

(Cap. 126.)

of the tenancy of such land, and a right of re-entry thereon under the Crown Rights (Re-entry and Vesting Remedies) Ordinance shall be deemed to have accrued to the Crown.

(2) Where a right of re-entry is deemed under subsection (1) to have accrued to the Crown and in exercise of such right the Crown has re-entered upon the land, any person who has taken an assignment or underlease, or has entered into an agreement to take an assignment or underlease, of an undivided share of or in the land together with the right to exclusive possession, use, occupation or enjoyment of any portion of any building to be erected thereon shall, in addition to any other claim he may have, be entitled to recover from the person to whom it was paid any money or other property which passed, whether by way of consideration or otherwise, under or by virtue of such assignment, underlease or agreement.

(3) Subsection (1)(b) shall not apply to an assignment or underlease of, or an agreement to assign or underlet, an undivided share of or in land where the consideration or part of the consideration therefor is the erection of the building to be erected on the land pursuant to an order made under section 4."

Passed by the Hong Kong Legislative Council this 16th day of July, 1975.

**HONG KONG**

No. 47 OF 1975

I assent.

*M. N. Lehn*  
Governor.

17th July, 1975.

An Ordinance to amend the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance.

[18th July, 1975]

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 Mass Transit Railway (Land Resumption and Related Provisions) (Amendment) Ordinance 1975. Short title.

2. Section 12 of the principal Ordinance is amended—

Amendment of  
section 12.  
(Cap. 276.)

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

"(1) The Director, or any person acting under his authority, may enter any land or building situate wholly or partly within the railway area or wholly or partly within 70 metres thereof in order to carry out any inspection or survey which is reasonably necessary for the purposes of the railway, including an inspection or survey to ascertain the condition of such land or building prior to the construction of the railway, and may also enter any such land or building and carry out all reasonably necessary work of a preventive or remedial nature."; and

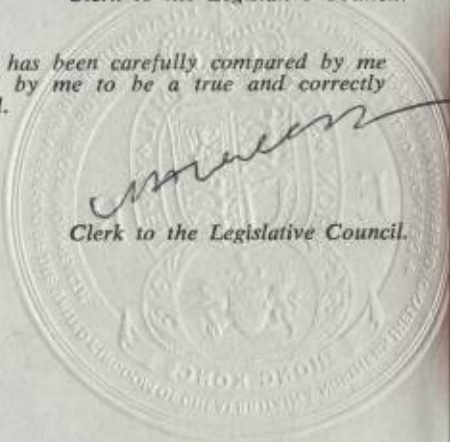
(b) in subsection (4) by inserting after "to repair" the following—  
"or detect".

Passed by the Hong Kong Legislative Council this 16th day of July, 1975.

*W. M. ...*

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*M. J. ...*

Governor.

**HONG KONG**

No. 48 OF 1975

*W. Stone*  
Clerk to the Legislative Council.

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

*W. Stone*  
Clerk to the Legislative Council.

I assent.

*M. J. P. Leung*  
Governor.

31st July, 1975.

An Ordinance to amend the Births and Deaths Registration Ordinance.

[1st August, 1975]

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 Births and Deaths Registration (Amendment) Ordinance 1975 and shall come into operation on the 1st August 1975. Short title and commencement.
2. Section 9 of the principal Ordinance is amended— Amendment of section 9. (Cap. 174.)
  - (a) in subsection (2) by deleting "\$2" and substituting the following—"5"; and
  - (b) in subsection (3) by deleting "\$15" and substituting the following—"30".
3. Section 13 of the principal Ordinance is amended— Amendment of section 13.
  - (a) in subsection (2) by deleting "\$2" and substituting the following—"5"; and
  - (b) in subsection (3) by deleting "\$5" and substituting the following—"20".

Amendment of  
section 22.

4. Section 22 of the principal Ordinance is amended—
- (a) in subsection (1) by deleting "\$3" and substituting the following—  
"\$5";
- (b) in the proviso to subsection (1) by deleting "\$6" and substituting the following—  
"\$10";
- (c) in subsection (2) by deleting "\$2" and substituting the following—  
"\$5"; and
- (d) in subsection (3) by deleting "\$25" and substituting the following—  
"\$30".

Amendment of  
section 23.

5. Section 23 of the principal Ordinance is amended by deleting "\$1" and substituting the following—  
"\$3".

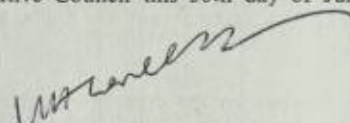
Amendment of  
section 27(c).

6. Section 27(c) of the principal Ordinance is amended by deleting "\$5" and substituting the following—  
"\$20".

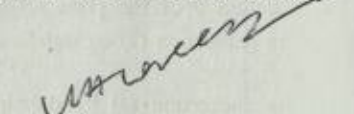
Amendment of  
Second  
Schedule.

7. The Second Schedule to the principal Ordinance is amended—
- (a) in Form 6 by deleting "Fee \$2." and substituting the following—  
"Fee \$5."; and
- (b) in Form 7 by deleting "Fee \$2." and substituting the following—  
"Fee \$5.".

Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

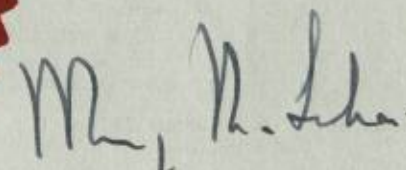
  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.



Governor.

31st July, 1975.

An Ordinance to amend the Companies Ordinance.

HONG KONG

No. 49 OF 1975

"\$5";

(b) in the proviso to subsection (1) by deleting "\$6" and substituting the following—

"\$10";

(c) in subsection (2) by deleting "\$2" and substituting the following—

"\$5"; and

(d) in subsection (3) by deleting "\$25" and substituting the following—

"\$30".

Amendment of section 23.

5. Section 23 of the principal Ordinance is amended by deleting "\$1" and substituting the following—

"\$3".

Amendment of section 27(c).

6. Section 27(c) of the principal Ordinance is amended by deleting "\$5" and substituting the following—

"\$20".


Amendment of Second Schedule.

7. The Second Schedule to the principal Ordinance is amended—

(a) in Form 6 by deleting "Fee \$2." and substituting the following—  
"Fee \$5."; and

(b) in Form 7 by deleting "Fee \$2." and substituting the following—  
"Fee \$5.".

I assent.



*M. R. L. S. C.*

Governor.

31st July, 1975.

An Ordinance to amend the Companies Ordinance.

[ ]

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

1. This Ordinance may be cited as the Companies (Amendment) (No. 2) Ordinance 1975 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 83 of the principal Ordinance is amended in subsection (3) by deleting ", not exceeding one dollar for each inspection".

Amendment of section 83. (Cap. 32.)

3. Section 90 of the principal Ordinance is amended in subsection (1)—

Amendment of section 90.

(a) by deleting the comma after "charges" where it first occurs; and

(b) by deleting "one dollar" and substituting the following—  
"two dollars".

4. Section 304 of the principal Ordinance is amended by inserting the following new subsection after subsection (1)—

Amendment of section 304.

"(1A) The fees in respect of—

(a) registering—

(i) under Part III any charge required to be registered thereunder whether created by a company or existing on property acquired by a company;

(ii) particulars of a series of debentures under Part III; and  
 (iii) the appointment of a receiver or manager under section 87; and

- (b) inspecting—  
 (i) the register of charges kept under section 83; and  
 (ii) any document under section 305(1); and
- (c) issuing under section 305(1)—  
 (i) a certificate of incorporation; and  
 (ii) a certified copy or extract of any other document or part of any other document,  
 shall be prescribed by the Governor in Council.”.

Amendment of  
 section 305.

5. Section 305 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

“(1) Any person may, on payment of the fee prescribed under section 304(1A)—

- (a) inspect the documents kept by the Registrar; or  
 (b) require—  
 (i) a certificate of the incorporation of any company; or  
 (ii) a copy or extract of any other document or part of any other document, to be certified by the Registrar.”.

Amendment of  
 section 360.

6. Section 360 of the principal Ordinance is amended in subsection (1)—

- (a) by deleting “alter” in the first place where it occurs and substituting the following—  
 “amend”;
- (b) by deleting “so that such alteration does not increase the amount of fees payable to the Registrar under the said Eighth Schedule,”; and
- (c) by deleting “alter or add to” and substituting the following—  
 “amend”.

Amendment of  
 Eighth  
 Schedule.

7. The Eighth Schedule to the principal Ordinance is amended—

- (a) in Part I—  
 (i) by inserting after item (c) the following new item—  
 “(ca) for registration of a prospectus ..... 2,000.00”;  
 (ii) in item (e) by inserting after “allotments” the following—  
 “or a prospectus”; and  
 (iii) by deleting in the second column “5.00” in each place where it occurs and substituting the following—  
 “10.00”;
- (b) in Part II—  
 (i) by deleting in the second column “50.00” and substituting the following—  
 “100.00”;
- (ii) by deleting in the second column “100.00” and substituting the following—  
 “200.00”;
- (iii) by deleting in the second column “300.00” and substituting the following—  
 “600.00”;

(iv) by deleting in the second column “5.00” in each place where it occurs and substituting the following—

“10.00”;

(v) by deleting in the third paragraph in the first column “\$100” and “\$5” and substituting “\$200” and “\$10” respectively; and

(vi) by deleting in the proviso in the first column “\$300” and substituting the following—

“\$600”;

(c) in Part III by deleting in the second column “5.00” and substituting the following—

“10.00”; and

(d) in Part IV—

(i) in item (a) by deleting in the second column “20.00” and substituting the following—

“100.00”;

(ii) in item (b) by deleting in the second column “20.00” and substituting the following—

“100.00”;

(iii) in item (c) by deleting in the second column “20.00” and substituting the following—

“100.00”; and

(iv) in item (d) by deleting in the second column “20.00” and substituting the following—

“100.00”.

Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

*[Signature]*  
 Clerk to the Legislative Council.

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

*[Signature]*  
 Clerk to the Legislative Council.



I assent.

*Wm. V. Scher.*  
Governor.

**HONG KONG**

No. 50 OF 1975



I assent.

*M. V. F. S.*  
Governor

31st July, 1975.

An Ordinance to make provisions for the raising of loans in Hong Kong by the issue of bonds and for matters connected therewith.

[1st August, 1975]

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 Loans (Government Bonds) Ordinance 1975. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"Government bond" means a bond issued by the Government under this Ordinance;

"loan" means a loan raised by the issue of Government bonds.

3. The Government may, by the issue of bearer bonds, raise in Hong Kong such loans for such purposes as may be approved by resolution of the Legislative Council. Power to raise loans.

4. (1) Except in the case of a loan raised for the purposes of the general revenue, a loan shall be applied and is appropriated to the purposes for which it is raised: Appropriation and charge of loans.

Provided that any part of a loan which cannot be applied to those purposes may be applied to such other purposes as may be approved by the Financial Secretary.

(2) Where expenditure must be incurred in respect of any purpose for which a loan is being raised prior to the raising of the loan, such expenditure shall be charged as an advance pending reimbursement from such loan and the maximum amount which may be so advanced in any financial year in connexion with that purpose shall be approved by resolution of the Legislative Council.

(3) Loans and all interest and other charges thereon are charged on and shall be payable out of the general revenue and assets of Hong Kong.

(4) Any expenses of or incidental to the raising of a loan may be defrayed from that loan.

5. (1) Subject to subsection (2), Government bonds shall—

- (a) bear interest at such rate;
- (b) be issued at such price and in such denominations; and
- (c) be issued for such periods and subject to such terms,

as the Governor may determine.

(2) The period for which any Government bonds are issued may be extended for such further period as the Financial Secretary and the holders thereof may agree and during that further period shall bear interest at such rate as may be so agreed.

(3) Government bonds and interest coupons relating thereto shall be transferable by delivery.

6. (1) The Government may create a sinking fund for—

- (a) the payment of expenses of, or incidental to, the redemption of an issue of Government bonds; and
- (b) the redemption of an issue of Government bonds.

(2) Subject to sections 7 and 8, where a sinking fund is created under subsection (1) the Government shall pay into that fund such sums at such times as may be specified in the prospectus relating to that issue of Government bonds.

(3) All payments into the sinking fund under subsection (2) shall be appropriated out of the general revenue and assets of Hong Kong.

(4) Pending the application of the sinking fund for the purposes specified in subsection (1), the moneys in that fund shall be placed at interest or invested in such securities as the Financial Secretary may determine.

(5) Any securities purchased under subsection (4) may be sold by the Accountant General with the prior approval of the Financial Secretary.

7. (1) Where the Financial Secretary is satisfied that the value of a sinking fund is sufficient with further accumulations of interest, but without further payments under section 6(2), to redeem the issue of Government bonds in respect of which it was created not later than the final redemption date thereof, he may suspend further payments under section 6(2) to that fund.

Terms of  
issue of  
Government  
bonds.

Sinking fund.

Cesser of  
contributions  
to sinking  
fund.

(2) The Financial Secretary may recommence such payments at any time if he thinks fit.

8. (1) Subject to the approval of the Financial Secretary, the Accountant General may at any time apply the whole or part of a sinking fund, or any appropriation made under section 6(3), for the purpose of redeeming or purchasing Government bonds in respect of which such fund or appropriation was created or made, as the case may be, at a price not exceeding the nominal value of such bonds.

Redemption  
and purchase.

(2) Any Government bond redeemed or purchased shall be surrendered to the Accountant General for cancellation.

9. No stamp duty shall be payable in respect of Government bonds.

Exemption  
from stamp  
duty.

10. The Financial Secretary may, with the consent of the holder of any bond issued under the Hong Kong (Rehabilitation) Loan Ordinance, exchange such bond for Government bonds on such terms and conditions as may be agreed.

Exchange for  
Government  
bonds,  
(Cap. 76.)

11. Subject to section 5, the Financial Secretary may—

- (a) determine the form of Government bonds;
- (b) arrange for the issue in the first instance of provisional certificates, which may be exchanged for Government bonds;
- (c) determine the days for payment of interest;
- (d) arrange for the issue of coupons for the payment of interest;
- (e) arrange for the replacement of defaced, lost or destroyed Government bonds or interest coupons;
- (f) determine the manner of payment of interest and redemption moneys.

Powers of  
Financial  
Secretary.

Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

*Lawrence*  
Clerk to the Legislative Council.

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

*Lawrence*  
Clerk to the Legislative Council.



I assent.

*M. N. S. S.*

Governor.

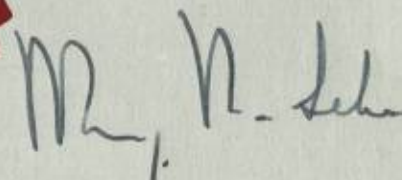
31st July, 1975.

**HONG KONG**

No. 51 OF 1975



I assent.

  
Governor.

31st July, 1975.

An Ordinance to amend the Betting Duty Ordinance and to make consequential amendments to the Gambling Ordinance.

[1st August, 1975]

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 Betting Duty (Amendment) (No. 2) Ordinance 1975. Short title.
2. The long title to the principal Ordinance is amended by inserting after "*pari-mutuels*" the following—  
"*or lotteries*". Amendment of long title.  
(Cap. 108.)
3. The principal Ordinance is amended by deleting "Commissioner of Police" wherever it occurs and substituting in each place the following—  
"Colonial Secretary". Amendment of principal Ordinance.
4. Section 3(3) of the principal Ordinance is amended by deleting "devoted to prizes to the ticket holders" and substituting the following—  
"allocated in prizes in that or any other totalizator or *pari-mutuel* in such manner as the club organizing the totalizator or *pari-mutuel* may determine". Amendment of section 3.

Addition of new sections 4A, 4B, 4C, 4D and 4E.

5. The principal Ordinance is amended by adding after section 4 the following new sections—

"Appointment, function and constitution of Hong Kong Lotteries Board.

4A. (1) There shall be a Hong Kong Lotteries Board whose function shall be to conduct such lotteries as may be permitted by licence granted under section 4D, and for the purpose of any such lottery the Board may use such of the facilities of the Club as may be agreed between the Board and the Club.

(2) The Board shall consist of seven members appointed by the Governor of whom—

- (a) four shall be Stewards of the Club nominated by the Club; and
- (b) three shall be other persons.

(3) The Governor shall appoint one of the members of the Board to be the Chairman thereof.

Meetings of the Board.

4B. (1) The Board shall meet at such times and at such places as the Chairman may appoint.

(2) At any meeting the Chairman shall preside:

Provided that if at any meeting the Chairman is absent there shall preside either—

- (a) such member as the Chairman may direct to preside for the purposes of that meeting; or
- (b) in the absence of any such direction, one member of the Board elected from among those present at such meeting.

(3) At any meeting of the Board three members shall be a quorum.

(4) The Board may make standing orders for regulating the procedure at, and in connexion with, its meetings.

Allocation of proceeds of a lottery.

4C. (1) Not less than eighty *per cent* of the proceeds of a lottery, after deduction of the duty payable under section 6, shall be allocated in prizes in that or any other lottery as the Board may determine.

(2) The Board shall pay to the Club such percentage of the proceeds of a lottery as the Board with the approval of the Colonial Secretary may from time to time determine in discharge of all costs, charges, expenses, fees and commitments incurred or charged by the Club in providing facilities in order for the Board to perform its function under section 4A(1).

(3) After the payment under subsection (2), the allocation of prizes under subsection (1) and the deduction of duty under section 6, any surplus of the proceeds of a lottery shall be paid into the Lotteries Fund.

Authorization of lotteries.

4D. (1) The Colonial Secretary may by licence authorize the Board to conduct such lottery as may be specified in the licence.

(2) Any licence granted under subsection (1) may relate to more than one lottery.

(3) The Colonial Secretary may, when granting a licence under subsection (1), impose such conditions as he thinks fit, and may at any time add to or vary any such conditions.

Interpretation.

4E. In sections 4A, 4B, 4C, 4D and 6—

"Board" means the Hong Kong Lotteries Board established under section 4A;

"Club" means the Royal Hong Kong Jockey Club;

"Lotteries Fund" means the Lotteries Fund established by resolution made and passed by the Legislative Council on the 30th June 1965 and published in the *Gazette*;

"lottery" means any lottery conducted by the Board under a licence granted under section 4D;

"proceeds of a lottery" means the total or aggregate amount of the bets made on a lottery."

6. Section 6 of the principal Ordinance is amended—

Amendment of section 6.

(a) by inserting after subsection (1) the following—

"(1A) There shall be charged on the proceeds of a lottery duty at the rate of 25 *per cent*."; and

(b) in subsection (3) by inserting after "subsections (1)" the following—

“, (1A)”.

7. Section 24 of the Gambling Ordinance is repealed and replaced by the following—

Consequential amendment. (Cap. 148.)

"Saving. (Cap. 108.)

