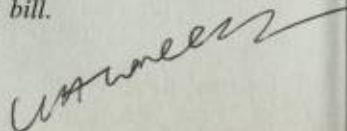


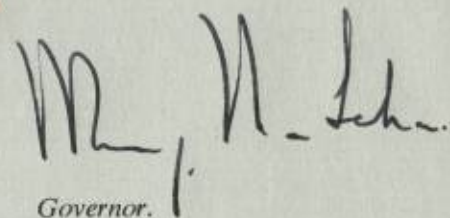
*This printed impression has been carefully compared
by me with the bill, and is found by me to be a true and
correctly printed copy of the said bill.*



Clerk to the Legislative Council.



I assent.



Governor.

W. J. ...

Clerk to the Legislative Council.

HONG KONG

No. 17 OF 1975



I assent.

M. N. ...
Governor.

27th February, 1975.

An Ordinance to amend the Police Force Ordinance.

[28th February, 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 Police Force (Amendment) Ordinance 1975. Short title.

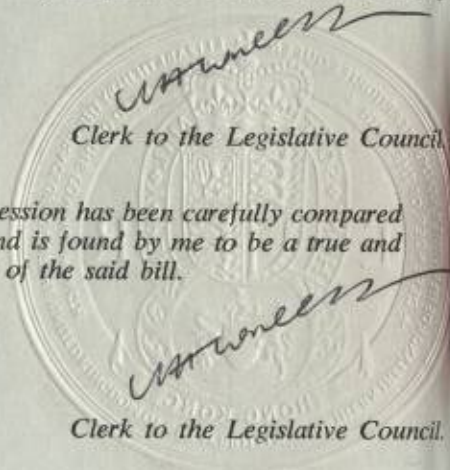
2. Section 13 of the principal Ordinance is amended by— Amendment of section 13. (Cap. 232.)
(a) being renumbered as subsection (1) thereof; and
(b) inserting the following new subsection—

“(2) Notwithstanding subsection (1), a gazetted police officer may not resign from the police force except by—

(a) giving to the Commissioner three months’ notice in writing of his intention to resign; or

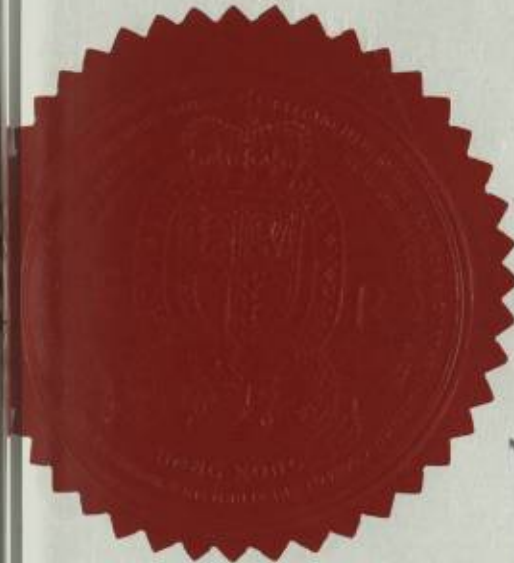
- (b) with the prior consent of the Commissioner, paying into the Treasury one month's salary in lieu of notice."

Passed by the Hong Kong Legislative Council this 26th day of February, 1975.


W. W. W. W.
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.

Mr. The Sec.

Passed by the Hong Kong Legislative Council this 26th day of February, 1975.

W. W. W. W.
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.

HONG KONG

No. 18 OF 1975

I assent.

M. P. H. L.
Governor.

27th February, 1975.

An Ordinance to amend the Maryknoll Sisters of St. Dominic Incorporation Ordinance.

[28th February, 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 Maryknoll Sisters of St. Dominic Incorporation (Amendment) Ordinance 1975.

2. The long title of the principal Ordinance is amended by deleting "Regional Superior" and substituting the following—
"Administrator".

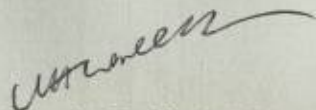
Amendment
of long title.
(Cap. 1019.)

3. Sections 2, 4, 5(1) and 6 of the principal Ordinance are amended by deleting "Regional Superior", in each place where it occurs, and substituting the following—

Amendment
of sections
2, 4, 5(1)
and 6.

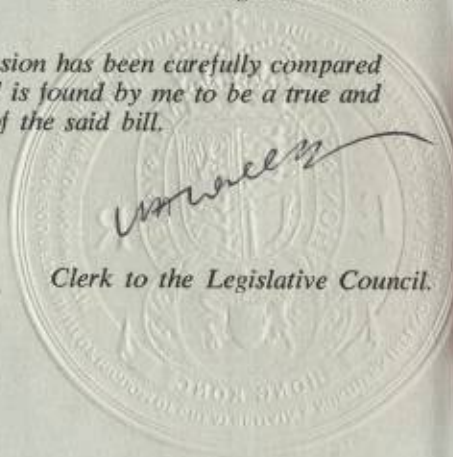
"Administrator".

Passed by the Hong Kong Legislative Council this 26th day of February, 1975.

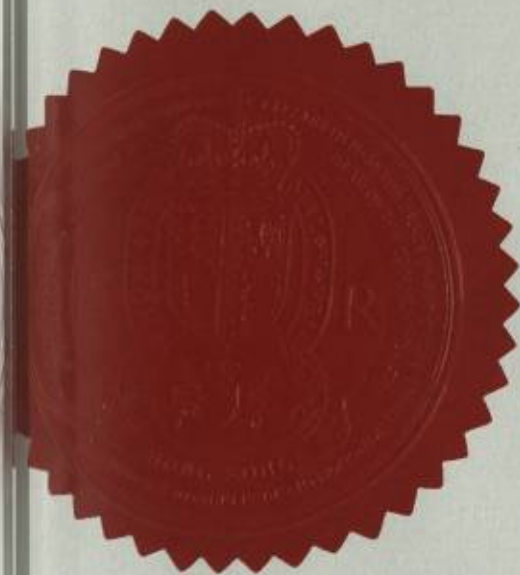


Clerk to the Legislative Council.

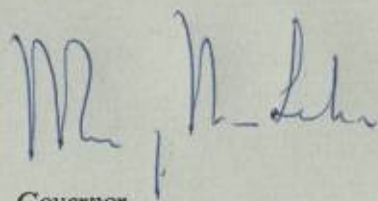
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



I assent.



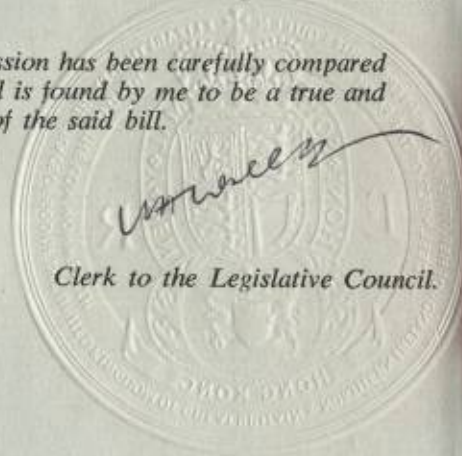
Governor.

HONG KONG

No. 19 OF 1975

Urrance
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. M. Leung
Governor.

20th March, 1975.

An Ordinance to amend the Boy Scouts Association Ordinance.

[21st March, 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 Boy Scouts Association (Amendment) Ordinance 1975. Short title.

2. The long title of the principal Ordinance is amended by deleting "*the Boy Scouts*" and substituting the following— Amendment of long title.
(Cap. 1005.)
"*The Scout*".

3. Save as otherwise provided in this Ordinance, the principal Ordinance is amended by deleting "*the Boy Scouts Association*" and "*Boy Scouts*" wherever they occur, and substituting respectively the following— Amendment of principal Ordinance.

"*The Scout Association*"; and

"*Scouts*".

Amendment
of short
title.

4. Section 1 of the principal Ordinance is amended by deleting "the Boy Scouts" and substituting the following—
"The Scout".

Amendment
of section 2.

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

"Interpreta-
tion.

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

"The Scout Association" means The Scout Association incorporated by Royal Charter dated the 4th January 1912, as the same may from time to time be amended by supplemental Charter;

"Scout" includes Cub Scout, Scout, Sea Scout, Air Scout, Venture Scout, Venture Sea Scout, Venture Air Scout, Lone Scout, Service Scout, Cadet Leader, Deep Sea Scout, Member of the B-P Scout Guild and Leader recognized as such, and also all persons recognized as officers, under the by-laws and rules of The Scout Association or the Constitution, by-laws and rules of the Hong Kong Branch thereof."

Amendment
of sections
3 and 4.

6. Sections 3(b) and 4(b) of the principal Ordinance are amended by deleting "or the characters "童子軍" " and substituting the following—

"any emblem referred to in paragraph (a) or the characters "童軍" ".

Amendment
of sections
5 and 6.

7. Sections 5(b) and 6 of the principal Ordinance are amended by deleting "Boy Scout" and substituting the following—
"Scout".

Amendment
of section 7.

8. Section 7(1) of the principal Ordinance is amended by—

- (a) deleting "Boy" in both places where it occurs; and
(b) deleting "the equivalent Chinese title therefor, that is to say the Chinese characters "童子軍" " and substituting the following—

"the Chinese characters "童軍" ".

Repeal and
replacement
of section 8.

9. Section 8 of the principal Ordinance is repealed and replaced by the following—

"Penalty.

8. Any person who contravenes any of the provisions of section 3, section 4, section 5, section 6

or section 7 shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000."

10. Section 9 of the principal Ordinance is amended—

Amendment
of section 9.

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

"(1) "The Scout Association, Hong Kong Branch" shall be a body corporate, hereinafter called the corporation, and shall consist of the persons for the time being holding the offices of—

- (a) President;
(b) Chief Commissioner;
(c) Chairman of the Executive Committee; and
(d) Honorary Treasurer.

(1A) The corporation shall have perpetual succession, may sue and be sued in all courts and shall have and may use a common seal."; and

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

"Chief Commissioner, Chairman of the Executive Committee".

11. The principal Ordinance is amended by adding after section 9 the following new section—

Addition of
new section
9A.

"Officers
deputies.

9A. (1) Where any of the officers specified in section 9(1) is unable, by reason of sickness, absence from Hong Kong or any other cause, to discharge any of the powers or duties to be exercised or performed by him under this Ordinance, those powers or duties may be exercised or performed by his deputy.

(2) The deputy to the President shall be such one of the Vice-Presidents as may be nominated by the President as his deputy and appointed in accordance with the Constitution of The Scout Association, Hong Kong Branch."

12. Section 10 of the principal Ordinance is amended by inserting after subsection (2) the following new subsection—

Amendment
of sec-
tion 10.

"(3) The corporation may, with the approval of The Scout Association, purchase or otherwise acquire and undertake all or any part of the property, liabilities or engagements of any company, institution, society or association whose

activities or objects are connected with or are similar to those of the corporation.”.

Repeal and replacement of sections 11 and 12.

13. Sections 11 and 12 of the principal Ordinance are repealed and replaced by the following—

“Execution of documents.

11. All instruments requiring the signature of the corporation shall be signed by, and all deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of, the President and one of the persons specified in section 9(1)(b), (c) and (d).

Internal management.

12. All matters of internal management shall be settled and carried out in accordance with the by-laws and rules of The Scout Association, and with the Constitution, by-laws and rules of the Hong Kong Branch thereof.”.

Passed by the Hong Kong Legislative Council this 20th day of March 1975.

W. W. W. W.
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.

HONG KONG

No. 20 OF 1975



I assent.

M. N. S. S.
Governor

3rd April, 1975.

An Ordinance to amend the Public Order Ordinance.

[4th April, 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 Order (Amendment) Ordinance 1975. Short title.

2. Section 33 of the principal Ordinance is amended by adding the following new subsection after subsection (7)— Amendment of section 33. (Cap. 245.)

“(8) In this section “public place” includes a common part of any premises notwithstanding that the public or a section of the public are not entitled or permitted to have access to such common part or such premises.”.

Passed by the Hong Kong Legislative Council this 2nd day of April, 1975.

W. W. W. W.
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.



HONG KONG

No. 21 OF 1975



I assent.

M. H. Lehn.
Governor.

3rd April, 1975.

An Ordinance to amend the Summary Offences Ordinance.

[4th April, 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) Ordinance 1975. Short title.
2. Section 4 of the principal Ordinance is amended by deleting paragraph (17) and substituting the following— Amendment of section 4. (Cap. 228.)

“(17) organizes, provides equipment for, or participates in any collection of money or sale of badges in a public place save under and in accordance with a permit in writing issued by the Director of Social Welfare;”.
3. Section 17 of the principal Ordinance is amended by— Amendment of section 17.
 - (a) deleting “spear, bludgeon or other”;
 - (b) deleting “is unable” and substituting the following—
“being unable”;

- (c) deleting "one thousand" and substituting the following—
"five thousand"; and
- (d) deleting "three months" and substituting the following—
"two years".

Passed by the Hong Kong Legislative Council this 2nd day of April, 1975.



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.

HONG KONG

No. 22 OF 1975

I assent.

M. N. Lehn
Governor

3rd April, 1975.

An Ordinance to amend the Coroners Ordinance.

[4th April, 1975]

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

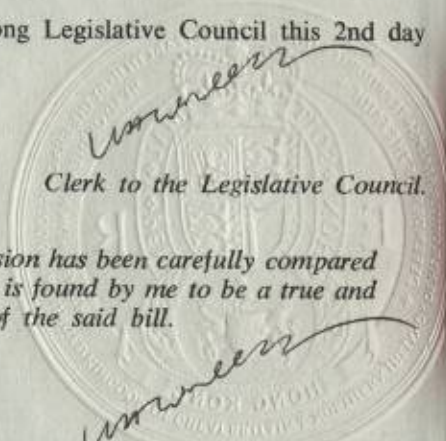
1. This Ordinance may be cited as the Coroners (Amendment) Ordinance 1975. Short title.
2. Section 5 of the principal Ordinance is amended by inserting after subsection (2) the following new subsection— Amendment of section 5. (Cap. 14.)

"(3) Where a medical officer or registered medical practitioner reports to a coroner under subsection (1) or subsection (2), he shall at the same time send a copy of such report to the Commissioner of Police."

Consequen-
tial
amendment.
(Cap. 14,
sub. leg.)

3. Rule 8(2) of the Coroners Rules is amended—
- (a) by deleting the full stop at the end thereof; and
 - (b) by inserting the following at the end thereof—
“and the Commissioner of Police.”.

Passed by the Hong Kong Legislative Council this 2nd day of April 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.

HONG KONG

No. 23 OF 1975



I assent.

M. N. S. Leung
Governor

3rd April, 1975.

An Ordinance to amend the Trustee 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 Trustee (Amendment) 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 77 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 77. (Cap. 29.)

“Application by company to be registered as a trust company. (Cap. 32.)

77. (1) Any company incorporated in Hong Kong (not being a private company within the meaning of section 29 of the Companies Ordinance) may apply in writing to the Registrar of Companies to be registered as a trust company under this Part.

