200
68.	Registrar General's Department	6,498,400
69.	Registry of Trade Unions	445,700
70.	Resettlement Department	55,731,800
71.	Royal Observatory	4,524,700
72.	Secretariat for Home Affairs	7,933,900
73.	Social Welfare Department	22,498,800
74.	Subventions: Medical	64,023,600
75.	Subventions: Social Welfare	12,741,400
76.	Subventions: Miscellaneous	30,071,800
77.	Transport Department	3,604,200
78.	Treasury	9,646,900
79.	Universities	93,614,500
80.	Urban Services Department and Urban Council ...	91,980,600
81.	Urban Services Department: Cultural Services Division	4,236,200
82.	Urban Services Department: Housing Division ..	14,420,400
83.	Urban Services Department: New Territories Division	11,555,100
84.	World Refugee Year Schemes	88,000
TOTAL		\$2,393,081,220

Passed by the Hong Kong Legislative Council this ^{25th} day
of March, 1970.


Deputy Clerk of Councils.

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

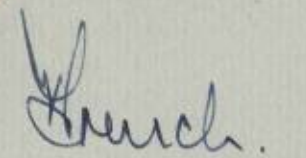

Deputy Clerk of Councils.

HONG KONG

No. 34 OF 1970.



I assent.


Governor.

26th March, 1970.

An Ordinance to amend further the Pensions Ordinance.

[31st March, 1970.]

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

1. (1) This Ordinance may be cited as the Pensions (Amend-
ment) (No. 2) Ordinance 1970.

Short title and
commencement.

(2) Section 6 shall be deemed to have had effect as from
the 1st day of April 1965.

2. Section 2 of the principal Ordinance is amended in sub-
section (1) in the definition of "public service" by—

Amendment of
section 2.
(Cap. 89.)

(a) deleting paragraph (b) and substituting the following—

"(b) service under the East Africa High Commission, the
East African Common Services Organization, the
East African Posts and Telecommunications Admin-
istration, the East African Railways and Harbours

Administration, the East African Community, the East African Harbours Corporation, the East African Posts and Telecommunications Corporation or the East African Railways Corporation;";

(b) deleting paragraph (f) and substituting the following—

"(f) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa or the Court of Appeal for East Africa;"; and

(c) inserting, after paragraph (g), the following new paragraph—

"(h) pensionable service with the Post Office, United Kingdom of Great Britain and Northern Ireland;".

Amendment of section 6.

3. Section 6 of the principal Ordinance is amended by deleting paragraph (a) and substituting the following—

"(a) in the case of a judge—

- (i) on or after attaining the age of 55 years; or
- (ii) on or after attaining the age of 45 years when such retirement is with the approval of the Secretary of State;

(aa) in the case of an officer other than a judge, on or after attaining the normal age of retirement, as provided in section 8, or the age of 45 years when such retirement is with the approval of the Governor and, if such officer was appointed with the approval of the Secretary of State and has not attained the normal age of retirement, when such retirement is with the approval of the Governor and Secretary of State;".

Amendment of section 8.

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

(a) deleting subsection (1) and substituting the following—

"(1) The normal age of retirement of an officer, other than a judge, holding a pensionable office shall be on attaining the age of 55 years:

Provided that—

- (a) the Governor may approve any such officer's continued service after attaining such age;
- (b) a female officer who held a pensionable office on the 1st day of April 1957, may elect to retire on attaining the age of 50

years by giving to the Governor notice in writing of such election on or before attaining the age of 49 years and such election shall be irrevocable.";

(b) inserting in subsection (2), after "require an officer", a comma and the following—

"other than a judge.".

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

Repeal and replacement of section 16.

"Pensions, etc. may cease on accepting certain employments.

16. (1) The Governor may direct that any pension or allowance paid to any person under this Ordinance, otherwise than under section 18, shall cease if such person has, without the prior permission in writing of the Governor—

- (a) entered business on his own account;
- (b) become a partner in a partnership;
- (c) become a director of a company; or
- (d) become an employee,

if the principal part of such business or of the business of such partnership or company or of his employment is, in the opinion of the Governor, carried on in the Colony.

(2) The Governor may, if he is satisfied that a person has ceased to be engaged in any of the capacities referred to in subsection (1), direct that any pension or allowance previously payable to such person be restored, either with retrospective effect or from such date as he may specify.".

6. Section 18 of the principal Ordinance is amended—

Amendment of section 18.

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

"(i) if the deceased officer dies after the 31st day of March 1965 leaving a widow, a pension to her, while she remains unmarried and of good character, at a rate not exceeding one-sixth of the officer's annual pensionable emoluments at the date of the injury or one thousand six hundred and eight dollars a year, whichever is the greater:

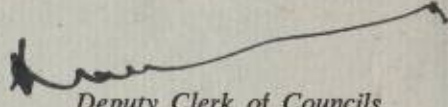
Provided that the Governor may, in his discretion, grant a pension at a rate not exceeding one-fourth of such emoluments;";

- (b) by inserting, after subsection (6), the following new subsection—

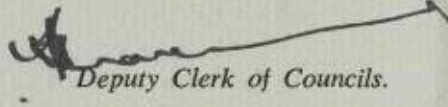
“(7) The Legislative Council may, by resolution, vary in respect of officers dying after such date as may be specified in such a resolution, the sum of one thousand six hundred and eight dollars mentioned in paragraph (i) of subsection (1):

Provided that no such resolution may provide for a decrease in the minimum pension in respect of officers dying before the date of the resolution.”.

Passed by the Hong Kong Legislative Council this ^{25th} day of March, 1970.


Deputy Clerk of Councils.

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

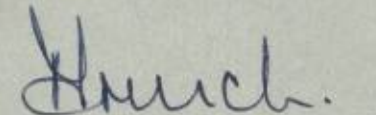

Deputy Clerk of Councils.

HONG KONG

No. 35 OF 1970.



I assent.



Governor.

26th March, 1970.

An Ordinance to amend further the Entertainments Tax Ordinance.

[1st April, 1970.]

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

1. This Ordinance may be cited as the Entertainments Tax (Amendment) Ordinance 1970 and shall come into operation on 1st April 1970.

Short title and commencement.

2. Section 2 of the principal Ordinance is amended—

Amendment of section 2. (Cap. 110.)

(a) by deleting the definition of “entertainment” and substituting the following—

“entertainment” means—


- (a) a cinematograph exhibition; or
- (b) a race meeting at which totalizator or *pari-mutuel* betting is conducted on the premises of the meeting;” and

Amendment of
section 5.


(b) by deleting the definition of "industry".

3. Section 5 of the principal Ordinance is amended in subsection (1) by deleting paragraph (e).

Passed by the Hong Kong Legislative Council this ~~15th~~ day of March, 1970.


Deputy Clerk of Councils.

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

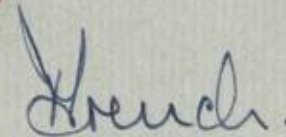

Deputy Clerk of Councils.

HONG KONG

No. 36 OF 1970.



I assent.



Governor.

9th April, 1970.

An Ordinance to repeal the Public Dance-Halls Tax Ordinance.

[1st April, 1970.]

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


1. This Ordinance may be cited as the Public Dance-Halls Tax (Repeal) Ordinance 1970 and shall be deemed to have had effect as from 1st April 1970.

Short title
and com-
mencement.


2. The Public Dance-Halls Tax Ordinance is repealed.

Repeal of
Cap. 115.

Passed by the Hong Kong Legislative Council this 8th day of April, 1970.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

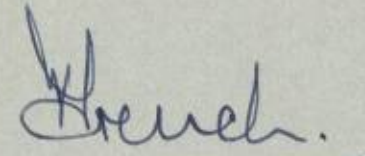


HONG KONG

No. 37 OF 1970.



I assent.


Governor.

9th April, 1970.

An Ordinance to amend further the Estate Duty Ordinance.

[1st April, 1970.]

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

1. This Ordinance may be cited as the Estate Duty (Amendment) (No. 2) Ordinance 1970 and shall be deemed to have had effect as from 1st April 1970.

Short title and commencement.

2. Section 3 of the principal Ordinance is amended in subsection (1) by deleting "means the Eighth Schedule" in the definition of "applicable Schedule" and substituting the following—

Amendment of section 3. (Cap. 111.)

"but before the 1st day of April 1970 means the Eighth Schedule, and in the case of persons dying on or after the 1st day of April 1970 means the Ninth Schedule".

3. Section 35 of the principal Ordinance is amended in subsection (4) by deleting "Ninth" and substituting the following—

Amendment of section 35.

"Tenth".

Amendment of
Eighth
Schedule.

4. The Eighth Schedule to the principal Ordinance is amended by deleting "until this Schedule is superseded" and substituting the following—

"before 1st April 1970".

Renumbering
of Ninth
Schedule and
insertion of
new Ninth
Schedule.

5. The principal Ordinance is amended—

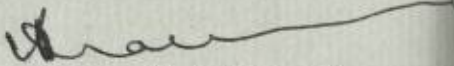
- (a) by renumbering the Ninth Schedule as the Tenth Schedule; and
(b) by inserting before the Tenth Schedule (as so renumbered) the following new Schedule—

"NINTH SCHEDULE. [ss. 3, 5, 14, 16,
17, 23, 24 & 27.]

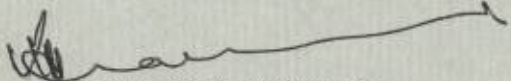
(Persons dying on or after 1st April 1970 and until this Schedule is superseded).

Where the principal value of the estate.		Estate duty shall be payable at the rate per cent of.	
	\$	\$	
Exceeds	200,000 and does not exceed	300,000	5
"	300,000 " " " "	350,000	7
"	350,000 " " " "	400,000	8
"	400,000 " " " "	450,000	9
"	450,000 " " " "	500,000	10
"	500,000 " " " "	550,000	11
"	550,000 " " " "	600,000	12
"	600,000 " " " "	700,000	14
"	700,000 " " " "	800,000	15
"	800,000 " " " "	900,000	16
"	900,000 " " " "	1,000,000	17
"	1,000,000 " " " "	1,500,000	18
"	1,500,000 " " " "	2,000,000	19
"	2,000,000		20

Passed by the Hong Kong Legislative Council this 8th day of April, 1970.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 38 OF 1970.



I assent.

French.

Governor.

23rd April, 1970.

An Ordinance to amend the Nurses Registration Ordinance.

[24th April, 1970.]

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

1. This Ordinance may be cited as the Nurses Registration (Amendment) Ordinance 1970. Short title.

2. The long title of the principal Ordinance is amended— Amendment of long title of principal Ordinance. (Cap. 164.)

(a) by inserting after "nurses" the following—
"and assistant nurses"; and

(b) by inserting after "registration" the following—
"or enrolment, as the case may be,".

Amendment of section 2.

3. Section 2 of the principal Ordinance is amended—
- (a) by inserting after the definition of "Director" the following—
- “enrolled assistant nurse” means a nurse whose name appears in any part of the roll;” and
- (b) by inserting after the definition of “registered nurse” the following—
- “roll” means the roll of enrolled assistant nurses maintained in accordance with section 10A;”.

Amendment of section 3.

4. Section 3 of the principal Ordinance is amended in subsection (2)—
- (a) by deleting “and” at the end of paragraph (d);
- (b) by deleting “defective and who shall be appointed by the Governor.” from paragraph (e) and substituting the following—
- “subnormal and who shall be appointed by the Governor; and”; and
- (c) by inserting after paragraph (e) the following—
- “(f) one officer of the Education Department who shall be nominated by the Director of Education and shall be appointed by the Governor.”.

Amendment of section 8.

5. Section 8 of the principal Ordinance is amended by deleting paragraph (g) of subsection (1).

Addition of new Part IIIA.

6. The principal Ordinance is amended by adding after Part III the following new Part—

“PART IIIA.

ENROLLED ASSISTANT NURSES.

Roll of enrolled assistant nurses.

- 10A. (1) The Board shall cause to be kept a roll of enrolled assistant nurses which shall contain such particulars as may from time to time be prescribed.
- (2) The roll shall be divided into such number of parts as may be prescribed.
- (3) Where a person satisfies the conditions of admission to more than one part of the roll, his name may be included in each such part.

(4) A certificate purporting to be under the seal of the Board and signed by the chairman or secretary stating that a person is or was at any date or is not or was not at any date an enrolled assistant nurse shall be evidence in all courts of law of the fact stated in such certificate until the contrary is proved.

Information with respect to enrolled assistant nurses.

10B. (1) The roll or a copy thereof shall be kept at the headquarters of the Medical and Health Department and shall be open to inspection by any person free of charge during usual business hours upon application being made in writing addressed to the secretary.

(2) The Board shall cause to be published in the *Gazette* in relation to successive periods, in such manner as the Board may think fit and at intervals of not more than twelve months, lists of all persons whose names have been entered in, removed from or restored to the roll during these periods.

Correction of the roll.

10C. (1) The secretary may from time to time amend the roll as to the address or other relevant particulars relating to any assistant nurse whose name appears therein upon his being satisfied that such amendment is necessary for the purpose of preserving the accuracy of the roll.

(2) Subject to the provisions of section 15, the secretary shall add to or delete from the roll the name of any assistant nurse whose name the Board directs shall be added thereto or deleted therefrom, as the case may be.

(3) Without prejudice to anything contained in Part IV, the Board may direct that the name of any assistant nurse be removed from the roll who—

- (a) requests in writing addressed to the secretary that his name be so removed;
- (b) dies;
- (c) has left the Colony without giving to the secretary notice of intention to return;
- (d) has not kept the secretary supplied with an address in the Colony at which notices from the Board may be served upon him:

Provided that—

- (i) this paragraph shall not apply to any enrolled assistant nurse in the service of the Government; and

(ii) any enrolled assistant nurse who fails to acknowledge within twelve months after the date of despatch the receipt of a registered letter or telegram addressed to him at his last address as recorded in the roll shall be deemed not to have kept the secretary supplied with an address under this paragraph.

Qualifica-
tion for
enrolment.

10D. (1) Subject to the provisions of this Ordinance, no person shall be qualified to be enrolled under this Part unless he has satisfied the Board that—

- (a) he has attained the age of twenty years;
- (b) he is of good character; and
- (c) either—
 - (i) he has completed such training as may be prescribed and has passed such examinations as may be required by the Board; or
 - (ii) his name is enrolled in any part of the roll maintained by the General Nursing Council for England and Wales; or
 - (iii) his name is enrolled in any part of the roll maintained by the General Nursing Council for Scotland; or
 - (iv) his name is enrolled in the roll maintained by the Joint Nursing and Midwives Council for Northern Ireland.

(2) Notwithstanding the provisions of subsection (1), the Board may require any applicant for enrolment any part of the roll to prove his competency in nursing by examination conducted by examiners appointed by the Board and, if required, to undergo such further training as the Board may specify.

(3) Notwithstanding the provisions of subsection (1), any person who, before the 1st day of June 1972, satisfies the Board that he—

- (a) has attained the age of twenty years;
- (b) is of good character;
- (c) has completed a course of training which is acceptable to the Board; and
- (d) has, within the period of three years immediately preceding the date of application for

enrolment, been *bona fide* engaged on nursing duties so as to fit him for enrolment as an enrolled assistant nurse,

shall be qualified to be enrolled as an enrolled assistant nurse.

Enrolment.

10E. (1) Any person who considers himself qualified to be enrolled in any part of the roll may apply in the manner prescribed to the secretary for enrolment.