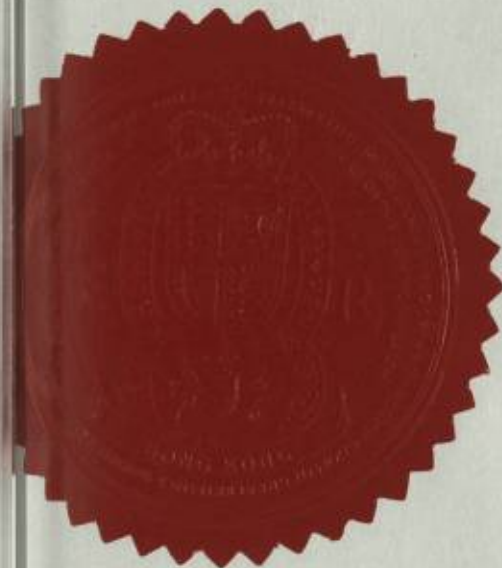
24. This Ordinance shall not apply to anything authorized by or under the Betting Duty Ordinance."

Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

*W. J. ...*  
Clerk to the Legislative Council.

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

*W. J. ...*  
Clerk to the Legislative Council.



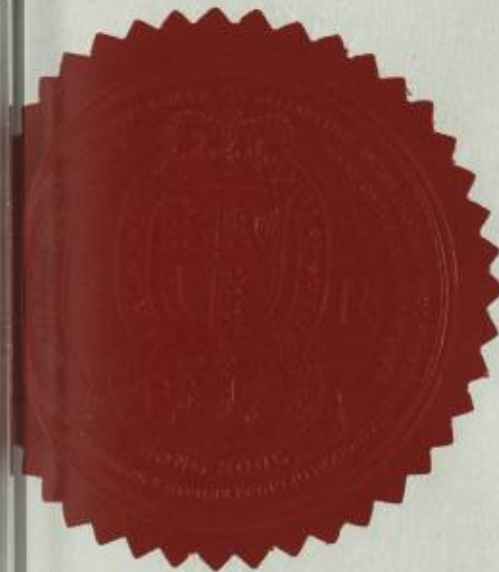
I assent.

*M. W. Fisher*

Governor.

**HONG KONG**

No. 52 OF 1975



I assent.

*Governor.*

31st July, 1975.

An Ordinance to amend the Multi-storey Buildings (Owners Incorporation) Ordinance.

[1st August, 1975]

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 Multi-storey Buildings (Owners Incorporation) (Amendment) Ordinance 1975. Short title.

2. Section 8 of the principal Ordinance is amended in subsection (2)— Amendment of section 8.

(a) by deleting "and" at the end of paragraph (a); and (Cap. 344.)

(b) by inserting after paragraph (a) the following new paragraph—

"(aa) the corporation shall have, and be deemed always to have had, the power to hold an undivided share in the building, together with the right to the exclusive possession of any part of the building other than the common parts thereof; and".

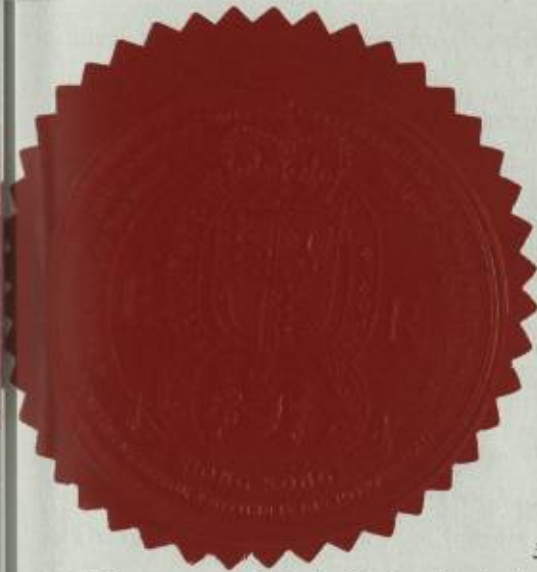
Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

Clerk to the Legislative Council.

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

*W. M. M. M.*

Clerk to the Legislative Council.



I assent.

*M. M. M. M.*

Governor.

31st July, 1975.

An Ordinance to establish the Construction Industry Training Authority; to provide for facilities for the training of persons employed in the

**HONG KONG**

No. 53 OF 1975

*W. M. C.*  
Clerk to the Legislative Council.



I assent.

*M. N. S.*  
Governor.

31st July, 1975.

An Ordinance to establish the Construction Industry Training Authority; to provide for facilities for the training of persons employed in the construction industry and for a levy to be paid by contractors in respect of construction works.

[ ]

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 Industrial Training (Construction Industry) Ordinance 1975 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation and application.  
"Authority" means the Construction Industry Training Authority established by section 4;

"authorized person" means—

- (a) in relation to building or street works not carried out by or on behalf of the Crown, the authorized person appointed under section 4 of the Buildings Ordinance;
- (b) in relation to construction works carried out by or on behalf of the Crown, the person appointed under section 34(1);
- (c) in relation to other construction works, the person appointed under section 34(2);

(Cap. 123.)

"building works" has the meaning assigned to it in section 2(1) of the Buildings Ordinance;

"chairman" means the chairman of the Authority appointed under section 8;

"construction industry" means the industry in which building works or construction works are carried out;

"contractor" means—

- (a) in relation to building or street works not carried out by or on behalf of the Crown, the person appointed as contractor under section 9 of the Buildings Ordinance;
- (b) in relation to construction works carried out by or on behalf of the Crown, the person carrying out the construction works;
- (c) in relation to other construction works, the person carrying out the construction works;

"employer" means any person who contracts with a contractor for the undertaking of construction works, or at whose request, or on whose behalf, any such works are undertaken and any person claiming under him whose rights are acquired after the commencement of the works;

"financial year" means the period fixed by the Authority under section 15(2);

"levy" means the construction industry training levy prescribed under section 22;

"member" means a member of the Authority appointed under section 7;

"street" has the meaning assigned to it in section 2(1) of the Buildings Ordinance;

"street works" has the meaning assigned to it in section 2(1) of the Buildings Ordinance;

"surcharge" means the surcharge under section 26(7);

"trade union" means a trade union registered under the Trade Unions Ordinance;

"value", in relation to any construction works, means the value of the construction works as assessed under this Ordinance.

(2) Subject to subsections (3) and (4), for the purposes of this Ordinance "construction works" include any kind of work involving or in connexion with—

- (a) building works;
- (b) the laying out, construction, alteration or repair of any street, tunnel, airport runway, canal, reservoir, pipe-line, railway or tramway;
- (c) trench works carried out by or for any public utility; and
- (d) river training works.

(3) Notwithstanding subsection (2) and subject to any order made under subsection (4), "construction works" shall not include—

- (a) the installation, repair and maintenance of any—
  - (i) airconditioning plant;
  - (ii) electricity supply system, including the wiring, appliances and fittings;
  - (iii) lift, escalator or belt conveyor system;
  - (iv) fire services installation or equipment;

(Cap. 332.)

- (b) manufacture, repair or maintenance of movable furniture;
- (c) demolition.

(4) For the purposes of this Ordinance, the Governor may by order declare any works—

- (a) to be construction works; or
- (b) not to be construction works.

(5) This Ordinance shall not apply to any construction works which were begun before the commencement of this Ordinance.

3. This Ordinance shall bind the Crown.

Ordinance binding on the Crown.

## PART II

### CONSTRUCTION INDUSTRY TRAINING AUTHORITY

4. (1) There is hereby established an authority, to be known as the Construction Industry Training Authority, which shall in that name be a body corporate with perpetual succession and shall be capable of suing and being sued.

Establishment of Construction Industry Training Authority.

(2) The Authority shall have a common seal, the affixing of which shall be authenticated by the signature of any 2 members.

(3) Any document purporting to be a document duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

5. The Authority shall have the following functions—

- (a) to provide training courses for the construction industry;
- (b) to establish and maintain industrial training centres therefor;
- (c) to assist in the placement of persons completing training courses;
- (d) to make recommendations with respect to the rate of levy.

Functions of the Authority.

6. (1) The Authority may do all such things as are necessary for, or incidental or conducive to, the better carrying out of the functions of the Authority and may in particular, but without prejudice to the generality of the foregoing—

General powers of the Authority.

- (a) hold, acquire or lease all kinds of property, whether movable or immovable;
- (b) subject to subsection (2), sell or otherwise dispose of all kinds of property whether movable or immovable;
- (c) enter into, assign or accept the assignment of, and vary or rescind any contract or obligation;
- (d) subject to subsection (3), meet expenditure on any item shown in the approved estimates of expenditure of the Authority, borrow or otherwise raise money on such security as may be necessary, and for that purpose, charge all or any of the property of the Authority;
- (e) make charges for the use of any facility or service provided by the Authority.

(2) The Authority shall not sell or otherwise dispose of land granted at nil premium by the Government except with the prior approval of the Governor.

(3) Except with the prior approval of the Financial Secretary, no sum shall be borrowed or otherwise raised under subsection (1)(d) which

itself, or together with all other sums previously borrowed or otherwise raised under that subsection and still outstanding, exceeds, or in the aggregate exceeds, 10 per cent of the approved total estimated expenditure for the current financial year.

Constitution  
of Authority.

7. (1) The Authority shall consist of 14 members appointed by the Governor of whom—

- (a) 2 shall be persons nominated by the Building Contractors' Association Limited;
- (b) 2 shall be persons nominated by the Building and Civil Engineering Industry Training Board;
- (c) 1 shall be a person nominated by the Hong Kong Institute of Architects;
- (d) 1 shall be a person nominated by the Hong Kong branch of the Royal Institution of Chartered Surveyors;
- (e) 1 shall be a person nominated by the Hong Kong branch of the Institution of Structural Engineers;
- (f) 1 shall be a civil engineer nominated by the Engineering Society of Hong Kong;
- (g) 1 shall be a person who holds office as an official of a trade union representing workers employed in the construction industry;
- (h) 4 shall be public officers; and
- (i) 1 shall be a person, not being a public officer or person connected with any of the organizations mentioned in paragraphs (a) to (g).

(2) A member who is not a public officer appointed under subsection (1)(h) shall, unless his appointment is terminated or otherwise ceases, hold office for such period as the Governor may specify.

(3) On the expiration of his period of appointment or reappointment, as the case may be, any such member shall be eligible for reappointment for such further term as the Governor may specify.

(4) Any such member may at any time resign from office by giving notice in writing to the Governor, and he shall cease to be a member from the date specified in the notice or, if no date is specified, from the date of the receipt by the Governor of the notice.

(5) If any member other than the chairman is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of his office as member, the Governor may appoint another person to be a temporary member in his place during his absence or incapacity.

Chairman of  
the Authority.

8. (1) The Governor shall appoint a member to be chairman of the Authority.

(2) If the chairman is absent from Hong Kong or is for any other reason unable to act as chairman, the Governor may appoint another member to be chairman in his place during his absence or incapacity.

Meetings and  
proceedings of  
the Authority.

9. (1) Meetings of the Authority shall be held at such times and places as the chairman may appoint.

(2) A quorum shall be 6 members.

(3) At any meeting of the Authority the chairman shall preside.

(4) If the chairman is absent from any meeting of the Authority, the members present at the meeting may elect one of their number to act as chairman in his place.

(5) The chairman or the member acting in his place shall have a deliberative vote on all matters coming before the Authority and in the case of an equality of votes he shall also have a casting vote.

(6) If a member has a pecuniary interest, whether direct or indirect, in any contract or proposed contract or in any other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Authority the fact and nature of his interest.

(7) Such member shall, if so required by the meeting, withdraw from the meeting while the Authority is considering the contract or matter and in any case shall not vote thereon.

(8) Subject to this Ordinance, the Authority may determine its own procedure at meetings.

10. The Authority may transact any of its business by the circulation of papers, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Authority by the votes of the members so approving the resolution.

Transaction of  
business by  
circulation  
of papers.

11. (1) Subject to subsection (2), the Authority may appoint committees for the better discharge of its functions under this Ordinance.

Committees.

(2) The Authority shall appoint a committee, comprising 3 members of the Authority, for the purpose of the determination of any objection under section 29.

(3) Subject to subsection (4), the Authority may in writing delegate to any committee appointed under subsection (1) or (2) any of its powers and functions:

Provided that no delegation under this subsection shall preclude the Authority from exercising or performing at any time any power or function so delegated.

(4) Notwithstanding subsection (3), the Authority shall not delegate to a committee the power—

- (a) to approve the annual programme and estimates required to be submitted under section 15;
- (b) to authorize the preparation of the statements required under section 18(2);
- (5) Each committee may determine its own procedure at meetings.

12. The Authority may appoint such employees as it thinks fit and determine all matters relating to their remuneration and terms and conditions of appointment or employment.

Appointment of  
employees and  
conditions of  
employment.

13. (1) The Authority may—

Staff benefits.

- (a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits to its employees;
- (b) provide other benefits for the welfare of its employees and their dependants;
- (c) make payments, whether *ex gratia* or legally due, to the personal representative of a deceased employee or to any person who was dependent on such employee at his death.

(2) The Authority may establish, manage and control or enter into an arrangement with any company or association for the establishment, management and control by such company or association either alone or jointly with the Authority of any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subsection (1).

(3) The Authority may make contributions to any fund or scheme referred to in subsection (1) and may require its employees to make contributions thereto.

(4) In this section "employees" includes any class of employee which the Authority may specify and in subsection (1) includes former employees.

### PART III

#### FINANCIAL PROVISIONS

Funds and property of the Authority.

14. The funds and property of the Authority shall consist of—

- (a) all moneys recovered by way of levy and surcharge;
- (b) any moneys received by the Authority by way of grants, loans, donations, fees, rent or interest;
- (c) all moneys derived from the sale of any property held by or on behalf of the Authority; and
- (d) all other moneys and property lawfully received by the Authority for its purposes.

Estimates and financial year.

15. (1) In each financial year, before a date to be appointed by the Governor, the Authority shall submit to the Governor a programme of its proposed activities and estimates of its income and expenditure for the next financial year:

Provided that the programme and estimates for the first financial year of the Authority shall be forwarded as soon as is practicable after the commencement of this Ordinance.

(2) The Authority may, from time to time, with the prior approval of the Governor, fix a period to be the financial year of the Authority.

Bank account.

16. (1) The Authority shall open and maintain an account with a bank approved by the Accountant General.

(2) The Authority shall pay all moneys received by it into the account referred to in subsection (1).

Investment of funds.

17. All funds of the Authority that are not immediately required may be—

- (a) deposited on fixed deposit in any bank or savings bank nominated by the Financial Secretary either generally or in any particular case, for that purpose; or
- (b) subject to the prior approval of the Financial Secretary, invested in such investments as the Authority thinks fit.

Accounts.

18. (1) The Authority shall maintain proper accounts and records of all income and expenditure.

(2) After the end of each financial year, the Authority shall cause to be prepared statements of income and expenditure during the previous

financial year and of the assets and liabilities of the Authority on the last day thereof.

19. (1) The Authority shall appoint auditors, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanations thereof as they may think fit.

Auditors.

(2) The auditors shall audit the statements prepared under section 18(2) and shall report thereon to the Authority.

20. (1) The Authority shall, within 6 months after the end of each financial year or such further time as the Governor may in any particular year allow, submit to the Governor a report on the activities of the Authority and copies of the statements prepared under section 18(2) and the report made under section 19(2).

Statements and reports to be laid on table of Legislative Council.

(2) The Governor shall cause the reports and statements received by him under subsection (1) to be laid on the table of the Legislative Council.

### PART IV

#### LEVY

21. A levy, to be known as the construction industry training levy, shall be imposed in accordance with this Ordinance on the value of all construction works undertaken in Hong Kong and shall be payable by every contractor who undertakes any such works.

Imposition of construction industry training levy.

22. (1) The Legislative Council may by resolution prescribe the rate of levy.

Rate of levy.

(2) The rate of levy prescribed under subsection (1) shall be based on the value of construction works.

(3) The rate of levy prescribed under subsection (1) shall come into effect 30 days after the publication of the resolution in the *Gazette*.

(4) A resolution under subsection (1) may provide that construction works the value of which does not exceed an amount specified in the resolution shall not be liable to the levy.

23. (1) In ascertaining the value of construction works for the purposes of this Ordinance, regard shall be given to—

Value of construction works.

- (a) in the case of construction works performed pursuant to a contract, the consideration, or such part of the consideration as is attributable to the construction works, payable to the contractor under the contract, which shall be evidence, but not conclusive evidence, of the value of the construction works;
- (b) the cost or value of materials used in the construction works;
- (c) the cost or value of time, work and labour involved in the construction works;
- (d) the equipment used in the construction works;
- (e) such overhead costs as may be considered reasonable;
- (f) the reasonable profit to be expected on the open market in respect of the performance of such construction works;

(g) any other factors that may be prescribed.

(2) In the case of any construction works to be undertaken or carried out in stages the total value of all stages of the construction works shall be the value of the construction works for the purposes of subsection (1).

Contractor and authorized person to notify Authority when undertaking construction works.

24. (1) Within 14 days after any construction works have begun or such further time as the Authority may in any case allow—

- (a) the contractor carrying out the construction works; and
- (b) the authorized person appointed in connexion with the construction works,

shall each give notice to the Authority in the prescribed form that he is such a contractor carrying out construction works or authorized person appointed in connexion with construction works, as the case may be.

(2) Every notice under subsection (1) shall state the estimated value of the construction works.

(3) Every contractor or authorized person who, without reasonable excuse, fails to give a notice when required to do so by subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000.

Notice by contractor and authorized person of payments made in respect of works etc. and of completion.

25. (1) Where a payment or an interim payment is made to a contractor or for his benefit in respect of any construction works, the contractor shall, within 14 days after the payment is made or such further time as the Authority may in any case allow, give notice of it to the Authority in the prescribed form.

(2) Not later than 14 days, or such further time as the Authority may in any case allow, after the completion of any construction works, or of any stage of the construction works (if the construction works are being undertaken or carried out in stages), the contractor and the authorized person appointed in respect of the construction works shall each give notice of such completion to the Authority in the prescribed form.

(3) Every notice under subsection (1) or (2) shall state the value of the construction works or stage thereof in respect of which payment was made or the value of the works or stage thereof which have been completed, as the case may be.

(4) Every contractor or authorized person who without reasonable excuse fails to give a notice when required to do so by subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000.

Assessment.

26. (1) On receipt of a notice of payment under section 25(1), the Authority shall assess the amount of levy due from the contractor in respect of the construction works or the stage of the construction works (if the construction works are being undertaken or carried out in stages) to which the payment relates.

(2) Where more than one payment is made or to be made to the contractor in respect of construction works or a stage of the construction works, the assessment under subsection (1) shall be a provisional assessment and a final assessment shall be made on the final payment in respect of the construction works, each stage of the works or all stages of the works, as is appropriate.

(3) On receipt of a notice of completion of construction works or any stage thereof under section 25(2), the Authority shall, if no assessment

under subsection (1) or (2) has been made, assess the amount of levy due from the contractor in respect of the construction works or the stage of the construction works.

(4) Where construction works are undertaken or carried out in stages the Authority may make a provisional assessment under subsection (3) on the completion of each stage of the construction works and make a final assessment on the completion of all stages of the construction works.

(5) The Authority may assess the amount of levy due from the contractor in respect of the construction works or stage thereof which have or has been completed notwithstanding that no notice has been given to the Authority under section 25.

(6) Where it appears to the Authority that an assessment of levy has been made at less than the proper amount, then, subject to subsection (9), the Authority may at any time make an additional assessment of levy due from the contractor in respect of construction works or a stage of construction works.