(2) A company which makes an application under subsection (1) shall be eligible to be registered under this Part if, but only if—

- (a) the objects of the company as set out in its memorandum and articles of association are restricted to some or all of the objects set out in section 81;

- (b) the issued share capital of the company is not less than \$1,000,000;
- (c) in the case of a company having an issued share capital of \$1,000,000 that capital is *bona fide* fully paid up for a cash consideration and, in the case of a company having an issued share capital exceeding \$1,000,000 at least \$1,000,000 of that capital is *bona fide* paid up for a cash consideration;
- (d) the board of directors has been duly appointed in accordance with the articles of association of the company;
- (e) the company has either—

Second
Schedule.

(i) deposited with the Accountant General investments specified in the Second Schedule (other than those specified in paragraphs 7, 14, 15, 17 and 19) to the value of not less than \$500,000; or

(Cap. 155.)

(ii) deposited in the name of the Accountant General with a finance company that is a subsidiary of a bank licensed under section 7 of the Banking Ordinance a sum not less than \$500,000 and lodged a receipt issued by the finance company for that amount with the Accountant General; and

- (f) the company is able to meet its obligations, apart from its liability to its shareholders, without taking into account the investments or sum deposited under paragraph (e).

- (3) For the purposes of subsection (2)—

(Cap. 155.)

- (a) "finance company" means a company whose principal business involves the receiving on deposit of money, whether repayable to depositors with or without interest or other consideration, and the lending of that money, or a substantial part of that money, to borrowers on terms that the money is repayable to the company or its nominee with interest or at a premium or with consideration in money or money's worth, but does not include a bank licensed under the Banking Ordinance;

(Cap. 32.)

- (b) subsections (4), (5) and (6) of section 2 of the Companies Ordinance shall apply as if each reference in those subsections to "a company" or "first-mentioned company" were read as a reference to a finance company and as if each reference in those subsections to "another company" or "other company" were read as a reference to a bank licensed under section 7 of the Banking Ordinance.

(Cap. 155.)

- (4) A trust company registered under this Ordinance before the date of commencement of the Trustee (Amendment) Ordinance 1975 which has not previously complied with the requirements as to eligibility for registration as a trust company as set out in subsection (2) of this section shall, within 6 months after that date, comply with those requirements to the satisfaction of the Registrar of Companies."

3. Section 80 of the principal Ordinance is amended—

Amendment of
section 80.

- (a) in subsection (1) by deleting "the securities deposited by the company with the Accountant General under section 77 shall be held by the Accountant General" and substituting the following—

"the investments or the sum of money deposited under section 77 shall be held";

- (b) in subsection (2)—

(i) by deleting "securities" and substituting "investments"; and

(ii) by inserting, after "deposit of", the following—

"investments (being investments contemplated by section 77(2)(e)) of";

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

"(3) A trust company may, with the approval of the Accountant General and subject to such terms as he may specify—

- (a) substitute—

(i) other investments contemplated by sub-paragraph (i) of paragraph (e) of section 77(2) for all or any of the investments deposited with the Accountant General under that sub-paragraph; or

(ii) a sum of money, as contemplated by sub-paragraph (ii) of that paragraph, for the investments so deposited; or

- (b) if the company has deposited a sum of money under sub-paragraph (ii) of paragraph (e) of section 77(2), withdraw the sum and either—

(i) deposit it with another finance company; or

(ii) substitute for the sum of money so withdrawn investments contemplated by sub-paragraph (i) of that paragraph."

- (d) by deleting subsection (4) and substituting the following—

"(4) All money accruing by way of dividends or interest in respect of investments deposited with the Accountant General or in respect of sums deposited with a finance company under this Part shall be paid to the trust company which made the deposit."

4. Section 83 of the principal Ordinance is amended by inserting, after subsection (5), the following new subsection—

Amendment of
section 83.

"(6) Where any person entitled to apply for probate or letters of administration has authorized a trust company to apply for a grant in favour of the company under subsection (1) or subsection (2) and the court has subsequently made such a grant, all property, functions, powers, authorities, discretions and rights vested in or conferred on that person by the will or by law shall, on the making of the grant and without conveyance or assignment or the execution of any other instrument, become vested in and exercisable by the company as fully and effectually as if it had been named as executor under the will."

5. Section 98 of the principal Ordinance is amended by deleting subsection (4).

Amendment of
section 98.

Amendment of
section 100.

6. Section 100 of the principal Ordinance is amended—

- (a) by renumbering the section as subsection (1) thereof; and
(b) by inserting the following new subsections—

(2) Subsection (1) does not apply to a trust company that is the subsidiary of a bank licensed under section 7 of the Banking Ordinance.

(Cap. 155.)

(3) For the purposes of subsection (2) of this section, subsections (4), (5) and (6) of section 2 of the Companies Ordinance shall apply as if each reference in those subsections to "a company" or "the first-mentioned company" were read as a reference to a trust company and as if each reference in those subsections to "another company" or "other company" were read as a reference to a bank licensed under section 7 of the Banking Ordinance."

(Cap. 155.)

Amendment of
Second
Schedule.

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

- (a) in paragraph 7 by deleting "one million pounds" and substituting "£5,000,000"; and
(b) by deleting paragraph 19(c) and substituting the following—

(c) at the date the investment is made the securities are listed on a stock exchange approved or deemed to have been approved under the Securities Ordinance 1974; and".

(12 of 1974.)

Passed by the Hong Kong Legislative Council this 2nd day of April, 1975.

W. M. M. M. 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.

W. M. M. M. M.

Clerk to the Legislative Council.

HONG KONG

No. 24 OF 1975

I assent.

M. N. Lehn

Governor.

3rd April, 1975.

An Ordinance to amend the China Fleet Club Incorporation Ordinance.

[4th April, 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 China Fleet Club Short title. Incorporation (Amendment) Ordinance 1975.

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

Repeal and
replacement
of section 3.
(Cap. 1010.)

"Powers
of the
corporation.

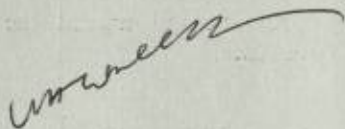
3. (1) The corporation shall have the following powers—

- (a) to acquire, lease, hold and enjoy any land or buildings on such terms as the trustees think fit;

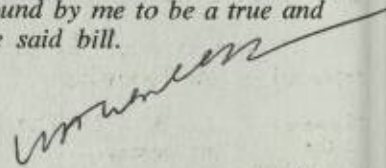
- (b) to invest its money—
- (i) on deposit at any bank, whether in Hong Kong or elsewhere; or
 - (ii) in the stocks, shares, or securities of any corporation carrying on business either in Hong Kong or elsewhere;
- (c) to purchase, hire or acquire any movable property;
- (d) to sell, lease or otherwise dispose of, and to charge, any of its property on such terms as the trustees think fit;
- (e) to develop or turn to account any of its immovable property in such manner and on such terms as the trustees think fit;
- (f) to borrow money for the corporation's purposes and to charge all or any of its movable or immovable property.

(2) The powers conferred on the corporation by subsection (1) may be exercised either alone or jointly with one or more other persons."

Passed by the Hong Kong Legislative Council this 2nd day of April 1975.


Clerk to the Legislative Council.

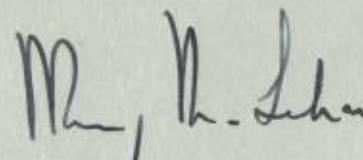
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 25 OF 1975

I assent.


Governor.

24th April, 1975.

An Ordinance to apply a sum not exceeding six thousand six hundred and fifteen million, three hundred and ninety-four thousand dollars to the Public Service for the financial year ending the 31st day of March 1976.

[25th April, 1975]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March 1976 has been estimated at the sum of six thousand six hundred and fifteen million, three hundred and ninety-four thousand dollars: Preamble.

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

1. This Ordinance may be cited as the Appropriation Ordinance 1975. Short title.

2. A sum not exceeding six thousand six hundred and fifteen million, three hundred and ninety-four thousand dollars shall be and the same is hereby charged upon the general revenues and other funds of the Colony for the service of the financial year commencing on the 1st day of April 1975, and ending on the 31st day of March 1976, and the said sum so charged may be expended in the manner expressed in the Schedule. Appropriation from the general revenues and other funds.
Schedule.

SCHEDULE

[s. 2.]

Number of vote	Head of Expenditure	Amount of vote
		\$
21.	His Excellency the Governor's Establishment ...	1,769,000
22.	Agriculture and Fisheries Department	31,336,000
23.	Audit Department	4,252,000
24.	Census and Statistics Department	8,736,000
25.	Civil Aviation Department	34,345,000
26.	Colonial Secretariat	52,844,000
27.	Colonial Secretariat: London Office	6,399,000
28.	Commerce and Industry Department	46,801,000
29.	Defence: Auxiliary Fire Service	4,000
30.	Defence: Auxiliary Medical Service	1,959,000
31.	Defence: Civil Aid Services	3,869,000
32.	Defence: Essential Services Corps and Directorate of Manpower	295,000
33.	Defence: Miscellaneous Measures	113,214,000
34.	Defence: Royal Hong Kong Auxiliary Air Force	4,077,000
35.	Defence: Royal Hong Kong Regiment (The Volunteers)	3,205,000
36.	Education Department	194,211,000
37.	Fire Services Department	89,740,000
38.	Government Supplies Department	18,843,000
39.	Home Affairs Department	16,692,000
40.	Housing Department	122,165,000
41.	Immigration Department	28,471,000
42.	Information Services Department	10,636,000
43.	Inland Revenue Department	33,634,000
44.	Judiciary	25,939,000
45.	Kowloon-Canton Railway	23,893,000
46.	Labour Department: Labour Division	16,558,000
47.	Labour Department: Mines Division	4,655,000
48.	Legal Department	8,903,000
49.	Legal Aid Department	8,434,000
50.	Marine Department	55,985,000
51.	Medical and Health Department	379,706,000
52.	Miscellaneous Services	370,988,000
53.	New Territories Administration	37,715,000
54.	Office of Unofficial Members of Executive and Legislative Councils	1,528,000
55.	Pensions	174,272,000
56.	Police: Royal Hong Kong Police Force	422,550,000
57.	Police: Royal Hong Kong Auxiliary Police Force	34,418,000
58.	Post Office	123,209,000
59.	Printing Department	23,647,000
60.	Prisons Department	80,402,000
61.	Public Debt	17,002,000

Number of vote	Head of Expenditure	Amount of vote
		\$
62.	Public Services Commission	449,000
63.	Public Works Department: Headquarters	7,456,000
64.	Public Works Department: Building Development	56,711,000
65.	Public Works Department: Engineering Development	132,201,000
66.	Public Works Department: Lands and Survey	27,176,000
67.	Public Works Department: New Territories Development	3,853,000
68.	Public Works Department: Water Supplies	57,782,000
69.	Public Works Recurrent	323,700,000
70.	Public Works Non-recurrent: Headquarters	85,066,000
71.	Public Works Non-recurrent: Buildings	218,086,000
72.	Public Works Non-recurrent: Engineering	412,906,000
73.	Public Works Non-recurrent: New Towns and Public Housing (other than Housing Authority)	530,716,000
74.	Public Works Non-recurrent: Waterworks	354,140,000
75.	Radio Hong Kong	11,505,000
76.	Rating and Valuation Department	11,429,000
77.	Registrar General's Department	10,894,000
78.	Registration of Persons Department	5,070,000
79.	Registry of Trade Unions	597,000
80.	Royal Observatory	8,460,000
81.	Social Welfare Department	264,886,000
82.	Subventions: Education	797,010,000
83.	Subventions: Medical	188,435,000
84.	Subventions: Miscellaneous	59,155,000
85.	Subventions: Social Welfare	47,650,000
86.	Transport Department	14,082,000
87.	Treasury	11,657,000
88.	Universities and Polytechnic	290,807,000
89.	Urban Services Department	46,214,000
	TOTAL	6,615,394,000

Passed by the Hong Kong Legislative Council this 23rd day of April, 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.

HONG KONG

No. 26 OF 1975



I assent.

M. N. S. Lee
Governor.

24th April, 1975.

An Ordinance to amend the Companies Ordinance.

[25th April, 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 Companies (Amendment) Ordinance 1975. Short title.
2. The Eighth Schedule to the principal Ordinance is amended in Part I— Amendment of Eighth Schedule. (Cap. 32.)
 - (a) in item (a)—
 - (i) by deleting in the second column "100.00" and substituting the following— "300.00"; and
 - (ii) by deleting in the second column "2.00" and substituting the following— "4.00";
 - (b) in item (b) by deleting in the second column "2.00" in both places where it appears and substituting in each case the following— "4.00"; and

(c) in item (c) by deleting in the second column "2.00" and substituting the following—
"4.00".

Passed by the Hong Kong Legislative Council this 23rd day of April, 1975.

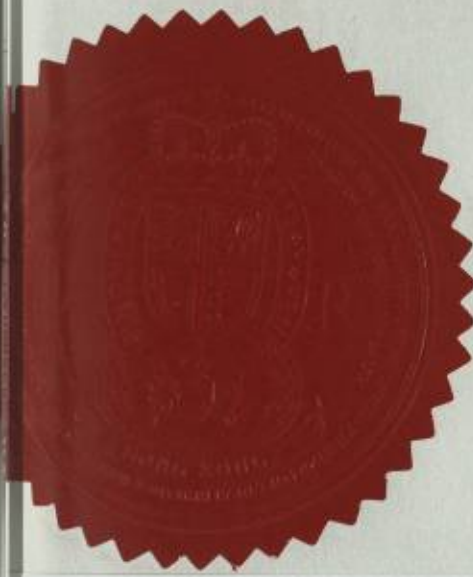
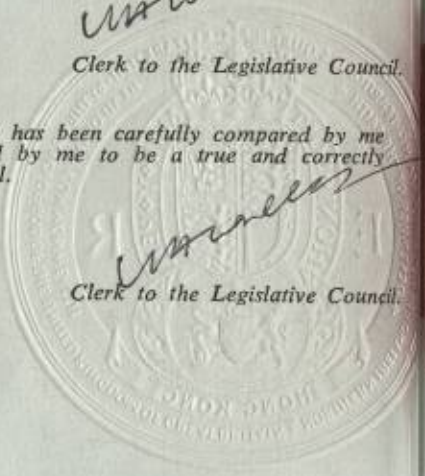
[Handwritten signature]

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.

[Handwritten signature]

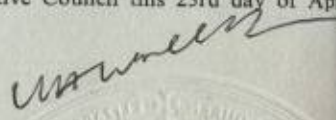
Clerk to the Legislative Council.



I assent.

[Handwritten signature: Mr. R. Leung]

4.00
Passed by the Hong Kong Legislative Council this 23rd day of April, 1975.


Clerk to the Legislative Council.

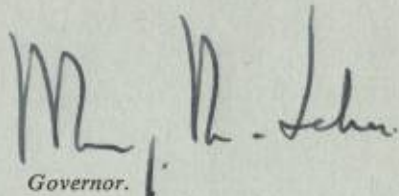
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 27 OF 1975

I assent.