(2) If, after due inquiry, the Board is satisfied that the applicant is qualified in accordance with section 10D to be enrolled the secretary shall, upon payment of the prescribed fee (if any), cause his name to be entered in the roll:

Provided that if the Board is satisfied that the applicant for enrolment—

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

the Board may, in its discretion, order that name of such applicant be not entered in the roll.

(3) Such provisions of Part IV as are capable of application to an inquiry held for the purposes of this section shall apply to any such inquiry, and any such provision may be construed with such modifications not affecting the substance thereof as may be necessary to render it applicable.

Certificate of
enrolment.

10F. (1) When the name of any person is enrolled under section 10E, the secretary shall issue to him a certificate of enrolment in the form prescribed.

(2) If any certificate issued under subsection (1) is lost or destroyed, or if for any other reason the person to whom such certificate was issued requires a copy thereof, the secretary, upon being satisfied as to the loss or destruction of the original and as to the propriety of the reason for which the copy is required, shall, upon payment of the fee prescribed (if any), issue to such person a certified copy of the original certificate.

(3) If the name of any enrolled assistant nurse is removed from the roll by order of the Board made under section 11, such assistant nurse shall forthwith return to the secretary the certificate of enrolment and any certified copy thereof issued to him in accordance with the provisions of this section or, if such certificate or such copy has been lost or destroyed, he shall deliver to the secretary a statement in writing signed by him to that effect.

(4) If any person fails to comply with any of the provisions of subsection (3) he shall be guilty of an offence and shall be liable on conviction to a fine of two hundred and fifty dollars."

Amendment of section 11.

7. Section 11 of the principal Ordinance is amended—

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

"Disciplinary powers of the Board.

11. (1) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 21, the Board is satisfied that any registered nurse or any enrolled assistant nurse, as the case may be—

- (a) has been, in the Colony or elsewhere, convicted of any offence punishable with imprisonment;
- (b) has been, in the Colony or elsewhere, guilty of unprofessional conduct;
- (c) has obtained registration or enrolment by fraud or misrepresentation;
- (d) was not at the time of registration or enrolment qualified to be registered or enrolled; or
- (e) has contravened any prohibition imposed under subsection (1) of section 19,

the Board, in its discretion, may—

- (i) order that the name of the registered nurse or enrolled assistant nurse be removed from the register or roll or any part thereof;

(ii) order that the name of the registered nurse or enrolled assistant nurse be removed from the register or the roll or any part thereof, for such specified period as it may think fit;

(iii) order that such registered nurse or enrolled assistant nurse be reprimanded; or

(iv) postpone judgment on the case for any period not exceeding two years,

and may, in any event, make such order as the Board thinks fit with regard to the payment of costs of the chairman or of the secretary or other person presenting the case to the Board or of any complainant or of such registered nurse, or such enrolled assistant nurse.";

(b) in subsection (2) by deleting "in accordance with sections 66 and 67 of the Magistrates Ordinance";

(c) in subsection (3) by deleting "which could be reasonably regarded as disgraceful or dishonourable by registered nurses of good repute and competency" and substituting the following—

"or an enrolled assistant nurse which could be reasonably regarded as disgraceful or dishonourable by registered nurses or enrolled assistant nurses of good repute and competency";

(d) in subsection (4) by inserting after "registered nurse" the following—

"or an enrolled assistant nurse";

(e) in subsection (5) by deleting "nurse" and substituting the following—

"registered nurse or an enrolled assistant nurse".

8. Section 12 of the principal Ordinance is amended in subsection (1) by deleting "9 or 11," and substituting the following—

"9, 10E or 11".

Amendment of section 12.

9. Section 14 of the principal Ordinance is amended by deleting "nurse" and substituting the following—

"registered nurse or enrolled assistant nurse".

Amendment of section 14.

Amendment of
section 15.

10. Section 15 of the principal Ordinance is amended—

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

“(1) The secretary shall cause a copy of—

- (a) any order refusing registration made under subsection (2) of section 9; or
(b) any order refusing enrolment under subsection (2) of section 10E; or
(c) any order made under subsection (1) of section 11,

to be served, as soon as may be after the making of the order, upon the registered nurse or the enrolled assistant nurse concerned, as the case may be, either personally or by registered post addressed to him at the last address known to the secretary.”;

- (b) in subsection (2) by deleting “any nurse from the register or any part thereof,” and substituting the following—

“any registered nurse from the register or of any enrolled assistant nurse from the roll.”;

- (c) by deleting subsection (3) and substituting the following—

“(3) Any—

- (a) registered nurse whose name is removed from the register or any part thereof in accordance with the provisions of this Ordinance, or whose name, prior to the commencement of this Ordinance, was so removed in accordance with the provisions of the Nurses Registration Ordinance 1931, from the register or from any part thereof, maintained in accordance with the provisions of that Ordinance;

- (b) enrolled assistant nurse whose name is removed from the roll or any part thereof in accordance with the provisions of this Ordinance,

may apply to the Board for the restoration of his name—

- (i) to the register or to such part thereof; or
(ii) to the roll or to such part thereof.

(1 of 1931,
Cap. 164, 1950.)

(4) The Board may, in its absolute discretion, and after such inquiry and subject to such conditions as it may consider expedient, either allow or reject the application, and, if it allows the application, shall direct the secretary upon payment of the prescribed fee, if any, to restore the name of the applicant to the register or to such part thereof, or to the roll or to such part thereof, as the case may be, and thereupon the secretary shall restore the name accordingly:

Provided that where the name of—

- (a) a registered nurse was removed from the register or any part thereof; or
(b) an enrolled assistant nurse was removed from the roll or any part thereof,

by order of the Board for a specified period only, no fee shall be payable upon the restoration of the name upon the expiration of such period.”.

11. Section 16 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

Amendment of
section 16.

“(1) Any person who considers himself aggrieved by an order of the Board made in accordance with the provisions of—

- (a) section 9 refusing him registration;
(b) section 10E refusing him enrolment; or
(c) section 11,

may appeal therefrom to the Full Court and the Court may affirm, vary or reverse the decision of the Board, and may exercise any power which the Board might have exercised and the decision of the Full Court shall be final.”.

12. Section 17 of the principal Ordinance is repealed and replaced by the following—

Repeal and
replacement of
section 17.

“Falsifica-
tion of
register
or roll.

17. Any person who wilfully makes, or causes to be made, a false statement in a matter relating—

- (a) to the register or to the registration of any name therein; or
(b) to the roll or to the enrolment of any name therein,

shall be guilty of an offence and shall be liable upon conviction to a fine of one thousand dollars and to imprisonment for three months.”.

Amendment of
section 18.

13. Section 18 of the principal Ordinance is amended—

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

“(c) not being an enrolled assistant nurse takes or uses the name or title of an enrolled assistant nurse, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform, or badge, implying that he is enrolled or recognized by law as an enrolled assistant nurse; or

(d) being a person whose name is included in any part of the roll, takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the roll; or

(e) at any time, with intent to deceive—

(i) in the case of a registered nurse, makes use of any certificate of registration issued to him or to any other person; or

(ii) in the case of an enrolled assistant nurse, makes use of any certificate of enrolment issued to him or to any other person.”;

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

“(2) Any person who—

(a) knowing that some other person is not registered as a nurse under this Ordinance, makes any statement or does any act which suggests that such other person is so registered; or

(b) knowing that some other person is not an enrolled assistant nurse makes any statement or does any act which suggests that such other person is so enrolled,

shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars and to imprisonment for three months.”.

14. Section 19 of the principal Ordinance is amended in subsection (1)—

Amendment of
section 19.

(a) by inserting after “registered nurse” the following—

“or any enrolled assistant nurse”;

(b) by deleting “nurse” and substituting the following—

“registered nurse or enrolled assistant nurse, as the case may be.”.

15. Section 20 of the principal Ordinance is amended by deleting “but shall be deemed to be registered nurses” and substituting the following—

Amendment of
section 20.

“or enrolment but shall be deemed to be registered nurses or enrolled assistant nurses”.

16. Section 21 of the principal Ordinance is amended by deleting paragraphs (g), (h) and (i) and substituting the following—

Amendment of
section 21.

“(g) the receipt of complaints or information touching any matter that may be inquired into by the Board under section 11 and the establishment of a committee to be known as the Preliminary Investigation Committee to make a preliminary investigation into any such complaint or information and to determine whether or not there shall be an inquiry under section 11;

(h) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Board from attending any meeting of the Board whilst it is inquiring under section 11 into a complaint or information, in the preliminary investigation of which he took part;

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

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


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

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


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

- (v) inquiries held by the Board under the provisions of section 11;
- (j) matters relating to the conduct of nursing practice; and
- (k) generally giving effect to the provisions of this Ordinance."

Passed by the Hong Kong Legislative Council this 22nd day of April, 1970.


Deputy Clerk of Councils.

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

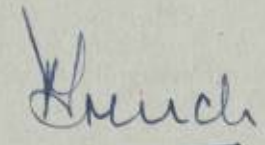

Deputy Clerk of Councils.

HONG KONG

No. 39 of 1970.



I assent.


Governor.

23rd April, 1970.

An Ordinance to amend further the Resettlement Ordinance.

[24th April, 1970.]

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

1. This Ordinance may be cited as the Resettlement (Amendment) Ordinance 1970.

Short title.

2. Section 28A of the principal Ordinance is amended by deleting subsections (1) and (2) and substituting the following—


Amendment of section 28A. (Cap. 304.)

“(1) Notwithstanding any other provision in this Ordinance a competent authority may, otherwise than by way of tenancy card or factory tenancy card, let—


- (a) any premises in a resettlement estate to any person—
- (i) who undertakes to provide banking facilities for the public in the premises so let;
 - (ii) who undertakes to provide restaurant facilities for the public in the premises so let; or

- (iii) who undertakes to use the premises so let for any other commercial purposes;
 - (b) any premises in a resettlement factory area to any person who undertakes to use the premises so let as a factory.
- (2) Any premises let in accordance with subsection (1) shall be used only for such purposes, being purposes of the nature specified in subsection (1), as may be permitted by the lease."

Passed by the Hong Kong Legislative Council this 22nd day of April, 1970.

 Deputy Clerk of Councils.

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

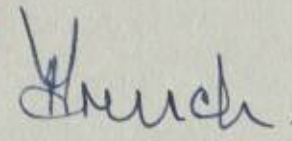
 Deputy Clerk of Councils.

HONG KONG

No. 40 OF 1970.



I assent.


Governor.

7th May, 1970.

An Ordinance to amend the Census Ordinance.

[8th May, 1970.]

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

1. This Ordinance may be cited as the Census (Amendment) Ordinance 1970. Short title.

2. Section 3 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 3. (Cap. 316.)

3. (1) The Governor in Council may, by order published in the *Gazette*, direct that a census be taken for the Colony or any part thereof.

(2) An order made under subsection (1) shall specify—

(a) the persons, places, establishments or other matters, in respect of which particulars for the purpose of the census are to be obtained;

"Power to direct census to be taken.

- (b) the date on which the census is to be taken;
- (c) the purpose for which the census is required; and
- (d) the date by which all completed forms and returns collected or received by census officers for the census and all copies thereof shall be destroyed by fire."

Amendment of section 14.

3. Section 14 of the principal Ordinance is amended—

- (a) by deleting the colon where it occurs after "Ordinance" and substituting a full stop; and
- (b) by deleting the proviso.

Amendment of section 15.

4. Section 15 of the principal Ordinance is amended—

- (a) in paragraph (a), by deleting "; or" at the end thereof and substituting a comma; and
- (b) by deleting paragraph (b).

Amendment of section 19.

5. Section 19 of the principal Ordinance is amended—

- (a) in paragraph (b), by inserting at the end thereof the following—
"or";
- (b) in paragraph (c), by deleting "; or" at the end thereof and substituting a comma; and
- (c) by deleting paragraph (d).

Addition of new sections 19A and 19B.

6. The principal Ordinance is amended by adding after section 19, the following new sections—

"Offence to publish information knowingly received in contravention of the Ordinance.

19A. Any person who publishes or communicates any information which to his knowledge has been disclosed in contravention of this Ordinance to any other person shall be guilty of an offence.

Restriction on publication.

19B. (1) Subject to the provisions of subsections (2) and (3), any person who publishes or shows to any person not employed in the execution of a duty under this Ordinance—

- (a) any individual return, or part thereof, made for the purposes of this Ordinance;
- (b) any individual answer given to any question put for the purposes of this Ordinance;

- (c) any particulars comprised in any return made for the purposes of this Ordinance, or any answer given to any question put for the purposes of this Ordinance which particulars are so arranged in a report, abstract or other document as to enable identification of any person, undertaking or business,

shall be guilty of an offence.

(2) Notwithstanding the provisions of subsection (1) it shall not be an offence to publish such particulars as are referred to in paragraph (c) of subsection (1) where such particulars enable identification merely by reason of the fact that they relate to an undertaking or business within a particular classification in the report, abstract or other document, so however that in no case shall such particulars enable identification of the costs of production, the capital employed, or profits arising in, any such undertaking or business.


(3) Nothing in this section shall be taken to prohibit the production of such evidence as may be necessary for the purpose of any proceedings instituted for an offence against this Ordinance."

7. Section 20 of the principal Ordinance is amended in paragraph (b) by deleting "or (d) of section 19" and substituting the following—

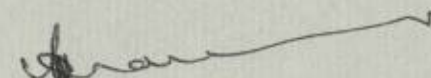
Amendment of section 20.

"of section 19 or section 19A or 19B".

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 41 OF 1970.



I assent.

[Handwritten signature]

Governor.

7th May, 1970.

An Ordinance to amend further the Companies Ordinance.

[8th May, 1970.]

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

1. This Ordinance may be cited as the Companies (Amendment) (No. 2) Ordinance 1970. Short title.

2. Section 265 of the principal Ordinance is amended— Amendment of section 265. (Cap. 32.)

(a) in subsection (1)—

(i) by deleting paragraph (a) and substituting the following new paragraph—

“(a) all statutory debts due from the company to the Crown at the relevant date and which became due and payable within twelve months next before that date;”;

(ii) by substituting a semicolon for the full stop at the end of paragraph (c) and adding thereafter the following new paragraph—

“(d) all debts, other than statutory debts, due from the company to the Crown at the relevant date and which became due and payable within twelve months next before that date.”;

(b) by adding, after subsection (1), the following new subsection—

“(1A) Where the relevant date is on or after the 1st day of June 1970, the sum of six thousand dollars shall be deemed to be substituted in each case for the sums of three thousand dollars referred to in paragraphs (b) and (c) respectively of subsection (1).”;

(c) by deleting subsection (3) and substituting the following new subsections—

“(3) The debts specified in paragraphs (a), (b) and (c) of subsection (1)—

- (a) shall have priority over the debts specified in paragraph (d) of subsection (1);
- (b) shall rank equally among themselves; and
- (c) shall be paid in full unless the assets are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

(3A) The Governor may in any particular case waive the priority of the whole or any part of a statutory debt of the kind specified in paragraph (a) of subsection (1) in favour of the debts specified in paragraphs (b) and (c) of subsection (1), and any statutory debt or part of a statutory debt so waived shall have the same priority as if it were a debt specified in paragraph (d) of subsection (1).