(7) If a contractor fails to give any notice required to be given by him under section 25 and does not give a reasonable excuse therefor within such period as the Authority may allow in any case, the Authority may, in addition to the levy assessed under subsection (5), impose a surcharge on the contractor not exceeding twice the amount of the levy so assessed.

(8) The Authority shall notify the contractor in writing of any assessment of levy or imposition of surcharge.

(9) An assessment or surcharge under this section shall be made or imposed within—

- (a) 2 years after the completion of the works; or
- (b) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge comes to its knowledge,

whichever is the later.

27. (1) The amount of levy or surcharge specified in a notice given to a contractor under section 26(8) shall be paid by the contractor to the Authority within 28 days after the receipt by him of the notice. Payment of levy.

(2) Payment shall be made in accordance with subsection (1) notwithstanding that the contractor may wish to object to the levy assessed or surcharge imposed under section 26.

28. (1) Any amount of levy or surcharge, due and payable under this Ordinance shall be recoverable as a debt due to the Authority. Recovery of levy.

(2) An action under subsection (1) may be brought in the District Court notwithstanding that the amount due exceeds \$20,000.

## PART V

### OBJECTIONS AND APPEALS

29. (1) Any person who is notified under section 26(8) of an assessment of levy, or imposition of surcharge may, by notice in writing served on the Authority within 21 days after the receipt of the notice, object to the levy or surcharge. Objection.

(2) A notice of objection under subsection (1) shall state precisely the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied upon by the objector in support of the objection.

(3) An objection under subsection (1) shall be considered by the appropriate committee of the Authority which may confirm, cancel or reduce the levy or surcharge.

(4) The Authority shall notify the objector of the decision of the committee under subsection (3) within 28 days after the receipt by the Authority of the notice of objection under subsection (1) and, if a levy or surcharge is cancelled or reduced, any amount which has been paid by the contractor in excess of that found to be due shall forthwith be repaid by the Authority to the objector.

Appeals.

30. (1) An objector who is aggrieved with a decision notified to him under section 29(4) may appeal to the District Court against that decision.

(2) An appeal under subsection (1) shall be lodged within 30 days after the receipt of the notification by him.

(3) An appeal under this section shall not be heard unless the amount of the levy or surcharge which is the subject-matter of the appeal has been paid.

(4) On hearing any appeal under this section the District Court may—

- (a) confirm, cancel or reduce the levy or surcharge;
- (b) if it cancels or reduces a levy or surcharge, order the repayment of the amount of levy or surcharge cancelled or reduced, with interest from the date of payment to the Authority at such rate as the court may determine or without interest; and
- (c) make such order as it thinks fit as to the payment of the costs of the hearing.

(5) The Chief Justice may make rules of court for the purposes of this section.

## PART VI

### MISCELLANEOUS

Furnishing of information and production of documents.

31. (1) An employer, contractor or authorized person concerned in any construction works shall—

- (a) provide the Authority, or an officer of the Authority authorized by it for the purposes of this section, within such time and in such form as the Authority or such officer may specify, with such information relating to the construction works (including any amount paid or payable in respect of the construction works or any work connected therewith), or the name and address of the person for or by whom the construction works are being undertaken, as the Authority or such officer may require;
- (b) on being so required by the Authority or such officer, produce or cause to be produced any documents or records in his possession relating to the construction works (including any amount paid or payable in respect of the construction works) for inspection by the Authority or such officer and permit the Authority or such officer to take copies or make extracts from them or to remove them for a reasonable period.

(2) Subject to subsection (3), no person shall disclose otherwise than to the Authority, or to an employee of the Authority in his official capacity, any information provided or obtained under subsection (1) (including information obtained from documents or records) without the consent of the person who provided it or from whom it was obtained.

(3) Subsection (2) does not apply—

- (a) to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of employers, contractors or authorized persons if the summary is so framed as not to enable particulars relating to any particular contractor's business to be ascertained from it; or
- (b) to any disclosure of information made for the purpose of any legal proceedings brought under this Ordinance, or for the purposes of any report of any such proceedings.

(4) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (1) when it is within his power to do so shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000.

(5) Any person who intentionally discloses any information in contravention of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000.

32. A certificate purporting to be signed by an officer of the Authority authorized for the purposes of section 33—

Evidence by certificate etc.

- (a) that any notice required by or under this Ordinance has or has not been given or has or has not been given at any date; or
- (b) that any amount of levy or surcharge due under this Ordinance has not been paid,

shall be sufficient evidence of that fact until the contrary is proved.

33. (1) Any notice or other document given or issued by the Authority may be signed by an officer of the Authority, authorized by the Authority for the purposes of this subsection.

Authentication, and production in evidence of documents.

(2) Any document purporting to be a notice or other document given or issued by the Authority and purporting to be signed by an officer of the Authority authorized under subsection (1) shall be received in evidence and shall until the contrary is proved be deemed to be such a notice or other document.

34. (1) Where the Crown is the employer in respect of any construction works, a person shall be appointed by or on behalf of the Crown to perform the functions of an authorized person under this Ordinance in respect of such construction works.

Appointment of authorized persons.

(2) Every person by whom or on whose behalf construction works are to be undertaken shall, if no authorized person has been appointed under section 4 of the Buildings Ordinance, appoint a person to be the authorized person under this Ordinance in respect of such construction works.

(Cap. 123.)

(3) Every person by whom or on whose behalf construction works, other than building or street works, are to be undertaken shall before the commencement of the works inform the Authority in writing of the names of—

- (a) the person appointed under subsection (2); and

(b) the contractor.

(4) Every person who is appointed under subsection (2) or who is employed as a contractor in respect of construction works shall inform the Authority in writing of that fact before the commencement of the works.

(5) Any person who fails to comply with subsection (2), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000.

Offences.

35. (1) Any person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of the payment of a levy, whether due from him or from any other person, shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 or 3 times the amount of levy that was or was intended to be evaded by his conduct, whichever is the greater.

(2) Any person who—

(a) with intent to deceive, produces, supplies or sends for the purposes of this Ordinance or otherwise makes use for those purposes of any document or record which is false in a material particular; or

(b) in providing any information for the purposes of this Ordinance, makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 or 3 times the amount of any levy that was or was intended to be evaded by his conduct, whichever is the greater.

Regulations.

36. The Governor in Council may by regulation provide for—

(a) records to be kept by employers, contractors and authorized persons;

(b) information to be supplied by employers, contractors and authorized persons;

(c) forms;

(d) any matter which is to be or may be prescribed;

(e) generally for the better carrying out of the provisions and purposes of this Ordinance.

Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

*[Signature]*  
Clerk to the Legislative Council.

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

*[Signature]*  
Clerk to the Legislative Council.



I assent.

*[Signature]*  
Governor

31st July, 1975.

(4) Every person who is appointed under subsection (2) or (3) and employed as a contractor in respect of construction works shall inform the Authority in writing of that fact before the commencement of the works.

(5) Any person who fails to comply with subsection (2), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000.

Offences.

35. (1) Any person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of the payment of a levy, whether due from him or from any other person, shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 or 3 times the amount of levy that was or was intended to be evaded by his conduct, whichever is the greater.

(2) Any person who—

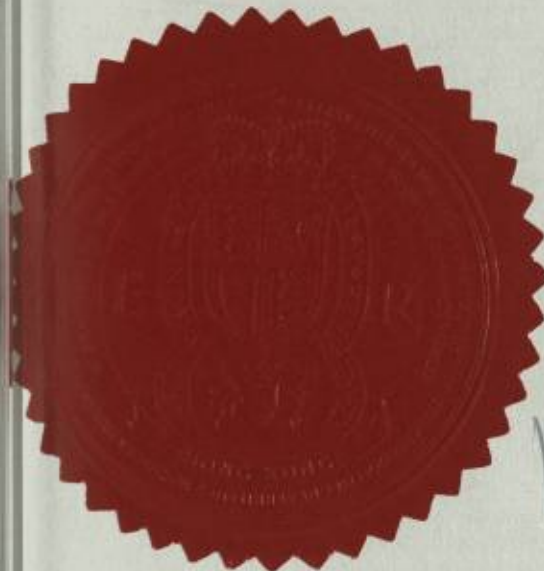
(a) with intent to deceive, produces, supplies or sends for the purposes of this Ordinance or otherwise makes use for those purposes of any document or record which is false in a material particular; or

(b) in providing any information for the purposes of this Ordinance, makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 or 3 times the amount of any levy that was or was intended to be evaded by his conduct, whichever is the greater.

## HONG KONG

No. 54 OF 1975



I assent.

*M. N. Leung*  
Governor

31st July, 1975.

An Ordinance to establish the Clothing Industry Training Authority; to provide for facilities for the training of persons employed in the clothing industry and for a levy to be paid by exporters of clothing items.

[ ]

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

### PART I PRELIMINARY

1. This Ordinance may be cited as the Industrial Training (Clothing Industry) Ordinance 1975 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"A.T.A. Carnet" means a document—

(a) in the form set out in the annex to the Customs Convention on the A.T.A. Carnet for the temporary admission of goods (otherwise known as the A.T.A. Convention) agreed at Brussels on 6th December 1961; or

(b) in such other form as may from time to time be provided by any amendment to the A.T.A. Convention, so long as the United Kingdom adheres to it;

"Authority" means the Clothing Industry Training Authority established by section 4;

(Cap. 60.) "authorized officer" means an authorized officer under the Imports and Exports Ordinance;

"chairman" means the chairman of the Authority appointed under section 8;

"clothing industry" means the industry of manufacturing and marketing clothing items;

Schedule. "clothing item" means any item of apparel which is specified in the Schedule and manufactured in Hong Kong;

"Director" means the Director of Commerce and Industry and any Deputy or Assistant Director of Commerce and Industry;

"export" means to take, or cause to be taken, out of Hong Kong any clothing item;

"exporter" means a person who exports clothing items;

"F.O.B. value" means value comprising the cost of clothing items to a buyer abroad until the clothing items have been loaded onto the exporting ship, vehicle or aircraft;

"financial year" means the period fixed by the Authority under section 15(2);

"levy" means the clothing industry training levy prescribed under section 22;

"manufactured", in relation to a clothing item, includes any process involved in the manufacture of the item;

"member" means a member of the Authority appointed under section 7;

"surcharge" means the surcharge under section 25(3).

Application. 3. This Ordinance shall not apply to or in respect of clothing items which—

- (a) are exported by the Hong Kong Government or by or on behalf of Her Majesty's Armed Forces;
- (b) form part of the stores of any ship or aircraft which leaves Hong Kong and which are for use on board that ship or aircraft;
- (c) are worn by, or form part of the personal effects of, a person leaving Hong Kong;
- (d) are contained in a postal packet sent out of Hong Kong if the value of the contents of the packet does not exceed \$4,000;
- (e) consist solely of and are marked clearly as samples of clothing items and which the Director is satisfied are intended to be distributed free of charge for the purpose of advertising such clothing items;
- (f) are valued at less than \$500 and consist solely of samples of clothing items and which the Director is satisfied are intended to be used for the purpose of advertising such clothing items;
- (g) are exported solely for the purpose of exhibition and which the Director is satisfied are intended to be returned to Hong Kong after the exhibition;
- (h) are exported under and in accordance with an A.T.A. Carnet;
- (i) are gifts of a personal nature where no payment is or is to be made by the receiver thereof.

## PART II

### CLOTHING INDUSTRY TRAINING AUTHORITY

4. (1) There is hereby established an authority, to be known as the Clothing Industry Training Authority, which shall in that name be a body corporate with perpetual succession and shall be capable of suing and being sued.

Establishment of Clothing Industry Training Authority.

(2) The Authority shall have a common seal, the affixing of which shall be authenticated by the signature of any two members.

(3) Any document purporting to be a document duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is provided, be deemed to be a document so executed.

5. The Authority shall have the following functions—

Functions of the Authority.

- (a) to provide training courses for the clothing industry;
- (b) to establish and maintain industrial training centres therefor;
- (c) to assist in the placement of persons completing training courses;
- (d) to make recommendations with respect to the rate of levy.

6. (1) The Authority may do all such things as are necessary for, or incidental or conducive to, the better carrying out of the functions of the Authority and may in particular, but without prejudice to the generality of the foregoing—

General power of the Authority.

- (a) hold, acquire or lease all kinds of property, whether movable or immovable;
- (b) subject to subsection (2), sell or otherwise dispose of all kinds of property whether movable or immovable;
- (c) enter into, assign or accept the assignment of, and vary or rescind any contract or obligation;
- (d) subject to subsection (3), meet expenditure on any item shown in the approved estimates of expenditure of the Authority, borrow or otherwise raise money on such security as may be necessary, and for that purpose, charge all or any of the property of the Authority;
- (e) make charges for the use of any facility or service provided by the Authority.

(2) The Authority shall not sell or otherwise dispose of land granted at nil premium by the Government except with the prior approval of the Governor.

(3) Except with the prior approval of the Financial Secretary, no sum shall be borrowed or otherwise raised under subsection (1)(d) which itself, or together with all other sums previously borrowed or otherwise raised under that subsection and still outstanding, exceeds, or in the aggregate exceeds, 10 per cent of the approved total estimated expenditure for the current financial year.

7. (1) The Authority shall consist of 16 members appointed by the Governor of whom—

Constitution of the Authority.

- (a) 2 shall be persons nominated by the Federation of Hong Kong Garment Manufacturers;
- (b) 2 shall be persons nominated by the Hong Kong Garment Manufacturers' Association;
- (c) 2 shall be persons nominated by the Clothing Industry Training Board of the Hong Kong Training Council;

- (d) I shall be a person nominated by the Federation of Hong Kong Industries;
- (e) I shall be a person nominated by the Chinese Manufacturers' Association of Hong Kong;
- (f) I shall be a person nominated by the Hong Kong Woollen and Synthetic Knitting Manufacturers' Association;
- (g) I shall be a person nominated by the Hong Kong Exporters' Association;
- (h) I shall be a person nominated by the Hong Kong General Chamber of Commerce;
- (i) I shall be a person who holds office as an official of a trade union which is registered in Hong Kong and connected with the clothing industry; and
- (j) 3 shall be public officers;
- (k) I shall be a person, not being a public officer or person connected with any of the organizations mentioned in paragraphs (a) to (i).

(2) A member who is not a public officer appointed under subsection (1)(j) shall, unless his appointment is terminated or otherwise ceases, hold office for such period as the Governor may specify.

(3) On the expiration of his period of appointment or reappointment, as the case may be, any such member shall be eligible for reappointment for such further term as the Governor may specify.

(4) Any such member may at any time resign from office by giving notice in writing to the Governor, and he shall cease to be a member from the date specified in the notice or, if no date is specified, from the date of the receipt by the Governor of the notice.

(5) If any member other than the chairman is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of his office as member, the Governor may appoint another person to be a temporary member in his place during his absence or incapacity.

Chairman of  
the Authority.

8. (1) The Governor shall appoint a member to be chairman of the Authority.

(2) If the chairman is absent from Hong Kong or is for any other reason unable to act as chairman, the Governor may appoint another member to be chairman in his place during his absence or incapacity.

Meetings and  
proceedings of  
the Authority.

9. (1) Meetings of the Authority shall be held at such times and places as the chairman may appoint.

(2) A quorum shall be 8 members.

(3) At any meeting of the Authority the chairman shall preside.

(4) If the chairman is absent from any meeting of the Authority, the members present at the meeting may elect one of their member to act as chairman in his place.

(5) The chairman or the member acting in his place shall have a deliberative vote on all matters coming before the Authority and in the case of an equality of votes he shall also have a casting vote.

(6) If a member has a pecuniary interest, whether direct or indirect, in any contract or proposed contract or in any other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Authority the fact and nature of his interest.

(7) Such member shall, if so required by the meeting, withdraw from the meeting while the Authority is considering the contract or matter and in any case shall not vote thereon.

(8) Subject to this Ordinance, the Authority may determine its own procedure at meetings.

10. The Authority may transact any of its business by the circulation of papers, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Authority by the votes of the members so approving the resolution.

Transaction of  
business by  
circulation of  
papers.

11. (1) The Authority may appoint committees for the better discharge of its functions under this Ordinance.

Committees.

(2) The Authority may in writing delegate to any committee appointed under subsection (1) any of its powers and functions:

Provided that no delegation made under this subsection shall preclude the Authority from exercising or performing at any time any power or function so delegated.

(3) Each committee may determine its own procedure at meetings.

12. The Authority may appoint such employees as it thinks fit and determine all matters relating to their remuneration and terms and conditions of appointment or employment.

Appointment of  
employees and  
conditions of  
employment.

13. (1) The Authority may—

Staff benefits.

(a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits to its employees;

(b) provide other benefits for the welfare of its employees and their dependants;

(c) make payments, whether *ex gratia* or legally due, to the personal representative of a deceased employee or to any person who was dependent on such employee at his death.

(2) The Authority may establish, manage and control or enter into an arrangement with any company or association for the establishment, management and control by such company or association either alone or jointly with the Authority of any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subsection (1).

(3) The Authority may make contributions to any fund or scheme referred to in subsection (1) and may require its employees to make contributions thereto.

(4) In this section "employees" includes any class of employee which the Authority may specify and in subsection (1) includes former employees.

### PART III

#### FINANCIAL PROVISIONS

14. The funds and property of the Authority shall consist of—

Funds and  
property of  
the Authority.

(a) subject to section 27(2), all amounts of levy and surcharge collected by the Director;

- (b) any moneys received by the Authority by way of grants, loans, donations, fees, rent or interest;
- (c) all moneys derived from the sale of any property held by or on behalf of the Authority; and
- (d) all other moneys and property lawfully received by the Authority for its purposes.

Estimates and financial year.

15. (1) In each financial year, before a date to be appointed by the Governor, the Authority shall submit to the Governor a programme of its proposed activities and estimates of its income and expenditure for the next financial year:

Provided that the programme and estimates for the first financial year of the Authority shall be forwarded as soon as is practicable after the commencement of this Ordinance.

(2) The Authority may, from time to time, with the prior approval of the Governor, fix a period to be the financial year of the Authority.

Bank account.

16. (1) The Authority shall open and maintain an account with a bank approved by the Accountant General.

(2) The Authority shall pay all moneys received by it into the account referred to in subsection (1).

Investment of funds.

17. All funds of the Authority that are not immediately required may be—

- (a) deposited on fixed deposit in any bank or savings bank nominated by the Financial Secretary either generally or in any particular case, for that purpose; or
- (b) subject to the prior approval of the Financial Secretary, invested in such investments as the Authority thinks fit.

Accounts.

18. (1) The Authority shall maintain proper accounts and records of all income and expenditure.

(2) After the end of each financial year, the Authority shall cause to be prepared statements of income and expenditure during the previous financial year and of the assets and liabilities of the Authority on the last day thereof.

Auditors.

19. (1) The Authority shall appoint auditors, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanations thereof as they may think fit.

(2) The auditors shall audit the statements prepared under section 18(2) and shall report thereon to the Authority.

Statements and reports to be laid on table of Legislative Council.

20. (1) The Authority shall, within 6 months after the end of each financial year or such further time as the Governor may in any particular year allow, submit to the Governor a report on the activities of the Authority and copies of the statements prepared under section 18(2) and the report made under section 19(2).