Governor.

24th April, 1975.

An Ordinance to amend the Stamp Ordinance and the Stamping and Denoting of Documents Regulations.

[25th April, 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 Stamp (Amendment) Ordinance 1975. Short title.

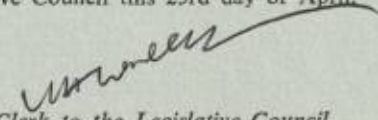
2. The Schedule to the principal Ordinance is amended in head 11(2) by deleting paragraph (a) in the second column and substituting the following— Amendment of Schedule. (Cap. 117.)

“(a) 30 cents.”.

3. Regulation 2 of the Stamping and Denoting of Documents Regulations is amended by inserting, after “25 .,” in the first place where it appears, the following— Amendment of regulation 2 of Stamping and Denoting of Documents Regulations. (Cap. 117, sub. leg.)

“30 .”.

Passed by the Hong Kong Legislative Council this 23rd day of April, 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. [Signature]

Clerk to the Legislative Council.



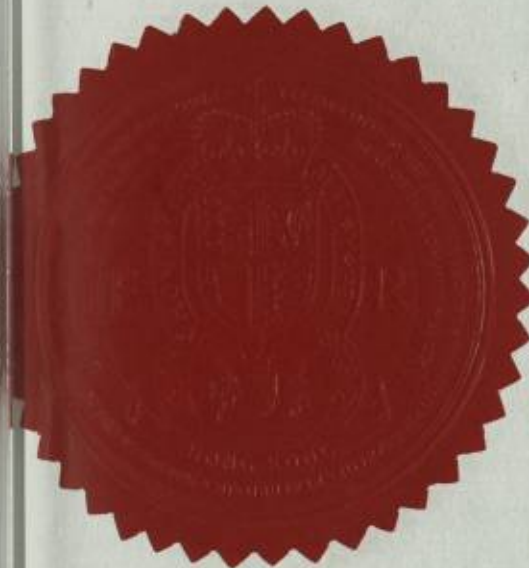
I assent.

M. N. [Signature]
Governor

HONG KONG

No. 28 OF 1975

W. W. W.
Clerk to the Legislative Council.



I assent.

M. N. S. Chow
Governor.

24th April, 1975.

An Ordinance to prohibit certain practices relating to sales purporting to be sales by auction.

[25th April, 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 Mock Auctions Ordinance 1975. Short title.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.
"competitive bidding" includes any mode of sale by which prospective purchasers can compete for the purchase of articles, whether by way of increasing bids or by the offer of articles to be bid for at successively decreasing prices or otherwise; [cf. 1961 c. 47, s. 3.]

"lot" means a lot consisting of or including one or more prescribed articles;

"prescribed article" means any article belonging to a class of article specified in the Schedule; Schedule.

"sale of goods by way of competitive bidding" means any sale of goods at which the persons present, or some of them, are invited to buy articles by way of competitive bidding;

"stated", in relation to a sale of goods by way of competitive bidding, means stated by or on behalf of the person conducting the sale, by an announcement made to the persons for the time being present at the sale.

(2) For the purposes of this Ordinance—

- (a) any bid stated to have been made at a sale of goods by way of competitive bidding shall be conclusively presumed to have been made, and to have been a bid of the amount stated;
- (b) any reference in this Ordinance to the sale of a lot to a person who has made a bid for it includes a reference to a purported sale of it to a person stated to have bid for it, whether that person exists or not; and
- (c) any thing done in or about the place where a sale of goods by way of competitive bidding is held, if done in connexion with the sale, shall be taken to be done during the course of the sale, whether it is done at the time when any articles are being sold or offered for sale by way of competitive bidding or before or after any such time.

3. (1) Any person who promotes or conducts, or assists in the promotion or conduct of, a mock auction at which one or more lots are sold or offered for sale shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$20,000 and to imprisonment for 5 years.

(2) Subject to subsection (3), for the purposes of this Ordinance a sale of goods by way of competitive bidding shall be taken to be a mock auction if, during the course of the sale,—

- (a) any lot is sold to a person bidding for it, and—
 - (i) the lot is sold to him at a price lower than the amount of his highest bid for it;
 - (ii) the whole or any part of the price at which the lot was sold is subsequently refunded or credited to him or his nominee; or
 - (iii) the money, or any part of the money, used to pay for the lot has been provided by the person promoting or conducting the sale or by any person assisting him;
- (b) the right to bid for any lot is restricted, or is stated to be restricted, to persons who have bought or agreed to buy one or more articles;
- (c) any articles are given away or are offered as gifts; or
- (d) any lot placed or wrapped in an opaque container or wrapper is sold or offered for sale without the contents of the container or wrapper being disclosed.

(3) A sale of goods shall not be taken to be a mock auction by virtue of subsection (2)(a), if it is proved that the reduction in price, or the refund or the credit, as the case may be,—

- (a) was on account of a defect discovered after the highest price in question had been made, being a defect of which the person conducting the sale was unaware when that bid was made; or
- (b) was on account of damage sustained after the bid was made.

(4) A sale of goods shall not be taken to be a mock auction by virtue of subsection (2) if the sale is held by or for the purposes of any trust or organization which is a charity within the meaning of section 2 of the Registered Trustees Incorporation Ordinance.

Offence to promote or conduct a mock auction. [cf. 1961 c. 47, s. 1.]

(Cap. 306.)

(5) In any proceedings for an offence of assisting in the promotion or conduct of a mock auction, the accused shall have a good defence if he satisfies the court that, although he did the act in question, he did not know, and had no reason to believe, that the sale of goods by way of competitive bidding to which the charge relates was a mock auction.

4. (1) A person who promotes or conducts a mock auction in contravention of section 3 shall, in addition to any liability he may incur under that section, be liable to pay compensation by way of damages to any person who has sustained pecuniary loss as a result of having purchased any prescribed article at the mock auction.

Liability to pay compensation.

(2) An action may be brought under subsection (1) in respect of a contravention referred to in that subsection notwithstanding that no person has been charged or convicted under section 3 in respect of the contravention.

(3) Where a person is convicted of an offence under section 3, an order for the payment of compensation may be made under section 73 of the Criminal Procedure Ordinance or section 98 of the Magistrates Ordinance, as the case may be, and those sections shall apply accordingly.

(Cap. 221.)
(Cap. 227.)

(4) If an action is brought under subsection (1) after an order has been made under section 73 of the Criminal Procedure Ordinance or section 98 of the Magistrates Ordinance, the court shall, if it decides to award damages, take into consideration the amount of compensation awarded under the order.

(5) Nothing in this section limits or diminishes any liability which any person may incur under the common law.

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

Amendment of Schedule.

SCHEDULE

[ss. 2 & 5.]

PRESCRIBED ARTICLES

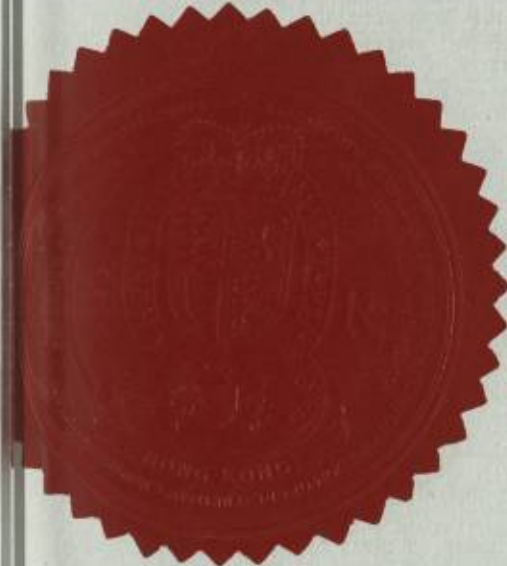
1. Any plate or plated articles.
2. Linen or articles of clothing.
3. Pictures or prints.
4. China, glassware or antiques.
5. Items of furniture.
6. Items of jewellery.
7. Household appliances and utensils.
8. Electrical appliances and equipment.
9. Articles of personal use or ornament.
10. Ornaments and musical instruments.
11. Any scientific instrument or apparatus.

Passed by the Hong Kong Legislative Council this 23rd day of April, 1975.

W. M. M. 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.

W. J. [Signature]
Clerk to the Legislative Council.



I assent.

[Signature]
Governor.

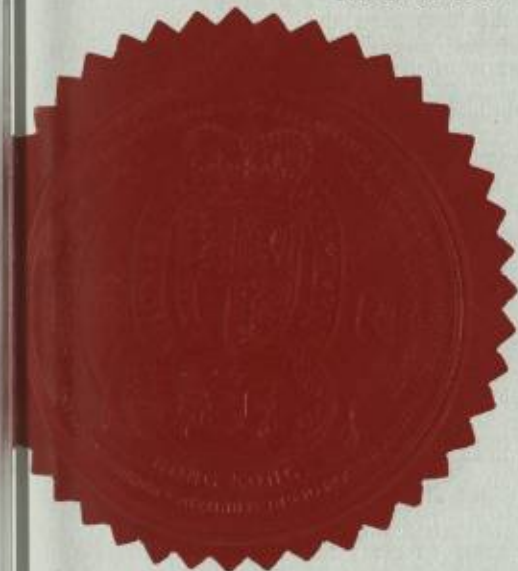
24th April, 1975.

An Ordinance to amend the Fire Services Ordinance.

W. Marshall
Clerk to the Legislative Council.

HONG KONG

No. 29 OF 1975



I assent.

M. N. Lehn
Governor.
24th April, 1975.

An Ordinance to amend the Fire Services 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 Fire Services (Amendment) 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 2 of the principal Ordinance is amended—

(a) by deleting the definition of "Colonial Regulations";

(b) in the definition of "fire hazard" by inserting in paragraph (e) after "outside the building" the following—

"or using such means of egress for a purpose which gives rise to any circumstance described in paragraph (f)";

(c) by deleting the definition of "member" and substituting the following—

Sixth Schedule. "member" means a person holding any rank in the Fire Services Department set out in the Sixth Schedule;";

(d) by inserting after the definition of "member" the following new definitions—

Sixth Schedule. "member of other ranks" means a member holding a rank set out in Part III of the Sixth Schedule;

"occupier" means in the case of domestic buildings a person resident therein and in the case of other buildings means a person carrying on an occupation full-time in such building;"; and

Amendment of section 2. (Cap. 95.)

(e) by deleting from the definition of "rank and file" to the end of the section and substituting the following—

- Sixth Schedule. "senior officer" means a member holding a rank set out in Part I of the Sixth Schedule;
Sixth Schedule. "subordinate officer" means a member holding a rank set out in Part II of the Sixth Schedule."

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

"Constitution. 3. (1) The Fire Services Department shall consist of such senior officers, subordinate officers and members of other ranks as the Governor may direct.

Seventh Schedule. (2) A person holding a post in the Fire Services Department specified in the Seventh Schedule shall be deemed to be a member of the Department for the purposes of sections 6(2), 10, 18, 19, 22, 23, 27(1) and 28."

4. Section 6(2) of the principal Ordinance is amended—

- (a) by deleting "officer of the Fire Services Department" and substituting the following—
"member"; and
(b) by deleting "or a head mechanic or ambulance dresser".

5. Section 7 of the principal Ordinance is repealed and replaced by the following—

"Duties of Fire Services Department. 7. The duties of the Fire Services Department shall be to—

- (a) give advice on fire protection measures as occasion requires;
(b) extinguish fires;
(c) protect life and property in case of fire or other calamity;
(d) assist any person who appears to need prompt or immediate medical attention by—
(i) securing his safety;
(ii) resuscitating or sustaining his life;
(iii) reducing his suffering or distress;
(e) convey—
(i) any person referred to in paragraph (d) to a hospital or other place where medical attention is available to him; and
(ii) in co-operation with the proper authorities, any person to or from any hospital or clinic to or from any other place, and administer care and attention to any person so conveyed;
(f) carry out such other duties as may be imposed on it by law or by any direction of the Governor; and
(g) do any thing which is necessary or desirable to carry out effectively any duty which is specified in this section or imposed under paragraph (f)."

6. Section 8(2) of the principal Ordinance is amended by deleting "Fourth" and substituting the following—
"Fifth".

7. Section 9 of the principal Ordinance is amended—

Amendment of section 9.

- (a) in subsection (1)(a), by—
(i) deleting "in any premises" and substituting the following—
"in or on any premises";
(ii) deleting "premises in which" and substituting the following—
"premises in or on which"; and
(iii) deleting "Fourth" and substituting the following—
"Fifth";
(b) in subsection (1)(b), by deleting "in the same premises" and substituting the following—
"in or on the same premises";
(c) in subsection (2), by deleting "premises on which" and substituting the following—
"premises in or on which";
(d) in subsection (3), by—
(i) deleting "one" and substituting the following—
"two"; and
(ii) deleting "twenty" and substituting the following—
"forty";
(e) in subsection (3A), by deleting "in the premises" in each place where the phrase occurs and substituting the following—
"in or on the premises";
(f) in subsection (4), by—
(i) deleting "in the same premises" and substituting the following—
"in or on the same premises"; and
(ii) deleting "Fourth" and substituting the following—
"Fifth";
(g) in subsection (9)(a), by—
(i) deleting "two" and substituting the following—
"four"; and
(ii) deleting "fifty" and substituting the following—
"one hundred";
(h) in subsection (10)(b), by deleting "fifty" in both places where it occurs and substituting the following—
"one hundred"; and
(i) in subsection (11), by deleting paragraph (b) and substituting the following—
"(b) The money arising from the sale of any property under this subsection may be retained by the Director and applied in payment of the expenses incurred by him in connexion with the abatement of the fire hazard and the surplus, if any, shall be paid—
(i) to the owner of such property if he applies therefor within 12 months of the date of sale; or
(ii) into the general revenue of the Colony if, or to the extent to which, the surplus is not disposed of under sub-paragraph (i)."

Repeal and replacement of section 3.

Amendment of section 6.

Repeal and replacement of section 7.

Amendment of section 8.

Amendment of section 9A.

8. Section 9A(2) of the principal Ordinance is amended—
- (a) in paragraph (a)(i), by deleting "in the premises in which" and substituting the following—
"in or on the premises where"; and
- (b) in paragraph (a)(ii), by deleting "in the premises" and substituting the following—
"in or on the premises".

Amendment of section 10.

9. Section 10 of the principal Ordinance is amended by deleting "officer" and substituting the following—
"member".

Amendment of section 14.

10. Section 14 of the principal Ordinance is amended—
- (a) by deleting "of the rank and file" in both places where it occurs and substituting the following—
"member of other ranks";
- (b) in subsection (1)—
- (i) by inserting in paragraph (b), after "contained in", the following—
"Part I of";
- (ii) by deleting the colon and substituting a full stop; and
- (iii) by deleting the proviso; and
- (c) by inserting after subsection (2) the following new subsection—
"(3) Notwithstanding subsection (2) of section 6, the Director shall not, pursuant to that subsection, authorize any other member to exercise the powers of dismissal conferred upon him by this Ordinance."