(3B) The debts specified in subsection (1) shall, so far as the assets of the company available for payment of general creditors are insufficient to meet those debts, have priority over the claims of holders of debentures under any floating charge created by the company, and shall be paid accordingly out of any property comprised in or subject to the charge.”;

(d) in subsection (5)—

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

(ii) by deleting the proviso;

(e) by adding, after subsection (5), the following new subsection—

“(5A) Any money paid under a charge under subsection (5) shall be a debt due from the company to the landlord or other person having distrained, and such debt shall be discharged so far as the assets are sufficient to meet it after payment of the debts specified in subsection (1) but before payment of the other debts proved in the winding up.”;

(f) by deleting subsection (6) and substituting the following new subsection—

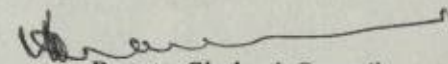
“(6) In this section—

- (a) “statutory debt” means a debt the liability for which and the amount of which are determined by or under any provision in any Ordinance or imperial enactment; and
- (b) “the relevant date” means—

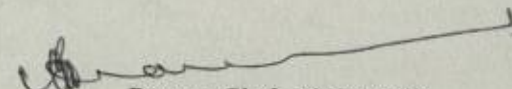
(i) in the case of a company ordered to be wound up compulsorily, the date of the appointment (or first appointment) of a provisional liquidator or, if no such appointment was made, the date of the winding up order, unless in either case the company had commenced to be wound up voluntarily before that date; and

(ii) in any case where sub-paragraph (i) does not apply, the date of the commencement of the winding up.”.

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 42 OF 1970.



I assent.

Governor.

7th May, 1970.

An Ordinance to amend further the Bankruptcy Ordinance.

[8th May, 1970.]

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

1. This Ordinance may be cited as the Bankruptcy (Amendment) Ordinance 1970.

Short title.

2. Section 38 of the principal Ordinance is amended—

Amendment of
section 38.
(Cap. 6.)

(a) in subsection (1)—

(i) by deleting paragraph (a) and substituting the following new paragraph—

“(a) all statutory debts due from the bankrupt to the Crown at the date of the receiving order and which became due and payable within twelve months next before that date;”;

(ii) by substituting a semicolon for the full stop at the end of paragraph (c) and adding thereafter the following new paragraph—

“(d) all debts, other than statutory debts, due from the bankrupt to the Crown at the date of the receiving order and which became due and payable within twelve months next before that date.”;

(b) in subsection (2), by deleting “receiving order in the case of a bankruptcy or the death in the case of a person dying insolvent occurs after the 27th day of March, 1953,” and substituting the following—

“date of the receiving order is after the 27th day of March 1953, but before the 1st day of June 1970.”;

(c) by adding, after subsection (2), the following new subsection—

“(2A) Where the date of the receiving order is on or after the 1st day of June 1970, the sum of six thousand dollars shall be deemed to be substituted in each case for the sums of three hundred dollars and one hundred dollars referred to in paragraphs (b) and (c) respectively of subsection (1).”;

(d) by deleting subsection (3) and substituting the following new subsections—

“(3) The debts specified in paragraphs (a), (b) and (c) of subsection (1)—

(a) shall have priority over the debts specified in paragraph (d) of subsection (1);

(b) shall rank equally among themselves; and

(c) shall be paid in full unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

(3A) The Governor may in any particular case waive the priority of the whole or any part of a statutory debt of the kind specified in paragraph (a) of subsection (1) in favour of the debts specified in paragraphs (b) and (c) of subsection (1), and any statutory debt or part of a statutory debt so waived shall have the same priority as if it were a debt specified in paragraph (d) of subsection (1).”;

(e) in subsection (5)—

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

(ii) by deleting the proviso;

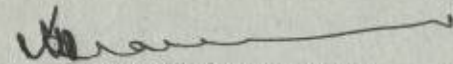
(f) by adding, after subsection (5), the following new subsection—

“(5A) Any money paid under a charge under subsection (5) shall be a debt due from the estate of the bankrupt to the landlord or other person distraining or having distrained, and such debt shall be discharged so far as the property of the bankrupt is sufficient to meet it after payment of the debts specified in subsection (1) but before payment of the other debts proved in the bankruptcy.”;


(g) by adding, after subsection (9), the following—

“(10) In this section, “statutory debt” means a debt the liability for which and the amount of which are determined by or under any provision in any Ordinance or imperial enactment.”.

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 43 OF 1970.



I assent.

Governor.

7th May, 1970.

An Ordinance to provide for the apportionment of Crown rent and premium.

[8th May, 1970.]

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

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Crown Rent and Premium (Apportionment) Ordinance 1970.

Short title.

2. In this Ordinance, unless the context otherwise requires—
“determined Crown rent” means the sum determined by the Land Officer under section 5 or 12 as the Crown rent payable in respect of a section or a relevant interest;

Interpretation.

"determined annual instalment of premium" means the sum determined by the Land Officer under section 5 or 12 as the annual instalment of premium payable in respect of a section or a relevant interest;

"lot" means—

- (a) any piece or parcel of ground the subject of a Crown lease; and
- (b) a section which, by virtue of subsection (3) of section 8 or subsection (2) of section 28, is deemed to be a lot;

"owner", in relation to a section or a relevant interest, means—

- (a) the person whose name is registered in the Land Office as that of the owner or one of the owners of the section or relevant interest; and
- (b) a mortgagee under a mortgage which is registered in the Land Office;

"premium" means any sum, other than Crown rent, required to be paid to the Crown as a condition or in consideration of—

- (a) the grant, renewal or continuance of a Crown lease;
- (b) consent to the assignment of a Crown lease or of any rights under a Crown lease; or
- (c) the extension or variation of a Crown lease;

"principal Crown rent" means the Crown rent payable in respect of a lot;

"principal premium" means the premium payable in respect of a lot;

"relevant interest" means the undivided share in the lot on which a building stands, the owner of which share, as between himself and the owners of the other undivided shares in that lot, is entitled under the terms of an instrument registered in the Land Office to exclusive possession of premises in that building;

"section" means any portion or division of a lot, which portion or division has been assigned, alienated or retained for the whole of the term or interest created by the Crown lease of the lot by or under an instrument which is registered in the Land Office.

3. (1) This Ordinance does not apply to land in the New Territories unless the land—

- (a) has been exempted from Part II of the New Territories Ordinance under section 7 thereof; or
- (b) is declared to be subject to this Ordinance by the Governor by notice in the *Gazette*.

(2) A notice under paragraph (b) of subsection (1) may specify the date from which the land shall be subject to this Ordinance.

4. (1) The Governor may give to the Land Officer and any public officer such directions as he thinks fit with respect to the exercise or performance of their powers, functions and duties under this Ordinance, either generally or in any particular case.

Application.
(Cap. 97.)
Power of Governor to give directions to Land Officer.

(2) The Land Officer and every public officer shall, in the exercise or performance of his powers, functions and duties under this Ordinance, comply with any directions given by the Governor under subsection (1).

PART II.

APPORTIONMENT ON SECTIONS.

5. Subject to any directions given by the Governor under section 4, the Land Officer may, if he thinks fit, either of his own motion or on the application of the owner, determine in accordance with this Ordinance—

Power to apportion on section.

- (a) the Crown rent payable in respect of a section; and
- (b) where the principal premium is payable by instalments, the annual instalment of that premium payable in respect of a section.

6. (1) If the Land Officer decides in accordance with section 5 to determine the Crown rent payable in respect of a section, then, subject to subsection (2), the Crown rent payable in respect of that section shall be determined by the Land Officer in the following manner, that is to say—

Apportionment of Crown rent.

- (a) in accordance with any apportionment of the principal Crown rent appearing in the Crown Rent Roll; or

- (b) in accordance with any apportionment of the principal Crown rent made in an instrument which is registered in the Land Office; or
 - (c) if there is no such apportionment as is referred to in paragraph (a) or (b), so that it bears the same proportion to the principal Crown rent as the area of the section bears to the area of the lot.
- (2) The Land Officer shall add to the Crown rent determined in accordance with subsection (1)—
- (a) such sum as may be necessary to make the same an even number of dollars; and
 - (b) a further sum of two dollars,
- and the determined Crown rent payable in respect of the section shall be the sum so ascertained.

Apportionment
of premium
on section.

7. (1) If the Land Officer decides in accordance with section 5 to determine the annual instalment of premium payable in respect of a section, then, subject to subsection (2), the annual instalment of premium payable in respect of that section shall be determined by the Land Officer in the following manner, that is to say—

- (a) in accordance with any apportionment of the annual instalment of the principal premium made in an instrument which is registered in the Land Office; or
 - (b) if there is no such apportionment as is referred to in paragraph (a), so that it bears the same proportion to the annual instalment of the principal premium as the area of the section bears to the area of the lot.
- (2) The Land Officer shall add to the annual instalment of premium determined in accordance with subsection (1)—
- (a) such sum as may be necessary to make the same an even number of dollars; and
 - (b) a further sum of ten dollars,
- and the determined annual instalment of premium payable in respect of the section shall be the sum so ascertained.

Effect of
apportionment
on section.

8. (1) With effect from the publication in the *Gazette* of notice under subsection (1) of section 22, the owner of the section shall hold the same as if there had been granted to him a separate

Crown lease of the section for the residue of the term of years created by the Crown lease of the lot, containing, so far as they are applicable thereto, the covenants (other than the covenants to pay the Crown rent and the premium, if any), stipulations, exceptions, reservations, provisos, powers and conditions contained in the said Crown lease of the lot.

(2) There shall be deemed to be included in such separate Crown lease of the section—

- (a) a covenant to pay the determined Crown rent to the Crown as from the day up to which the principal Crown rent has been paid; and
- (b) a covenant to pay the determined annual instalment of premium, if any, to the Crown as from the day when the last annual instalment of the principal premium which has been paid became due.

(3) A section which is by virtue of subsection (1) held as if a separate Crown lease thereof had been granted shall be deemed to be a lot for the purposes of this Ordinance.

(4) Nothing in this section shall affect any right or liability acquired or incurred by the Crown or the owner of the section under the Crown lease of the lot prior to the publication in the *Gazette* of notice under subsection (1) of section 22, save that as from the day referred to in paragraph (a) or (b) of subsection (2), as the case may be, any such liability of the owner of the section to pay the principal Crown rent or the principal premium, if any, to the Crown shall determine.

9. Save in so far as the same is necessarily affected by the fact that a section is by virtue of section 8 held as if the separate Crown lease referred to in that section had been granted and save as otherwise provided in this Ordinance, the Crown lease of the lot shall continue in full force and effect in respect of any part of the lot which continues to be held thereunder.

Saving of
Crown lease
of lot.

10. (1) For the purpose of determining the area of any lot or section, the Land Officer may accept any statement as to such area contained in a Crown lease or other instrument which is registered in the Land Office or in any plan annexed to or endorsed on any such Crown lease or instrument.

Area of lot
or section.

(2) If the Land Officer considers that the area of a lot or section which requires to be ascertained for the purpose of deter-

mining the Crown rent payable in respect of a section is uncertain, he may require the Director of Public Works to have such lot or section surveyed.

- (3) A certificate—
- (a) purporting to be signed by the Superintendent of Crown Lands and Survey or a public officer authorized by him for the purposes of this section; and
- (b) specifying the area of a lot or section ascertained by a survey pursuant to a requirement under subsection (2).

shall be conclusive evidence for the purposes of this Ordinance of the area of the lot or section.

PART III.

APPORTIONMENT ON RELEVANT INTERESTS.

11. For the purposes of this Part—

- (a) the principal Crown rent shall be treated as apportioned in an instrument which is registered in the Land Office only if—
- (i) a sum is specified in such instrument as the share of the principal Crown rent which is payable in respect of the relevant interest; or
- (ii) the share of the principal Crown rent which is payable in respect of the relevant interest is expressed in such instrument to be a specified fraction of the principal Crown rent or such share is otherwise ascertainable from the terms of such instrument; and
- (b) the annual instalment of the principal premium shall be treated as apportioned in an instrument which is registered in the Land Office only if—
- (i) a sum is specified in such instrument as the share of the annual instalment of the principal premium which is payable in respect of the relevant interest; or
- (ii) the share of the annual instalment of the principal premium which is payable in respect of the relevant interest is expressed in such instrument to be a specified fraction of the annual instalment of the principal premium or such share is otherwise ascertainable from the terms of such instrument.

Cases in which Crown rent or premium to be treated as apportioned in registered instrument.

12. Subject to any directions given by the Governor under section 4, the Land Officer may, if he thinks fit, either of his own motion or on the application of the owner, determine in accordance with this Ordinance—

Power to apportion on relevant interest.

- (a) the Crown rent payable in respect of a relevant interest;
- (b) where the principal premium is payable by instalments, the annual instalment of that premium payable in respect of a relevant interest.

13. (1) If the Land Officer decides in accordance with section 12 to determine the Crown rent payable in respect of a relevant interest, then, subject to subsection (2), the Crown rent payable in respect of that relevant interest shall be determined by the Land Officer in the following manner, that is to say—

Apportionment of Crown rent on relevant interest.

- (a) in accordance with any apportionment of the principal Crown rent made in an instrument which is registered in the Land Office; or
- (b) if there is no such apportionment as is referred to in paragraph (a), so that it bears the same proportion to the principal Crown rent as the relevant interest bears to the aggregate of the relevant interests.

(2) The Land Officer shall add to the Crown rent determined in accordance with subsection (1)—

- (a) such sum as may be necessary to make the same an even number of dollars; and
- (b) a further sum of two dollars,

and the determined Crown rent payable in respect of the relevant interest shall be the sum so ascertained.

14. (1) If the Land Officer decides in accordance with section 12 to determine the annual instalment of premium payable in respect of a relevant interest, then, subject to subsection (2), the annual instalment of premium payable in respect of that relevant interest shall be determined by the Land Officer in the following manner, that is to say—

Apportionment of premium on relevant interest.

- (a) in accordance with any apportionment of the annual instalment of the principal premium made in an instrument which is registered in the Land Office; or
- (b) if there is no such apportionment as is referred to in paragraph (a), so that it bears the same proportion to the annual instalment of the principal premium as the relevant interest bears to the aggregate of the relevant interests.

(2) The Land Officer shall add to the annual instalment of premium determined in accordance with subsection (1)—

- (a) such sum as may be necessary to make the same an even number of dollars; and
- (b) a further sum of ten dollars,

and the determined annual instalment of premium payable in respect of the relevant interest shall be the sum so ascertained.

15. (1) With effect from the publication in the *Gazette* of notice under subsection (2) of section 22—

- (a) the owner of the relevant interest shall be liable to pay the determined Crown rent to the Crown—
 - (i) as from the day up to which the principal Crown rent has been paid; or
 - (ii) where the Crown rent payable in respect of another relevant interest of which the relevant interest at some time formed part has been determined under this Ordinance, as from the day up to which the determined Crown rent payable in respect of that other relevant interest has been paid; and
- (b) any liability of the owner of the relevant interest in respect of the payment of the principal Crown rent to the Crown shall determine.

(2) With effect from the publication in the *Gazette* of notice under subsection (2) of section 22—

- (a) the owner of the relevant interest shall be liable to pay the determined annual instalment of premium to the Crown—
 - (i) as from the day on which the last annual instalment of the principal premium which has been paid became due; or
 - (ii) where the annual instalment of the principal premium payable in respect of another relevant interest of which the relevant interest at some time formed part has been determined under this Ordinance, as from the day on which the last determined annual instalment of premium which has been paid became due; and
- (b) any liability of the owner of the relevant interest in respect of the payment of the principal premium to the Crown shall determine.

Effect of apportionment on relevant interest.

16. (1) Where—

- (a) a relevant interest at some time formed part of another relevant interest; and
- (b) the Crown rent payable in respect of that other relevant interest has been determined under this Ordinance,

then, until the Crown rent payable in respect of the relevant interest is determined under this Ordinance, the owner thereof shall be liable to the Crown, jointly and severally with the owner of each other relevant interest which at some time formed part of such other relevant interest, for the payment of the determined Crown rent payable in respect of such other relevant interest.