(2) The Governor shall cause the reports and statements received by him under subsection (1) to be laid on the table of the Legislative Council.

## PART IV

### LEVY

21. (1) A levy, to be known as the clothing industry training levy, shall be imposed in accordance with this Ordinance on the F.O.B. value of clothing items exported. Imposition of clothing industry training levy.

(2) A levy imposed under subsection (1) shall be payable by the exporter of the clothing items.

22. (1) The Legislative Council may by resolution prescribe the rate of levy. Rate of levy.

(2) The rate of levy prescribed under subsection (1) shall be based on the F.O.B. value of the clothing items exported.

(3) The rate of levy prescribed under subsection (1) shall come into effect 30 days after the publication of the resolution in the *Gazette*.

23. (1) Every exporter shall, within 14 days after the export of clothing items, lodge with the Director a declaration in the form specified under section 34 stating the clothing items exported by him, their F.O.B. value and such other particulars as may be required in the form. Exporters of clothing items to make export declarations and pay levy.

(2) A declaration under subsection (1) shall be lodged either in person at such office or offices as the Director shall, by notice in the *Gazette*, designate for this purpose, or by sending it by post to such address as the Director shall, by notice in the *Gazette*, designate for this purpose.

(3) The levy in respect of the F.O.B. value of the clothing items stated in a declaration lodged under subsection (1) shall be paid in cash or by cheque to the Director at the time of lodging such declaration and a receipt therefor shall be issued, and until such levy is paid the declaration shall be deemed not to have been lodged with the Director.

(4) Any exporter who, without reasonable excuse, fails to lodge a declaration under and in accordance with this section shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000.

24. (1) The Director may at any time by notice in writing, served personally or sent by post, require an exporter who has lodged with him a declaration under section 23 to verify any particulars stated in the declaration to his satisfaction, either by the production of documentary evidence or by statutory declaration or other means. Director may require particulars in declarations to be verified.

(2) Any person who, without reasonable excuse, fails to comply with a notice under subsection (1) within 14 days after the notice is served or sent, or within such further time as the Director may in any case allow, shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000.

(3) Where a person is charged under subsection (2) with the offence of failing to comply with a notice under subsection (1), the court dealing with the charge may, whether or not it convicts him of the offence, order him to comply with the notice within such period as may be specified in the order.

(4) Without prejudice to the law relating to contempt of court, any person, who, without reasonable excuse, fails to comply with an order made under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and, commencing with the day

following the date of conviction for the offence, to a further fine of \$100 for every day during which the offence continues.

Power of Director to impose levy and surcharge.

25. (1) If after a levy has been paid under section 23 on the F.O.B. value of the clothing items stated in the declaration lodged under that section, the Director has reason to believe that the F.O.B. value of the clothing items has been understated, he may assess the F.O.B. value of the clothing items and calculate the amount of levy due in respect of that value, and, by notice in writing served personally or sent by post, require the exporter to pay the difference between the levy calculated under this subsection and the levy paid within such period, being not less than 7 days, as may be specified in the notice.

(2) Where the Director has reason to believe that an exporter has not lodged a declaration when required to do so by section 23, he may assess the F.O.B. value of the clothing items and calculate the amount of levy due in respect of that value and, by notice in writing served personally or sent by post, require the exporter to pay the levy so calculated within such period, being not less than 7 days, as may be specified in the notice.

(3) Where the Director has reason to believe that—

- (a) an exporter has understated the F.O.B. value of the clothing items in a declaration lodged under section 23; or
- (b) an exporter has failed to lodge a declaration when required to do so by section 23,

he may impose on the exporter a surcharge not exceeding 20 times the difference which an exporter is required to pay under subsection (1) or, as the case may be, the levy which an exporter is required to pay under subsection (2), and the surcharge imposed under this subsection shall be included in and payable in accordance with the notice served or sent under subsection (1) or (2), as the case may be:

Provided that no surcharge imposed under this subsection shall exceed \$5,000.

(4) If, in making an assessment under subsection (1) or (2) the actual F.O.B. value of the clothing items is not known to the Director and cannot reasonably be ascertained by him, he may assess the F.O.B. value of the clothing items at such amount as in his opinion represents the fair value for those clothing items.

(5) An exporter shall comply with a notice under subsection (1) or (2) notwithstanding that he may wish to object to the levy or surcharge imposed under this section.

(6) No levy under subsection (1) or (2) and no surcharge under subsection (3) shall be imposed—

- (a) 2 years after the export of the clothing items; or
- (b) 1 year after evidence of facts, sufficient in the opinion of the Director to justify the imposition of the levy or surcharge, comes to his knowledge,

whichever is the later.

Recovery of levy.

26. (1) Any amount of levy or surcharge due shall be recoverable in the District Court as a debt due to the Director.

(2) An action under subsection (1) may be brought notwithstanding that the amount due exceeds \$20,000.

27. (1) The Director shall, subject to subsection (2), surrender to the Authority all amounts of levy and surcharge collected by him under this Ordinance.

Director to surrender levy and surcharge to Authority.

(2) The Director may deduct from the amounts of levy and surcharge collected by him such proportion of the costs of collection and enforcement as the Financial Secretary may approve.

(3) The amounts deducted under subsection (2) shall be paid into the general revenue of Hong Kong.

## PART V

### OBJECTIONS AND APPEALS

28. (1) Any person who is required to pay a levy or surcharge under section 23 or 25 may, by notice in writing served on the Director within 21 days after lodging a declaration under section 23 or the receipt of the notice under section 25, as the case may be, object to the levy or surcharge.

Objections.

(2) A notice of objection under subsection (1) shall state precisely the grounds of objection and shall be accompanied by all written statements and other documentary evidence relied upon by the objector in support of the objection.

(3) An objection under subsection (1) shall be considered by the Director, who may uphold, cancel or reduce the levy or surcharge.

(4) The Director shall notify the objector of the decision under subsection (3) within 28 days after the receipt by the Director of the notice of objection under subsection (1) and, if a levy or surcharge is cancelled or reduced, the amount of levy or surcharge cancelled or reduced shall forthwith be repaid by the Director to the objector.

29. (1) An objector who is aggrieved with a decision notified to him under section 28(4) may appeal to the District Court against that decision.

Appeals.

(2) An appeal under subsection (1) shall be lodged within 30 days after the receipt of the notification under section 28(4) by the objector.

(3) An appeal under this section shall not be heard unless the appellant has paid the amount of the levy or surcharge which is the subject-matter of the appeal.

(4) On hearing any appeal under this section the District Court may—

- (a) uphold, cancel or reduce the levy or surcharge;
- (b) if it cancels or reduces a levy or surcharge, order the repayment of the amount of levy or surcharge cancelled or reduced, with interest from the date of payment to the Director at such rate as the court may determine or without interest; and
- (c) make such order as it thinks fit as to the payment of the costs of the hearing.

(5) The Chief Justice may make rules of court for the purposes of this section.

PART VI  
MISCELLANEOUS

Furnishing of information and documents of

30. (1) Every person who is concerned (whether as manufacturer or exporter, or in any other capacity) with the manufacture or export of clothing items shall—

- (a) provide the Director, or an authorized officer, within such time and in such form as the Director or such officer may specify, with such information relating to the manufacture or export of clothing items, or the name and address of the person for or by whom the clothing items are manufactured or exported, as the Director or such officer may require;
- (b) on being so required by the Director or such officer produce or cause to be produced any documents or records in his possession relating to the manufacture or export of clothing items for inspection by the Director or such officer and permit the Director or such officer to take copies or make extracts from them or to remove them from his possession for a reasonable period.

(2) Subject to subsection (3), no person shall disclose otherwise than to the Director, or to a public officer employed by the Commerce and Industry Department in his official capacity, any information provided or obtained under subsection (1) (including information obtained from documents or records) without the consent of the person who provided it or from whom it was obtained.

(3) Subsection (2) does not apply—

- (a) to the disclosure of information in the form of a summary of similar information provided by or obtained from a number of manufactureres or exporters of clothing items if the summary is so framed as not to enable particulars relating to the business of any particular manufacturer or exporter to be ascertained from it; or
- (b) to any disclosure of information made for the purpose of any legal proceedings brought under this Ordinance, or for the purposes of any report of such proceedings.

(4) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000.

(5) Any person who intentionally discloses any information in contravention of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000.

Evidence by certificate.

31. A certificate purporting to be signed by the Director or an authorized officer—

- (a) that any declaration required to be lodged under section 23 has or has not been lodged or has or has not been lodged at any date;
- (b) that any notice required by or under this Ordinance has or has not been given or has or has not been given at any date; or
- (c) that any amount of levy or surcharge due under this Ordinance has not been paid,

shall be sufficient evidence of that fact until the contrary is proved.

Authentication, and production in evidence of documents.

32. (1) Any notice or other document given or issued by the Authority may be signed by an officer of the Authority, authorized by the Authority for the purposes of this subsection.

(2) Any document purporting to be a notice or other document given or issued by the Authority and purporting to be signed by an officer of the Authority authorized under subsection (1) shall be received in evidence and shall until the contrary is proved be deemed to be such a notice or other document.

33. (1) Any person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of the payment of a levy, whether due from him or from any other person, shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 or 20 times the amount of levy that was or was intended to be evaded by his conduct, whichever is the greater.

Offences.

(2) Any person who—

- (a) knowingly lodges, produces, supplies or sends for the purposes of this Ordinance or otherwise makes use for those purposes of any declaration or other document, or record, which is false in a material particular; or
- (b) in providing any information for the purposes of this Ordinance, makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 or 20 times the amount of any levy that was or was intended to be evaded by his conduct, whichever is the greater.

34. The Director may specify the form of declaration under section 23 and any other forms necessary for the purposes of this Ordinance.

Director may specify forms.

35. The Governor in Council may by regulation provide for—

Regulations.

- (a) records to be kept by manufacturers and exporters of clothing items;
- (b) information to be supplied by manufacturers and exporters of clothing items;
- (c) any matter which is to be or may be prescribed;
- (d) generally for the better carrying out of the provisions and purposes of this Ordinance.

36. The Governor in Council may, by order published in the *Gazette*, amend the Schedule.

Amendment of Schedule.

SCHEDULE

[s. 2.]

CLOTHING ITEMS

Item No.	Item
1	Suits, jackets, uniforms and coats, not knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
2	Suits, jackets, uniforms and coats, not knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
3	Suits, jackets, uniforms and coats, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
4	Overalls and pinafores, not knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.

<i>Item No.</i>	<i>Item</i>
5	Overalls and pinafores, not knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
6	Overalls and pinafores, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
7	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
8	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
9	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
10	Outer garments, not knitted or crocheted, wholly or mainly of cotton, men's and boys' wear, not elsewhere specified.
11	Outer garments, not knitted or crocheted, wholly or mainly of wool, men's and boys' wear, not elsewhere specified.
12	Outer garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear, not elsewhere specified.
13	Raincoats, wholly or mainly of cotton, not rubberized, men's and boys' wear.
14	Car coats, wholly or mainly of cotton, not rubberized, men's and boys' wear.
15	Outer garments of rubberized fabric or oiled and similar impermeable materials (excluding plastic), men's and boys' wear.
16	Outer garments of plastic materials, men's and boys' wear.
17	Raincoats, wholly or mainly of textile materials other than cotton and plastic, not rubberized, men's and boys' wear.
18	Raincoats, wholly or mainly of textile materials other than cotton and plastic, not rubberized, women's and girls' wear.
19	Coats, cloaks, costumes and two or three piece suits, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
20	Coats, cloaks, costumes and two or three piece suits, not knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
21	Coats, cloaks, costumes and two or three piece suits, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
22	Skirts, dresses, frocks, gowns and house-coats, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
23	Skirts, dresses, frocks, gowns and house-coats, not knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
24	Skirts, dresses, frocks, gowns and house-coats, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
25	Blouses and jumpers, not knitted or crocheted, wholly or mainly of cotton, not embroidered, women's and girls' wear.

<i>Item No.</i>	<i>Item</i>
26	Blouses and jumpers, not knitted or crocheted, wholly or mainly of wool, not embroidered, women's and girls' wear.
27	Blouses and jumpers, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, not embroidered, women's and girls' wear.
28	Blouses and jumpers, not knitted or crocheted, wholly or mainly of cotton, embroidered, women's and girls' wear.
29	Blouses and jumpers, not knitted or crocheted, wholly or mainly of wool, embroidered, women's and girls' wear.
30	Blouses and jumpers, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, embroidered, women's and girls' wear.
31	Overalls and pinafores, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
32	Overalls and pinafores, not knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
33	Overalls and pinafores, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
34	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
35	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
36	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
37	Outer garments, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear, not elsewhere specified.
38	Outer garments, not knitted or crocheted, wholly or mainly of wool, women's and girls' wear, not elsewhere specified.
39	Outer garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear, not elsewhere specified.
40	Outer garments, not knitted or crocheted, wholly or mainly of cotton, infants' wear.
41	Outer garments, not knitted or crocheted, wholly or mainly of wool, infants' wear.
42	Outer garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, infants' wear.
43	Raincoats, wholly or mainly of cotton, not rubberized, women's and girls' wear.
44	Car coats, wholly or mainly of cotton, not rubberized, women's and girls' wear.
45	Outer garments of rubberized fabric or oiled and similar impermeable materials (excluding plastic), women's and girls' wear.
46	Outer garments of plastic materials, women's and girls' wear.
47	Outer garments of rubberized fabric or oiled and similar impermeable materials (excluding plastic), infants' wear.

<i>Item No</i>	<i>Item</i>
48	Outer garments of plastic materials, infants' wear.
49	Shirts (other than dress shirts), not knitted or crocheted, wholly or mainly of cotton.
50	Shirts (other than dress shirts), not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres.
51	Dress shirts, not knitted or crocheted, wholly or mainly of cotton.
52	Dress shirts, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres.
53	Swimming suits and trunks, not knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
54	Swimming suits and trunks, not knitted or crocheted, wholly or mainly of textile materials other than cotton and man-made fibres, men's and boys' wear.
55	Under garments, not knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
56	Under garments, not knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
57	Under garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
58	Night garments, not knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
59	Night garments, not knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
60	Night garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
61	Under garments and night garments (including swimming suits and trunks), of rubberized fabric or oiled and similar impermeable materials (excluding plastic) men's and boys' wear.
62	Under garments and night garments (including swimming suits and trunks), of plastic materials, men's and boys' wear.
63	Shirts (other than dress shirts) not knitted or crocheted, wholly or mainly of wool.
64	Dress shirts, not knitted or crocheted, wholly or mainly of wool.
65	Swimming suits and trunks, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
66	Swimming suits and trunks, not knitted or crocheted, wholly or mainly of textile materials other than cotton and man-made fibres, women's and girls' wear.
67	Under garments, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
68	Under garments, not knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
69	Under garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.

<i>Item No.</i>	<i>Item</i>
70	Night garments, not knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
71	Night garments, not knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
72	Night garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
73	Diapers (baby napkins).
74	Under garments and night garments, not knitted or crocheted, wholly or mainly of cotton, infants' wear.
75	Under garments and night garments, not knitted or crocheted, wholly or mainly of wool, infants' wear.
76	Under garments and night garments, not knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, infants' wear.
77	Under garments and night garments (including swimming suits and trunks), of rubberized fabric or oiled and similar impermeable materials (excluding plastic), women's and girls' wear.
78	Under garments and night garments (including swimming suits and trunks), of plastic materials, women's and girls' wear.
79	Under garments and night garments of rubberized fabric or oiled and similar impermeable materials (excluding plastic), infants' wear.
80	Under garments and night garments of plastic materials, infants' wear.
81	Handkerchiefs, wholly or mainly of cotton, not embroidered.
82	Handkerchiefs, wholly or mainly of cotton, embroidered.
83	Handkerchiefs, wholly or mainly of textile materials other than cotton, not embroidered.
84	Handkerchiefs, wholly or mainly of textile materials other than cotton, embroidered.
85	Shawls, stoles and veils, not knitted or crocheted.
86	Scarves, mufflers and armbands, not knitted or crocheted.
87	Neckties, bow ties and cravats.
88	Collars, cuffs, jabots, and similar accessories and trimmings.
89	Corsets, corset belts and girdles, cotton (including such articles of knitted or crocheted fabric), whether or not elastic.
90	Corsets, corset belts and girdles, of textile materials other than cotton (including such articles of knitted or crocheted fabric), whether or not elastic.
91	Suspenders, braces and garters, cotton (including such articles of knitted or crocheted fabric), whether or not elastic.
92	Suspenders, braces and garters of textile materials other than cotton (including such articles of knitted or crocheted fabric), whether or not elastic.
93	Gloves and mittens of plastic materials.

<i>Item No.</i>	<i>Item</i>
94	Gloves and mittens, not knitted or crocheted, wholly or mainly of cotton fabric.
95	Gloves and mittens, not knitted or crocheted, wholly or mainly of textile fabric other than cotton.
96	Gloves and mittens, not knitted or crocheted (except plastic, leather and rubber), not elsewhere specified.
97	Stockings and socks, not knitted or crocheted (except elastic) wholly or mainly of cotton.
98	Stockings and socks, not knitted or crocheted (except elastic), wholly or mainly of textile materials other than cotton.
99	Brassieres, wholly or mainly of cotton.
100	Brassieres, wholly or mainly of textile materials other than cotton.
101	Watch straps of textile materials.
102	Belts for apparel of textile materials.
103	Belts for apparel of plastic materials.
104	Clothing accessories of rubberized, oiled and similar impermeable materials (including plastic), not elsewhere specified.
105	Clothing accessories of textile materials, not elsewhere specified.
106	Leather coats.
107	Gloves and mittens, leather.
108	Belts for apparel, leather.
109	Apparel and clothing accessories of leather (except gaiters, spats and leggings), not elsewhere specified.
110	Gloves and mittens, knitted or crocheted, cotton, pure or mixed.
111	Gloves and mittens, knitted or crocheted, woollen, pure or mixed.
112	Gloves and mittens, knitted or crocheted, nylon, pure or mixed.
113	Gloves and mittens, knitted or crocheted, or textile materials other than cotton, nylon and woollen, pure or mixed.
114	Gloves and mittens, knitted or crocheted, (not elastic or rubberized), not elsewhere specified.
115	Stockings and socks, knitted or crocheted, wholly or mainly of cotton.
116	Stockings and socks, knitted or crocheted, wholly or mainly of wool.
117	Stockings and socks, knitted or crocheted, wholly or mainly of silk or artificial silk (including nylon, perlon, etc.), women's and girls' wear.
118	Stockings and socks, knitted or crocheted, wholly or mainly of silk or artificial silk (including nylon, perlon, etc.), men's and boys' wear.
119	Panty hose, knitted or crocheted (not elastic or rubberized).
120	Stockings and socks, knitted or crocheted (not elastic or rubberized), not elsewhere specified.
121	Shirts, knitted or crocheted, wholly or mainly of wool.