Addition of new sections 14A and 14B.

"Punishment of subordinate officers and members of other ranks guilty of a criminal offence. Second Schedule.

Appeals and review. Fourth Schedule.

11. The principal Ordinance is amended by adding after section 14 the following new sections—

14A. (1) If in criminal proceedings before any court a subordinate officer or a member of other ranks is found guilty of or pleads guilty to any offence and any appeal in or other application for review of those proceedings is not allowed or is withdrawn, the officer or member may be punished in accordance with Part II of the Second Schedule.

(2) In subsection (1), "criminal proceedings" and "offence" include, respectively—

- (a) criminal proceedings in, and
(b) a criminal offence against the law of, any place outside Hong Kong.

14B. (1) The provisions in the Fourth Schedule shall have effect for the purpose of—

- (a) conferring on a subordinate officer or a member of other ranks the rights of appeal against a finding or punishment set out in that Schedule; and
(b) making provision as to the bringing and disposal of such appeals and the procedure therefor.

(2) Any restriction in law on the power of the Governor to delegate the hearing of an appeal shall not apply to an appeal referred to in subsection (1).

(3) Where a subordinate officer or member of other ranks has been found guilty of a disciplinary offence and

has been punished by the Director or another member, the Director may, of his own motion, within 14 days of the finding or the punishment (if it was awarded on a later day), and in accordance with the provisions of the Fourth Schedule, review the finding or punishment or both, and within 14 days of the punishment he may review the punishment awarded following a plea of guilty to a disciplinary offence."

12. Section 16 of the principal Ordinance is amended—

- (a) in paragraph (a)(ii) by deleting "of the rank and file" and substituting the following—
"a member of other ranks"; and
- (b) by deleting paragraph (b) and substituting the following—
"(b) a senior officer who in criminal proceeding before any court is found guilty of or pleads guilty to any offence may be punished in accordance with Colonial Regulations and Hong Kong Regulations;"

13. Section 17 of the principal Ordinance is repealed.

14. Section 19 of the principal Ordinance is repealed and replaced by the following—

"Control of fund.

19. The Fire Services Department Welfare Fund shall be controlled by the Director, subject to regulations made under section 25, and applied—

- (a) in recompensing members for extra services rendered by them;
- (b) for the purpose of—
- (i) procuring comforts, convenience and other benefits, which are not chargeable to public revenue, for, and
(ii) granting loans to, members, former members who have retired on pension, gratuity or other allowance or persons who were wholly or partially dependent on a deceased member or former member at the time of his death."

15. Section 22 of the principal Ordinance is amended—

- (a) by renumbering that section as subsection (1); and
(b) by inserting thereafter the following new subsection—

"(2) Where a member has done or omitted to do any thing in connexion with his duties which he is empowered to do or omit to do on the occasion of a fire or other calamity, and it is subsequently discovered that a fire or other calamity had not in fact occurred, such act or omission shall be deemed to have been done or omitted pursuant to this Ordinance if it was done or omitted in good faith and would have been lawfully done or omitted if a fire or other calamity had in fact occurred."

16. Section 23(1) of the principal Ordinance is amended by deleting "or business or vessel" and substituting the following—

" , vessel, vehicle or aircraft".

Amendment of section 16.

Repeal of section 17.

Repeal and replacement of section 19.

Amendment of section 22.

Amendment of section 23.

Amendment of section 25.

17. Section 25 of the principal Ordinance is amended in paragraph (a) by deleting "members" and substituting the following—
"subordinate officers and members of other ranks".

Repeal and replacement of section 26.

18. Section 26 of the principal Ordinance is repealed and replaced by the following—

"Amendment of Schedules.

26. The Governor in Council may by regulation amend—

- (a) the Sixth and Seventh Schedules to show respectively the ranks in the Fire Services Department and the posts specified for the purposes of section 3(2) in such manner as he thinks fit; and
(b) any other Schedule to make therein any provision which he could make by regulation under section 25."

Amendment of section 27.

19. Section 27 of the principal Ordinance is amended—
(a) in subsection (1) by deleting "two hundred and fifty" and substituting the following—
"one thousand";
(b) in subsection (2)(b) by inserting after "fire" the following—
"or other calamity"; and
(c) in subsection (3) by deleting "two hundred and fifty dollars" and substituting the following—
"five thousand dollars and to imprisonment for six months".

Amendment of section 28.

20. Section 28 of the principal Ordinance is amended by deleting "knowingly gives or causes to be given a false alarm of fire" and substituting the following—
"gives or causes to be given an alarm of fire or other calamity which he knows to be false".

Amendment of First Schedule.

21. The First Schedule to the principal Ordinance is amended in paragraph (11) by deleting "through drinking intoxicating liquor" and substituting the following—
"by reason of intoxicating drink or of drugs taken otherwise than under medical direction".

Amendment of Second Schedule.

22. The Second Schedule to the principal Ordinance is amended—
(a) by inserting immediately under "SECOND SCHEDULE" the following—
"PART I";
(b) in the heading by deleting "rank and file" and substituting the following—
"members of other ranks";
(c) in rule 10(b) by deleting "; or" and substituting a full stop;
(d) by deleting rule 10(c);
(e) by inserting after rule 11 the following new rule—

"12. Where the Director has delegated any function, power or duty to another member pursuant to section 6(2), references in rules 8, 9 and 10—

- (a) to the Director, shall be read as if they were references to that other member; and
(b) to the Governor, shall be read as if they were references to the Director.

but any case referred to the Director by another member pursuant to rule 8(b) (as modified by this rule) may be referred to the Governor by the Director in accordance with rules 9 and 10."; and

- (f) by inserting after rule 12 the following—

"PART II [s. 14A.]

Rules for awarding punishment where a criminal offence has been committed by a subordinate officer or a member of other ranks

1. In the case of a subordinate officer, the Director shall as soon as practicable—

- (a) refer the case to the Governor; and
(b) notify the subordinate officer that he has done so and that the subordinate officer may make representations in writing to the Governor in mitigation of punishment within 14 days of receiving such notice or within such further period as the Governor may allow.

2. In referring a case under rule 1 the Director shall send to the Governor—

- (a) a copy of the record of the proceedings;
(b) the officer's conduct sheet; and
(c) the recommendation of the Director with respect to punishment or otherwise.

3. The Governor may, after considering any representations made by the officer, award any one or more of the punishments which he may award under paragraph (1) of Part I of the Third Schedule in respect of a disciplinary offence by a subordinate officer.

Third Schedule.

4. In the case of a member of other ranks, the Director shall notify the member that he may make representations in writing in mitigation of punishment within 14 days of receiving such notification and, after considering any such representations, may award any one or more of the punishments which he may award under Part II of the Third Schedule."

Third Schedule.

23. The Third Schedule to the principal Ordinance is amended—

- (a) in the heading by deleting "rank and file" and substituting the following—
"members of other ranks";
(b) in Part I—
(i) by inserting in paragraph (1)(a), after "any", the following—
"one or more";
(ii) by deleting sub-paragraphs (v), (vi) and (vii) of paragraph (1)(a) and substituting the following—
"(v) severe reprimand;
(vi) reprimand;
(vii) extra duties";
(iii) by deleting paragraph (2) and substituting the following—
"(2) by the Director any one or more of the following—
(a) reduction in rank;

Amendment of Third Schedule.

- (b) stoppage or deferment of increment;
 - (c) a fine not exceeding one month's salary (excluding allowances);
 - (d) severe reprimand;
 - (e) reprimand;
 - (f) extra duties."; and
- (c) by deleting Part II and substituting the following—

"PART II—MEMBERS OF OTHER RANKS

Members of other ranks found guilty of an offence against discipline may be punished by the Director or the Governor—

- (a) by any one or more of the following—
 - (i) dismissal;
 - (ii) reduction in rank;
 - (iii) stoppage or deferment of increment;
 - (iv) a fine not exceeding one month's salary (excluding allowances);
 - (v) severe reprimand;
 - (vi) reprimand;
 - (vii) extra duties;
- (b) in addition to the above, by an order for the payment of compensation for any loss of or damage to any article of clothing, equipment or other property whatever with which he has been provided or entrusted, or to any Government property."

Renumbering of Fourth Schedule.

24. The principal Ordinance is amended by renumbering the Fourth Schedule as the Fifth Schedule.

Addition of new Fourth Schedule.

25. The principal Ordinance is amended by adding, after the Third Schedule, the following new Schedule—

"FOURTH SCHEDULE [s. 14B.]

Rights of appeal and related provisions

1. A subordinate officer or member of other ranks (including one who has been dismissed) may appeal, in accordance with the following rules, against—

- (a) a finding by the Director or other member that he is guilty of a disciplinary offence;
- (b) any punishment awarded by the Director or other member, other than under rule 4.

2. A member of other ranks may also appeal, in accordance with the following rules, against a punishment awarded to him by the Director under Part II of the Second Schedule.

Second Schedule.

3. The appeal shall lie—
- (a) to the Governor, in respect of a finding made or punishment awarded by the Director; and
 - (b) to the Director, in all other cases.

4. Upon an appeal, the Governor or the Director, as the case may be, may—

- (a) confirm or reverse the finding;
- (b) confirm the punishment;
- (c) subject to rule 9, substitute any other punishment which could have been awarded in the first instance;
- (d) remit the punishment in full or in part without substituting any other punishment;
- (e) if he dismisses an appeal against a finding and no punishment has been awarded, treat the appeal as if it were a case referred to him for punishment and award any punishment or take any other action which he is authorized to take.

5. Upon a review under section 14B(3) the Director may exercise any of the powers in rule 4(a), (b), (c) or (d).

6. An appeal shall be made in writing within 14 days from the day on which the subordinate officer or member of other ranks is informed that he has been found guilty of an offence or from any later day on which punishment is awarded for that offence.

7. For the purpose of any appeal against a finding, the Governor or the Director, as the case may be, may—

- (a) take again the whole or any part of the evidence or accept in whole or in part the record of the evidence already taken; and
- (b) hear any additional evidence which he may consider relevant,

and the Director may exercise the like powers where he reviews a finding under section 14B(3).

8. In the event of an appeal, any punishment (other than a reprimand or severe reprimand) awarded to a subordinate officer or a member of other ranks shall be suspended until the appeal is disposed of or abandoned.

9. Neither the Director nor the Governor shall award a greater punishment under rules 4 and 5 without first allowing the subordinate officer or member of other ranks a reasonable opportunity to be heard or to make representations in writing as to why the punishment should not be increased."

26. The principal Ordinance is amended by adding after the Fifth Schedule the following new Schedules—

Addition of new Sixth and Seventh Schedules.

"SIXTH SCHEDULE [ss. 2 & 26.]

Ranks in the Fire Services Department

PART I—SENIOR OFFICERS

Director of Fire Services
 Deputy Director of Fire Services
 Chief Fire Officer
 Assistant Chief Fire Officer
 Chief Ambulance Officer
 Assistant Chief Ambulance Officer
 Divisional Officer
 Ambulance Superintendent

PART II—SUBORDINATE OFFICERS

Assistant Divisional Officer
Senior Ambulance Officer
Station Officer
Ambulance Officer

PART III—MEMBERS OF OTHER RANKS

Principal Fireman
Principal Ambulanceman
Senior Fireman
Senior Ambulanceman
Fireman
Ambulanceman

SEVENTH SCHEDULE [ss. 3(2) & 26.]

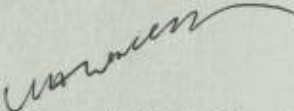
Posts specified for purposes of section 3(2)

Fire Services Ventilation Officer
Assistant Fire Services Ventilation Officer
Fire Services Training Officer (Physical Education)
Assistant Fire Services Training Officer (Physical Education)
Electrical Inspector Class II".

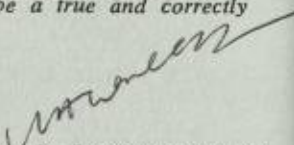
Cancellation.
(Cap. 95,
sub. leg.)

27. The Duties of the Fire Services Department Notice is cancelled.

Passed by the Hong Kong Legislative Council this 23rd day of April,
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. Lehman
Governor.

HONG KONG

No. 30 OF 1975



I assent.

M. N. Lehn
Governor.

8th May, 1975.

An Ordinance to amend the Banking Ordinance.

[9th May, 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 Banking (Amendment) Ordinance 1975. Short title.

2. Section 12B of the principal Ordinance is amended—

Amendment of
section 12B.
(Cap. 155.)

(a) in subsection (1) by deleting "one thousand dollars" in each case where it appears and substituting in both places the following—
"\$10,000"; and

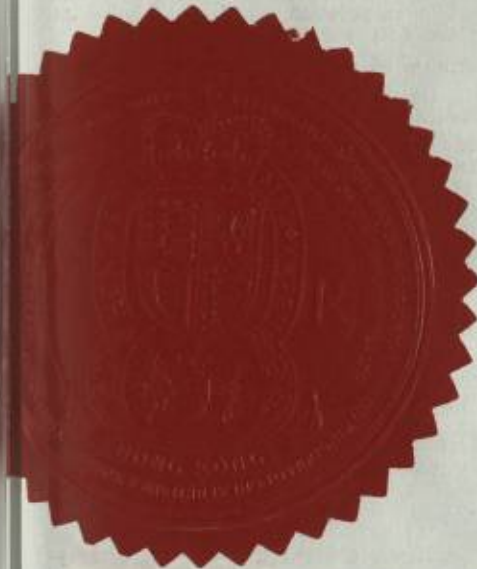
(b) in subsection (2) by deleting "one thousand dollars" and substituting the following—
"\$10,000".

Passed by the Hong Kong Legislative Council this 7th day of May, 1975.

W. Green
Clerk of 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.

[Handwritten signature]
Clerk to the Legislative Council.



I assent.

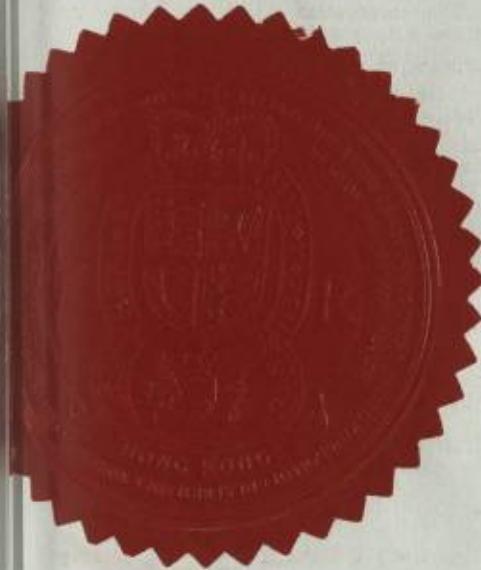
[Handwritten signature]
Governor.

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



HONG KONG

No. 31 of 1975



I assent.

M. N. Lehn
Governor.

8th May, 1975.

An Ordinance to amend the Betting Duty Ordinance.

[9th May, 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) Ordinance 1975. Short title.