(2) Where—

- (a) a relevant interest at some time formed part of another relevant interest; and
- (b) the annual instalment of the principal premium payable in respect of that other relevant interest has been determined under this Ordinance,

then, until the annual instalment of the principal premium payable in respect of the relevant interest is determined under this Ordinance, the owner thereof shall be liable to the Crown, jointly and severally with the owner of each other relevant interest which at some time formed part of such other relevant interest, for the payment of the determined annual instalment of premium payable in respect of such other relevant interest.

17. Save in so far as the same is necessarily affected by the operation of section 15 or 16, the Crown lease of the lot shall continue in full force and effect.

PART IV.

APPORTIONMENT PROCEDURE.

18. Where the Land Officer proposes to exercise his powers under section 12, he shall cause to be published in the *Gazette* and affixed in a conspicuous position in or on the building a notice specifying—

- (a) the relevant interests in relation to which he proposes to exercise those powers; and
- (b) a provisional determination of the Crown rent, and of the annual instalment of premium if any, payable in respect of each of the relevant interests.

Liability for payment of determined Crown rent and premium where relevant interests formed part of another relevant interest.

Saving of Crown lease.

Notice of intention to apportion on relevant interests.

Objection to exercise of Land Officer's powers under section 12.

19. (1) The owner of any relevant interest specified in the notice published in the *Gazette* under section 18 may object that the Land Officer ought not to exercise his powers under section 12.

(2) An objection under subsection (1)—

(a) shall be in writing and shall be lodged at the Land Office within three months after the notice was published in the *Gazette* under section 18; and

(b) shall contain particulars of the grounds on which the objection is made.

(3) The owners of not less than seventy-five *per cent* of the aggregate of the relevant interests specified in the notice published in the *Gazette* under section 18 may object that the Land Officer ought not to exercise his powers under paragraph (b) of subsection (1) of section 13 or paragraph (b) of subsection (1) of section 14.

(4) An objection under subsection (3) shall be in writing and shall be lodged at the Land Office within three months after the notice was published in the *Gazette* under section 18.

Land Officer to have regard to objections.

20. (1) In deciding whether or not to exercise his powers under section 12, the Land Officer shall have regard to any relevant objection made under subsection (1) of section 19.

(2) Where an objection has been made under subsection (3) of section 19, the Land Officer shall not, except in the manner provided by paragraph (a) of subsection (1) of section 13 or paragraph (a) of subsection (1) of section 14, exercise his powers under section 12 until after the expiration of six months from the day of publication of the notice in the *Gazette* under section 18.

Appeal in certain cases where Land Officer decides not to exercise powers.

21. (1) Where the Land Officer decides not to exercise his powers under section 5 or 12 following an application by the owner of a section or relevant interest, he shall give by post to the applicant notice of the ground on which he decided not to exercise those powers.

(2) Where the Land Officer decides not to exercise his powers under section 12 after notice has been published in the *Gazette* under section 18, he shall cause to be published in the *Gazette* and affixed in a conspicuous position in or on the building notice of the ground on which he decided not to exercise those powers.

(3) Within three months after the giving of notice under subsection (1), the applicant may appeal by way of petition to the Governor in Council.

(4) Within three months after the publication in the *Gazette* of notice under subsection (2), the owner of any relevant interest may appeal by way of petition to the Governor in Council.

22. (1) Where, under section 5, the Land Officer has determined the Crown rent, and the annual instalment of premium if any, payable in respect of a section, he shall—

(a) cause notice of the determined Crown rent, and determined annual instalment of premium if any, to be published in the *Gazette*; and

(b) cause particulars of the determined Crown rent, and determined annual instalment of premium if any, to be noted in the Land Office records against the section.

(2) Where, under section 12, the Land Officer has determined the Crown rent, and the annual instalment of premium if any, payable in respect of a relevant interest, he shall—

(a) cause notice of the determined Crown rent, and the determined annual instalment of premium if any, to be published in the *Gazette*; and

(b) cause particulars of the determined Crown rent, and the determined annual instalment of premium if any, to be noted in the Land Office records against the relevant interest.

Notice of determined Crown rent and determined annual instalment of premium.

PART V.

MISCELLANEOUS.

23. (1) Where the building is wholly or partly demolished or destroyed, the Land Officer may, if he thinks fit, cancel any determination under section 12 of the Crown rent, and the annual instalment of premium if any, payable in respect of a relevant interest.

Cancellation of apportionment where divided building demolished or destroyed.

(2) The Land Officer shall cause notice of the cancellation of any such determination to be published in the *Gazette*.

(3) With effect from the publication in the *Gazette* of notice under subsection (2), the Crown rent, and the premium if any, payable in respect of the lot shall be paid—

(a) in the case of a lot, other than a section which by virtue of subsection (3) of section 8 or subsection (2) of section 28 is deemed to be a lot, in accordance with the Crown lease of the lot; and

(b) in the case of a section which by virtue of subsection (3) of section 8 or subsection (2) of section 28 is deemed to be a lot, in accordance with the covenant for the payment thereof deemed by virtue of subsection (2) of section 8 of this Ordinance or subsection (1) of section 9 of the

(Cap. 125.)

repealed Crown Rents (Apportionment) Ordinance, as the case may be, to be included in the separate Crown lease of the section.

- (4) A certificate—
- (a) purporting to be signed by the Director of Public Works or a public officer authorized by him for the purposes of this section; and
- (b) specifying that a building has been wholly or partly demolished or destroyed,

shall be conclusive evidence for the purposes of this Ordinance that the building has been wholly or partly demolished or destroyed.

Correction
of clerical
errors.

24. The Land Officer may at any time correct clerical or arithmetical errors in a determination under section 5 or 12.

Covenants
between
owners not to
be affected.

25. Neither section 8 nor section 15 shall affect any covenant or agreement with respect to the payment of Crown rent or premium, or both, contained in an instrument which is registered in the Land Office, but where the owner of a section or a relevant interest pays the determined Crown rent or the determined annual instalment of premium to the Crown his liability under such covenant or agreement shall be discharged to the extent of such payment.

Delegation by
Land Officer.

26. The powers, functions and duties conferred or imposed by this Ordinance on the Land Officer may be exercised or performed by any public officer authorized in writing by the Land Officer for the purposes of this Ordinance.

Repeal.
(Cap. 125.)

27. The Crown Rents (Apportionment) Ordinance is repealed.


Transitional
provisions.
(Cap. 125.)

28. (1) Notwithstanding the repeal of the Crown Rents (Apportionment) Ordinance, a determination thereunder of the Crown rent payable in respect of a section shall, if it has been registered and notified in accordance with that Ordinance, continue to have effect as if that Ordinance had not been repealed.

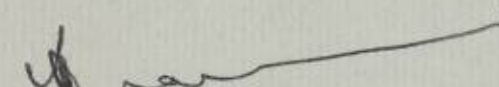
(2) A section which by virtue of section 9 of the repealed Crown Rents (Apportionment) Ordinance is held as if a separate Crown lease thereof had been granted shall be deemed to be a lot for the purposes of this Ordinance.

(3) For the purposes of section 24, a determination under the repealed Crown Rents (Apportionment) Ordinance of the Crown rent payable in respect of a section shall be deemed to have been made under section 5.

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 44 OF 1970.



I assent.

Heurich

Governor.

7th May, 1970.

An Ordinance to make provisions enabling certain interests in land and connected rights and obligations to be vested in The Colonial Treasurer Incorporated in circumstances where the Crown is entitled to exercise a right of re-entry under a Crown lease or default is made in the payment of Crown rent or premium, and to consolidate those provisions with the provisions presently set forth in the Crown Rights (Re-entry) Ordinance, and for connected or incidental purposes.

[]

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

PART I.

PRELIMINARY.

1. (1) This Ordinance may be cited as the Crown Rights (Re-entry and Vesting Remedies) Ordinance 1970.

Short title and commencement.

(2) This Ordinance shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
 “determined annual instalment of premium” means the sum determined by the Land Officer under section 12 of the Crown Rent and Premium (Apportionment) Ordinance 1970 as the annual instalment of premium payable in respect of a relevant interest;

“determined Crown rent” means the sum determined by the Land Officer under section 12 of the Crown Rent and Premium (Apportionment) Ordinance 1970 as the Crown rent payable in respect of a relevant interest;

“former owner” in relation to a lot or relevant interest means the owner of that lot or interest immediately before the time of registration in the Land Office of a memorial of re-entry or a vesting notice, as the case may be;

“lot” means any piece or parcel of ground the subject of a Crown lease and also means a section which by virtue of subsection (3) of section 8 or subsection (2) of section 28 of the Crown Rent and Premium (Apportionment) Ordinance 1970 is deemed to be a lot for the purposes of that Ordinance;

“owner” means—

- (a) the person whose name is registered in the Land Office as that of the owner or one of the owners of the lot or relevant interest, as the case may be;
- (b) a mortgagee under a mortgage which is registered in the Land Office; and
- (c) the executors, administrators assigns, and a successor in title of an owner as defined in paragraph (a) or (b);

“relevant interest” means the undivided share in the lot on which a building stands, the owner of which share, as between himself and the owners of the other undivided shares in that lot, is entitled under the terms of an instrument registered in the Land Office to exclusive possession of premises in that building;

“The Colonial Treasurer Incorporated” means the corporation incorporated under that name by the Colonial Treasurer Incorporation Ordinance;

(Cap. 1015.)

“vesting notice” means a vesting notice registered in the Land Office under section 7.

PART II.

EXERCISE OF RIGHT OF RE-ENTRY.

3. When a right of re-entry upon lands or tenements has accrued to the Crown, such right may be exercised or enforced without any actual re-entry being made on the premises.

Exercise of right of re-entry by the Crown. 22 & 23 Vict. c. 21, s. 25.

4. (1) Whenever it is necessary to enforce a right of re-entry by the Crown upon any lands or tenements for the breach of any covenant in the Crown lease thereof, or for the breach of any condition or stipulation of any tenancy thereof, a memorial of an instrument of re-entry, under the hand of any public officer authorized by the Governor to sign such instruments, may be registered in the Land Office.

Memorial of re-entry.

(2) Immediately on the registration of such a memorial, the Crown shall be deemed to have re-entered upon the lands or tenements described therein and in respect of which the right of re-entry has accrued, and the said lands and tenements shall thereby become re-vested in the Crown as fully as if the Crown lease thereof had determined, or, as fully as if the tenancy had determined, as the case may be.

5. Notice of the registration of a memorial of re-entry by the Crown shall be published in the *Gazette*.

Notice of registration of memorial.

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

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

PART III.

VESTING OF RELEVANT INTEREST IN THE COLONIAL TREASURER INCORPORATED.

7. (1) Where—

(a) a right of re-entry upon land accrues to the Crown in consequence of the breach of a covenant, condition or stipulation in a Crown lease or tenancy thereof—

Power to vest relevant interest in The Colonial Treasurer Incorporated.

(i) by the owner of a relevant interest, or a tenant or other person occupying premises, the entitlement to exclusive possession of which is attached to the ownership of the relevant interest; or

(ii) in respect of a relevant interest; or

- (b) default is made in the payment of determined Crown rent or determined annual instalment of premium in respect of a relevant interest,

a vesting notice, under the hand of any public officer authorized by the Governor to sign such instruments, may be registered in the Land Office.

(2) Upon the registration of a vesting notice in the Land Office—

- (a) the relevant interest against which the Crown is entitled to proceed; and
- (b) the rights and obligations of the former owner of that relevant interest under any instrument registered in the Land Office and relating to the occupation of premises and connected matters,

shall vest in The Colonial Treasurer Incorporated absolutely and free from—

- (i) any mortgage or charge, whether legal or equitable and whether registered in the Land Office or not;
- (ii) any lien;
- (iii) any right vested in any person by which the relevant interest is or might become security for the payment or repayment of money; and
- (iv) any right or obligation contained in any instrument not registered in the Land Office.

(3) The Land Officer shall cause a copy of every vesting notice registered in the Land Office under subsection (1)—

- (a) to be served, in the manner provided by section 13, on the former owner of the relevant interest; and
- (b) to be published in the *Gazette*.

PART IV.

RELIEF AGAINST RE-ENTRY UPON LANDS OR TENEMENTS OR VESTING OF RELEVANT INTEREST.

8. (1) Subject to subsections (3) and (4), where a memorial of re-entry has been registered under section 4 in the Land Office, the former owner may—

- (a) petition the Governor to grant him relief against the re-entry;

Right to apply for relief against re-entry or vesting.

- (b) apply to the Supreme Court in its equitable jurisdiction for relief against the re-entry—

- (i) if he disputes the right of the Crown to re-enter; or
- (ii) if the circumstances are such that he would have been entitled to apply for relief against re-entry had the lessor been a private party and exercised his right of re-entry.

(2) Subject to subsections (3) and (4), where a vesting notice has been registered under section 7 in the Land Office, the former owner of a relevant interest which is the subject of the vesting notice may—

- (a) petition the Governor to grant him relief against the vesting;
- (b) apply to the Supreme Court in its equitable jurisdiction for relief against the vesting—

- (i) if he disputes the right of the Crown to proceed under section 7; or
- (ii) if the circumstances are such that he would have been entitled to apply for relief against re-entry had the lessor been a private party and exercised his right of re-entry.

(3) A petition or application under subsection (1) or subsection (2) may be made within six months from the registration of the memorial of re-entry or vesting notice, as the case may be, but in the case of a petition to the Governor the Governor may extend this period where he considers it just.

(4) A petition to the Governor under paragraph (a) of subsection (1) or paragraph (a) of subsection (2) shall be a bar to any subsequent application to the Supreme Court under paragraph (b) of subsection (1) or paragraph (b) of subsection (2).

9. (1) Upon consideration of a petition under section 8, the Governor may—

- (a) order the cancellation of the memorial of re-entry so far as it affects the lands and tenements in respect of which the petition was made or the cancellation of the vesting notice so far as it affects the relevant interest in respect of which the petition was made, upon such terms as to costs, expenses, damages, compensation, penalty or otherwise as he shall in his discretion think fit; or
- (b) direct that the petition be referred to the Governor in Council.

Power of Governor or Governor in Council to order cancellation of memorial of re-entry or vesting notice.

(2) The Governor in Council, upon considering a petition referred to him under subsection (1), may—

- (a) order the cancellation of the memorial of re-entry so far as it affects the lands and tenements in respect of which the petition was made or the cancellation of the vesting notice so far as it affects the relevant interest in respect of which the petition was made, upon such terms as to costs, expenses, damages, compensation, penalty or otherwise as he shall in his discretion think fit; or
- (b) dismiss the petition.

Powers of Supreme Court in respect of application for relief.

10. On the hearing of an application to the Supreme Court under section 8, the Court may exercise the same powers and make the same decree or order as in an action between private parties for the same relief and may order the cancellation of the memorial of re-entry so far as it affects the lands and tenements in respect of which the application was made or the cancellation of the vesting notice so far as it affects the relevant interest in respect of which the application was made.

Cancellation of memorial of re-entry.

11. (1) A memorial of re-entry by the Crown shall be taken to be cancelled in respect of the whole or part of the lands and tenements affected by it if a memorandum to the effect that the memorial is cancelled in respect of the whole or part of such lands and tenements by order of the Governor or Governor in Council or of the Supreme Court, as the case may be, is written on the memorial and signed by the Land Officer.