<i>Item No.</i>	<i>Item</i>
122	Shirts, knitted or crocheted, wholly or mainly of cotton.
123	Shirts, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres.
124	Swimming suits and trunks, knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
125	Swimming suits and trunks, knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
126	Swimming suits and trunks, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
127	Swimming suits and trunks, knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
128	Swimming suits and trunks, knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
129	Swimming suits and trunks, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
130	Under garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, men's and boys' wear.
131	Under garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of wool, men's and boys' wear.
132	Under garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
133	Under garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, women's and girls' wear.
134	Under garments, knitted or crocheted, not elastic or rubberized, wholly or mainly of wool, women's and girls' wear.
135	Under garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
136	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, men's and boys' wear.
137	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of wool, men's and boys' wear.
138	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.
139	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, women's and girls' wear.
140	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of wool, women's and girls' wear.
141	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
142	Under garments and night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, infants' wear.

<i>Item No.</i>	<i>Item</i>
143	Under garments and night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of wool, infants' wear.
144	Under garments and night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, infants' wear.
145	Coats, two or three piece suits, knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
146	Coats, two or three piece suits, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
147	Coats, and two or three piece suits, knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
148	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
149	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
150	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool, and man-made fibres, men's and boys' wear.
151	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
152	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
153	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
154	Skirts, dresses, frocks, gowns and housecoats, knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
155	Skirts, dresses, frocks, gowns and housecoats, knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
156	Skirts, dresses, frocks, gowns and housecoats, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
157	Rompers, sunsuits and overalls, knitted or crocheted, wholly or mainly of cotton, children's wear.
158	Rompers, sunsuits and overalls, knitted or crocheted, wholly or mainly of wool, children's wear.
159	Rompers, sunsuits and overalls, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, children's wear.
160	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
161	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
162	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.

<i>Item No.</i>	<i>Item</i>
163	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
164	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
165	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
166	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, men's and boys' wear, not elsewhere specified.
167	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of wool, men's and boys' wear, not elsewhere specified.
168	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear, not elsewhere specified.
169	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, women's and girls' wear, not elsewhere specified.
170	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of wool, women's and girls' wear, not elsewhere specified.
171	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear, not elsewhere specified.
172	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of cotton, infants' wear.
173	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of wool, infants' wear.
174	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of textile materials other than cotton, wool and man-made fibres, infants' wear.
175	Blouses, knitted or crocheted, wholly or mainly of cotton, women's and girls' wear.
176	Blouses, knitted or crocheted, wholly or mainly of wool, women's and girls' wear.
177	Blouses, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, women's and girls' wear.
178	Blastic socks, stockings and under garments of textile materials.
179	Scarves, mufflers and armbands, knitted or crocheted.
180	Shawls, stoles and veils, knitted or crocheted.
181	Suits, uniforms and coats, knitted or crocheted, wholly or mainly of cotton, men's and boys' wear.
182	Suits, uniforms and coats, knitted or crocheted, wholly or mainly of wool, men's and boys' wear.
183	Suits, uniforms and coats, knitted or crocheted, wholly or mainly of textile materials other than cotton, wool and man-made fibres, men's and boys' wear.

<i>Item No.</i>	<i>Item</i>
184	Knitted or crocheted fabric, elastic or rubberized, and articles thereof, not elsewhere specified.
185	Hats, caps and other headgear of felt.
186	Hats, caps and other headgear, plaited.
187	Hats, caps and other headgear, knitted or crocheted.
188	Hats, caps and other headgear of cotton fabric.
189	Hats, caps and other headgear of woollen fabric.
190	Hats, caps and other headgear of textile fabric, not elsewhere specified.
191	Hat-bands, linings, etc.
192	Hats, caps, and other headgear, impermeable (including bathing caps).
193	Hats, caps and other headgear, not elsewhere specified.
194	Apparel and clothing accessories (excluding gloves) of rubber.
195	Suits, jackets, uniforms and coats, not knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
196	Overalls and pinafores, not knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
197	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
198	Outer garments, not knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear, not elsewhere specified.
199	Coats, cloaks, costumes and two or three piece suits, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
200	Skirts, dresses, frocks, gowns and housecoats, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
201	Blouses and jumpers, not knitted or crocheted, wholly or mainly of man-made fibres, not embroidered, women's and girls' wear.
202	Blouses and jumpers, not knitted or crocheted, wholly or mainly of man-made fibres, embroidered, women's and girls' wear.
203	Overalls and pinafores, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
204	Slacks, shorts, jeans and trousers, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
205	Outer garments, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear, not elsewhere specified.
206	Outer garments, not knitted or crocheted, wholly or mainly of man-made fibres, infants' wear.
207	Shirts (other than dress shirts), not knitted or crocheted, wholly or mainly of man-made fibres.
208	Dress shirts, not knitted or crocheted, wholly or mainly of man-made fibres.
209	Swimming suits and trunks, not knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.

<i>Item No.</i>	<i>Item</i>
210	Under garments, not knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
211	Night garments, not knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
212	Swimming suits and trunks, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
213	Under garments, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
214	Night garments, not knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
215	Under garments and night garments, not knitted or crocheted, wholly or mainly of man-made fibres, infants' wear.
216	Shirts, knitted or crocheted, wholly or mainly of man-made fibres.
217	Swimming suits and trunks, knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
218	Swimming suits and trunks, knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
219	Under garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, men's and boys' wear.
220	Under garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, women's and girls' wear.
221	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, men's and boys' wear.
222	Night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, women's and girls' wear.
223	Under garments and night garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, infants' wear.
224	Coats, and two or three piece suits, knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
225	Suits, uniforms and coats, knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
226	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.
227	Jackets, jumpers, sweaters, cardigans and pullovers, knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
228	Skirts, dresses, frocks, gowns and housecoats, knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
229	Rompers, sunsuits and overalls, knitted or crocheted, wholly or mainly of man-made fibres, children's wear.
230	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of man-made fibres, men's and boys' wear.

<i>Item No.</i>	<i>Item</i>
231	Slacks, shorts, jeans and trousers, knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
232	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, women's and girls' wear, not elsewhere specified.
233	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, women's and girls' wear, not elsewhere specified.
234	Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, infants' wear.
235	Blouses, knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
236	Fur clothing (not including headgear and gloves) and other articles made of furskins; artificial furs and articles thereof.
237	Clothing and other articles made of furskins (not including hats, caps and gloves).
238	Artificial fur and articles thereof (not including hats, caps and gloves).

Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

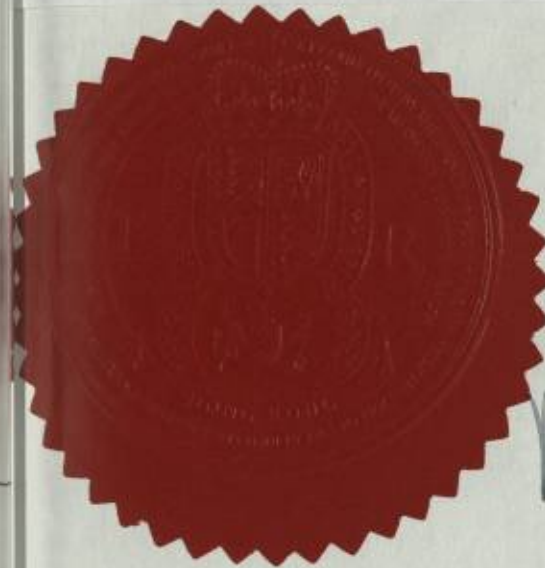
*W. S. Ho*

*Clerk to the Legislative Council.*

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

*W. S. Ho*

*Clerk to the Legislative Council.*



I assent.

*M. H. P. Leong*

*Governor.*

*31st July, 1975.*

*Bill for improvement of labour management relations*

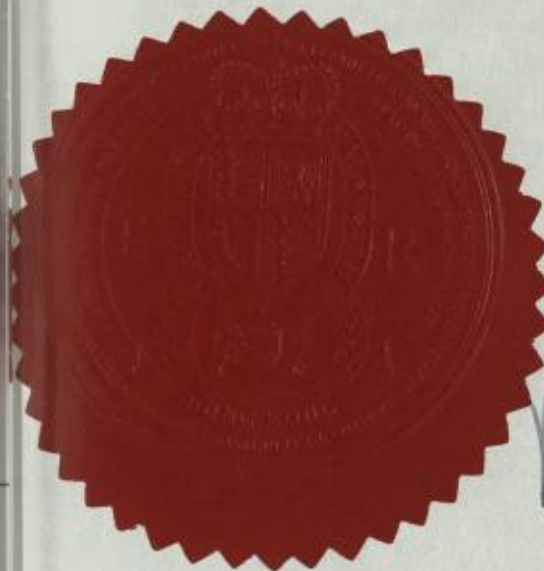
- 232 Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, women's and girls' wear, not elsewhere specified.
- 233 Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, women's and girls' wear, not elsewhere specified.
- 234 Outer garments, knitted or crocheted, not elastic nor rubberized, wholly or mainly of man-made fibres, infants' wear.
- 235 Blouses, knitted or crocheted, wholly or mainly of man-made fibres, women's and girls' wear.
- 236 Fur clothing (not including headgear and gloves) and other articles made of furskins; artificial furs and articles thereof.
- 237 Clothing and other articles made of furskins (not including hats, caps and gloves).
- 238 Artificial fur and articles thereof (not including hats, caps and gloves).

Passed by the Hong Kong Legislative Council this 30th day of July, 1975.

*W. W. Lee*  
 Clerk to the Legislative Council.

**HONG KONG**

No. 55 OF 1975



I assent.

*M. H. P. Lee*  
 Governor.

31st July, 1975.

An Ordinance to provide for improvement of labour-management relations and the settlement of trade disputes and matters incidental thereto.

[1st August, 1975]

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 Labour Relations Ordinance 1975. Short title and commencement.

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

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
 "arbitration" means arbitration in a trade dispute under Part III;  
 "arbitration tribunal" means an arbitration tribunal appointed under section 12;  
 "board of inquiry" means a board of inquiry appointed under section 22;  
 "Commissioner" means the Commissioner for Labour;  
 "conciliation" means a discussion or action initiated or undertaken by a conciliation officer to assist the parties to a trade dispute to reach a settlement of the trade dispute;

"conciliation officer" means an officer of the Labour Relations Division of the Labour Department who is authorized by the Commissioner under section 3(c) to initiate or undertake conciliation;

"employee" means any person who has entered into or works under (or, in the case of a contract which has been terminated, worked under) a contract with an employer, whether the contract is by way of manual labour, clerical work or otherwise, is express or implied, oral or in writing, and whether it is a contract of service or apprenticeship or a contract personally to execute any work or labour;

"employer" means the person by whom an employee is (or, in a case where the employment has ceased, was) employed;

"party" means a party to a trade dispute;

"special conciliation" means a discussion or action initiated or undertaken by a special conciliation officer to assist the parties to a trade dispute to reach a settlement of the trade dispute;

"special conciliation officer" means a senior officer of the Labour Relations Division of the Labour Department, or any other public officer or person, who is authorized by the Commissioner under section 5 to initiate or undertake special conciliation;

"trade dispute" means any dispute or difference between employers and employees, or between employees and employees, connected with the employment or non-employment, or the terms of employment, or with the conditions of or affecting employment, of any person.

## PART II CONCILIATION

Conciliation.

3. Where a trade dispute exists or is apprehended the Commissioner may, with the object of promoting settlement of the trade dispute,—

- (a) inquire into the causes and circumstances of the trade dispute;
- (b) take such steps as to him may seem expedient for the purpose of assisting the parties to reach a settlement of the trade dispute;
- (c) authorize a conciliation officer to initiate or undertake conciliation.

Report by conciliation officer.

4. (1) Where a conciliation officer has attempted conciliation but no settlement of the trade dispute has been reached, the conciliation officer shall without delay report the matter to the Commissioner.

(2) In a report under subsection (1), the conciliation officer shall set out, in addition to any other information which he considers will be of assistance to the Commissioner, such facts as appear to him to be agreed by all or any of the parties and such facts as appear to him to be in dispute between any of the parties.

Special conciliation.

5. (1) On receipt of a report under section 4, the Commissioner may authorize a special conciliation officer to initiate or undertake special conciliation.

(2) The Commissioner, instead of authorizing a conciliation officer under section 3(c), may, if he is of the opinion that the circumstances of the trade dispute so warrant, authorize a special conciliation officer to initiate or undertake special conciliation.

Publication of special conciliation.

6. The Commissioner may publish the name of the special conciliation officer authorized under section 5 and particulars relating to the parties in such manner as he thinks fit.

7. (1) Where a special conciliation officer has attempted special conciliation but no settlement of the trade dispute has been reached, the special conciliation officer shall without delay report the matter to the Commissioner. Report by special conciliation officer.

(2) In a report under subsection (1), the special conciliation officer shall set out, in addition to any other information which he considers will be of assistance to the Commissioner, such facts as appear to him to be agreed by all or any of the parties and such facts as appear to him to be in dispute between any of the parties.

8. Where a settlement of a trade dispute is reached by conciliation or special conciliation, a memorandum of the terms of the settlement shall be drawn up and signed by the parties, or their representatives, and a copy of the memorandum shall be delivered to the Commissioner. Memorandum of settlement of trade dispute.

9. Anything communicated to a conciliation officer or special conciliation officer in connexion with the performance of his functions under this Ordinance shall not be admissible in evidence in any proceedings before an arbitrator or board of inquiry, except with the consent of the person who communicated it to the conciliation officer or special conciliation officer. Privileged communications.

10. (1) On receipt of a report under section 7, the Commissioner may submit a report on the trade dispute to the Governor in Council with such recommendation as he thinks fit. Submission to Governor in Council.

(2) In a report under subsection (1), the Commissioner shall set out such matters relating to the trade dispute as he considers will be of assistance to the Governor in Council.

11. The Governor in Council may, on considering a report and recommendation submitted under section 10,— Reference to arbitration or board of inquiry.

- (a) with the consent of the parties, refer the trade dispute to arbitration;
- (b) refer the trade dispute to a board of inquiry; or
- (c) take such other action as the circumstances of the trade dispute may warrant.

## PART III ARBITRATION

12. (1) Where under section 11 the Governor in Council refers a trade dispute to arbitration, he shall appoint an arbitration tribunal which shall consist of— Arbitration tribunal.

- (a) a sole arbitrator; or
- (b) 3 arbitrators, one of whom shall be appointed as the chairman.

(2) The Governor in Council shall, when appointing an arbitration tribunal under subsection (1), specify the period within which the arbitration shall be concluded.

(3) For the purpose of facilitating the appointment of an arbitrator to an arbitration tribunal under subsection (1), the Governor shall constitute a panel of persons who appear to him to be suitable for such appointment.

13. An arbitration shall be conducted in private. Hearing to be in private.

14. An arbitration tribunal shall sit for the conduct of an arbitration at such places and times as, having regard to the convenience of the parties and witnesses, it thinks fit. Place of hearing.

Language of arbitration.

15. An arbitration shall be conducted in the English or Chinese language as the arbitration tribunal thinks fit.

Right of audience.

16. (1) Subject to subsection (3), the following persons shall have a right of audience before an arbitration tribunal—

- (a) any party;
- (b) an office bearer of a registered trade union or of an association of employers, if—
  - (i) the trade union or association is a party; or
  - (ii) members of the trade union or association are parties;
- (c) if all parties agree, a barrister or solicitor representing a party; and
- (d) subject to subsection (2), any other person representing a party.

(2) An office bearer of a registered trade union or of an association of employers, or a barrister or solicitor, shall not have a right of audience on behalf of a party under subsection (1)(d).

(3) A person referred to in subsection (1)(b) or (d) shall have a right of audience on behalf of a party only if he is authorized in writing by the party to represent it.

Evidence.

17. (1) For the purposes of an arbitration, an arbitration tribunal may require any person—

- (a) to furnish, in writing or otherwise, such particulars in relation to such matters as it may specify;
- (b) to attend before it and give evidence on oath or otherwise;
- (c) to produce such documents as it may specify.

(2) A requirement of an arbitration tribunal under subsection (1) shall be enforceable in like manner as an order of the Supreme Court.

(3) For the purposes of an arbitration, an arbitration tribunal shall not be bound by the rules of evidence in civil or criminal proceedings.

Use of evidence in civil or criminal proceedings. (Cap. 200.)

18. Evidence given by a person in an arbitration shall not be admissible against him in any civil or criminal proceedings by or against him, except where he is charged with an offence under Part V (Perjury) of the Crimes Ordinance.

Award of an arbitration tribunal.

19. (1) On an arbitration the arbitration tribunal shall make such award as it thinks fit.

(2) Where under section 12(1) an arbitration tribunal consists of 3 arbitrators, an award may be made by any 2 arbitrators.

(3) The arbitration tribunal shall submit the award to the Governor in Council, who shall as soon as possible cause it to be published in such manner as he thinks fit.

Remuneration of arbitrator.

20. The Governor may pay to an arbitrator such remuneration out of the general revenue of Hong Kong as he thinks fit.

Arbitration Ordinance not to apply. (Cap. 341.)

21. The Arbitration Ordinance shall not apply to any arbitration, or to any award made by an arbitration tribunal, under this Ordinance.

#### PART IV

##### BOARD OF INQUIRY

Board of inquiry.

22. (1) Where under section 11 the Governor in Council refers a trade dispute to a board of inquiry, he shall appoint a board of inquiry consisting of one or more members as he thinks fit.

(2) If a board of inquiry appointed under subsection (1) consists of two or more members, the Governor in Council shall nominate a member to be the President of the board of inquiry.

(3) The Governor in Council shall, when appointing a board of inquiry under subsection (1), specify the period within which the board of inquiry shall submit a report of its findings.

23. (1) A board of inquiry shall inquire into the causes and circumstances of a trade dispute and shall submit a report of its findings to the Governor in Council.

(2) A board of inquiry may include in a report submitted under subsection (1) such recommendation as it thinks fit.

(3) A board of inquiry may, before submitting a report of its finding, submit such interim reports as it thinks fit.

(4) The Governor in Council shall as soon as possible after the receipt of a report of a board of inquiry cause it to be published in such manner as he thinks fit.

24. The proceedings of a board of inquiry may be held in public or in private as the board of inquiry thinks fit.

25. A board of inquiry shall sit at such places and times as, having regard to the convenience of the parties and witnesses, it thinks fit.

26. The proceedings before a board of inquiry shall be conducted in the English or Chinese language as the board of inquiry thinks fit.

27. (1) Subject to subsection (3), the following persons shall have a right of audience before a board of inquiry—

- (a) any party;
- (b) an office bearer of a registered trade union or of an association of employers, if—
  - (i) the trade union or association is a party; or
  - (ii) members of the trade union or association are parties; and
- (c) subject to subsection (2), any person (including a barrister or solicitor) representing a party.

(2) An office bearer of a registered trade union or of an association of employers shall not have a right of audience on behalf of a party under subsection (1)(c).

(3) A person referred to in subsection (1)(b) or (c) (other than a barrister or solicitor) shall have a right of audience on behalf of a party only if he is authorized in writing by the party to represent it.

28. (1) For the purposes of an inquiry, a board of inquiry may require any person—

- (a) to furnish, in writing or otherwise, such particulars in relation to such matters as it may specify;
- (b) to attend before it and give evidence on oath or otherwise;
- (c) to produce such documents as it may specify.