2. Section 6 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 6.

^{"Duty on bets and cash-sweeps.}

6. (1) On every bet made on any totalisator or *pari-mutuel* authorized by this Ordinance, there shall be charged a duty—

(Cap. 108.)

- (a) in the case of a win bet, a place bet, a double bet, a quinella bet and a forecast bet, at the rate of 7½ per cent of the amount of every such bet; and
- (b) in the case of any other form of bet, at the rate of 11 per cent of the amount of every such bet.

(2) On every cash-sweep ticket sold and on every cash-sweep chance allocated by list as provided in section 4 there shall be charged a duty at the rate of 25 per cent on the amount paid, contributed or subscribed.

(3) The rates of duty specified in subsections (1) and (2) may be amended by resolution of the Legislative Council.

(4) The secretary, treasurer and every steward and member of the committee of management of the club, as well as the club itself if a corporation, shall be jointly and severally liable for the duty payable.

(5) For the purposes of this section—

“double bet” means the form of betting where the first horse in each of two races has to be selected;

“forecast bet” means the form of betting where, in one race, the first and second horses in the correct finishing order have to be selected;

“place bet” means the form of betting where, in one race, the first horse, or the first or second horse, or the first, second or third horse, as the case may be, has to be selected in order to be paid a dividend from the place pool;

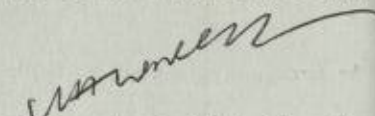
“quinella bet” means the form of betting where, in one race, the first two horses have to be selected;

“win bet” means the form of betting where, in one race, the first horse has to be selected.”

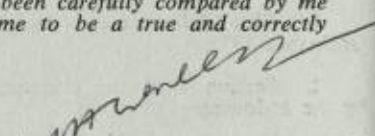
Effect of
section 2.

3. Section 2 shall have effect in respect of every bet made, cash-sweep ticket sold and cash-sweep chance allocated on or after the 1st April 1975.

Passed by the Hong Kong Legislative Council this 7th day of May, 1975.

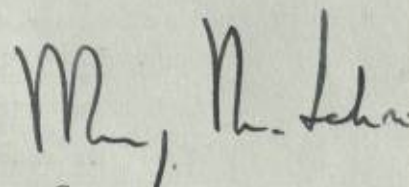

Clerk to the Legislative Council.

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.



HONG KONG

No. 32 OF 1975

severally liable for the duty payable.

(5) For the purposes of this section—

“double bet” means the form of betting where the first horse in each of two races has to be selected;

“forecast bet” means the form of betting where, in one race, the first and second horses in the correct finishing order have to be selected;

“place bet” means the form of betting where, in one race, the first horse, or the first or second horse, or the first, second or third horse, as the case may be, has to be selected in order to be paid a dividend from the place pool;

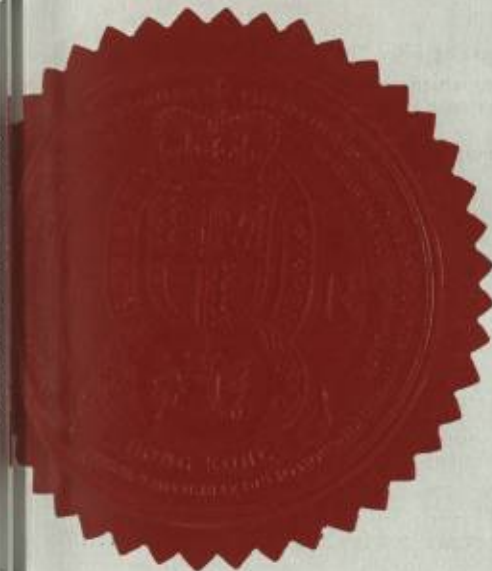
“quinella bet” means the form of betting where, in one race, the first two horses have to be selected;

“win bet” means the form of betting where, in one race, the first horse has to be selected.”

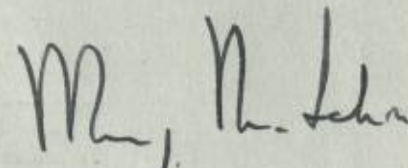
Effect of
section 2.

3. Section 2 shall have effect in respect of every bet made, cash-sweep ticket sold and cash-sweep chance allocated on or after the 1st April 1975.

Passed by the Hong Kong Legislative Council this 7th day of May, 1975.



I assent.


Governor

8th May, 1975.

An Ordinance to amend the Business Registration Ordinance.

[9th May, 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 Business Registration (Amendment) Ordinance 1975. Short title.

2. Section 2(1) of the principal Ordinance is amended— Amendment of section 2.

(a) in the definition of “business” by inserting after “gain” the following— (Cap. 310.)

“and also means a club”; and

(b) by inserting after the definition of “business” the following new definition—

““club” means any corporation or association of persons formed for the purpose of affording its members facilities for social intercourse or recreation and which—

(a) provides services for its members (whether or not for the purposes of gain); and

(b) has club premises of which its members have a right of exclusive use;”.

Amendment of section 5.

- 3. Section 5 of the principal Ordinance is amended—
 - (a) in subsection (1) by inserting after "any new business" the following—
 - “, or carrying on any business to which this Ordinance is made to apply”; and
 - (b) in subsection (2) by inserting after "new business" the following—
 - “or of the date on which this Ordinance is made to apply to a business, as the case may be.”.

Amendment of section 16.

4. Section 16 of the principal Ordinance is amended by deleting paragraph (b).

Amendment of Schedule.

- 5. The Schedule to the principal Ordinance is amended—
 - (a) in item 1 by deleting paragraph (b) and substituting the following—
 - “(b) on or after 1st April 1974 and before 1st April 1975 \$ 50 7
 - (c) on or after 1st April 1975 \$150 7”;
 - and
 - (b) by deleting item 4 and substituting the following—
 - “4. Penalty to be added to prescribed fee for non-payment thereof—
 - (a) where the prescribed fee does not exceed \$50 \$15 11(1)
 - (b) where the prescribed fee exceeds \$50 ... \$50 11(1)”.

Passed by the Hong Kong Legislative Council this 7th day of May, 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.

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



I assent.

M. N. Leung
 Governor.

made to apply; and

- (b) in subsection (2) by inserting after "new business" the following—
"or of the date on which this Ordinance is made to apply to a business, as the case may be."

Amendment of section 16.

4. Section 16 of the principal Ordinance is amended by deleting paragraph (b).

Amendment of Schedule.

5. The Schedule to the principal Ordinance is amended—

- (a) in item 1 by deleting paragraph (b) and substituting the following—

"(b) on or after 1st April 1974 and before 1st April 1975 \$ 50 7

(c) on or after 1st April 1975 \$150 7";
and

- (b) by deleting item 4 and substituting the following—

"4. Penalty to be added to prescribed fee for non-payment thereof—

(a) where the prescribed fee does not exceed \$50 \$15 11(1)

(b) where the prescribed fee exceeds \$50 ... \$50 11(1)".

HONG KONG

No. 33 OF 1975



I assent.

Governor.

8th May, 1975.

An Ordinance to amend the Entertainments Tax Ordinance and the Entertainments Duty Regulations.

[9th May, 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 Entertainments Tax (Amendment) Ordinance 1975. Short title.

2. Section 2 of the principal Ordinance is amended in the definition of "entertainment" by inserting, immediately before paragraph (b) thereof, the following— Amendment of section 2. (Cap. 110.)

"(a) a cinematograph exhibition; or".

3. Section 5 of the principal Ordinance is amended— Amendment of section 5.

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

"(1) The duty shall not be charged on payments for admission to any entertainment where the Collector is satisfied that—

(a) the entertainment is provided by or on behalf of the Government or the Urban Council;

(b) the entertainment is provided by or on behalf of a charitable institution or trust of a public character

(Cap. 112.)

which is exempt from tax under section 88 of the Inland Revenue Ordinance and the whole of the net proceeds of the entertainment are applied for charitable purposes and are not expended substantially outside Hong Kong;

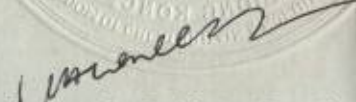
- (c) the entertainment is of a wholly educational character; or
- (d) the entertainment is provided partly for educational or scientific purposes by a society not conducted or established for profit."; and
- (b) by deleting subsection (2) and substituting the following—

"(2) The duty shall not be charged on payments made by members of Her Majesty's Forces for admission to an entertainment provided by an organization which satisfies the Collector that it is a non-commercial organization sponsored by the Navy, Army or Air Force authorities."

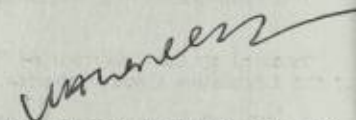
4. Regulation 20 of the Entertainments Duty Regulations is revoked.

Revocation of regulation 20 of Entertainments Duty Regulations. (Cap. 110, sub. leg.)


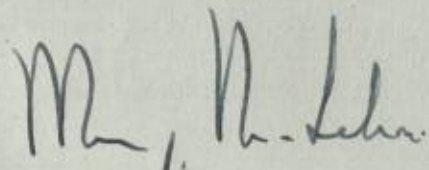
Passed by the Hong Kong Legislative Council this 7th day of May, 1975.


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

able purposes and are not expended substantially outside Hong Kong;

- (c) the entertainment is of a wholly educational character; or
 - (d) the entertainment is provided partly for educational or scientific purposes by a society not conducted or established for profit."; and
- (b) by deleting subsection (2) and substituting the following—

"(2) The duty shall not be charged on payments made by members of Her Majesty's Forces for admission to an entertainment provided by an organization which satisfies the Collector that it is a non-commercial organization sponsored by the Navy, Army or Air Force authorities."

4. Regulation 20 of the Entertainments Duty Regulations is revoked.

Revocation of regulation 20 of Entertainments Duty Regulations. (Cap. 110, sub. leg.)

Passed by the Hong Kong Legislative Council this 7th day of May, 1975.

Chambers
Clerk to the Legislative Council.

HONG KONG

No. 34 OF 1975

I assent.

M. R. Lehn
Governor

8th May, 1975.

An Ordinance to amend the Stamp Ordinance.

[9th May, 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 Stamp (Amendment) (No. 2) Ordinance 1975.

2. This Ordinance applies to documents becoming liable to stamp duty on or after the 1st April 1975.

3. The Schedule to the principal Ordinance is amended—

(a) in paragraph (a) in the second column of head 5 by deleting "\$2" and substituting the following—

"\$2.25";

(b) in paragraph (a) in the second column of head 6 by deleting "\$2" and substituting the following—

"\$2.25";

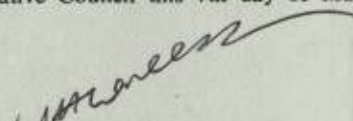
(c) in paragraphs (a) in the second column of head 11(5)(a) and (b) by deleting "25 cents" and substituting the following—

"30 cents";

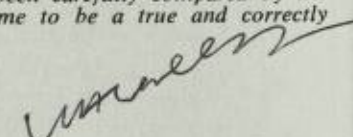
Amendment of Schedule. (Cap. 117.)

- (d) in paragraph (a) in the second column of head 18 by deleting "20 cents" and substituting the following—
"30 cents";
- (e) in head 19(1)(d)—
(i) by deleting "\$151,500" in both places where it occurs and substituting in each case the following—
"\$151,920"; and
(ii) in paragraph (a) in the second column by deleting "not exceeding \$1,500" and substituting the following—
"not exceeding \$1,920";
- (f) in paragraph (a) in the second column of head 19(2) by deleting "\$2" and substituting the following—
"\$2.25";
- (g) in paragraph (a) in the second column of head 24 by deleting "20 cents" and substituting the following—
"30 cents";
- (h) in paragraph (a) in the second column of head 32(1) by deleting "\$2" and substituting the following—
"\$2.25";
- (i) in paragraph (a) in the second column of head 32(7) by deleting "\$2" and substituting the following—
"\$2.25"; and
- (j) in paragraph (a) in the second column of head 53(2) by deleting "\$2" and substituting the following—
"\$2.25".


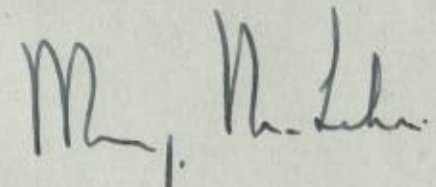
Passed by the Hong Kong Legislative Council this 7th day of May, 1975.


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.

(e) in head 19(1)(a)—

(i) by deleting "\$151,500" in both places where it occurs and substituting in each case the following—

"\$151,920"; and

(ii) in paragraph (a) in the second column by deleting "not exceeding \$1,500" and substituting the following—

"not exceeding \$1,920";

(f) in paragraph (a) in the second column of head 19(2) by deleting "\$2" and substituting the following—

"\$2.25";

(g) in paragraph (a) in the second column of head 24 by deleting "20 cents" and substituting the following—

"30 cents";

(h) in paragraph (a) in the second column of head 32(1) by deleting "\$2" and substituting the following—

"\$2.25";

(i) in paragraph (a) in the second column of head 32(7) by deleting "\$2" and substituting the following—


"\$2.25"; and

(j) in paragraph (a) in the second column of head 53(2) by deleting "\$2" and substituting the following—

HONG KONG

No. 35 OF 1975

I assent.



M. J. L. Leung
Governor.

8th May, 1975.

An Ordinance to amend the Merchant Shipping Ordinance.

[9th May, 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 Merchant Shipping (Amendment) Ordinance 1975. Short title.

2. Section 2 of the principal Ordinance is amended by deleting the definition of "vessel" and substituting the following— Amendment of section 2. (Cap. 281.)

"vessel" includes—

- (a) any ship or boat or junk or any other description of vessel used in navigation; and
- (b) any floating dry dock, floating workshop or floating restaurant."

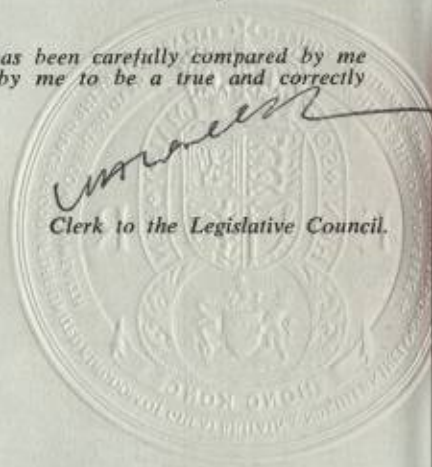
3. Part XIV of the principal Ordinance is amended—

- (a) in the heading thereto, by deleting "SMALL"; and
 - (b) in section 104(1), by inserting, after "dredgers", the following—
", floating dry docks, floating workshops, floating restaurants".
- Amendment of Part XIV.

Passed by the Hong Kong Legislative Council this 7th day of May, 1975.

[Handwritten 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.



Clerk to the Legislative Council.



I assent.

[Handwritten signature]
Governor.

8th May, 1975.