(2) Immediately on cancellation in accordance with subsection (1), a memorial of re-entry, so far as it affects the lands and tenements specified in the memorandum, shall become void to all intents and purposes as if it had never been registered, and the lands and tenements described in the memorandum shall be *ipso facto* re-vested in the former owner for all his previous estate or interest therein; and the Crown lease thereof, and every mortgage, charge, lien or other right or obligation previously existing in relation thereto shall be deemed to be as valid and subsisting in every respect as if no re-entry had been effected by the Crown.

(3) Notice of the cancellation of a memorial under subsection (1) shall, within 30 days thereof, be served upon the former owner by the Land Officer and be published in the *Gazette*.

Cancellation of vesting notice.

12. (1) A vesting notice shall be taken to be cancelled in respect of the whole or part of the relevant interest affected by such notice if a memorandum to the effect that the vesting notice is cancelled in respect of the whole or part of such relevant interest

by order of the Governor or Governor in Council or of the Supreme Court, as the case may be, is written on the memorial of the vesting notice and signed by the Land Officer.

(2) Immediately on cancellation in accordance with subsection (1), a vesting notice so far as it affects the relevant interest specified in the memorandum shall become void to all intents and purposes as if the same had never been made or registered and the relevant interest and the rights and obligations specified in the memorandum shall be re-vested *ipso facto* in the former owner for all his previous estate or interest therein; and every mortgage, charge, lien or other right or obligation previously existing in relation thereto shall be deemed to be as valid and subsisting in every respect as if no vesting notice had been registered at the Land Office.

(3) Notice of the cancellation of a vesting notice under subsection (1) shall, within 30 days thereof, be served upon the former owner by the Land Officer and be published in the *Gazette*.

PART V.

MISCELLANEOUS.

13. For the purposes of this Ordinance, service of any notice may be effected—

Service.

- (a) personally; or
- (b) by registered post; or
- (c) in the case of a notice under subsection (3) of section 7 or subsection (3) of section 12—
 - (i) by leaving the notice with an adult person who appears to be an occupier of the premises the entitlement to the exclusive possession of which is attached to the relevant interest affected by the notice; or
 - (ii) by posting the notice upon a conspicuous part of such premises.

14. Nothing in this Ordinance shall be construed so as to take away or affect any other remedies of the Crown for the enforcement of rights of re-entry upon any lands or buildings.

Ordinance not in derogation of other remedies.

15. (1) The Crown Rights (Re-entry) Ordinance is repealed.

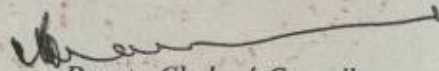
Repeal and saving. (Cap. 126.)

(2) Notwithstanding the repeal by subsection (1) of the Crown Rights (Re-entry) Ordinance, that Ordinance, in this subsection

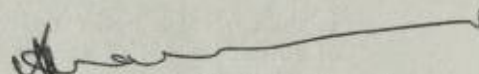
referred to as the repealed Ordinance, shall continue to have effect for the purpose of—

- (a) enabling any person who, immediately before the commencement of this Ordinance, has a right to apply for relief under the provisos to section 3 or under section 4 of the repealed Ordinance, to apply for relief in all respects and subject to the same limitations, as if the repealed Ordinance had not been repealed; and
- (b) enabling any application for relief under the provisos to section 3 or under section 4 of the repealed Ordinance, pending at the time of commencement of this Ordinance or made after the commencement of this Ordinance by virtue of paragraph (a) to proceed and be determined in all respects as if the repealed Ordinance had not been repealed.

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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

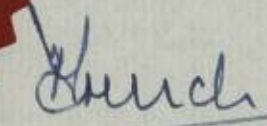

Deputy Clerk of Councils.

HONG KONG

No. 45 OF 1970.



I assent.


Governor.

7th May, 1970.

An Ordinance to provide for the closing and substantial alteration of streets and for the awarding of compensation to persons whose property is affected by any such closing or substantial alteration.

[8th May, 1970.]

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

1. This Ordinance may be cited as the Streets (Alteration) Ordinance 1970. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.
- “claim for compensation” means a claim for compensation which—
- (a) has been made under subsection (2) of section 4 or subsection (3) of section 11; and
- (b) is not withdrawn, or deemed to have been withdrawn under subsection (6) of section 4;

"Director" means the Director of Public Works;

"property" means land and any building thereon;

"street" includes every public bridge, and every highway, road, lane, footway, square, court, alley, passage or tunnel, whether a thoroughfare or not, which is over, on or under unleased Crown land;

"undertaking" means the closing of any street or any part thereof or any alteration of a street or any part thereof which is, in the opinion of the Director, a substantial alteration.

3. (1) If, in the opinion of the Director, it is expedient to close or to alter substantially a street or any part thereof, either permanently or for an indefinite period, the Director shall give notice of the proposed undertaking.

(2) A notice given by the Director under subsection (1) shall contain a brief description of the proposed undertaking and shall be given in the form prescribed in the Schedule.

(3) Every such notice shall be published—

- (a) in three issues of the *Gazette*;
- (b) in three issues of at least one English language and two Chinese language daily newspapers; and
- (c) by posting it in the English and the Chinese languages in a prominent position in or near the street or part thereof which will be affected by the proposed undertaking.

4. (1) Any person may lodge an objection to a proposed undertaking of which notice has been given under section 3 by forwarding the objection in writing to the Director so as to reach his office not later than one month after the date of the first publication of the notice in the *Gazette*.

(2) The owner or occupier of any property held under a Crown lease may claim compensation for any pecuniary loss or damage to such property which is likely to be caused by a proposed undertaking of which notice has been given under section 3 by forwarding the claim in writing to the Director so as to reach his office not later than two months after the date of the first publication of the notice in the *Gazette*.

(3) A claim under subsection (2) shall—

- (a) specify the property which will be affected by the proposed undertaking and the interest of the person making the claim in the property;

Notice of permanent closures or substantial alterations.

Schedule.

Objections to proposed undertakings and claims for compensation.

(b) specify the manner in which the property will be affected by the proposed undertaking; and

(c) contain an estimate of the pecuniary loss or damage to the property which is likely to be caused by the proposed undertaking.

(4) An objection lodged in accordance with this section may be amended or withdrawn at any time before it is considered by the Governor in Council in accordance with section 5.

(5) If agreement is reached between any person who has lodged an objection in accordance with this section and the Director for the settlement or compromise of the objection before it is considered by the Governor in Council in accordance with section 5, such objection shall be deemed to have been withdrawn.

(6) If agreement is reached between any person who has lodged a claim for compensation in accordance with this section and the Director for the settlement or compromise of the claim before it is heard and determined by a tribunal in accordance with section 7, such claim shall be deemed to have been withdrawn.

5. Every objection which is lodged in accordance with section 4 and which is neither withdrawn nor deemed to have been withdrawn in accordance with that section shall be considered by the Governor in Council.

Objections to be considered by the Governor in Council.

6. (1) After considering an objection to a proposed undertaking in accordance with section 5, the Governor in Council may—

Consideration of proposed undertaking.

(a) authorize the undertaking, with or without any modification thereof;

(b) refuse to authorize the proposed undertaking;

(c) authorize the undertaking in part and defer for further consideration at a later date any objection which relates to the part of the undertaking not so authorized; or

(d) defer for further consideration any objection to a proposed undertaking until any claim for compensation in respect of the proposed undertaking has been determined by a tribunal in accordance with section 7, and refer the claim to the tribunal for that purpose.

(2) If—

(a) no objection to a proposed undertaking is lodged in accordance with subsection (1) of section 4; or

- (b) any such objection, having been so lodged, is withdrawn, or is deemed to have been withdrawn under subsection (5) of section 4,

the Governor may authorize the undertaking, with or without any modification thereof.

(3) If the Governor in Council has authorized an undertaking with or without any modification thereof in accordance with subsection (1) or if the Governor has authorized an undertaking with or without any modification thereof in accordance with subsection (2), a notification of the authorization together with a description of the undertaking shall be published in the *Gazette*.

7. (1) There shall be a tribunal to hear and determine any claim for compensation—

- (a) in relation to an undertaking authorized under paragraph (a) or (c) of subsection (1) of section 6, as so authorized; or
 (b) referred to it by the Governor in Council under paragraph (d) of subsection (1) of section 6.

(2) The tribunal shall consist of a judge of the Supreme Court or of the District Court to be appointed by the Chief Justice from time to time.

(3) The Chief Justice may also appoint one or more assessors to advise the tribunal appointed under this section.

(4) The assessors shall be remunerated at such rate as may be determined in each case by the Colonial Secretary:

Provided that nothing in this subsection shall authorize the payment of remuneration to any person employed full time in any office of emolument under the Crown.

(5) The Chief Justice may make rules providing for the procedure for notifying claims for compensation to the tribunal and for hearing and determining such claims by the tribunal and all matters incidental thereto.

(6) The tribunal shall have the following powers—

- (a) to hear evidence on oath, to order persons to attend and give evidence, and to produce documents, in like manner as in proceedings in the Supreme Court, and the like powers of punishment as are conferred by sections 36 and 37 of the Supreme Court Ordinance;
 (b) to order inspection of any premises and to enter upon and view any premises in like manner as in the Supreme Court; and
 (c) to award costs.

Tribunal to determine claims for compensation.

(Cap. 4.)

8. Any compensation awarded by the tribunal under section 7 shall be paid out of the general revenue of the Colony if the undertaking is authorized by the Governor in Council.

9. No injunction shall be granted prohibiting any undertaking authorized under section 6 and no action shall be brought for damages in respect of the undertaking.

10. Subject to the provisions of this Ordinance as to the awarding of compensation by the tribunal, the Governor may at any time, by order in writing, authorize the Director to proceed with the necessary works; and no injunction shall be granted prohibiting the undertaking so authorized, nor shall any action be brought for damages in respect of the said undertaking.

11. (1) Notwithstanding any provision of this Ordinance, the Governor may at any time authorize the Director in writing temporarily to close or temporarily to alter substantially any street or any part thereof and to proceed with the necessary works.

(2) No notice or order under this Ordinance shall be necessary in respect of any such temporary closure or temporary substantial alteration authorized under this section; and no injunction shall be granted prohibiting the work so authorized, nor shall any action be brought for damages in respect of the said works, nor shall any compensation be payable in respect of the said works except as provided in subsections (3), (4) and (5).

(3) If any temporary closing or temporary substantial alteration of a street authorized under this section continues for a period exceeding six months, the owner or occupier of any property held under a Crown lease may submit to the Director a claim for compensation for any pecuniary loss or damage to such property caused by the undertaking.

(4) Any such claim shall be forwarded in writing to the Director so as to reach his office not later than one month after the cessation of the undertaking.

(5) Any such claim shall—

- (a) specify the property affected by the undertaking and the interest of the person making the claim in the property;
 (b) specify the manner in which the property has been affected by the undertaking; and
 (c) contain an estimate of the pecuniary loss or damage to the property caused by the undertaking.

Compensation payable out of general revenue.

No action lies where undertaking authorized by Governor in Council or Director.

Governor may authorize undertaking subject to claims for compensation.

Temporary closures or substantial alterations.

(6) Any claim for compensation which is made in accordance with subsections (3), (4) and (5) shall be dealt with in accordance with sections 4, 7 and 8 as if it were made under subsection (2) of section 4.

Repeal.
(Cap. 130.)

12. (1) The Streets (Alteration) Ordinance is repealed.

(2) Notwithstanding the provisions of subsection (1), if the provisions of section 3 of the Streets (Alteration) Ordinance (hereinafter in this subsection referred to as the repealed Ordinance) have been complied with before the date of commencement of this Ordinance, the repealed Ordinance shall continue to have effect in all respects and for all purposes consequential upon the publication of a notice under the said section 3, as if the repealed Ordinance had not been repealed.

SCHEDULE.

[s. 3.]

STREETS (ALTERATION) ORDINANCE.
(No. 45 of 1970).

NOTICE.

Notice is hereby given that the Governor proposes to make an order under section 6 of the Streets (Alteration) Ordinance 1970.

The proposed undertaking is as follows—

[Insert here a brief description of the proposed undertaking and specify the works with reference to a plan].


Any person objecting to the said order must send his objection in writing to the Director of Public Works so as to reach the office of the Director not later than the day of 19 .

Any claim for compensation must specify the property which will be affected by the abovementioned undertaking and the interest of the person making the claim in the property and the manner in which the property will be affected by the proposed undertaking. Any such claim must also specify an estimate of the pecuniary loss or damage to the property which is likely to be caused by the undertaking.

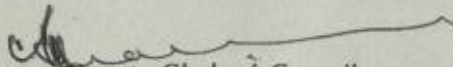
.....
Director of Public Works.

Dated the day of 19 .

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.

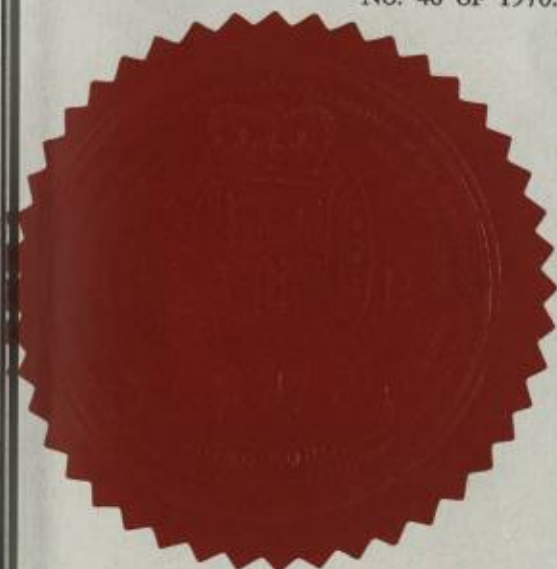

Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 46 OF 1970.



I assent.

Herch.

Governor.

7th May, 1970.

An Ordinance to amend further the Public Reclamations and Works Ordinance.

[8th May, 1970.]

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

1. This Ordinance may be cited as the Public Reclamations and Works (Amendment) Ordinance 1970.

Short title.

1A. Section 2 of the principal Ordinance is amended in paragraph (b) of subsection (2) by inserting after "with" the following—
"a claim for compensation containing".

Amendment of section 2. (Cap. 113.)

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

Repeal and replacement of section 3.

"Consideration and authorization of undertaking.

3. (1) Where before the expiration of the period specified in a notification published under section 2—

(a) any objection to a proposed undertaking or any claim of private right in respect thereof

has been submitted to the Director of Public Works in accordance with such notification; and

- (b) the objection or claim has not been either withdrawn by the person who submitted it or deemed to have been withdrawn under subsection (5).

the Governor in Council shall consider the proposed undertaking together with every objection and every claim so submitted which has not been withdrawn or deemed to have been withdrawn.

(2) The Governor in Council may, after considering in accordance with subsection (1) a proposed undertaking and every objection thereto not withdrawn or deemed to have been withdrawn and every claim in respect thereof not withdrawn or deemed to have been withdrawn—

- (a) authorize the undertaking with or without any modification thereof;
- (b) refuse to authorize the undertaking;
- (c) authorize the undertaking in part and defer for further consideration at a later date any objection or claim which relates to the part of the undertaking not so authorized; or
- (d) defer for further consideration any objection to an undertaking or any claim of private right in respect thereof until any claim for compensation, which has been lodged in respect of the extinguishment of such private right and has been neither withdrawn nor deemed to have been withdrawn, has been determined by a tribunal in accordance with section 7 and refer the claim to the tribunal for that purpose.
- (3) If, on the expiration of the period specified in a notification published under section 2,—
- (a) no objection to a proposed undertaking and no claim of private right in respect thereof has been submitted to the Director of Public Works; or
- (b) any such objection or claim, having been so submitted, is withdrawn, or is deemed to have been withdrawn under subsection (5),

the Governor may authorize the undertaking with or without any modification thereof.