(2) A requirement of a board of inquiry under subsection (1) shall be enforceable in like manner as an order of the Supreme Court.

(3) For the purposes of an inquiry, a board of inquiry shall not be bound by the rules of evidence in civil or criminal proceedings.

Terms of reference and report of board of inquiry.

Hearing to be in public or in private.

Place of hearing.

Language of proceedings.

Right of audience.

Evidence.

Use of evidence in civil or criminal proceedings. (Cap. 200.)

Contempts to be offences.

Protection of members of board of inquiry, etc.

Police and bailiffs to assist board of inquiry.

Cost of inquiry.

Publication of, and comments on, proceedings of board of inquiry.

29. Evidence given by a person before a board of inquiry shall not be admissible against him in any civil or criminal proceedings by or against him, except where he is charged with an offence under Part V (Perjury) of the Crimes Ordinance.

30. Any person who, at a hearing by a board of inquiry,—

- (a) uses a threatening or insulting expression to or concerning or in the presence of the board of inquiry; or
- (b) behaves in an insulting manner or wilfully interrupts the proceedings,

shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 3 months.

31. (1) No member of a board of inquiry shall be liable to any suit or other proceeding for any act or thing done by him *bona fide* as such member of the board of inquiry:

Provided that nothing in this subsection shall be deemed to limit the power of the Supreme Court to make an order of *mandamus*, *certiorari* or prohibition in relation to proceedings before a board of inquiry.

(2) All evidence given before a board of inquiry shall be absolutely privileged, and no person giving such evidence shall be liable to any suit or other civil proceeding in respect thereof.

32. Police officers and bailiffs of the court shall assist a board of inquiry, which is conducting an inquiry under this Part, in such matters as the board of inquiry may require and may do all such things as are necessary for the purpose of rendering such assistance.

33. The cost of an inquiry conducted under this Part shall be a charge on the general revenue of Hong Kong.

34. (1) Subject to subsection (2), no person shall be liable to any civil or criminal proceedings by reason of his publishing a fair and accurate report or summary of any evidence received in proceedings before a board of inquiry.

(2) No person shall—

- (a) publish or otherwise disclose any evidence received in proceedings held in private;
- (b) publish or otherwise disclose any evidence received in proceedings held in public the publication or disclosure of which a board of inquiry has prohibited;
- (c) publish any comment on any proceedings, or on any evidence received in proceedings, before a board of inquiry until the report of the board of inquiry is published under section 23(4).

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 6 months.

## PART V

### COOLING-OFF PERIOD

35. (1) Where it appears to the Governor in Council—

- (a) that, in contemplation or furtherance of a trade dispute, industrial action consisting of—
  - (i) a strike;

Making and effect of cooling-off period order.

- (ii) any irregular industrial action short of a strike; or
- (iii) a lock-out,

has begun or is likely to begin;

- (b) that the situation arising out of the trade dispute is of such a nature, or on such a scale, as to be likely to cause an interruption in the supply of goods or in the provision of services which might—

(i) be gravely injurious to the economy of Hong Kong or seriously affect the livelihood of a substantial number of persons, or create a serious risk of public disorder, or seriously jeopardize the internal security of Hong Kong; or

(ii) endanger the lives of a substantial number of persons, or expose a substantial number of persons to serious risk of disease or personal injury; and

- (c) that, having regard to all the circumstances of the trade dispute, it would be conducive to a settlement of it by negotiation, conciliation, arbitration or the appointment of a board of inquiry if the industrial action were discontinued or deferred,

he may make an order under this section.

(2) An order under this section—

- (a) shall specify the area of employment in respect of which the order is to have effect, that area being defined in the order by reference to (or to any combination of) any of the following, that is to say, one or more industries specified in the order, one or more undertakings or parts of undertakings so specified, and one or more descriptions of employees so specified;
- (b) shall indicate the scope of the trade dispute in consequence of which the order is made in such manner as may appear to the Governor in Council to be sufficient to indicate the area of employment affected by the trade dispute and the extent of matters to which the trade dispute relates;
- (c) may require any person specified in the order, before the end of such period as may be specified in the order for the purposes of this paragraph, to take such steps (whether by way of withdrawing or securing the withdrawal of any instructions issued by or on behalf of that person or otherwise) as may be so specified for the purpose of securing that the industrial action specified in the order is discontinued or, as the case may be, deferred during the period of effect of the order;
- (d) shall specify the date on which the order is to take effect and the period for which the order is to remain in force;
- (e) shall be published in the English and Chinese languages in such manner as the Governor thinks fit.

(3) Notwithstanding anything in the Trade Unions Ordinance, any person who,—

- (a) during the period of effect of an order under this section,—
  - (i) calls, organizes, procures or finances a strike, or threatens to do so;
  - (ii) organizes, procures or finances any irregular industrial action short of a strike, or threatens to do so;
  - (iii) institutes, carries on, authorizes, organizes or finances a lock-out, or threatens to do so;
  - (iv) penalizes or otherwise discriminates against an employee by reason of the employee taking part, or failing or refusing to

take part, in the trade dispute in consequence of which the order is made,  
within the area of employment specified in the order or any part of that area; or

(b) contravenes any requirement under subsection (2)(c),

shall be guilty of contempt and may be dealt with in like manner as if he had been guilty of contempt of the Supreme Court.

(4) In this section—

“irregular industrial action short of a strike” means any concerted course of conduct (other than a strike) which, in contemplation or furtherance of a trade dispute,—

(a) is carried on by a group of employees with the intention of preventing, reducing or otherwise interfering with the production of goods or the provision of services; and

(b) in the case of some or all of them, is carried on in breach of their contracts of employment or in breach of their terms and conditions of service;

“lock-out” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a trade dispute, done with a view to compelling those persons, or to aiding another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

“strike” means—

(a) the cessation of work by a body of persons employed acting in combination; or

(b) a concerted refusal, or a refusal under a common understanding, of any number of persons employed, to continue to work for an employer in consequence of a trade dispute,

done as a means of compelling—

(i) their employer or the employer of any other person or body of persons; or

(ii) any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.

36. (1) Subject to subsection (2), the initial period during which an order under section 35 may remain in force shall be a period not exceeding 30 days from the date it is to take effect.

(2) The Governor in Council may, if he thinks it is desirable to do so, extend the period of effect of an order under section 35 to a period not exceeding 60 days in the whole.

(3) If the period of effect of an order under section 35 is extended under subsection (2), notice of such extension shall be published in the English and Chinese languages in such manner as the Governor thinks fit.

37. (1) Proceedings for contempt under section 35(3) shall be brought in the Supreme Court on application by the Attorney General.

(2) The Chief Justice may make rules providing for the procedure in proceedings for contempt under subsection (1) and in the absence of such rules the Supreme Court may apply such rules of procedure as it thinks fit.

Duration of  
cooling-off  
period order.

Proceedings  
for contempt

## PART VI

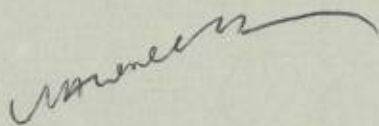
### MISCELLANEOUS PROVISIONS

38. The following Ordinances are repealed—

- (a) the Illegal Strikes and Lock-outs Ordinance; and  
(b) the Trade Disputes Ordinance.

Repeal and  
amendments.  
(Cap. 61.)  
(Cap. 64.)

Passed by the Hong Kong Legislative Council this 30th day of July 1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

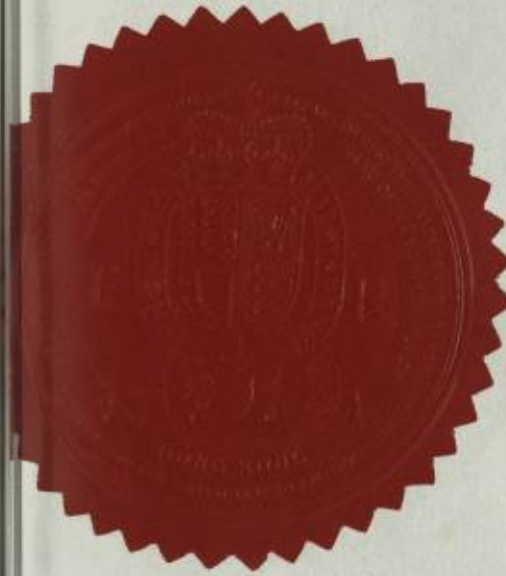


I assent.

*M. J. R. L.*  
Governor.

HONG KONG

No. 56 OF 1975



I assent.

*M. J. B. Leung*  
Governor.

14th August, 1975.

An Ordinance to amend the Public Transport Services (Hong Kong Island) Ordinance.

[15th August, 1975]

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 Transport Services (Hong Kong Island) (Amendment) Ordinance 1975. Short title.

2. Section 8 of the principal Ordinance is amended by adding the following new subsection— Amendment of section 8. (Cap. 317.)

"(4) Notwithstanding subsection (1), no royalty shall be payable under this section in respect of the accounting years of the Company commencing respectively on the 1st July 1972, the 1st July 1973, the 1st July 1974 and the 1st July 1975."

Passed by the Hong Kong Legislative Council this 13th day of August, 1975.

*W. J. B. Leung*  
Clerk to the Legislative Council.

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

*W. W. Green*  
Clerk to the Legislative Council.



I assent.

*M. R. Lehman*  
Governor.

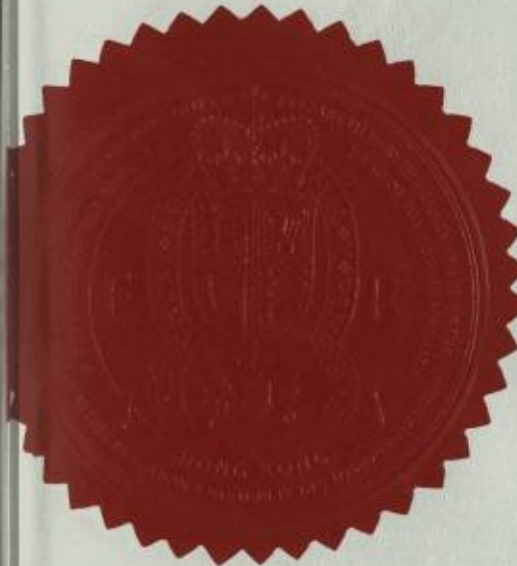
14th August, 1975.

*W. H. S.*  
Clerk to the Legislative Council.



**HONG KONG**

No. 57 OF 1975



I assent.

Governor.

14th August, 1975.

An Ordinance to amend the Public Transport Services (Kowloon and New Territories) Ordinance.

[15th August, 1975]

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 Transport Services (Kowloon and New Territories) (Amendment) Ordinance 1975. Short title.

2. Section 8 of the principal Ordinance is amended by adding the following new subsection— Amendment of section 8. (Cap. 318.)

“(7) Notwithstanding subsection (1), no royalty shall be payable under this section in respect of the financial years of the Company beginning respectively on the 15th February 1972, the 15th February 1973, the 15th February 1974 and the 15th February 1975.”.

Passed by the Hong Kong Legislative Council this 13th day of August, 1975.

Clerk to the Legislative Council.

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

*W. W. W. W.*

*Clerk to the Legislative Council.*



I assent.

*M. H. Lehn*

Governor.

1975

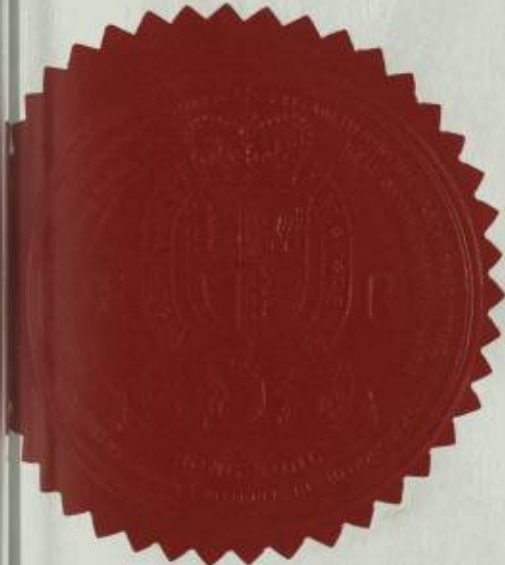
UV  
Clerk to the Legislative Council.



**HONG KONG**

No. 58 OF 1975

I assent.



*Mary M. Lehn*  
Governor.

14th August, 1975.

An Ordinance to amend the Demolished Buildings (Re-development of Sites) Ordinance.

[15th August, 1975]

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 Demolished Buildings (Re-development of Sites) (Amendment) Ordinance 1975. Short title.

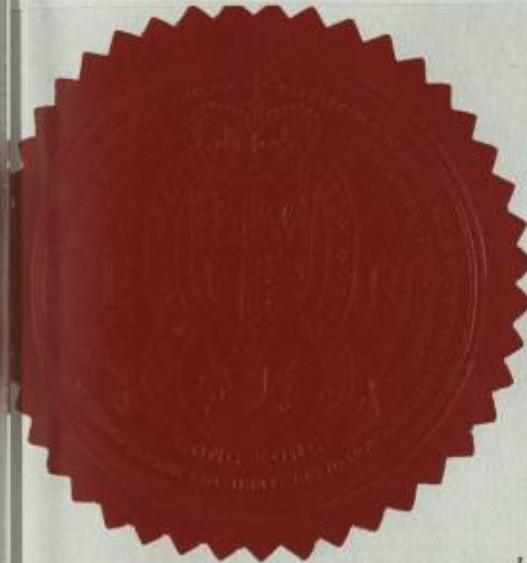
2. Section 7 of the principal Ordinance is amended by deleting subsection (4). Amendment of section 7. (Cap. 337.)

Passed by the Hong Kong Legislative Council this 13th day of August, 1975.

*M. Wilson*  
Clerk to the Legislative Council.

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

*W. J. ...*  
Clerk to the Legislative Council.



I assent.

*M. N. ...*  
Governor.

14th August, 1975.

An Ordinance to provide for the granting of franchises to operate public omnibus services on specified routes, the regulation of the operation

*W. S. Wong*  
Clerk to the Legislative Council.



**HONG KONG**

No. 59 of 1975

I assent.

*M. N. Sze*

Governor.

14th August, 1975.

An Ordinance to provide for the granting of franchises to operate public omnibus services on specified routes, the regulation of the operation and maintenance of such services and for matters ancillary thereto and connected therewith.

[1st September, 1975.]

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 Public Omnibus Services Ordinance 1975 and shall come into operation on 1st September 1975. Short title and commencement.

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

"Commissioner" means the Commissioner for Transport;

"franchise" means the right to operate a public omnibus service granted under section 5;

"franchise period" means the period for which a franchise is granted under section 6(1) and any period for which the franchise is extended under section 6(2) or (3);

"grantee" means a company to which a franchise has been granted;

"omnibus" has the meaning assigned to it by section 2 of the Road Traffic Ordinance; (Cap. 220.)

"profit control scheme" means the profit control scheme provided for by Part V;

"public omnibus service" means an omnibus service for the carriage of passengers for reward at separate fares;

"Schedule of Routes order" means an order under section 5(1);

"specified route" means a route specified in the Schedule of Routes order applying in the case of a grantee and any additional route on which a public omnibus service is operated by that grantee in accordance with a requirement under section 14 or 15.

Power of Governor to give directions to Commissioner.

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

(2) The Commissioner shall, in the exercise or performance of his powers, functions and duties under this Ordinance, comply with any direction given by the Governor under subsection (1).

## PART II

### PUBLIC OMNIBUS SERVICE FRANCHISES

Prohibition of operation of public omnibus service except under franchise.

4. (1) A public omnibus service shall not be operated except under a franchise granted under this Ordinance or another enactment.

(2) Any person who—

- (a) operates, or manages or assists in the management of, a public omnibus service, or
- (b) uses, or causes or permits to be used, an omnibus in the operation of a public omnibus service,

which is operated in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$100,000.

(3) This section does not apply to a public omnibus service which is—

- (a) a tour service, that is to say, a service for the carriage of passengers at separate fares entitling the passengers to travel together on a journey, with or without breaks, from the place or places at which they are taken up (being the same place or two or more places in the same vicinity) to one or more other places and back to the place or places at which they were taken up;
- (b) an airport service, that is to say, a service for the carriage of passengers in either direction between Hong Kong International Airport and any hotel, airline office or ferry terminal where—
  - (i) the passengers are not set down during the journey;
  - (ii) no passenger is taken up during the journey; and
  - (iii) the passengers consist only of persons arriving in or intending to leave Hong Kong by aircraft, persons meeting or accompanying such persons, or persons employed by an airline or the agent of an airline;
- (c) an hotel service, that is to say, a service for the carriage of passengers residing at an hotel where every passenger is taken up or set down at the hotel;
- (d) a student service, that is to say, a service for the carriage to or from a school, university or other educational establishment of students thereof, persons accompanying or in charge of such students or who teach at the school, university or other educational establishment;

(e) an employees' service, that is to say, a service provided by an employer for the carriage to or from their place of work of passengers who are persons employed by him.

(4) For the purposes of this Ordinance, a payment made by a person entitling him to be carried as a passenger in an omnibus shall be treated as a separate fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made.

5. (1) Subject to this Ordinance, the Governor in Council may grant to any company registered under the Companies Ordinance the right to operate a public omnibus service on such routes as he specifies by order.

Grant of franchises. (Cap. 32.)

(2) A franchise may confer on the grantee the exclusive right to operate a service on any specified route.

(3) A franchise—

- (a) may be granted following a public tender or in such other manner as the Governor in Council thinks fit;
- (b) shall, except where the Legislative Council by resolution excludes the application of all or any of the provisions of the profit control scheme, be subject to the profit control scheme;
- (c) shall be subject to such conditions as the Governor in Council specifies; and
- (d) shall prescribe whether it may be extended under subsection (2) or subsection (3) of section 6.

(4) Without prejudice to any other provision of this Ordinance, a franchise may, with the consent of the grantee, be amended by the Governor in Council.

6. (1) A franchise may be granted for a period not exceeding 10 years, and in calculating a franchise period no account shall be taken of any change from time to time in the specified routes.

Periods of grants and extensions thereof.

(2) If, not less than 1 year before the expiry of the period for which a franchise was granted under subsection (1), the grantee has by notice in writing to the Colonial Secretary requested an extension of such period, the Governor in Council may, if the Commissioner is satisfied that during such period the grantee has maintained a proper and efficient public omnibus service in accordance with section 12, extend the franchise for a further period not exceeding 5 years.

(3) The Governor in Council may, at any time during a franchise period—

- (a) whenever he considers it appropriate having regard to any circumstances affecting the franchise; and
- (b) if the Commissioner is satisfied that since the grant of the franchise the grantee has maintained a proper and efficient public omnibus service in accordance with section 12,

extend the franchise for a further period not exceeding 2 years.

7. A grantee shall not assign or otherwise dispose of its franchise, or any part thereof, without the approval of the Governor in Council.

Restriction on assignment or other disposition of franchise.

8. (1) Save where the Governor in Council otherwise permits on the granting of a franchise, a majority of the directors of a grantee shall be British subjects ordinarily resident in Hong Kong.

Directors of grantee companies.

(2) A majority of the directors required under subsection (1) shall participate actively in the direction of the grantee.