An Ordinance to establish a corporation for the construction and operation

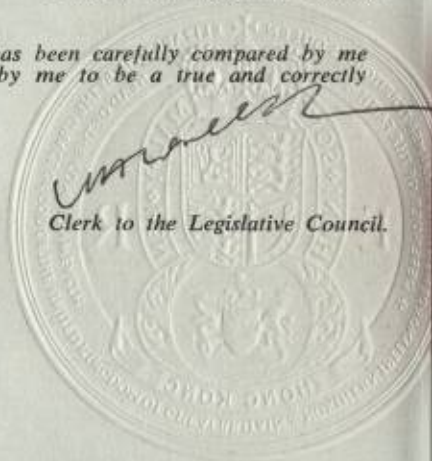
HONG KONG

No. 36 OF 1975

U.S.W.
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.

U.S.W.
Clerk to the Legislative Council.



I assent.

M. N. Lehn
Governor.

8th May, 1975.

An Ordinance to establish a corporation for the construction and operation of a mass transit railway in Hong Kong, to assume the functions, assets and liabilities of the Mass Transit Railway Provisional Authority and for connected purposes.

[]

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 Mass Transit Railway Corporation 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.

"Board" means the Board provided for by section 4(1);

"Chairman" means the Chairman of the Board;

"Corporation" means the Mass Transit Railway Corporation established by section 3(1);

"financial year" means—

(a) the period between the commencement of this Ordinance and the 31st December 1975 (inclusive) and thereafter,

(b) each succeeding period of 12 months ending on 31st December;

"Mass Transit Railway" and "railway" mean the railway, or any part thereof, known as the Mass Transit Railway, intended to be set up in pursuance of the transport policy of the Government;

"member" means a member of the Board;

(14 of 1974.)

"Provisional Authority" means the Mass Transit Railway Provisional Authority established by section 3(1) of the Mass Transit Railway Provisional Authority Ordinance 1974;

"railway premises" means—

(a) any area, space or building occupied by the Corporation which is designed, equipped or set apart for the carriage of passengers by train or for affording facilities incidental to the carriage of passengers by train; and

(b) any train on railway premises.

(2) References in this Ordinance to constructing the railway are references to undertaking every stage of the process beginning with its design and planning and ending when it is brought into operation.

PART II

INCORPORATION AND POWERS

Corporation established.

3. (1) There is hereby established a body corporate, to be known as the Mass Transit Railway Corporation.

(2) The purposes of the Corporation are—

(a) to construct the Mass Transit Railway and to operate it having regard to the reasonable requirements of the public transport system of Hong Kong;

(b) to engage in such other activities, and to perform such functions, as the Governor may, after consultation with the Corporation, permit or assign to it by order published in the *Gazette*.

(3) The Corporation shall have perpetual succession and a common seal and be capable of suing and being sued and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

Board of the Corporation.

4. (1) The Corporation shall have a Board comprising—

(a) a Chairman appointed by the Governor;

(b) the Managing Director appointed under section 7(2); and

(c) not less than 4 nor more than 8 other members appointed by the Governor.

(2) Subject to sections 7(1) and 20, the Board is the governing body of the Corporation with authority, in the name of the Corporation, to exercise and perform the powers, functions and duties conferred or imposed on the Corporation by or under this Ordinance.

(3) The Chairman shall be appointed for such term as the Governor thinks fit and any member appointed under subsection (1)(c) who is not a public officer shall be appointed for a term not exceeding 3 years.

(4) The Chairman and any member appointed under subsection (1)(c) who is not a public officer may, upon the expiry of his term of appointment, be reappointed and may before the expiry thereof—

(a) resign his office by notice to the Governor; or

(b) be removed therefrom by the Governor for permanent incapacity or other sufficient cause (as to the existence of which the Governor's decision shall be final);

and upon such resignation or removal the term for which he was appointed under this section shall be deemed to have expired.

(5) A public officer appointed to an office under this section shall hold the same at the pleasure of the Governor but he may—

(a) at any time resign such office by notice to the Governor; and

(b) be appointed thereto more than once.

(6) Where a member is precluded by temporary incapacity or other cause from exercising his functions as such for any period (as to which the Governor's decision shall be final) the Governor may appoint another person to act as a member during such period with all such rights, powers, duties and liabilities as if he had been appointed under subsection (1).

(7) A member may be paid such fees and expenses as the shareholders think fit.

5. (1) Five members shall form a quorum at any meeting of the Board.

Proceedings of the Board.

(2) At any meeting of the Board the Chairman or in the absence of the Chairman such other member as the members present may select shall preside.

(3) Every question arising at any meeting of the Board shall be decided by a majority of votes of the members present and voting thereon and in the event of an equality of votes the member presiding shall have a casting vote in addition to his ordinary vote.

(4) Subject to this Ordinance, arrangements relating to meetings of the Board, and the procedure thereat, shall be such as the Board may determine.

(5) If a member is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation—

(a) he shall disclose the nature of his interest at a meeting of the Board;

(b) the disclosure shall be recorded in the minutes of the Board; and

(c) the member shall not, without the permission of the Chairman, take any part in any deliberation of the Board with respect to that contract and shall not in any event vote on any question concerning it.

6. (1) The Corporation may do such things as are expedient for or conducive to the attainment of the purposes declared in or permitted or assigned under section 3(2) or of any purpose reasonably incidental to or consequential upon any of those purposes.

General powers of Corporation.

(2) Without restricting the generality of subsection (1) the Corporation may for the purposes referred to therein—

(a) acquire, hold and dispose of all kinds of property movable and immovable and in any manner which it thinks fit;

(b) improve, develop or alter any property held by it;

(c) enter into, assign or accept the assignment of, and vary or rescind any contract or obligation;

(d) carry on any business either alone or in partnership with any other person or persons;

(e) employ an agent or contractor to do any thing which the Corporation may do;

(f) determine the fares payable by persons travelling on the railway.

(3) Any land held by the Corporation for any purpose referred to in subsection (1) may be improved, developed and altered by it in such manner and to such extent as the law would allow if the land were held by a natural person in the same interest and the Corporation shall not be required to show that such improvement, development or alteration is itself undertaken for any purpose referred to in subsection (1).

Appointment
of staff and
advisers.

7. (1) The Chairman shall be the chief executive of the Corporation and all matters relating to his remuneration and the terms and conditions of his appointment to the service of the Corporation shall be determined by the Governor.

(2) The Corporation shall appoint a Managing Director but shall obtain the approval of the Governor to any proposed appointment and to the suspension or dismissal of a person appointed.

(3) The Corporation may appoint such other employees as it thinks fit and determine all matters relating to their remuneration and terms and conditions of appointment or employment.

(4) The Corporation may engage the services of technical and professional advisers in such manner and on such terms and conditions as it thinks fit.

(5) The Corporation may make standing orders, not inconsistent with this Ordinance, regulating the work and conduct of its employees.

Staff benefits.

8. (1) The Corporation may—

(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 Corporation 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 Corporation of, any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subsection (1).

(3) The Corporation may make contributions to any fund or scheme referred to in subsection (2) and may require its employees to make contributions thereto.

(4) The Corporation may in exercise of its powers under section 6 supply living accommodation and household effects, for the occupation and use of employees and advisers of the Corporation and their families, at such rent and on such terms and conditions as it may determine.

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

Documents of
Corporation.

9. (1) The Corporation may make and execute all such documents as may be expedient for or conducive to the attainment of its purposes or of any purpose reasonably incidental to or consequential upon those purposes.

(2) Subject to this Ordinance, a document to be made by the Corporation shall be deemed to be duly executed—

(a) if sealed with the seal of the Corporation in the presence of a member; or

(b) if signed on behalf of the Corporation by a member or an employee of the Corporation authorized by the Corporation so to do.

(3) Any document purporting to be executed in accordance with subsection (2) shall, unless the contrary is proved, be deemed to have been duly executed.

(4) Subject to this Ordinance, a document executed by the Corporation in accordance with subsection (2)(b) shall not be ineffectual in law by reason only of the fact that, apart from this subsection, it would be required by law to be executed under seal.

PART III

FINANCIAL

10. (1) The authorized capital of the Corporation shall be \$2,000,000,000 divided into 20,000 shares of \$100,000 each. Capital of Corporation.

(2) The Governor may, after consulting the Corporation, increase the authorized capital of the Corporation by order published in the *Gazette*.

(3) Shares in the authorized capital of the Corporation shall be allotted to the Government at par as required in writing by the Financial Secretary and may be paid for by set-off against the indebtedness of the Corporation to the Government in such manner and to such extent as the Financial Secretary may direct pursuant to section 17(3).

(4) All shares allotted to the Government under this section shall be registered in the books of the Corporation in the name of The Colonial Treasurer Incorporated and held by him in trust on behalf of the Government.

11. (1) Subject to subsection (3) the Corporation may, in any currency and on such terms and conditions as it thinks fit—

Power to
borrow and
to issue stock
etc.

(a) borrow or otherwise raise money and charge all or any part of its property as security therefor;

(b) create and issue bonds, notes or other securities which may be charged on the property, undertaking and revenue of the Corporation or any part thereof.

(2) In exercise of the powers conferred by section 6(2)(a) and subsection (1)(a) the Corporation may purchase property under an agreement providing for the payment of the whole or part of the purchase price by instalments.

(3) The powers conferred by subsection (1) may be exercised to provide the Corporation with such sums or credits as it may require for—

(a) carrying out the purposes referred to in section 6(1);

(b) repaying money previously borrowed by it therefor and interest, premium or other charge on such money;

- (c) repaying sums due to the Government under section 12(3);
- (d) discharging the indebtedness arising under section 17 and any interest thereon.

Guarantee by Government.

12. (1) The Legislative Council may from time to time by resolution authorize the Financial Secretary on behalf of the Government to grant guarantees in respect of—

- (a) the repayment of loans made to, or the discharge of other indebtedness of, the Corporation and the payment of interest, premium or other charge thereon; and
- (b) the redemption or repayment of, and the payment of interest, premium or other charge on, any bonds, notes or other securities issued by the Corporation,

up to an amount not exceeding in total that specified in the resolution and subject to any terms or conditions therein specified.

(2) Any sum required for fulfilling a guarantee given under this section by the Government shall be charged on and paid out of the general revenue of Hong Kong and any sum received by the Government by way of repayment of a sum so paid out, or for interest thereon, shall be paid into such general revenue.

(3) If, pursuant to a guarantee given under this section, the Government makes a payment to a creditor of the Corporation in respect of a debt secured by a mortgage or a specific or floating charge, such sum shall be repayable to the Government by the Corporation, together with interest thereon at such rate as the Financial Secretary may determine, and the Government shall as from the time of payment have the benefit of all the remedies vested in the creditor by virtue of such mortgage or charge with liberty to exercise the rights and powers arising thereunder in its own name and without any assignment by the creditor.

Corporation to act on commercial principles.

13. (1) The Corporation shall conduct its business according to prudent commercial principles and shall ensure as far as possible that, taking one year with another, its revenue is at least sufficient to meet its expenditure.

(2) Any excess of revenue over expenditure in any financial year may be applied by the Corporation in any way consistent with this Ordinance.

(3) In this section "expenditure" includes such provision for renewal of capital assets and repayment of loans as the Board considers prudent.

Reserve funds.

14. The Corporation may establish any general or special reserve fund and carry to the credit thereof such sums as it thinks fit and expend the same in any way consistent with this Ordinance.

Investment.

15. Any moneys of the Corporation available for investment may be invested by it in such forms of investment as the Financial Secretary may in writing approve.

Accounts, audit and annual report.

16. (1) The Corporation shall keep proper accounts and proper records in relation thereto and shall within 4 months after the expiry of a financial year prepare accounts showing fully its financial position and financial transactions for that year.

(2) The accounts of the Corporation shall be audited and the auditor shall make a written report thereon to the Corporation.

(3) The auditor shall be appointed by the Governor after consultation with the Corporation.

(4) The Corporation shall within 3 months of the receipt by it of the auditor's report in respect of its accounts for a financial year furnish—

- (a) a report on the affairs of the Corporation for that year,
- (b) a copy of its accounts therefor, and
- (c) the auditor's report on the accounts,

to the Financial Secretary who shall table the same in the Legislative Council.

17. (1) The Corporation shall be indebted to the Government in a sum equal to all expenditure directly or indirectly incurred by the Government in relation to the investigation, planning, construction and operation of the Mass Transit Railway.

Initial debt to Government.

(2) The Financial Secretary shall determine the amount of such indebtedness by certificate or certificates under his hand and he may for sufficient cause reduce or increase any amount so certified.

(3) The indebtedness of the Corporation under subsections (1) and (2) and any interest thereon shall be discharged in such manner as the Financial Secretary directs.

(4) In subsection (1) "expenditure" means—

(a) in relation to the operation of the railway, compensation and costs paid in respect of such operation to satisfy claims within the meaning of section 18 of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance 1974; and

(66 of 1974.)

(b) any loss, debt, cost, expense or liability, whether actual or contingent, liquidated or unliquidated—

(i) whenever incurred, in relation to the negotiation of a contract to build the railway;

(ii) incurred before this Ordinance comes into effect, in relation to the matters referred to in subsection (1) other than the operation of the railway.

PART IV

GENERAL

18. The Corporation is not the servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown.

Corporation not servant or agent of Crown.

19. The Corporation shall upon request by the Governor afford to him sufficient facilities for obtaining information with respect to the property and affairs of the Corporation and shall in such manner and at such times as the Governor may require furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished.

Governor may obtain information.

20. Notwithstanding sections 4(2) and 13(1), the Governor in Council may, if he considers the public interest so requires, give directions in writing of a general character to the Corporation and the Corporation shall comply with those directions so long as—

Governor in Council may give directions.

- (a) it is fully compensated by the Government in respect of any direction requiring the Corporation to act contrary to prudent commercial principles; and

- (b) the directions are not inconsistent with any provision of this Ordinance.

21. (1) The Railways Ordinance does not apply to the Corporation, its property or affairs.

(2) The Public Health and Urban Services Ordinance does not apply to the Corporation, its property and affairs to the extent set out in the Schedule.

(3) The Building Authority may—

(a) having regard to the exceptional nature of building or other works connected with the construction or operation of the railway; and

(b) on such conditions as he may specify, either generally or in any particular case,

exempt from such of the provisions of the Buildings Ordinance as he thinks fit such of those works as he may specify, but save as aforesaid the Buildings Ordinance shall apply to any building or other works carried out by or on behalf of the Corporation.

(4) Section 13 of the Summary Offences Ordinance does not apply to any noise made nor to any piling carried out by the Corporation or by any other person in connexion with the construction of the railway.

22. For the avoidance of doubt and without prejudice to any other Ordinance it is declared that the railway premises is a public place for the purpose of the Public Order Ordinance.

23. Without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Attorney General in relation to the prosecution of criminal offences, prosecutions for an offence under this Ordinance may be brought in the name of the Corporation.