(4) If the Governor in Council has authorized an undertaking with or without any modification thereof under subsection (2), or if the Governor has authorized an undertaking with or without any modification thereof under subsection (3), a notification of the authorization together with a description of the undertaking and of the area to be occupied shall be published in the *Gazette*.

(5) For the purposes of this section an objection or claim shall be deemed to have been withdrawn if the Governor has entered into an agreement with the objector or claimant for the compromise or settlement of the objection or claim.”.

3. Section 4 of the principal Ordinance is amended by deleting “subsection (3)” and substituting the following—

Amendment of section 4.

“subsection (4)”.

4. Section 6 of the principal Ordinance is amended in subsection (2) by deleting “submit a claim for compensation in respect of the extinguishment of such private right” and substituting the following—

Amendment of section 6.

“require that his claim for compensation be referred to a tribunal by the Governor, who shall so refer it”.

5. Section 7 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

Amendment of section 7.

“(1) There shall be a tribunal to hear and determine any claim for compensation which has been referred to it—

- (a) by the Governor in Council under paragraph (d) of subsection (2) of section 3; or
- (b) by the Governor under subsection (2) of section 6, in relation to the undertaking as authorized under paragraph (a) or (c) of subsection (2) of section 3.

(1A) The tribunal shall consist of a judge of the Supreme Court or of the District Court to be appointed by the Chief Justice as occasion may require. The Chief Justice may further appoint one or more assessors to advise the tribunal on any matters requiring professional knowledge.”.

Addition of
new section
7A.

6. The principal Ordinance is amended by adding after section 7 the following new section 7A—

“Compensation payable out of general revenue. 7A. Any compensation awarded by a tribunal under section 7 shall be paid out of the general revenue of the Colony if the undertaking is authorized by the Governor in Council.”.

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.

[Signature]
Deputy Clerk of Councils.

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

[Signature]
Deputy Clerk of Councils.

HONG KONG

No. 47 OF 1970.



I assent.

[Signature]

Governor.

7th May, 1970.

An Ordinance to amend further the Foreshores and Sea Bed Ordinance.

[8th May, 1970.]

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

1. This Ordinance may be cited as the Foreshores and Sea Bed (Amendment) Ordinance 1970. Short title.

2. Section 5 of the principal Ordinance is amended by deleting “the Governor in Council may declare that it is expedient that such Crown lease should be granted.” from subsection (3) and substituting the following— Amendment of section 5. (Cap. 127.)

“the Governor in Council may—

- (a) declare that it is expedient that such Crown lease should be granted; or
- (b) defer for further consideration any such objection until any claim for compensation made under sec-

tion 7 has been settled or compromised or has been determined by a judge in accordance with that section and refer the claim to a judge for the purpose of such determination.”.

Amendment of section 6.

3. Section 6 of the principal Ordinance is amended by inserting the following after “section 5”—

“or if any such objection has been withdrawn”.

Amendment of section 7.

4. Section 7 of the principal Ordinance is amended by adding after subsection (2) the following new subsection—


“(2A) A claim for compensation referred by the Governor in Council under paragraph (b) of subsection (3) of section 5 shall be determined by such one of the judges as the Chief Justice shall in each case nominate for the purpose.”.

Addition of new section 7A.

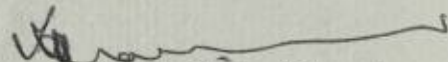
5. The principal Ordinance is amended by adding after section 7 the following new section 7A—

“Compensation payable out of general revenue. 7A. Any compensation awarded by a judge under section 7 shall be paid out of the general revenue of the Colony if the Crown lease is granted by the Governor in Council.”.

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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

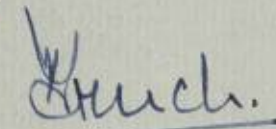

Deputy Clerk of Councils.

HONG KONG

No. 48 OF 1970.



I assent.


Governor.

7th May, 1970.

An Ordinance to amend further the Road Traffic Ordinance.

[8th May, 1970.]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1970. Short title.

2. The principal Ordinance is amended by adding the following new section after section 7— Addition of new section 7A. (Cap. 220.)

“Road works to which the Streets (Alteration) Ordinance does not apply. 7A. (1) For the purposes of regulating and facilitating the movement of traffic, whether vehicular or pedestrian, the Director of Public Works may construct or maintain works other than an undertaking within the meaning of the Streets (Alteration) Ordinance 1970 in any road.


(2) In respect of any works constructed or maintained by the Director of Public Works in accordance with subsection (1), the powers conferred by this section include powers to—

- (a) light the works;
- (b) pave, grass or otherwise cover them;
- (c) erect pillars, walls, rails or fences on, around or across them; and
- (d) plant trees, shrubs or other vegetation thereon.


(3) The Director of Public Works may alter or remove any works constructed under the powers conferred by this section.

(4) Anything done before the coming into operation of the Road Traffic (Amendment) Ordinance 1970 which could lawfully have been done under the powers conferred by that Ordinance if it had then been in force shall be deemed to have been as valid and properly done as if that Ordinance had been in force when it was done."

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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

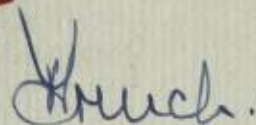

Deputy Clerk of Councils.

HONG KONG

No. 49 OF 1970.



I assent.



Governor.

21st May, 1970.

An Ordinance to amend further the Companies Ordinance.

[22nd May, 1970.]

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

1. This Ordinance may be cited as the Companies (Amendment) (No. 3) Ordinance 1970. Short title.

2. The principal Ordinance is amended by adding, after section 222, the following new section— Addition of new section 222A. (Cap. 32.)

"Jurisdiction of Registrar.

222A. (1) Unless otherwise ordered by the court in a particular case, the Registrar may exercise and perform the powers and duties conferred or imposed upon the court by sections 221 and 222.

(2) The Registrar may, if he exercises the jurisdiction conferred on him by this section—

- (a) refer any examination for hearing by a judge;


(2) In respect of any works constructed or maintained by the Director of Public Works in accordance with subsection (1), the powers conferred by this section include powers to—

- (a) light the works;
- (b) pave, grass or otherwise cover them;
- (c) erect pillars, walls, rails or fences on, around or across them; and
- (d) plant trees, shrubs or other vegetation thereon.


(3) The Director of Public Works may alter or remove any works constructed under the powers conferred by this section.

(4) Anything done before the coming into operation of the Road Traffic (Amendment) Ordinance 1970 which could lawfully have been done under the powers conferred by that Ordinance if it had then been in force shall be deemed to have been as valid and properly done as if that Ordinance had been in force when it was done.”

Passed by the Hong Kong Legislative Council this 6th day of May, 1970.


Deputy Clerk of Councils.

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

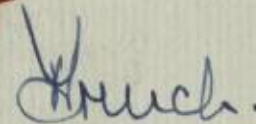

Deputy Clerk of Councils.

HONG KONG

No. 49 OF 1970.



I assent.



Governor.

21st May, 1970.

An Ordinance to amend further the Companies Ordinance.

[22nd May, 1970.]

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

1. This Ordinance may be cited as the Companies (Amendment) (No. 3) Ordinance 1970. Short title.

2. The principal Ordinance is amended by adding, after section 222, the following new section— Addition of new section 222A. (Cap. 32.)

“Jurisdiction of Registrar.

222A. (1) Unless otherwise ordered by the court in a particular case, the Registrar may exercise and perform the powers and duties conferred or imposed upon the court by sections 221 and 222.

(2) The Registrar may, if he exercises the jurisdiction conferred on him by this section—

- (a) refer any examination for hearing by a judge;

(b) at any time adjourn an examination for further hearing before a judge.

(3) A judge may, if an examination is referred to him under paragraph (a) of subsection (2), hear it himself, or refer it back to the Registrar for hearing by him.

(4) A judge may, if an examination is adjourned under paragraph (b) of subsection (2) for further hearing before a judge—

- (a) continue the examination;
- (b) at any time direct that the examination be continued before the Registrar; and
- (c) make such other order and give such directions as he may consider proper.

(5) Any reference in this Ordinance to the court shall include a reference to the Registrar exercising the jurisdiction conferred on him by this section.


(6) Notwithstanding subsection (5), the Registrar, when exercising the jurisdiction conferred by this section, shall not have power to make an order for the committal of a person for contempt of court.

(7) In this section—


“Registrar” means—

- (a) the Registrar of the Supreme Court;
- (b) any Deputy Registrar of the Supreme Court; and
- (c) any Assistant Registrar of the Supreme Court appointed by the Chief Justice for the purposes of this section.”

Passed by the Hong Kong Legislative Council this 20th day of May, 1970.


Deputy Clerk of Councils.

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

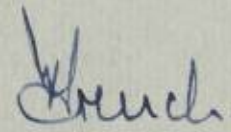

Deputy Clerk of Councils.

HONG KONG

No. 50 OF 1970.



I assent.


Governor.

21st May, 1970.

An Ordinance to amend further the Bankruptcy Ordinance.

[22nd May, 1970.]

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

1. This Ordinance may be cited as the Bankruptcy (Amendment) (No. 2) Ordinance 1970.

Short title.

2. The principal Ordinance is amended by adding, after section 99, the following new section—

Addition of new section 99A.
(Cap. 6.)

“Jurisdiction of Registrar.

99A. (1) Unless otherwise ordered by the court in a particular case, the Registrar may exercise and perform the powers and duties conferred or imposed upon the court by sections 19 and 29.

(2) The Registrar may, if he exercises the jurisdiction conferred on him by subsection (1)—

- (a) refer any matter for the decision or direction of a judge; and

(b) at any time adjourn an examination for further hearing before a judge.

(3) A judge may, if a matter is referred to him under paragraph (a) of subsection (2), dispose of it himself or refer it back to the Registrar with such directions as he thinks fit.

(4) A judge may, if an examination is adjourned under paragraph (b) of subsection (2) for further hearing before a judge—

- (a) continue the examination;
- (b) at any time direct that the examination be continued before the Registrar; and
- (c) make such other order and give such directions as he may consider proper.

(5) Any reference in this Ordinance to the court shall include a reference to the Registrar exercising the jurisdiction conferred on him by this section.

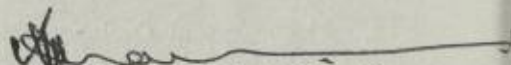
(6) Notwithstanding subsection (5), the Registrar, when exercising the jurisdiction conferred by this section, shall not have power to make an order for the committal of a person for contempt of court.

(7) In this section—


“Registrar” means—

- (a) the Registrar of the Supreme Court;
- (b) any Deputy Registrar of the Supreme Court; and
- (c) any Assistant Registrar of the Supreme Court appointed by the Chief Justice for the purposes of this section.”.

Passed by the Hong Kong Legislative Council this 20th day of May, 1970.


Deputy Clerk of Councils.

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

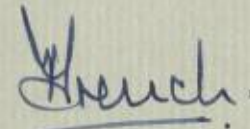

Deputy Clerk of Councils.

HONG KONG

No. 51 OF 1970.



I assent.



Governor.

21st May, 1970.

An Ordinance to amend further the Pawnbrokers Ordinance.

[22nd May, 1970.]


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

1. This Ordinance may be cited as the Pawnbrokers (Amendment) (No. 2) Ordinance 1970. Short title.

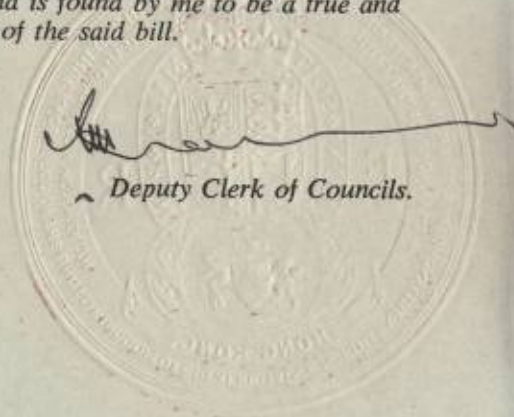
2. Section 6 of the principal Ordinance is amended by deleting “two thousand dollars”, wherever it occurs, and substituting in each case the following—
“five thousand dollars”. Amendment of section 6. (Cap. 166.)


3. Section 27 of the principal Ordinance is amended by substituting a colon for the full stop at the end thereof and adding the following—
“Provided that goods may be pawned or redeemed on the day preceding Lunar New Year’s Day until 12 o’clock midnight.”. Amendment of section 27.

Passed by the Hong Kong Legislative Council this 20th day
of May, 1970.


Deputy Clerk of Councils.

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



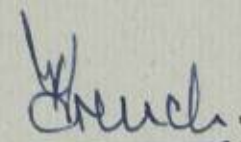

Deputy Clerk of Councils.

HONG KONG

No. 52 OF 1970.



I assent.


Governor.

21st May, 1970.

An Ordinance to amend the Legal Aid Ordinance.

[22nd May, 1970.]

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

1. This Ordinance may be cited as the Legal Aid (Amend-
ment) Ordinance 1970.
2. Section 10 of the principal Ordinance is amended—
 - (a) by being renumbered as subsection (1) thereof; and
 - (b) by adding the following new subsection—

Short title.

Amendment of
section 10.
(Cap. 91.)

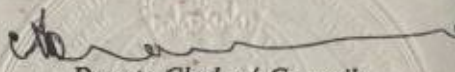
“(2) Notwithstanding the provisions of sub-
section (1), the Director may refuse to grant a legal
aid certificate, although satisfied of the matters
specified in paragraphs (b) and (c) of subsection (1)
if, in his opinion, the applicant has disposed of any
capital or income for the purpose of satisfying the
conditions specified in those paragraphs.”.

Amendment of
section 15.

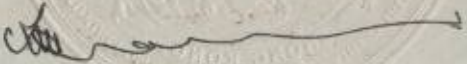
3. Section 15 of the principal Ordinance is amended in subsection (2) by deleting "a period of forty-two days" and substituting therefor the following—

"such period, being not less than fourteen days, as may be prescribed".

Passed by the Hong Kong Legislative Council this 20th day of May, 1970.

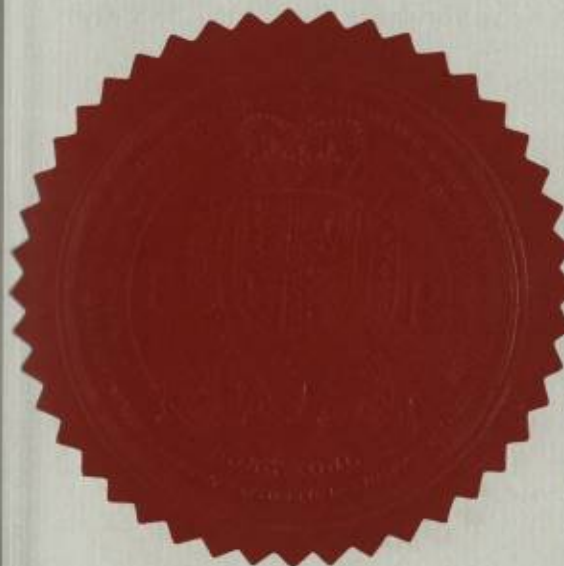

Deputy Clerk of Councils.