Governor may appoint additional directors. (Cap. 32.)

9. (1) The Governor may, notwithstanding any provision of the Companies Ordinance or any other law or of any document, appoint not more than 2 persons to be additional directors of a grantee; and, notwithstanding any such provision as aforesaid, a person so appointed may not be removed from the board of a grantee except by the Governor.

(2) A person so appointed to be an additional director of a grantee shall represent the Government and for that purpose shall be entitled to participate at meetings of the grantee and the board of the grantee, to have access to all material concerning the affairs of the grantee which is available to any other director and require such information with respect to the grantee's affairs as he may specify to be furnished to him, and, without prejudice to the foregoing but subject to subsection (3), any such person shall be treated for all purposes as if he had been appointed at a general meeting of the grantee as a director thereof.

(3) No fee or reward, financial or otherwise, shall be paid by a grantee to a person appointed to be an additional director of the grantee under this section in respect of his performance of the functions of such a director.

Grantee not to alter memorandum or articles without Governor's approval.

10. No alteration shall be made during the franchise period to the memorandum or articles of association of a grantee without the approval of the Governor.

### PART III

#### OPERATION AND CONTROL OF SERVICES

Grantee to operate on specified routes only.

11. (1) Subject to subsection (2), a grantee shall not operate a public omnibus service otherwise than on a specified route.

(2) Whenever circumstances beyond the control of a grantee so require, a grantee may cause a public omnibus service to be diverted from a specified route for so long as such circumstances continue to so require.

Grantee to maintain proper service.

12. (1) A grantee shall, at all times during the franchise period, maintain to the satisfaction of the Commissioner a proper and efficient public omnibus service.

(2) Without prejudice to the generality of subsection (1), the grantee shall not be treated for any purpose of this Ordinance as maintaining a proper and efficient public omnibus service unless it maintains the service and operates the same in accordance with its franchise, this Ordinance and any direction or requirement under its franchise or this Ordinance.

Fares.

13. (1) The Governor in Council may determine—

(a) the scale of fares which may be charged for the carriage of passengers, baggage and goods on any specified route or group of specified routes; and

(b) the maximum rate of increase which may be permitted by the Commissioner under subsection (3) in the scale of fares determined under paragraph (a).

(2) Where under section 15 the Commissioner requires a grantee to—

(a) alter a specified route temporarily; or

(b) operate a temporary public omnibus service on a route, not being a specified route,

the Commissioner shall determine the fares which may be charged for the carriage of passengers, baggage and goods on such route in accordance with the appropriate scale of fares determined under subsection (1)(a).

(3) Where circumstances require a public omnibus service to be operated on a specified route during a period on any day—

(a) at a frequency greater than that directed under paragraph (a) of section 16(1); or

(b) other than the period directed under that paragraph.

the Commissioner may by notice in writing to the grantee permit the grantee to charge an increased fare for the carriage of passengers, baggage and goods on such route during such period, being the sum of the fare determined in accordance with the appropriate scale of fares determined under subsection (1)(a) and such amount as the Commissioner may think fit at a rate not exceeding the rate of increase determined under subsection (1)(b).

(4) A grantee shall not charge any passenger—

(a) a fare exceeding the fare determined in accordance with the appropriate scale of fares determined under subsection (1)(a) or the fare determined under subsection (2) or permitted under subsection (3); or

(b) except with the permission of the Commissioner, a fare lower than that so determined or, where applicable, the increased fare permitted under subsection (3).

14. (1) Subject to subsection (4), the Governor in Council may by notice in writing to the grantee require it, before the expiry of such period as may be specified in the notice, to—

Alteration of routes and provision of additional routes.

(a) alter a specified route in the manner specified in the notice, whether by way of extending or curtailing or otherwise varying the route;

(b) operate a public omnibus service on such route, not being a specified route, as may be specified in the notice.

(2) Where under subsection (1) the Governor in Council requires a grantee to operate a service on an additional route, he may confer on the grantee the exclusive right to operate a public omnibus service on that route.

(3) The period of notice referred to in subsection (1) shall be—

(a) in the case of a notice served under paragraph (a) thereof, not less than 3 months; and

(b) in the case of a notice served under paragraph (b) thereof, not less than 6 months.

(4) A requirement shall not be made under subsection (1) unless the Commissioner has consulted the grantee with respect thereto.

15. (1) The Commissioner may, after consultation with a grantee, by notice in writing to the grantee, require it, before the expiry of such period (being not less than 3 months) as may be specified in the notice, to—

Temporary alteration of routes and provision of additional routes.

(a) alter a specified route temporarily in the manner specified in the notice, whether by way of extending or curtailing or otherwise varying the route;

(b) operate a temporary public omnibus service on such route, not being a specified route, as may be specified in the notice.

(2) A requirement under subsection (1) shall have effect for such period, not exceeding 12 months, as may be specified in the notice, and may be extended by the Commissioner for a further period not exceeding 12 months.

16. (1) The Commissioner shall, after consultation with a grantee, from time to time as he thinks necessary, direct by notice in writing to the grantee—

- (a) the frequency at and the period on each day during which a public omnibus service shall be operated on a specified route;
- (b) the carrying capacity and types of the omnibuses to be used on any such route.

(2) Where the effect of a notice under subsection (1) is to alter the frequency at which a public omnibus service is being operated under such a notice in force at the time that the first-mentioned notice is given, such first-mentioned notice shall take effect on such day as the Commissioner may specify, being not less than 3 months after the service of the notice.

(3) A grantee may, on any specified route in respect of which it has the exclusive right to operate a public omnibus service, increase the frequency at which the service is operated on that route in accordance with a direction under subsection (1) whenever in its opinion circumstances so require.

(4) A grantee may, on any specified route in respect of which it does not have the exclusive right to operate a public omnibus service, increase the frequency at which the service is operated on that route in accordance with a direction under subsection (1) whenever in its opinion circumstances so require, if the increase in the frequency is—

- (a) agreed between the grantee and any other grantee which operates a public omnibus service on that route; and
- (b) approved by the Commissioner.

17. (1) Subject to subsection (2), every omnibus used by a grantee shall be of Commonwealth manufacture.

(2) The Governor may, on application by a grantee, permit it to use an omnibus manufactured outside the Commonwealth.

18. (1) A grantee shall keep, to the satisfaction of the Commissioner, proper records in respect of the following matters—

- (a) the number and capacity of the omnibuses in use on each specified route on each day;
- (b) the number of journeys and the mileage travelled by each such omnibus on each day on each such route;
- (c) the number of passengers carried by each such omnibus on each day on each such route;
- (d) the daily receipts in respect of each such route;
- (e) the mileage lost each day in relation to each such route due to accidents, breakdowns and vehicle and staff shortages, respectively;
- (f) the maintenance of vehicles and stores.

(2) A grantee shall furnish to the Commissioner, at such times and in such form as he may require, copies of the records kept by the grantee in accordance with subsection (1).

Commissioner to specify frequency of services and carrying capacity and types of omnibuses.

Vehicles to be of Commonwealth manufacture.

Records.

(3) A grantee shall permit the Commissioner, and any person authorized in writing by him, to inspect at any reasonable time all such records and all accounts kept by the grantee in connexion with its franchise; and the Commissioner or any such person may make copies of any such records or accounts.

19. A grantee shall provide and maintain such premises as the Commissioner considers necessary for construction, repair and maintenance of vehicles used by the grantee in connexion with its franchise and for the parking of all such vehicles when they are not in use.

Provision of vehicle maintenance facilities, etc.

20. Except with the written permission of the Commissioner a grantee shall not use any premises provided and maintained in accordance with section 19 otherwise than for the construction, repair, maintenance or parking of vehicles used by the grantee in connexion with its franchise.

Restriction on use of maintenance facilities.

21. (1) The Commissioner, and any person authorized in writing by him, may—

Inspection of premises, maintenance facilities and vehicles.

(a) at all reasonable times inspect—

- (i) any premises used by a grantee in connexion with its franchise and all facilities provided by a grantee for the construction, repair and maintenance of vehicles so used by it;
- (ii) any vehicle used by a grantee in connexion with its franchise;

(b) require a grantee to carry out in respect of all such vehicles, or such of those vehicles as he may specify, such repair, maintenance or other works, within such time (being not less than 3 months), as he may specify.

(2) A grantee shall afford such facilities for the inspections referred to in subsection (1)(a) as may be required by the Commissioner.

22. (1) The Governor in Council may, by notice in writing to a grantee, require the payment of the financial penalty specified in such notice.

Governor in Council may impose financial penalty.

(2) A financial penalty may be imposed in respect of the failure by a grantee to comply with its franchise or this Ordinance or any direction or requirement under its franchise or this Ordinance.

(3) The financial penalties imposed under this section shall not exceed \$10,000 for the first occasion on which a penalty is imposed, and shall not exceed \$20,000 for the second occasion on which a penalty is imposed for whatever reason, and shall not exceed \$50,000 for any subsequent occasion on which a penalty is imposed for whatever reason.

(4) A financial penalty shall not be imposed under this section unless the Commissioner is satisfied that the grantee has had a reasonable opportunity of complying with its franchise or this Ordinance or the direction or requirement, as the case may be, and an opportunity of showing cause why the penalty should not be imposed.

(5) A financial penalty imposed under this section shall be recoverable as a civil debt.

#### PART IV

##### EMERGENCY AND REVOCATION

23. (1) If the Governor in Council considers that an emergency exists he may direct that the franchise of a grantee be suspended, either altogether

Emergency.

or in respect of any specified route he may specify, until the Governor in Council declares that the emergency no longer exists.

(2) Where under subsection (1) a franchise is suspended altogether or in respect of any specified route—

- (a) the Government may take possession of any property of the grantee used or kept by it for the purposes of or in connexion with its franchise; and
- (b) any such property so taken possession of may be used by the Government, or its nominee, in the operation of such omnibus service as the Commissioner thinks fit.

(3) A grantee shall be entitled to compensation for the use of any of its property of which possession has been taken under subsection (2) and for any loss or damage sustained in consequence of any suspension of its franchise under subsection (1).

24. (1) If—

- (a) it appears to the Governor in Council that without good cause a grantee has failed, or is likely to fail, to maintain a proper and efficient public omnibus service, either generally or in respect of any specified route, in accordance with section 12; or
- (b) a grantee has failed to pay any financial penalty imposed under section 22,

the Governor in Council may direct the Commissioner to serve on the grantee a notice requiring the grantee to show cause in writing, within 28 days after the service of such notice—

- (i) why its right to operate a public omnibus service on such specified routes as are set out in such notice should not be revoked; or
- (ii) why its franchise should not be revoked altogether,

and any such notice shall specify the ground on which such right or the franchise may be revoked.

(2) If, after the service of a notice under subsection (1)(i)—

- (a) the grantee does not show cause why its right to operate a public omnibus service on the specified routes set out therein should not be revoked; or
- (b) the Governor in Council, having considered any representations made by the grantee, is of the opinion that the grantee has not shown good cause why such right should not be revoked,

the Governor in Council may, with effect from such date as he may specify, revoke such right.

(3) If, after the service of a notice under subsection (1)(ii)—

- (a) the grantee does not show cause why the franchise should not be revoked altogether; or
- (b) the Governor in Council, having considered any representations made by the grantee, is of the opinion that the grantee has not shown good cause why the franchise should not be revoked altogether,

the Governor in Council may, with effect from such date as he may specify, revoke the franchise.

(4) Notice of the revocation of a right or franchise under this section shall be served on the grantee and, as soon as practicable thereafter, shall be published in the *Gazette*.

Revocation of right to operate a service on a specified route or of franchise.

(5) A grantee shall not be entitled to compensation in respect of the revocation of a right or franchise under this section and where a franchise is revoked altogether the grantee shall be liable to pay to the Government any expense incurred by the Government in connexion with the franchise or the revocation thereof.

25. (1) Where a franchise is revoked under section 24(3) the Government may take possession of any property of the company used or kept by it for the purposes of or in connexion with its revoked franchise.

(2) Any property of which possession is taken under subsection (1) may be retained by the Government for such period, not exceeding one year, as the Governor in Council may direct and may be used by the Government, or its nominee, in the operation of such omnibus service as the Commissioner thinks fit.

(3) Where possession is taken under subsection (1) of any of the property of a company, the company shall, notwithstanding section 24(5), be entitled to compensation for the use by the Government, or its nominee, of any of the property of which possession has been taken.

Temporary retention by Government of bus assets of company whose franchise has been revoked.

## PART V

### PROFIT CONTROL SCHEME

26. In this Part, unless the context otherwise requires—

“accounting year” means the accounting year adopted by a grantee for drawing up its annual profit and loss accounts and balance sheet;

“average net fixed assets” for any accounting year means the average of the opening and closing balances for that accounting year, as shown by the records of a grantee, of its net fixed assets;

“Development Fund” means the Development Fund referred to in section 27(1);

“fixed assets” means the stocks of capital items of stores and spares, investments in land, buildings, omnibuses and other motor vehicles, plant, machinery and equipment, furniture, fixtures and fittings and other fixed assets (including assets in the course of construction, goods in transit and payments on account) used or kept by a grantee for the purposes of or in connexion with its franchise;

“net fixed assets” means the fixed assets of a grantee after any depreciation under section 30;

“operating receipts” means—

(a) the total gross sums received by a grantee by way of—

(i) the fares charged by the grantee for the carriage of passengers, baggage and goods on public omnibuses;

(ii) any charges imposed or other benefits obtained by the grantee under this Ordinance or its franchise; and

(iii) any other revenue, including revenue from advertisements, derived from the use of fixed assets,

but does not include interest or dividends on deposits or investments and the proceeds of the sale or redemption of investments or fixed or other assets; and

(b) the gross value, as determined by the Financial Secretary, of any fixed assets, services or facilities received by a grantee in lieu of any part of such total gross sums;

Interpretation.

"permitted return" means the return allowed to a grantee under section 28(1) in an accounting year.

Development Fund.

27. (1) A grantee shall, for the purposes of its franchise, maintain a Reserve to be called the Development Fund the purpose of which, subject to section 28(4) and (5), shall be to assist in the acquisition of fixed assets.

(2) The balance in the Development Fund represents a liability of a grantee and shall not be applied except as provided in this Part or in the franchise of a grantee.

Permitted return.

28. (1) The permitted return to a grantee in an accounting year shall be an amount (after deduction of taxes) equal to the percentage *per annum* specified in its franchise of the average net fixed assets of the grantee in that accounting year.

(2) There shall be deducted from the permitted return the amounts specified in section 29.

(3) Where in an accounting year the operating receipts of a grantee exceed the aggregate of—

- (a) the total operating costs of the grantee incurred in connexion with its franchise, including depreciation effected in accordance with section 30; and
- (b) taxes, including profits tax,

for that accounting year, the grantee shall deduct the permitted return from such excess or so much thereof as is permitted by such excess, and in the former case any excess remaining thereafter shall be added to the Development Fund.

(4) Where in an accounting year—

- (a) the operating receipts of a grantee are less than the aggregate of the amounts in respect of paragraphs (a) and (b) of subsection (3); or
- (b) only part of the permitted return has been deducted under subsection (3),

the grantee shall, subject to subsection (5), deduct from the Development Fund—

- (i) in the case of paragraph (a), the deficiency in the operating receipts and the entire amount of the permitted return; and
- (ii) in the case of paragraph (b), such part of the permitted return as has not been deducted under subsection (3).

(5) If in an accounting year there is no balance in the Development Fund, or the balance in the Development Fund is insufficient, for the purposes of subsection (4)(i) or (ii) as the case may be, the Financial Secretary may in writing permit the grantee to deduct from the Development Fund in subsequent years any amount due to it under that subsection in that accounting year.

Deductions from permitted return.

29. (1) Subject to such conditions as may be specified in its franchise, there shall be deducted from the permitted return in each accounting year of a grantee—

- (a) a charge at the rate specified in its franchise on the average of the opening and closing balances of the Development Fund in the accounting year; and
- (b) interest at the rate specified in its franchise on all borrowed capital of the grantee.

(2) Any amounts deducted under subsection (1)(a) shall be added to the Development Fund in the accounts of each accounting year and shall form part of the opening balance of the Development Fund in the next following accounting year.

30. Subject to such conditions as may be specified in its franchise, the annual rates of depreciation and the residual value in respect of the fixed assets of a grantee shall be as specified in its franchise.

Depreciation.

31. The operation of the profit control scheme in respect of a grantee shall be reviewed by the Governor in Council every 2 years.

Review of profit control scheme.

32. The Financial Secretary may require a grantee—

- (a) to produce to him, at such time and place as he may specify, such books and statements of account of the grantee; and
- (b) to provide to him such information in relation to the public omnibus service operations of the grantee,

Powers of Financial Secretary to require production of accounts, etc.

as he may require.

## PART VI

### MISCELLANEOUS

33. (1) A grantee which is aggrieved by any decision, direction or requirement of the Commissioner, or any person authorized by him, under this Ordinance or its franchise may, within 28 days of the giving or making of the decision, direction or requirement, appeal by petition to the Governor in Council, and the decision of the Governor in Council on any such appeal shall be final.

Appeal by grantee.

(2) Where a grantee has appealed under subsection (1), the decision, direction or requirement, as the case may be, shall not have effect until the appeal has been determined, unless the Governor in Council otherwise directs.

34. The Commissioner shall, whenever necessary in consequence of—

- (a) the exercise of any power conferred on the Governor in Council by section 14;
- (b) a revocation under section 24(2); or
- (c) any decision of the Governor in Council on an appeal under section 33,

Amendment of Schedule of Routes orders.

by order amend the Schedule of Routes order affected thereby.

35. The Governor in Council may make regulations for all or any of the following matters—

Regulations.

- (a) the provision of adequate signs and destination indicators on omnibuses used by a grantee;
- (b) the provision of uniforms and badges for the drivers, conductors and regulators employed by a grantee;
- (c) regulating the conduct of such drivers, conductors and regulators while so employed;
- (d) regulating the carriage of baggage and goods on such omnibuses;
- (e) the method of payment of fares by passengers using such omnibuses;

- (f) the designation of bus stops and the erection of appropriate signs and notices thereon;
- (g) regulating the number of the seated passengers and standing passengers respectively whom an omnibus used by a grantee is constructed or adapted and fit to carry;
- (h) regulating the number of such passengers respectively who may be carried in such an omnibus;
- (i) the marks to be carried on such an omnibus showing the numbers referred to in paragraphs (g) and (h) and the manner in which those marks are to be carried;
- (j) regulating, in relation to the drivers of omnibuses used by a grantee—
  - (i) the maximum number of hours during which any such driver may be permitted to drive such an omnibus; and
  - (ii) the intervals to be provided by a grantee for the rest and refreshment of such drivers, in any period of 24 hours;
- (k) generally for the purposes of this Ordinance.

By-laws.