PART V

REGULATIONS AND BY-LAWS

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

(a) controlling and regulating—

(i) the maintenance and operation of the Mass Transit Railway by the Corporation;

(ii) the work and conduct of employees of the Corporation;

(iii) the use of the railway by members of the public and their conduct while on railway premises;

(b) providing for the safety of persons using or engaged in work on the railway;

(c) generally for effectively carrying out of the provisions of this Ordinance.

25. (1) The Corporation may, under its common seal, make by-laws not inconsistent with this Ordinance or regulations made under section 24 for all or any of the following purposes—

(a) prescribing the terms and conditions relating to the use of its railway services;

(b) controlling and regulating—

(i) the conduct of members of the public using the railway or on railway premises;

(ii) a system for evidencing (whether by the issue of tickets or otherwise) the payment of fares on the railway and any contract of carriage of passengers thereon;

(iii) advertising on railway premises;

(iv) the custody and disposal of property found on railway premises;

(c) protecting the property of the Corporation on railway premises.

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

(3) The Corporation shall cause printed copies of all by-laws made under subsection (1) to be kept at its principal office and to be available for sale to any person at a reasonable cost.

26. Any regulations made under section 24 or by-laws made under section 25 may—

(a) provide that a contravention of specified provisions thereof shall be an offence and may prescribe penalties therefor not exceeding a fine of \$5,000 and imprisonment for 6 months;

(b) confer authority upon employees of the Corporation on railway premises to detain any person reasonably suspected of having contravened this Ordinance and take such other steps as may be provided for in the regulations or by-laws (as the case may be) to ensure that such offenders are dealt with in accordance with law.

27. Any regulations made under section 24 or by-laws made under section 25 which provide that hawking on railway premises is an offence may also provide that all or any part of sections 86, 86A, 86C and 86D of the Public Health and Urban Services Ordinance shall apply as if such offence were a hawker offence within the meaning of section 83 of that Ordinance.

PART VI

REPEAL AND TRANSITIONAL

28. The Mass Transit Railway Provisional Authority Ordinance 1974 is repealed.

29. (1) All property of whatever kind and whether movable or immovable vested in or belonging to the Provisional Authority immediately before the commencement date of this Ordinance is as from such date transferred to and vested in the same interest in the Corporation without any further assurance and the Corporation shall have all powers necessary to take possession of, recover and obtain the benefit of such property.

(2) All obligations and liabilities of the Provisional Authority immediately before the commencement date of this Ordinance are as from such date the obligations and liabilities of the Corporation and the Corporation shall have all necessary powers to discharge the same.

(3) No stamp duty shall be payable in respect of any transfer of property under this section.

Certain laws not to apply. (Cap. 99.) (Cap. 132.)

Schedule.

(Cap. 123.)

(Cap. 228.)

Avoidance of doubt.

(Cap. 245.)

Corporation may prosecute in its name.

Further powers in relation to regulations and by-laws.

Seizure and forfeiture of hawker's equipment and commodities. (Cap. 132.)

Regulations.

By-laws.

Repeal. (14 of 1974.)

Transfer of assets and liabilities.

Other transitional provisions.

30. (1) Without limiting the generality of section 29, every agreement, whether in writing or not, to which the Provisional Authority was a party immediately before the commencement date of this Ordinance and whether or not of such a nature that the rights and liabilities thereunder could be assigned shall have effect as from such date as if—

- (a) the Corporation had been party to such agreement; and
- (b) for any reference, however worded and whether express or implied, to the Provisional Authority there were substituted in respect of anything to be done or omitted on or after the commencement date of this Ordinance a reference to the Corporation.

(2) Subsection (1)(b) shall also apply to any document, not being an agreement, having therein references to the Provisional Authority.

(3) The appointment of any employee of the Provisional Authority subsisting immediately before the commencement date of this Ordinance shall be deemed to be made by the Corporation under this Ordinance and for the purpose of determining the right to pension, gratuity or other benefits of such employee on the cessation of his service, there shall be no break in the continuity thereof by reason only of the repeal effected by section 28.

(4) Where anything has been commenced by or under the authority of the Provisional Authority before the commencement date of this Ordinance such thing may be carried on and completed by, or under the authority of the Corporation.

Amendment of Trustee Ordinance and Prevention of Bribery Ordinance. (Cap. 29.)

31. (1) Part II of the Second Schedule to the Trustee Ordinance is amended by inserting after paragraph 20 the following—

"21. Any securities issued by the Mass Transit Railway Corporation which are either charged on the property undertaking and revenue of the Corporation, or any part thereof, or guaranteed by the Government."

(Cap. 201)

(2) The Schedule to the Prevention of Bribery Ordinance is amended by inserting after item 36 the following new item—

"37. Mass Transit Railway Corporation."

SCHEDULE

[s. 21(2).]

PROVISIONS OF PUBLIC HEALTH AND URBAN SERVICES ORDINANCE DISAPPLIED

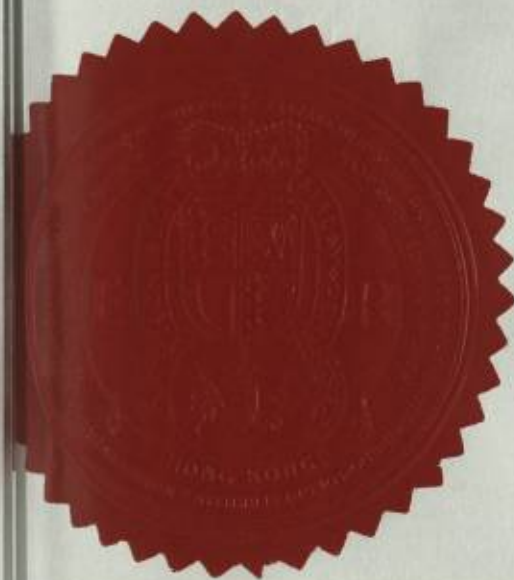
1. No remedy lies against the Corporation under section 127 in respect of a nuisance described in section 12(1)(g).
2. Section 22 does not apply to anything done by or on behalf of the Corporation in the course of constructing the railway.
3. Regulations made under section 29 or 35 as to the suitability, sufficiency or mode of construction of latrines or latrine accommodation, or the licensing thereof, do not apply to the railway area or any premises therein.
4. Sections 30 and 36 do not apply to the railway area or any premises therein.
5. Regulations made under section 88 do not apply to the railway area or any premises therein.
6. Part IX and any regulations made under section 104 do not apply to any sign or advertisement erected by or on behalf of the Corporation in the railway area.

Passed by the Hong Kong Legislative Council this 7th day of May, 1975.

W. W. W. W.
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.

Wm. N. Schaefer
Governor.

HONG KONG

No. 37 OF 1975



I assent.

M. N. S. Lee
Governor.

22nd May, 1975.

An Ordinance to amend the Public Transport Services (Extension of Grants) Ordinance 1975.

[23rd May, 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 (Extension of Grants) (Amendment) Ordinance 1975. Short title.

2. Section 2 of the principal Ordinance is amended by deleting "31st May" and substituting the following— Amendment of section 2. (12 of 1975.)
"31st August".

Passed by the Hong Kong Legislative Council this 21st day of May, 1975.

W. S. Lee
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. Green

Clerk to the Legislative Council.



I assent.

Mary K. Lehn

Governor.

22nd May, 1975.

HONG KONG

No. 38 OF 1975

UV
Clerk to the Legislative Council.



I assent.

Governor.

22nd May, 1975.

An Ordinance to amend the Inland Revenue Ordinance.

[1st April, 1975]

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

1. (1) This Ordinance may be cited as the Inland Revenue (Amendment) (No. 2) Ordinance 1975 and shall be deemed to have come into operation on the 1st April 1975.

Short title, commencement and application.

(2) The amendments to the principal Ordinance made by sections 2, 3, 4 and 5 shall apply in relation to all assessments made in respect of the year of assessment commencing on the 1st April 1975 and, in the case of amendments made by section 2, also to subsequent years of assessment.

2. Section 9 of the principal Ordinance is amended—

Amendment of section 9. (Cap. 112.)

(a) in subsection (1)—

(i) in paragraph (b) by inserting after "employer" the following—

"or an associated corporation"; and

(ii) in paragraph (c) by inserting after "employer" the following—

"or an associated corporation";

- (b) in subsection (1A)—
- (i) in paragraph (a) by inserting after "employer" the following—
"or associated corporation";
 - (ii) in paragraph (b) by inserting after "employer" in both places where it appears the following—
"or associated corporation"; and
 - (iii) in paragraph (c) by inserting after "employer" in every place where it appears the following—
"or associated corporation";
- (c) in subsection (2)—
- (i) by inserting after "the employer" where it first appears the following—
"or an associated corporation";
 - (ii) by deleting "seven and one-half per cent" and substituting the following—
"ten per cent";
 - (iii) in paragraph (a) of the proviso—
 - (A) by deleting "six per cent" and substituting the following—
"eight per cent"; and
 - (B) by deleting "three per cent" and substituting the following—
"four per cent"; and
 - (iv) in paragraph (b) of the proviso by deleting "seven and one-half per cent" and substituting the following—
"ten per cent"; and
- (d) by inserting after subsection (5) the following new subsection—
- "(6) For the purposes of this section—
"associated corporation" means—
- (a) a corporation over which the employer has control;
 - (b) if the employer is a corporation—
 - (i) a corporation which has control over the employer; or
 - (ii) a corporation which is under the control of the same person as is the employer;
- "control", in relation to a corporation, means the power of a person to secure—
- (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other corporation; or
 - (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other corporation,
- that the affairs of the first-mentioned corporation are conducted in accordance with the wishes of that person."

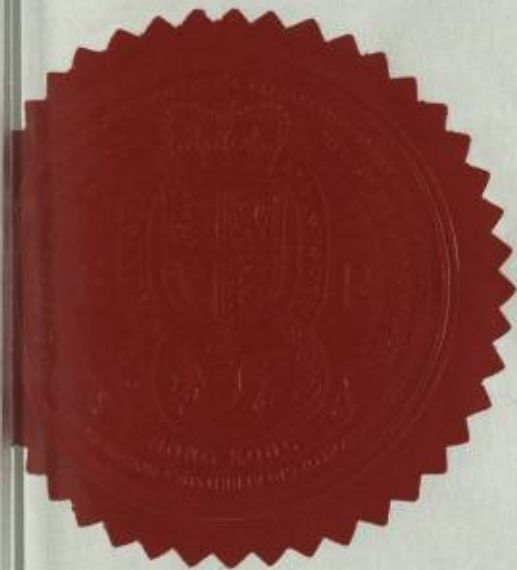
3. Section 14 of the principal Ordinance is amended—
- Amendment of section 14.
- (a) by deleting the full stop at the end thereof and substituting a colon; and
 - (b) by inserting the following at the end thereof—
"Provided that for the year of assessment commencing on the 1st April 1975—
 - (a) in the case of a corporation, profits tax shall be charged at the rate of sixteen and one-half per cent; and
 - (b) in the case of a corporation to which a share of the assessable profits of a partnership is apportionable under section 22A and is charged in the partnership name under section 22, profits tax shall be charged on such share of the assessable profits at the rate of sixteen and one-half per cent."
4. Section 63H(1) of the principal Ordinance is amended—
- Amendment of section 63H.
- (a) by deleting the full stop at the end thereof and substituting a colon; and
 - (b) by inserting the following at the end thereof—
"Provided that, in the case of a corporation, for the year of assessment commencing on the 1st April 1975 provisional profits tax shall be payable at the rate of sixteen and one-half per cent."
5. Section 44 of the Inland Revenue (Amendment) Ordinance 1975 is amended—
- Consequential amendment. (7 of 1975.)
- (a) by deleting the full stop at the end thereof and substituting therefor a colon; and
 - (b) by inserting the following at the end thereof—
"Provided that, in the case of a corporation, provisional profits tax shall be payable at the rate of sixteen and one-half per cent."

Passed by the Hong Kong Legislative Council this 21st day of May, 1975.

W. W. W. W.
Clerk to the Legislative Council.

W. W. W. W.
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.

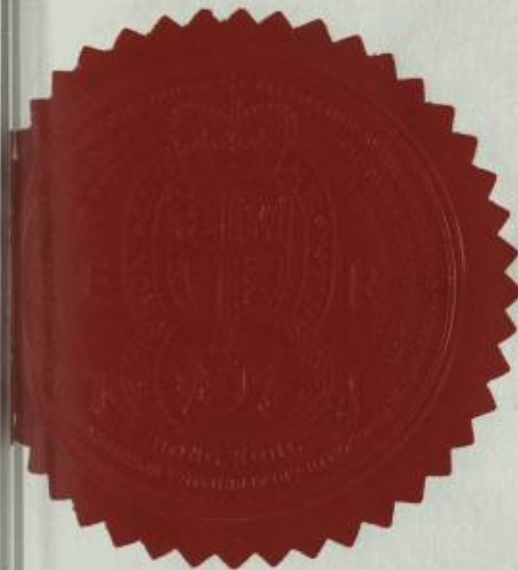


I assent.

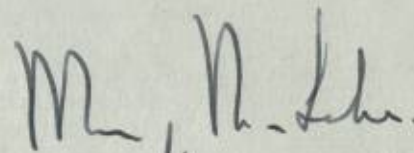
M. N. L.
Governor.

HONG KONG

No. 39 OF 1975



I assent.


Governor.

22nd May, 1975.

An Ordinance to make provision for the raising of loans and for matters connected therewith.

[23rd May, 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 Ordinance 1975. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
"borrow" includes the power to draw upon a credit facility;

"lender" means any person from whom the Government borrows money under this Ordinance.

3. (1) The Government may, in such manner and on such terms Power to borrow.
and subject to such conditions as may be agreed between the Government and any person, borrow from such person such sum or sums and for such purposes as may be approved by resolution of the Legislative Council.

(2) Any agreement between the Government and a lender in respect of sums borrowed under the powers conferred by subsection (1) shall be made in the name of the Government of Hong Kong and may be signed on behalf of the Government by the Financial Secretary, or by any person authorized by him in writing.

(3) As soon as practicable after the execution of an agreement under this section, the Financial Secretary shall cause a copy of the agreement to be laid on the table of the Legislative Council.

Power to issue instruments including bonds.

4. (1) The Government may issue such bonds, promissory notes or other instruments on such terms and conditions as may be necessary for the purpose of giving effect to the terms of any agreement which may be entered into by it with a lender in respect of any borrowing under this Ordinance.

(2) Any bond, promissory note or other instrument issued by the Government under subsection (1) may be signed on behalf of the Government by the Financial Secretary or by any person authorized by him in writing.

Appropriation and charge of loans.

5. (1) Any sums borrowed by the Government under this Ordinance shall, except in the case of sums borrowed for the purposes of the general revenue, be applied and are appropriated to the purposes for which they were borrowed:

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

(2) Where sums borrowed under this Ordinance are not immediately available and expenditure in respect of the purpose for which they were borrowed must be met, such expenditure shall be charged as an advance pending reimbursement and the maximum amount which may be so advanced in any financial year in connexion with any purpose shall be approved by resolution of the Legislative Council.

(3) Any sum borrowed under this Ordinance and all interest and other charges thereon are hereby charged upon and shall be payable out of the general revenues and assets of Hong Kong.