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

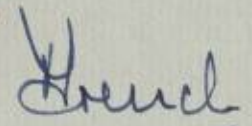

Deputy Clerk of Councils.

HONG KONG

No. 53 OF 1970.



I assent.


Governor.

21st May, 1970.

An Ordinance to amend further the Hong Kong Tourist Association Ordinance.

[22nd May, 1970.]

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

1. This Ordinance may be cited as the Hong Kong Tourist Association (Amendment) Ordinance 1970. Short title.

2. Section 16 of the principal Ordinance is amended— Amendment of
section 16.
(Cap. 302.)


(a) by inserting after paragraph (d) the following new paragraphs—

"(e) with the approval of the Financial Secretary and subject to such conditions as he may determine, borrow or otherwise raise money on such security as may be necessary;

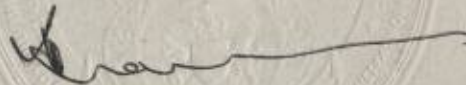
(f) for the purpose of borrowing or otherwise raising money in accordance with paragraph (e) charge all or any part of the property of the Board;" and

(b) by renumbering the existing paragraph (e) as paragraph (g).

Passed by the Hong Kong Legislative Council this 20th day of May, 1970.


Deputy Clerk of Councils.

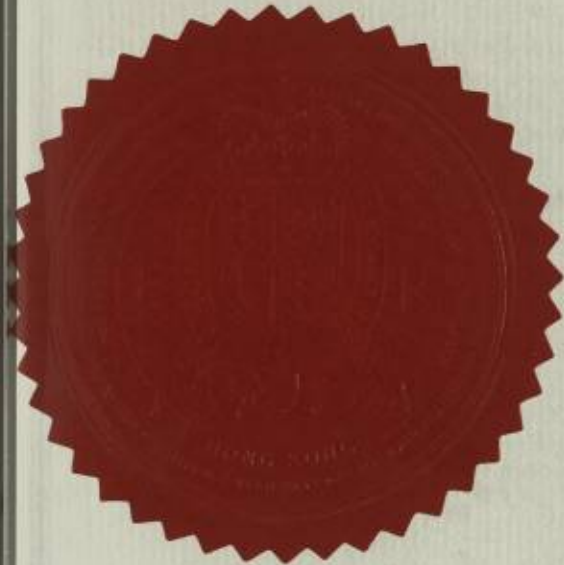
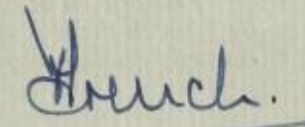
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Deputy Clerk of Councils.

HONG KONG

No. 54 OF 1970.

I assent.



Governor.

21st May, 1970.

An Ordinance to amend the Protection of Non-Government Certificates of Origin Ordinance.

[22nd May, 1970.]

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

1. This Ordinance may be cited as the Protection of Non-Government Certificates of Origin (Amendment) Ordinance 1970.

Short title.

2. Section 4 of the principal Ordinance is amended by inserting, after subsection (2), the following new subsections—

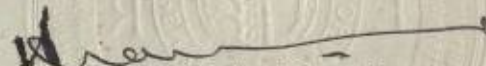
Amendment of section 4. (Cap. 324.)

“(3) A chamber of commerce or other body which has revoked a certificate of origin shall, by notice in writing served either personally or by registered post, inform any person who it has reason to believe may have in his possession or control the certificate of origin or any copy thereof, of the revocation of such certificate.

- (4) Any person who—
- (a) having been informed under subsection (3) by a chamber of commerce or other body of the revocation of a certificate of origin; and
- (b) having in his possession or control such certificate of origin or any copy thereof,

fails forthwith to surrender the certificate or copy to the chamber of commerce or other body shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for three months.”

Passed by the Hong Kong Legislative Council this 20th day of May, 1970.

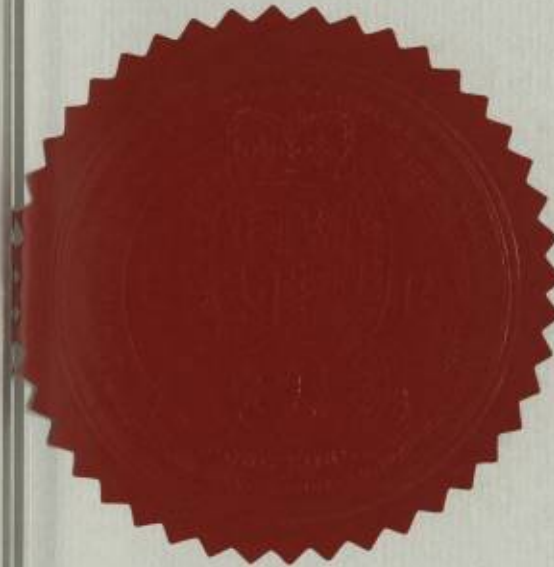

Deputy Clerk of Councils.

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

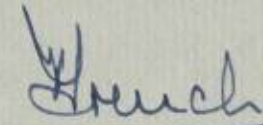

Deputy Clerk of Councils.

HONG KONG

No. 55 OF 1970.



I assent.


Governor.

21st May, 1970.

An Ordinance to amend further the Radiation Ordinance.

[22nd May, 1970.]

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

1. This Ordinance may be cited as the Radiation (Amendment) Ordinance 1970. Short title.

2. Section 2 of the principal Ordinance is amended— Amendment of section 2. (Cap. 303.)

(a) by deleting the definition of “irradiating apparatus” and substituting the following—

““irradiating apparatus” means any apparatus which is intended to produce or emit, or is capable of producing or emitting, ionizing radiation at a dose rate in excess of 0.5 millirem per hour at a distance of five centimetres from any accessible point of the surface of the apparatus;” and

(b) by deleting the definition of “licensing authority”.

Amendment of section 3.

3. Section 3 of the principal Ordinance is amended by deleting sub-paragraphs (ii) and (iii) of paragraph (a) of subsection (2) and substituting the following—

“(ii) the Commissioner of Labour, or a person nominated by him as his representative;

(iii) the Director of Commerce and Industry, or a person nominated by him as his representative; and”.

Repeal and replacement of section 6.

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

“Delegation of powers and functions.

6. The Board may, with the consent of the Governor, by notice in the *Gazette*, delegate to any public officer the exercise of any of the powers (or the performance of any of the duties) conferred (or imposed) upon the Board by sections 10, 11 and 13.”.


Amendment of section 10.

5. Section 10 of the principal Ordinance is amended in subsections (2) and (3) by deleting “or licensing authority” wherever it occurs.

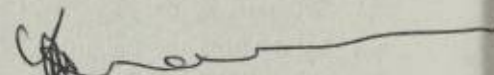
Amendment of section 13.

6. Section 13 of the principal Ordinance is amended in subsection (1) by deleting “or licensing authority” wherever it occurs.

Passed by the Hong Kong Legislative Council this 20th day of May, 1970.


Deputy Clerk of Councils.

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

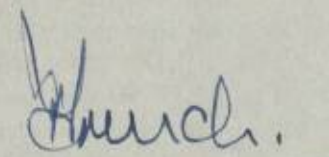

Deputy Clerk of Councils.

HONG KONG

No. 56 OF 1970.



I assent.


Governor.

4th June, 1970.

An Ordinance to make provision for the temporary control of increases in rent of domestic premises, and for the security of tenure of such premises, and for purposes connected therewith.

[5th June, 1970.]

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

PART I.

SHORT TITLE, INTERPRETATION AND APPLICATION.

1. This Ordinance may be cited as the Rent Increases (Domestic Premises) Control Ordinance 1970. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpretation.
“Commissioner” means the Commissioner of Rating and Valuation;

Amendment of section 3.

3. Section 3 of the principal Ordinance is amended by deleting sub-paragraphs (ii) and (iii) of paragraph (a) of subsection (2) and substituting the following—

“(ii) the Commissioner of Labour, or a person nominated by him as his representative;

(iii) the Director of Commerce and Industry, or a person nominated by him as his representative; and”.

Repeal and replacement of section 6.

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

“Delegation of powers and functions.

6. The Board may, with the consent of the Governor, by notice in the *Gazette*, delegate to any public officer the exercise of any of the powers (or the performance of any of the duties) conferred (or imposed) upon the Board by sections 10, 11 and 13.”.

Amendment of section 10.

5. Section 10 of the principal Ordinance is amended in subsections (2) and (3) by deleting “or licensing authority” wherever it occurs.

Amendment of section 13.

6. Section 13 of the principal Ordinance is amended in subsection (1) by deleting “or licensing authority” wherever it occurs.

Passed by the Hong Kong Legislative Council this 20th day of May, 1970.

[Signature]
Deputy Clerk of Councils.

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

[Signature]
Deputy Clerk of Councils.

HONG KONG

No. 56 OF 1970.



I assent.

[Signature]
Governor.

4th June, 1970.

An Ordinance to make provision for the temporary control of increases in rent of domestic premises, and for the security of tenure of such premises, and for purposes connected therewith.

[5th June, 1970.]

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

PART I.

SHORT TITLE, INTERPRETATION AND APPLICATION.

1. This Ordinance may be cited as the Rent Increases (Domestic Premises) Control Ordinance 1970. Short title.

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

“Commissioner” means the Commissioner of Rating and Valuation;

"court" means the District Court;

"landlord" includes any person, other than the Crown, who is from time to time entitled to receive rent in respect of any premises and, in relation to a particular tenant, means a person entitled to receive rent from such tenant;

"panel" means the Rent Increases Advisory Panel appointed under section 17;

"principal tenant" means a tenant of premises other than a Crown lessee, who has sublet or shall sublet the whole or any part or parts thereof as a separate holding or holdings;

"reviewing fee" means a fee of five *per cent* of the existing monthly rent or one hundred dollars whichever is the less;

"tenancy" includes an agreement for a tenancy;

"tenant" or "sub-tenant" does not include a Crown lessee but includes—

- (a) a person who is in possession of premises, to which this Ordinance applies, on the commencement of this Ordinance;
- (b) a person who shall retain possession of any premises by virtue of this Ordinance.

Application.

3. (1) Save as otherwise provided in this section and in section 4, this Ordinance shall apply to every domestic tenancy and domestic sub-tenancy existing at the date of commencement of this Ordinance in a post-war building, whether the same be effected orally or in writing and notwithstanding any provision in such tenancy or sub-tenancy including any provision purporting generally or specifically to exclude the provisions of this Ordinance.

(2) For the purposes of this section a post-war building means—

- (a) a building to which the Landlord and Tenant Ordinance does not apply by virtue of paragraph (a) or (d) of subsection (1) of section 3 of that Ordinance; and
- (b) any building in the New Territories other than one in respect of which the District Commissioner, New Territories, certifies that it existed prior to the 17th day of August 1945.

The burden of proving that a building is not a post-war building shall lie on the person so asserting; and a copy of a written permit of the Building Authority to occupy a building shall be

(Cap. 255.)

prima facie evidence that a building is not post-war if granted prior to the 17th day of August 1945.

(3) The benefits and protection afforded by this Ordinance shall, in any tenancy or sub-tenancy to which it applies, be available to the widow, widower, mother, father or any daughter or son over the age of eighteen years of the tenant or sub-tenant, as the case may be, where she or he was residing with him or her at the time of his or her death, and for the purposes of this Ordinance references to tenant or sub-tenant shall, where applicable, be deemed to include a reference to such widow, widower, mother, father, daughter or son, and the tenancy or sub-tenancy shall be deemed to continue in existence notwithstanding the death of the tenant or sub-tenant.

(4) Tenancies and sub-tenancies to which this Ordinance applies shall not, so long as this Ordinance continues to affect them, be subject to the Tenancy (Notice of Termination) Ordinance; but a notice of termination valid for the purposes of that Ordinance may be served not more than six months prior to the date on which a tenancy ceases to be protected under this Ordinance.

(Cap. 335.)

(5) This Ordinance shall not apply to the following—

(a) a tenancy or sub-tenancy for—

(i) a fixed term of three years or more the agreement for which contains no provision for earlier determination by the landlord of such tenancy or sub-tenancy other than for breach of any of the provisions of the agreement;

(ii) a fixed term of less than three years the agreement for which contains no provision for earlier determination by the landlord of such tenancy or sub-tenancy other than for breach of any of the provisions of the agreement, if the term of such tenancy or sub-tenancy may be extended so that the total term thereof is for three years or more at the same rent by the exercise of an option on the part of the tenant without the consent of the landlord and without the payment of any fine or premium;

(b) a tenancy or sub-tenancy of premises to which the Landlord and Tenant Ordinance applies, or of premises in respect of which there is in existence an order made under section 38 of that Ordinance;

(Cap. 255.)

(c) a tenancy or sub-tenancy where the tenant or sub-tenant remains in occupation of the premises otherwise than with the consent of the landlord or principal tenant after

the expiration of a valid notice to quit taking effect prior to the commencement of this Ordinance, but shall apply where the tenant or sub-tenant remains in occupation solely by virtue of the Security of Tenure (Domestic Premises) Ordinance 1970;

(S of 1970.)

- (d) a tenancy or sub-tenancy of land unbuilt on;
- (e) a tenancy or sub-tenancy of agricultural land, which expression shall have the meaning assigned to it by the Rating Ordinance, including such a tenancy or sub-tenancy where there exists on the land any dwelling house occupied by persons working the land;
- (f) a tenancy or sub-tenancy where the landlord is the employer and the tenant is the employee in possession of the premises in accordance with the terms and conditions of his employment where such terms and conditions require him to vacate the accommodation upon ceasing to be so employed;
- (g) a tenancy held from the Crown, the Hong Kong Housing Authority, the Hong Kong Housing Society, or the Hong Kong Model Housing Society, or a sub-tenancy created out of such a tenancy;
- (h) a tenancy or sub-tenancy during the period while it is enjoying protection under section 3 of the Tenancy (Prolonged Duration) Ordinance;
- (i) a tenancy or sub-tenancy which is continuing, after ceasing to enjoy protection under section 3 of the Tenancy (Prolonged Duration) Ordinance (whenever it ceased or ceases to enjoy such protection), on the same terms and conditions (save in so far as the same may have been modified, added to or varied by any enactment) as those which applied when it was enjoying such protection, for so long as it continues on those terms and conditions;
- (j) a tenancy or sub-tenancy devised for a particular purpose and in the circumstances effective for fulfilling that purpose only if it is for a limited term terminable without the period of notice required under section 3 of the Tenancy (Notice of Termination) Ordinance; or
- (k) a tenancy or sub-tenancy of any premises or part thereof in respect of which an occupation permit was given by the Building Authority under the Buildings Ordinance after the 30th day of January 1970.

(Cap. 116.)

(Cap. 276.)

(Cap. 335.)

(Cap. 123.)

(6) An agreement between a landlord and tenant, or between a principal tenant and sub-tenant, or between a prospective land-

lord and tenant or a prospective principal tenant and sub-tenant, which purports to exclude the tenancy or sub-tenancy by virtue of paragraph (j) of subsection (5) may be submitted by the parties jointly to the Secretary for Home Affairs, or to a public officer in the Secretariat for Home Affairs authorized by the Secretary for Home Affairs in writing in that behalf, who may endorse thereon his ratification of such agreement if satisfied that the tenancy or sub-tenancy is within the terms of paragraph (j) and that both parties understand the effect thereof.

(7) A dispute as to whether a tenancy or sub-tenancy is excluded by reason of paragraph (j) of subsection (5) shall not be justiciable in the courts but shall be determined by the Secretary for Home Affairs, or by a public officer in the Secretariat for Home Affairs authorized by him in writing in that behalf, in a summary manner on application in writing being made to him, and his decision shall be final and binding.