36. (1) Subject to this Ordinance and its franchise, a grantee may make by-laws for all or any of the following matters—

- (a) the protection of property owned or controlled by the grantee from damage or injury;
- (b) the prevention of frauds on the grantee;
- (c) the safe and efficient operation of the grantee's public omnibus service;
- (d) the procedure to be followed in case of accident;
- (e) generally as to the conduct of passengers while using the grantee's omnibuses and in particular (but without prejudice to the generality of the foregoing) for—
  - (i) authorizing the removal from such an omnibus of a person contravening the by-laws by the driver or conductor of the omnibus or on the request of the driver or conductor by a police officer;
  - (ii) requiring a passenger in such an omnibus who is reasonably suspected by the driver or conductor thereof of contravening the by-laws to give his name and address to a police officer or to the driver or conductor on demand;
  - (iii) requiring a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the omnibus and to pay the fare for the whole of that journey and to accept any ticket provided therefor;
  - (iv) requiring, on demand being made for the purpose by the driver or conductor or other person authorized by the grantee, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;
  - (v) requiring a passenger, if so requested by the driver or conductor, to leave the omnibus on the completion of the journey the fare for which he has paid;
  - (vi) requiring the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) All by-laws made under subsection (1) shall be subject to the approval of the Legislative Council.

(3) Any such by-laws may provide that a contravention of specified provisions thereof shall be an offence and may provide penalties therefor not exceeding a fine of \$2,000.

(4) A grantee shall cause printed copies of all by-laws made under this section to be kept at its registered office and to be sold at a reasonable charge to any person applying therefor.

37. (1) The Public Transport Services (Hong Kong Island) Ordinance and the Public Transport Services (Kowloon and New Territories) Ordinance are repealed.

Repeals and consequential amendments.  
(Cap. 317.)  
(Cap. 318.)

(2) The Ordinances specified in the Schedule are amended in the manner specified therein.

## SCHEDULE

[s. 37(2).]

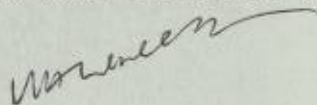
<i>Ordinance</i>	<i>Amendments</i>	
Road Traffic (Public Omnibus, Public Light Bus and Public Car) Regulations.	1. Regulation 7 is revoked.	(Cap. 220, sub. leg.)
	2. Regulation 15 is amended by deleting "Public Transport Services (Hong Kong Island) Ordinance or the Public Transport Services (Kowloon and New Territories) Ordinance" and substituting the following— "Public Omnibus Services Ordinance 1975".	
Road Traffic (Roads and Signs) Regulations.	The Second Schedule is amended by deleting "Public Transport Services (Hong Kong Island) Ordinance or the Public Transport Services (Kowloon and New Territories) Ordinance" and substituting the following— "Public Omnibus Services Ordinance 1975".	(Cap. 220, sub. leg.)
Fixed Penalty (Traffic Contraventions) Ordinance.	1. Section 6(3)(b) is amended by deleting "Public Transport Services (Hong Kong Island) Ordinance or Public Transport Services (Kowloon and New Territories) Ordinance" and substituting the following— "Public Omnibus Services Ordinance 1975".	(Cap. 237.)
	2. Section 12(1) is amended by deleting paragraph (c) and substituting the following— "(c) to any public omnibus or motor vehicle which is being used in connexion with a franchise granted under the Public Omnibus Services Ordinance 1975 or under another enactment— (i) being such an omnibus or motor vehicle, while waiting at an authorized stopping place or at a turning point or terminus for such time as is necessary to enable any person to board or alight or to load or unload his personal effects;	

*Ordinance**Amendments*

(ii) being such an omnibus or motor vehicle, when parking temporarily at any place at or near a turning point or terminus; or

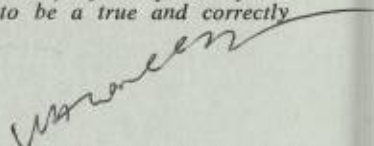
(iii) when, with the permission in writing of the Commissioner, parked at a terminus between the hours of 11 p.m. and 7 a.m.”.

Passed by the Hong Kong Legislative Council this 13th day of August, 1975.

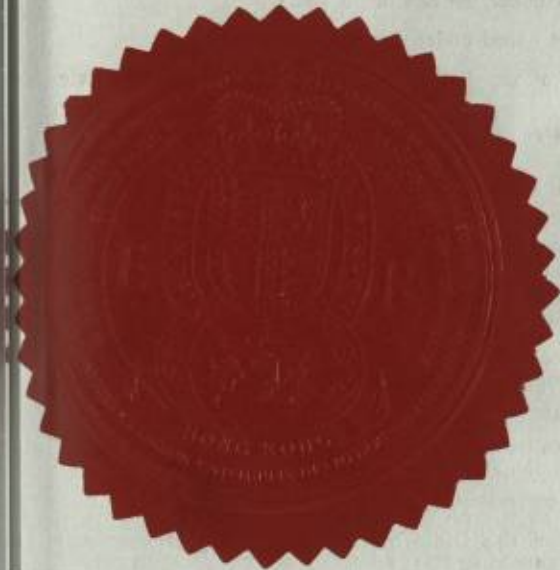


*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*

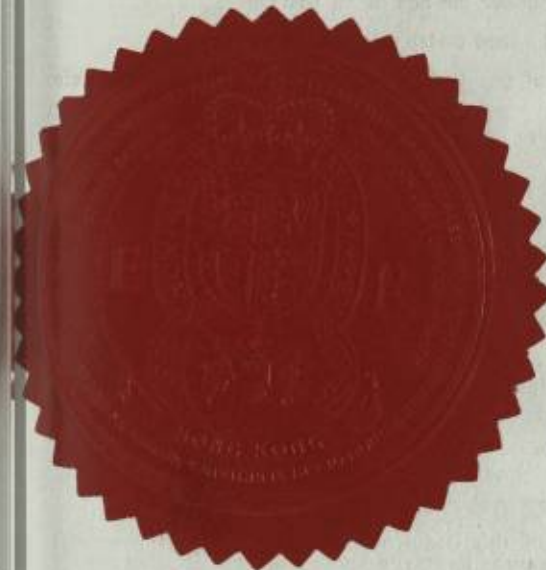


I assent.

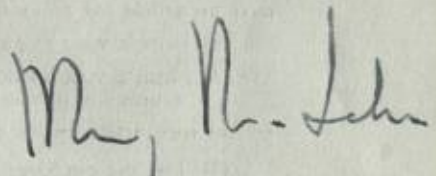
*May R. Loh*  
Governor.

**HONG KONG**

No. 60 OF 1975



I assent.

  
Governor.

14th August, 1975.

An Ordinance to prohibit publications of an indecent, obscene or revolting nature or which are harmful to juveniles.

[15th August, 1975.]

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 **Objectionable Publications Ordinance 1975.** Short title.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.  
"article" means—

- (a) any thing consisting of or containing matter to be read or looked at or both, any sound recording, and any film or other record of a picture or pictures; or
- (b) any thing which is intended to be used, either alone or as part of a set, for the reproduction or manufacture therefrom of any thing referred to in paragraph (a);

"assisting officer" means any police officer or any member of the Preventive Service assisting an authorized officer under section 6(4) in the execution of a warrant;

"authorized officer" means any police officer or member of the Preventive Service to whom a warrant is issued;

"film" includes a cinematograph film, photographic slides and transparencies;

"juvenile" means a person under the age of 16 years;

"warrant" means a warrant issued under section 6(1).

(2) For the purposes of this Ordinance, a person publishes an article if he—

- (a) distributes, circulates or sells the article to the public or a section of the public;
- (b) lends or gives the article to the public or a section of the public;
- (c) exposes or offers the article for sale or for lending to the public or a section of the public; or
- (d) in the case of an article consisting of or containing matter to be looked at or a sound recording, shows, plays or projects the article to or for the public or a section of the public.

(3) For the purposes of this Ordinance, a person shall be deemed to have an article for publication if—

- (a) with a view to publication; or
- (b) with a view to the manufacture or reproduction therefrom of any article for publication,

he has such article in his ownership, possession or control.

(4) For the purposes of this Ordinance, publication for gain includes a publication whether the gain is to accrue by way of consideration for the publication or in any other way.

3. (1) For the purposes of this Ordinance an "objectionable article" is any article which—

- (a) consists of or contains matter of an indecent, obscene or revolting nature; or
- (b) is deemed to be objectionable under subsection (3).

(2) For the purposes of subsection (1)(a), any advertisement relating to syphilis, gonorrhoea, nervous debility or other complaint or infirmity arising from or relating to sexual intercourse contained in any article (other than a *bona fide* medical newspaper, medical book or other medical publication) shall be deemed to be matter of an indecent nature.

(3) Any article which is intended, or by reason of the manner of its presentation or its form or otherwise is of a kind that is likely, to be read or looked at by juveniles, whether or not it is also intended or likely to be read or looked at by adults, and consists of or contains stories told in pictures, with or without the addition of written matter, being stories portraying—

- (a) the commission of crime in such a way as to—
  - (i) create sympathy for or extol the criminal;
  - (ii) bring into contempt the forces and institutions entrusted with the enforcement of law and order;
  - (iii) inspire or encourage persons to imitate criminals;

(b) acts of—

- (i) excessive violence or cruelty; or
- (ii) torture or other physical agony;

(c) acts of a repulsive or horrible nature or which tend to deprave;

(d) seduction, rape or sexual perversion; or

(e) the commission of crime, acts of violence or cruelty or of a repulsive or horrible nature, or other matter, in such a way that the story as a whole would tend to corrupt a juvenile,

shall be deemed to be an objectionable article.

(4) For the avoidance of doubt, nothing in subsection (3) shall apply to any *bona fide* article in a newspaper which portrays an actual event.

4. (1) No person shall—

- (a) whether for gain or not, publish;
- (b) have for publication for gain; or
- (c) whether or not he knows it is such an article, import for the purpose of publication for gain,

any objectionable article.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$100,000 and to imprisonment for 3 years.

(3) A person shall not be convicted of an offence under this section and an order for forfeiture shall not be made under section 9 if it is proved that publication of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of any other object of general or public concern.

(4) It is hereby declared that the opinion of experts as to the literary, artistic, scientific or other merits of an article may be admitted in any proceeding under this Ordinance either to establish or to negative the said ground.

5. (1) If in proceedings against a person for an offence under section 4(1)(b), it is proved that such person had 2 or more identical objectionable articles in his ownership, possession or control he shall be presumed until the contrary is proved to have had such articles for the purpose of publication for gain.

(2) If in proceedings against a person for an offence under section 4(1)(c), it is proved that such person imported—

- (a) in the case of any plate prepared for the purpose of printing copies of any objectionable article or any photographic film prepared for that purpose, such plate or film;
- (b) in the case of any other article, 2 or more identical objectionable articles,

he shall be presumed until the contrary is proved to have imported such articles for the purpose of publication for gain.

6. (1) A magistrate may, if he is satisfied by information on oath that there is reasonable ground for suspecting that there is in or on any premises or place, or any vessel, aircraft or vehicle—

- (a) any objectionable article in respect of which an offence under section 4 has been or is being or is about to be committed; or

Prohibition of objectionable articles.

1959, c. 66, s. 4(1).

1959, c. 66, s. 4(2).

Proceedings.

Search and seizure.

Objectionable article.

- (b) anything which is, or contains, evidence of the commission of any such offence.

issue a warrant authorizing any police officer or any member of the Preventive Service to enter such premises or place, or such vessel, aircraft or vehicle, and search for and seize, remove and detain any such article.

- (2) An authorized officer may, at any time of the day or night—  
 (a) enter and search any premises or place named in the warrant; or  
 (b) stop, board and search any vessel, aircraft or vehicle named in the warrant.
- (3) An authorized officer may seize—  
 (a) any article in respect of which he reasonably suspects that an offence against section 4 has been or is being or is about to be committed; or  
 (b) anything whatever which he reasonably suspects to be, or to contain, evidence of the commission of such an offence.
- (4) An authorized officer may call on any police officer or member of the Preventive Service to assist him in the exercise of the powers conferred by this section.

(5) Without prejudice to any provision in any other Ordinance and in addition to any power he may have under this section, any member of the Preventive Service may seize—

- (a) any article in respect of which he reasonably suspects that an offence against section 4(1)(c) has been or is being or is about to be committed; and  
 (b) anything whatever which he reasonably suspects to be, or to contain, evidence of the commission of such an offence.
- (6) In this section—

“aircraft” does not include a military aircraft;

“vessel” does not include a ship of war or a ship having the status of a ship of war.

7. An authorized officer or any assisting officer may—  
 (a) use such force as is reasonably necessary to enter any premises or place which he is empowered to enter and search by section 6;  
 (b) use such force as is reasonably necessary to stop, board, and search any vessel, aircraft or vehicle which he is so empowered to stop, board and search;  
 (c) use such force as is reasonably necessary to remove any person or thing obstructing him in the exercise of any power conferred by section 6;  
 (d) detain any person found in or on any premises or place, vessel, aircraft or vehicle which he is so empowered to enter and search until it has been searched;  
 (e) prevent any person from approaching, boarding or leaving any vessel, aircraft or vehicle which he is so empowered to enter and search until it has been searched.

8. Any person who—

- (a) obstructs an authorized officer or an assisting officer in the exercise of any power conferred by this Ordinance;

Ancillary powers of officers under warrant.

Obstruction.

- (b) fails to comply with any reasonable requirement, direction or demand given or made by an authorized officer or assisting officer in the execution of the warrant,

shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 and to imprisonment for 6 months.

9. (1) Any objectionable article in respect of which an offence under section 4 has been or is being committed shall be forfeited to the Crown. Forfeiture.

- (2) Any—  
 (a) machinery or apparatus used for projecting or showing any such article;  
 (b) machinery, plate, implement, utensil, photographic film or material used for the purpose of printing copies of any such article; or  
 (c) thing used for the purpose of manufacturing or reproducing any such article,

not being itself an objectionable article forfeited under subsection (1), shall be liable to forfeiture.

(3) Any article or thing which has been seized by an authorized officer under a warrant shall be taken before a magistrate to be disposed of according to law.

(4) If it appears to a magistrate that any article or thing seized under a warrant or otherwise which has been brought before him—

- (a) is an article to which subsection (1) applies, he shall order such article to be forfeited;  
 (b) is a thing liable to forfeiture under subsection (2)(a), (b) or (c), he may order such thing to be forfeited.

(5) An order for forfeiture of an article or thing may be made under subsection (4) notwithstanding that no person is convicted of any offence in connexion with such article or thing.

(6) Any article or thing which is ordered to be forfeited under subsection (4) shall be disposed of in such manner as the magistrate shall direct.

(7) Subject to subsections (8), (9) and (10), before making an order for forfeiture of any article or thing under subsection (4) the magistrate shall issue a summons to—

- (a) the occupier of the premises, or in the case of a stall the owner of the stall, in or on which the article or thing was seized;  
 (b) the owner of the vessel, aircraft or vehicle in or on which the article or thing was seized;  
 (c) the owner of the article or thing seized,

to appear on a day specified in the summons to show cause why the article or thing should not be forfeited.

(8) In addition to any person mentioned in subsection (7) any other person being the author or manufacturer of any article seized or a person into whose hands any such article may have passed before seizure, or a person who has an interest in any article or thing seized may appear before the magistrate on the day specified in the summons to show cause why the article or thing should not be forfeited.

(9) If the magistrate is satisfied that any person specified in subsection (7) cannot for any reason be found or ascertained, he may dispense with the issue of a summons to that person.

(10) If any summons issued under subsection (7) has not for any reason been served and the magistrate is satisfied that all reasonable efforts were made to serve the summons on the person named in the summons he may make an order of forfeiture under subsection (4) notwithstanding that the summons was not served and that the person named in the summons is not given an opportunity to show cause why the article or thing should not be forfeited.

(11) If any article is, by reason of part only of the matter contained in it, an objectionable article, an order for forfeiture shall, unless the magistrate considers that there are special reasons for directing otherwise, apply to the whole of the article.

Obliteration of  
objectionable  
article.

**10.** (1) A magistrate may, if he is satisfied that any objectionable article is affixed to or painted on any building or other structure order the owner of the building or structure to remove or efface the objectionable article.

(2) If a person against whom an order is made under subsection (1) fails to comply with the order within the time specified in the order, or if no time is specified within a reasonable time, the magistrate may by warrant empower any police officer, with such assistance as may be necessary, to enter and if necessary to break into or forcibly enter such premises or place, and remove or efface the objectionable article.

(3) A police officer in executing an order under subsection (2) shall have all the powers of a police officer acting in the execution of a warrant under section 6.

(4) The Commissioner of Police may apply to a magistrate for an order that the person who failed to comply with the removal order made against him under subsection (1) shall pay any expenses reasonably incurred by a police officer in the execution of the order under subsection (2).

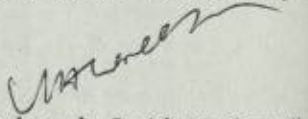
(Cap. 227.)

(5) The provisions of section 69 of the Magistrates Ordinance shall *mutatis mutandis* apply to an order of a magistrate under subsection (4) as if it was an order made under the said section 69.

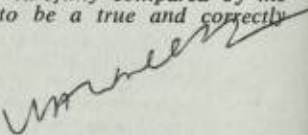
Repeal of  
Cap. 150.

**11.** The Indecent Exhibitions Ordinance is repealed.

Passed by the Hong Kong Legislative Council this 13th day of August, 1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

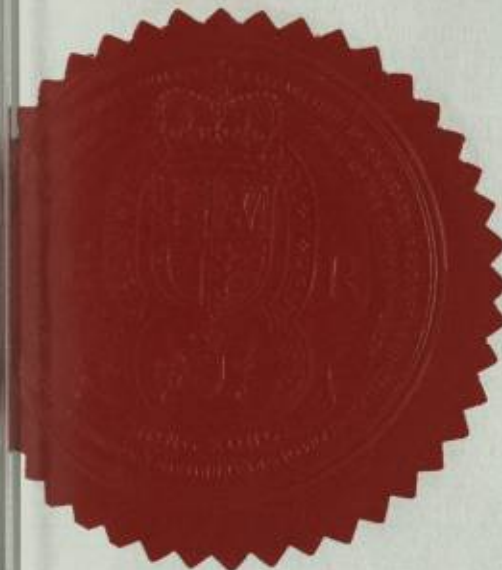


I assent.

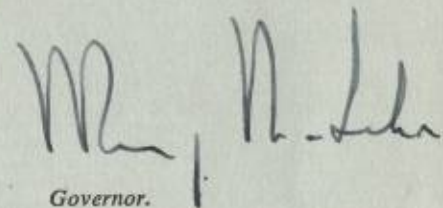
*Wm. W. L. Scher*  
Governor.

HONG KONG

No. 61 OF 1975



I assent.

  
Governor.

14th August, 1975.

An Ordinance to amend the Summary Offences Ordinance.

[15th August, 1975]

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 Summary Offences (Amendment) (No. 3) Ordinance 1975. Short title.

2. The principal Ordinance is amended by adding after section 12 the following new section— Addition of section 12A. (Cap. 228.)

<sup>a</sup>Objectionable performances.

**12A.** (1) No person shall, whether for reward or not take part in, provide or manage any public live performance of an indecent, obscene, revolting or offensive nature.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$25,000 and to imprisonment for 1 year.

(3) A magistrate may, if he is satisfied by information on oath that any public live performance of an indecent, obscene, revolting or offensive nature is or may be taking place, or may be about to take place, in or on any premises or place or vessel, issue a warrant authorizing any police officer to enter such premises, place or vessel and search the same.