(8) The Governor in Council may in his absolute discretion by order exclude from the further application of this Ordinance any class of tenancy or sub-tenancy, any class of premises or any particular tenancy or sub-tenancy or premises.

4. (1) This Ordinance shall not apply to a tenancy or sub-tenancy of any domestic tenement if—

- (a) the whole of such tenement is the subject of a single tenancy or sub-tenancy; and
- (b) the rateable value of such tenement is for the purposes of this section fifteen thousand dollars or above.

(2) For the purposes of this section the rateable value of any tenement shall be that entered in the valuation list declared on the 5th day of March 1970 under section 10 of the Rating Ordinance.

(3) Where a domestic tenement the rateable value of which is fifteen thousand dollars or above is the subject of more than one tenancy or sub-tenancy, the Commissioner may, on the application of the landlord or principal tenant of any such tenancy or sub-tenancy, issue free of charge a certificate stating whether, on an apportionment of the rateable value of the tenement as entered in the valuation list declared on the 5th day of March 1970, the rateable value of the premises comprised in such tenancy or sub-tenancy is fifteen thousand dollars or above; and such certificate shall be *prima facie* evidence as to facts contained therein.

(4) Where a certificate issued under subsection (3) shows an apportioned rateable value of fifteen thousand dollars or above, this Ordinance shall cease to apply to any tenancy or sub-tenancy of the premises to which the certificate relates.

Exclusion of tenancies in premises whose rateable value is \$15,000 or above.

(Cap. 116.)

(5) Where the rateable value of any domestic tenement is not entered in the valuation list declared on the 5th day of March 1970, the Commissioner may issue free of charge a certificate stating whether the rateable value (which expression shall have the meaning assigned to it by section 2 of the Rating Ordinance) of the tenement is fifteen thousand dollars or above; and such certificate shall be *prima facie* evidence as to whether the rateable value of the tenement is fifteen thousand dollars or above.

(6) Where the Commissioner issues a certificate under subsection (5), he shall not issue another certificate under subsection (5) in respect of the same domestic tenement during the continuance in force of this Ordinance, but may issue a copy of any certificate so issued.

(7) A certificate issued by the Accountant General, or by a public officer authorized by him in writing in that behalf, shall be conclusive evidence of the rateable value of any tenement entered in the valuation list declared on the 5th day of March 1970; and such certificate shall be issued free of charge.

(8) A landlord, tenant, principal tenant or sub-tenant may apply in the specified form to the Commissioner for the issue of a certificate under subsection (5) or (7).

(9) The provisions of section 5 shall apply for the purposes of this section as if for the words "domestic tenancy" appearing therein there were substituted the words "tenancy of a domestic tenement".

(10) Notwithstanding the provisions of this section where the rent of any tenancy or sub-tenancy in a domestic tenement to which this Ordinance does not apply is increased under this Ordinance, such tenancy or sub-tenancy shall remain subject to the provisions of this Ordinance.

(11) In this section, "tenement" shall have the meaning assigned to it by section 2 of the Rating Ordinance as read with section 5 of that Ordinance.

5. (1) For the purposes of section 3, "domestic tenancy" and "domestic sub-tenancy" mean a tenancy or sub-tenancy of premises let as a dwelling.

(2) Notwithstanding the purpose for which premises were let, in determining the nature of the tenancy for the purposes of this Ordinance, regard shall be had to the following—

(a) in any agreement in writing between a landlord and tenant, or between a principal tenant and sub-tenant, a

Meaning of
"domestic
tenancy".

term that the premises shall be used for a specified purpose shall be *prima facie* evidence that the premises are being used for such purpose;

(b) notwithstanding any evidence as to whether premises were originally let as a dwelling or not, where such premises are being used primarily for another purpose, they shall be deemed to have been let for such other purpose:

Provided that where such primary user is use as a dwelling and in breach of any term in the agreement with the landlord or principal tenant, as the case may be, then the tenant or sub-tenant shall be required to establish that such user has been agreed to or condoned by the landlord or principal tenant expressly or by implication;

(c) where there exists insufficient evidence as to whether premises were let as a dwelling or not, the nature of the tenancy or sub-tenancy shall be determined by the primary user of the premises which in the case of a sub-tenancy shall be subject to paragraph (d);

(d) where there is evidence that premises were let otherwise than as a dwelling, or that they were being used otherwise than as a dwelling at the commencement of a sub-tenancy created out of the original tenancy, any premises the subject of such sub-tenancy shall themselves be deemed to be used otherwise than as a dwelling until the sub-tenant satisfies the court to the contrary.

(3) In determining whether the premises were let, or are being used, as a dwelling, the following may be taken into account—

(a) covenants, terms and conditions in any Crown lease, tenancy or sub-tenancy;

(b) any occupation permit given by the Building Authority under the Buildings Ordinance, or under any Ordinance replaced thereby, in relation to premises the subject matter of the tenancy or sub-tenancy in question;

(c) normal additional uses of premises consistent with the domestic nature of the tenancy or sub-tenancy having regard to the following—

(i) floor area in occupation part or full-time for such uses;

(Cap. 123.)

(ii) the number of people engaged in such uses but not dwelling on the premises;

(iii) the furnishings, fittings and contents of the premises; and

(iv) the gross profits resulting from such uses relative to the rent or proportion thereof paid by the person making such profits;

(d) the use of premises as a boarding or lodging house is a use otherwise than as a dwelling.

(4) Where a dispute arises as to whether a tenancy or sub-tenancy is domestic, the landlord, tenant, principal tenant or sub-tenant may, if primary user is relevant to the dispute, apply in the specified form to the Commissioner for his certificate as to the primary user of the premises.

(5) Where an application under subsection (4) is made to the Commissioner, he shall inspect the premises, and may—

(a) where he is satisfied on the evidence available as to the primary user, issue free of charge a certificate as to the primary user of the premises on the day of his inspection;

(b) where he is not so satisfied, decline to give a certificate.

(6) A certificate issued by the Commissioner under subsection (5) shall be *prima facie* evidence of the facts set out therein and of the primary user of the premises on the day on which they were inspected.

(7) A landlord, tenant, principal tenant or sub-tenant may apply to the court—

(a) for a review of a certificate of the Commissioner;

(b) for a determination where the Commissioner has declined to issue his certificate; or

(c) generally for a determination as to whether the tenancy or sub-tenancy is domestic.

(8) The court, on the hearing of an application under subsection (7), may—

(a) affirm the certificate of the Commissioner or substitute therefor its own determination; or

(b) in the case of an application under paragraph (b) or (c) of subsection (7), make a determination as to whether the tenancy or sub-tenancy is domestic.

PART II.

CONTINUATION AND TERMINATION OF TENANCIES.

6. (1) Save as is provided in section 7 no tenancy or sub-tenancy existing at the date of commencement of this Ordinance shall terminate during the continuance in force of this Ordinance.

Continuation
of tenancies.

(2) Save as is provided in subsection (3) of section 3 a tenancy or sub-tenancy shall not by virtue of this Ordinance continue in existence after any change in the identity of the landlord, tenant, principal tenant or sub-tenant which would terminate such tenancy or sub-tenancy in law; but for the purposes of this Ordinance a tenancy or sub-tenancy shall be deemed to continue in existence notwithstanding any change in the rent payable.

(3) In every tenancy and sub-tenancy there shall, in the absence of any express covenant or condition, be implied a covenant to pay rent on the due date and a condition for forfeiture for non-payment within fifteen days of such date.

(4) Notwithstanding the expiration of this Ordinance under section 24 this section together with section 7 shall continue to apply to any tenancy or sub-tenancy the rent of which is increased including any increase by agreement taking place before the date of such expiration, for a period of two years from the date of such increase.

7. (1) A tenancy or sub-tenancy shall terminate where—

Termination
of tenancies.

(a) vacant possession is delivered up;

(b) the landlord or principal tenant determines the tenancy or sub-tenancy by way of forfeiture for failure to pay rent or for the breach of any other covenant or condition which, but for the enactment of this Ordinance, would have been a cause of forfeiture;

(c) a notice to quit given under subsection (2) or (4) or an order made under subsection (7) takes effect;

(d) the tenancy out of which the sub-tenancy was created is itself terminated:

Provided that upon such termination this Ordinance shall apply to any tenancy thereupon arising by operation of law;

(e) a notice to quit takes effect where it has been served by the landlord in order to comply with a contract made before the 30th day of January 1970 under which the

landlord has contracted to sell the premises the subject of the notice to quit and the contract has provided for the delivery of vacant possession of such premises.

(2) A notice to quit may be served and shall, subject to subsections (5), (6) and (7), take effect as if neither this Ordinance nor the Tenancy (Notice of Termination) Ordinance had been enacted where in such notice the landlord or principal tenant specifies—

- (a) that he requires possession for use as a dwelling by himself, his mother, his father, or any son or daughter of his over the age of eighteen years;
- (b) his intention of rebuilding the premises.

(3) Where a notice to quit, in English and Chinese, is served under subsection (2) and in addition is displayed for three successive days upon the main door or entrance of the premises affected, such notice to quit shall take effect also on any sub-tenancies created under the tenancy to which it relates.

(4) A notice to quit may be served and shall, subject to subsections (5), (6) and (7), take effect as if neither this Ordinance nor the Tenancy (Notice of Termination) Ordinance had been enacted where in such notice the principal tenant specifies that the sub-tenant has caused unnecessary annoyance, inconvenience or disturbance to the principal tenant or to other occupants of the premises, particulars of such annoyance, inconvenience or disturbance being set out in the notice:

Provided that no notice may be served under this subsection without an endorsement thereon by the Secretary for Home Affairs or by a public officer authorized by him in writing in that behalf to the effect that the specified annoyance, inconvenience or disturbance has continued after a warning given by an officer of the Secretariat for Home Affairs to the sub-tenant causing the same.

(5) A notice to quit in English and in Chinese given under subsection (2) or (4) shall not be valid unless there are set out therein the provisions of subsection (6) and, where the notice to quit is given on the ground specified in paragraph (a) of subsection (2), the provisions of the proviso to subsection (7).

(6) Within fourteen days of service of a notice to quit under subsection (2) or (4) any tenant or sub-tenant of the premises affected by the notice to quit may serve a counter notice in the specified form on the landlord or principal tenant, as the case may be, disputing the right of the landlord or principal tenant to serve notice to quit.

(Cap. 335.)

(7) On receipt of a counter notice under subsection (6) the landlord or principal tenant, as the case may be, may apply to the court for an order for possession of the premises to which such notice relates. Where he satisfies the court that he is entitled to possession on the ground specified in the notice to quit, the court may make an order for possession which shall take effect on such date as the court may order but not earlier than the date on which the notice to quit would have taken effect nor later than three months from the date of such order; and at the hearing of such an application the court may order the payment of rent or mesne profits:

Provided that no order shall be made on the ground specified in paragraph (a) of subsection (2) if the court is satisfied that having regard to the circumstances, including the question whether other accommodation is available for the landlord, the tenant, the principal tenant or the sub-tenant, greater hardship would be caused by granting the order than by refusing to grant it.

(8) Where a tenancy or sub-tenancy is terminated on any ground specified in paragraph (a) or (b) of subsection (2) and the same premises are the subject of a subsequent tenancy or sub-tenancy, at any time in the case of a tenancy or sub-tenancy terminated on the ground specified in paragraph (a) of subsection (2), or prior to the premises being rebuilt in the case of a tenancy or sub-tenancy terminated on the ground specified in paragraph (b) of subsection (2), the provisions of this Ordinance shall apply to such subsequent tenancy or sub-tenancy as if it were a continuation, on the same terms, of the tenancy or the sub-tenancy terminated under this section.

PART III.

INCREASE IN RENTS.

8. (1) Any increase in rent under this Part shall take effect on the first day when rent becomes due after the date specified for such increase.

Day on which increase in rent takes effect.

(2) Notwithstanding subsection (1), where proceedings on review under section 11 or on appeal to the court under section 12 are not concluded on the date specified for such increase, the failure by the tenant or sub-tenant to pay more than the original rent prior to the conclusion of such proceedings shall not be a breach of covenant to pay rent nor give rise to a right to forfeiture.

Increases in rent by agreement.

9. (1) Where an increase in rent is agreed between a landlord and tenant, the landlord shall lodge a notice thereof in the specified form in triplicate with the Commissioner.

(2) Where a notice is lodged with the Commissioner under subsection (1), he shall make a note of the agreement concerning the increase in rent and shall endorse free of charge on two copies of the notice a statement to that effect and shall return one copy to the landlord and one copy to the tenant.

(3) Rent at the increased rate shall not be recoverable save where the landlord is in possession of a copy of a notice endorsed by the Commissioner under subsection (2).

(4) The security of tenure afforded to a tenant under subsection (4) of section 6 shall apply where the rent of such tenant is increased by agreement notwithstanding the failure of the landlord to lodge notice thereof under subsection (1).

Application for increase in rent.

10. (1) Subject to section 14, a landlord may apply for an increase in rent by sending a notice in the specified form in duplicate to the Commissioner.

(2) An application under subsection (1) shall specify the increase desired by the landlord.

(3) Upon receipt of an application under subsection (1) the Commissioner shall serve a copy thereof on the tenant.

(4) Within fourteen days of service on him of a notice under subsection (3) the tenant may send his comments thereon in writing to the Commissioner.

Grant of certificates and review.

11. (1) Where a landlord applies for an increase in rent under section 10, the Commissioner, on receipt of the comments of the tenant under subsection (4) of section 10 or after one month from the receipt of the application whichever is the sooner, may subject to section 13—

- (a) if satisfied that an increase in rent would be reasonable in the circumstances of the tenancy, issue free of charge and serve on the landlord and on the tenant certificates in the specified form stating a fair increase which shall not exceed the increase specified in the application under section 10; or
- (b) if not satisfied that an increase in rent would be reasonable in the circumstances of the tenancy, issue free of charge and serve on the landlord and on the tenant certificates in the specified form to that effect,

and he may endorse on the certificates such comments as he may think proper relating to such application.

(2) Where—

- (a) a certificate under subsection (1) specifies an increase exceeding fifteen *per cent* of the existing rent, the landlord or the tenant may within fourteen days of service on him of the certificate apply by notice in the specified form to the Commissioner for a review of the certificate;
- (b) a certificate under subsection (1) specifies an increase not exceeding fifteen *per cent* of the existing rent or refuses to award any increase in the existing rent, the landlord may within fourteen days of service on him of the certificate apply by notice in the specified form to the Commissioner for a review of the certificate.

(3) On receipt of an application under subsection (2) and upon payment of the reviewing fee by the applicant, the Commissioner shall review the certificate and may for that purpose consult with one or more members of the panel.

- (4) Having reviewed the certificate the Commissioner may—
- (a) confirm the refusal to award any increase; or
 - (b) confirm the increase in rent stated in the earlier certificate; or
 - (c) vary or set aside the increase in rent stated in the earlier certificate:

Provided that no increase shall exceed that specified in the application under section 10; or

- (d) if the earlier certificate refuses to award any increase, award such increase in rent as he considers fair in the circumstances of the tenancy:

Provided that no increase shall exceed that specified in the application under section 10,

and shall issue free of charge and serve on the landlord and on the tenant certificates specifying his decision; and the Commissioner shall endorse on such certificates a statement that they are in substitution for the earlier certificates and may include such comments as he may think proper relating to such application.

(5) The increase in rent stated in a certificate issued under subsection (1) or (4) shall take effect three months from the date