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

Implementation of obligations under agreements.

6. (1) Notwithstanding anything contained in any other law, an agreement concluded with a lender in respect of any borrowing under this Ordinance and any bond, promissory note or other instrument issued pursuant to any such agreement and any undertaking given in respect of any such agreement, bond, promissory note or instrument by the Government shall be valid and enforceable and have full force and effect in accordance with their respective terms.

(2) The Governor may, by order published in the *Gazette*, provide for the remission of any tax, duty, charge or fee payable under any Ordinance in respect of any agreement, bond, promissory note or instrument concluded with a lender or issued in connexion with any borrowing under this Ordinance or in respect of any payment of interest or otherwise under any such agreement, bond, promissory note or instrument.

Passed by the Hong Kong Legislative Council this 21st day of May, 1975.

W. M. M. 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.

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

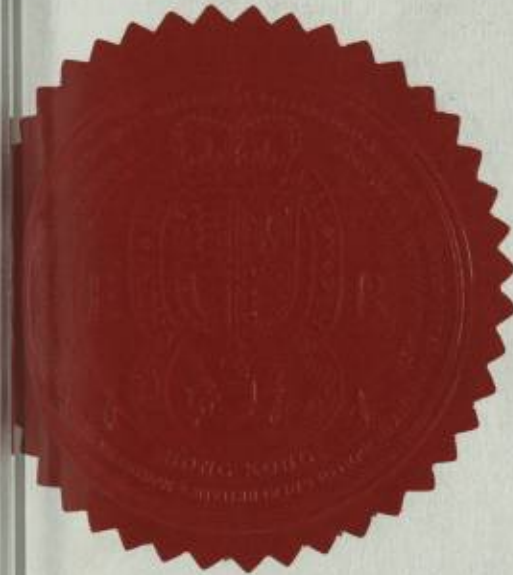


I assent.

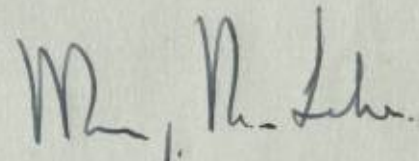
Wm. R. Fisher.
Governor.

HONG KONG

No. 40 OF 1975



I assent.


Governor.

22nd May, 1975.

An Ordinance to amend the Bishop of the Roman Catholic Church in Hong Kong Incorporation Ordinance.

[23rd May, 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 Bishop of the Roman Catholic Church in Hong Kong Incorporation (Amendment) Ordinance 1975. Short title.

2. Section 2 of the principal Ordinance is repealed and replaced by the following sections— Repeal and replacement of section 2. (Cap. 1003.)

Incorporation.

2. The Bishop of the Roman Catholic Church in Hong Kong, and his successors in the office of Bishop of the Roman Catholic Church in Hong Kong, shall be a corporation sole, hereinafter called "the corporation", and shall have the name of "*The Bishop of the Roman Catholic Church in Hong Kong*", and in that name shall have perpetual succession, shall be capable of suing and being sued, and shall have a common seal.

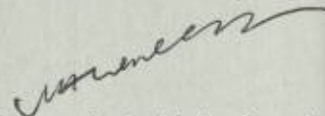
Powers of the corporation.

2A. (1) Subject to subsection (3), the corporation shall have the following powers—

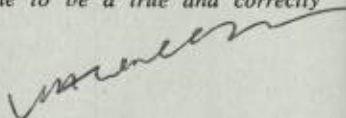
(a) to acquire, lease, hold and enjoy any land or buildings on such terms as it thinks fit;

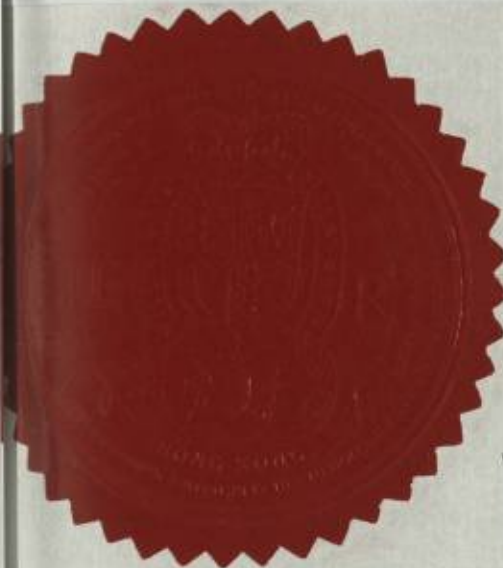
- (b) to invest its money—
- (i) on deposit at any bank, whether in Hong Kong or elsewhere; or
 - (ii) in the stocks, shares, or securities of any corporation carrying on business either in Hong Kong or elsewhere;
- (c) to purchase, hire or acquire any movable property;
- (d) to sell, lease or otherwise dispose of, and to charge, any of its property on such terms as it thinks fit;
- (e) to develop or turn to account any of its immovable property in such manner and on such terms as it thinks fit;
- (f) to borrow money for the corporation's purposes and to charge all or any of its property.
- (2) The powers conferred on the corporation by subsection (1) may be exercised either alone or jointly with one or more other persons.
- (3) In respect of land and buildings—
- (a) acquired with public money; or
 - (b) granted by the Government for any special purpose,
- prior to the commencement of this Ordinance, the powers conferred on the corporation by subsection (1)(d), (e) and (f) shall not be exercised except with the consent of the Governor in Council."

Passed by the Hong Kong Legislative Council this 21st day of May, 1975.

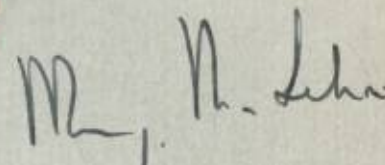

Clerk to the Legislative Council.

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.

Ed. 1975

(ii) in the stocks, shares, or securities of any corporation carrying on business either in Hong Kong or elsewhere;

- (c) to purchase, hire or acquire any movable property;
- (d) to sell, lease or otherwise dispose of, and to charge, any of its property on such terms as it thinks fit;
- (e) to develop or turn to account any of its immovable property in such manner and on such terms as it thinks fit;
- (f) to borrow money for the corporation's purposes and to charge all or any of its property.

(2) The powers conferred on the corporation by subsection (1) may be exercised either alone or jointly with one or more other persons.

(3) In respect of land and buildings—

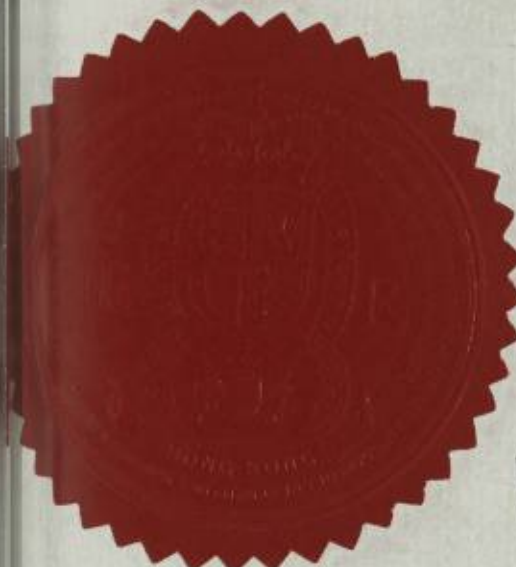
(a) acquired with public money; or

(b) granted by the Government for any special purpose, prior to the commencement of this Ordinance, the powers conferred on the corporation by subsection (1)(d), (e) and (f) shall not be exercised except with the consent of the Governor in Council.”

Passed by the Hong Kong Legislative Council this 21st day of May, 1975.

HONG KONG

No. 41 OF 1975



I assent.

Governor.

5th June, 1975.

An Ordinance to amend the Inland Revenue Ordinance.

[1st March, 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 Inland Revenue (Amendment) (No. 3) Ordinance 1975 and shall be deemed to have come into operation on the 1st March 1975.

Short title and commencement.

2. Section 28 of the principal Ordinance is amended—

Amendment of section 28.

(a) by deleting paragraph (a) of the proviso to subsection (1) and substituting the following—

(Cap. 112.)

“(a) any interest paid or payable by Government, a bank licensed under the Banking Ordinance, or a public utility company specified in the Third Schedule which accrues at a rate not exceeding such rate or rates as may be specified in the Fourth Schedule in respect of all or any of the above classes;” and

(Cap. 155.)

Third Schedule.

Fourth Schedule.

(b) in subsection (2), by inserting after “Schedule” the following—

“and the Fourth Schedule, but the Fourth Schedule shall not be amended so as to specify a rate in excess of five per cent per annum”.

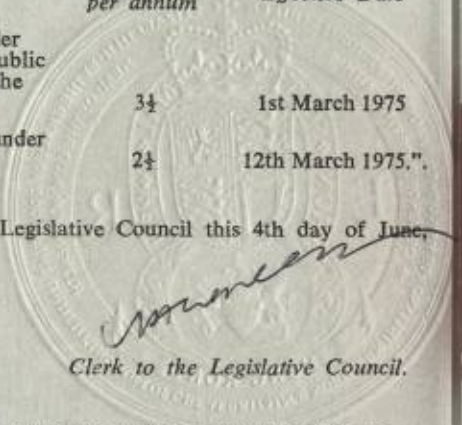
Addition of
new Schedule.

3. The principal Ordinance is amended by adding after the Third Schedule the following new Schedule—

"FOURTH SCHEDULE [s. 28.]

<i>Class of Payer of Interest</i>	<i>Rate per cent per annum</i>	<i>Effective Date</i>
Government, banks licensed under the Banking Ordinance, and public utility companies specified in the Third Schedule	3½	1st March 1975
Government and banks licensed under the Banking Ordinance	2½	12th March 1975."

Passed by the Hong Kong Legislative Council this 4th day of June, 1975.


W. J. M. Jones
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. M. Jones
Clerk to the Legislative Council.



I assent.

M. H. Lehn
Governor.

FOURTH SCHEDULE

[S. 28.]

<i>Class of Payer of Interest</i>	<i>Rate per cent per annum</i>	<i>Effective Date</i>
Government, banks licensed under the Banking Ordinance, and public utility companies specified in the Third Schedule	3½	1st March 1975
Government and banks licensed under the Banking Ordinance	2½	12th March 1975."

Passed by the Hong Kong Legislative Council this 4th day of June, 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]

HONG KONG

No. 42 OF 1975

I assent.

[Signature]
Governor.

5th June, 1975.

An Ordinance to amend the Summary Offences Ordinance.

[6th June, 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. 2) Ordinance 1975. Short title.

2. Section 22 of the principal Ordinance is amended—

- (a) by re-numbering it as subsection (1);
- (b) in subsection (1), by deleting "public servant" wherever it occurs and substituting the following—
"public officer"; and
- (c) by adding the following new subsection—

Amendment of
section 22.
(Cap. 228.)

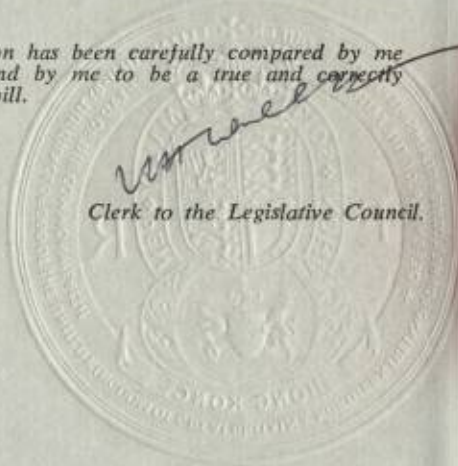
"(2) In any proceedings for an offence under subsection (1) consisting of falsely pretending to be a public officer, it shall be presumed, until the contrary is proved, that the defendant was not a public officer at the material time."

Passed by the Hong Kong Legislative Council this 4th day of June, 1975.

W. H. Allen

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.

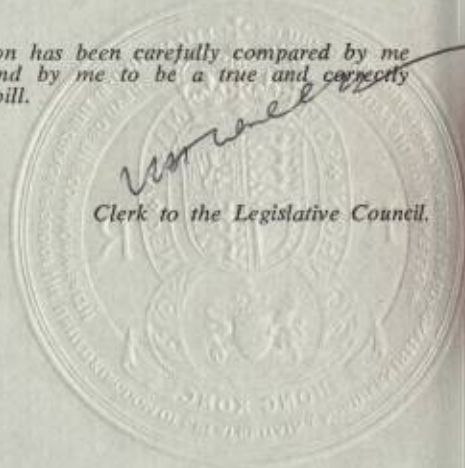
M. J. [Signature] *N. Lehn*

Governor.

3rd July, 1975.

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

HONG KONG

No. 43 OF 1975



I assent.

M. N. Lehn
Governor.

3rd July, 1975.

An Ordinance to amend the Inland Revenue Ordinance.

[4th 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 Inland Revenue (Amendment) (No. 4) Ordinance 1975. Short title.
2. Section 51 of the principal Ordinance is amended by deleting subsection (9). Amendment of section 51. (Cap. 112.)
3. Section 51A of the principal Ordinance is amended— Amendment of section 51A.
 - (a) in subsection (1)—
 - (i) by inserting, after “the Commissioner” in the first place where it occurs, the following—
“or the deputy commissioner”;
 - (ii) by inserting, after “the Commissioner may”, the following—
“, with the consent of the Board of Review.”; and
 - (b) by deleting subsections (3), (4), (5), (6) and (7) and substituting the following—
“(3) An application for the consent of the Board of Review shall be made in writing by the Commissioner to the

clerk of the Board and shall be accompanied by a statement of the material on the basis of which it is proposed to exercise the powers of the Commissioner or deputy commissioner under subsection (1).

(4) Upon receipt of an application under subsection (3), the Chairman of the Board of Review shall appoint three members from the panel of the Board of Review, one of whom shall be the Chairman or a deputy chairman, to consider the application.

(5) When the Board is considering an application, the Commissioner or his authorized representative may attend, but the person in respect of whom the application is made may not attend.

(6) Subject to subsection (7), neither in the application nor on the consideration thereof shall the identity of the person in respect of whom the application is made be revealed to the Board of Review.

(7) If the person on whom a notice under subsection (1) has been given so requests, the Commissioner shall furnish him with a certificate from the Chairman or deputy chairman of the Board of Review certifying that the Board's consent to the issue of the notice was given, and for the purpose of obtaining such a certificate the Commissioner shall reveal to the Chairman or deputy chairman the identity of that person.

(8) The decision of the Board of Review to grant or refuse consent shall be final."

Amendment of section 51B.

4. Section 51B(1) of the principal Ordinance is amended—

(a) in paragraph (i) by inserting, after "that person", the following—
 " , or of any other person, which may afford evidence material in assessing the liability of the first-mentioned person for tax,"; and

(b) by deleting paragraph (iii) and substituting the following—
 "(iii) to take possession of any books, records, accounts or documents of that person, and to make copies of such parts of any books, records, accounts or documents of any other person, as may afford evidence material in assessing the liability of the first-mentioned person for tax;"

Amendment of section 54.

5. Section 54 of the principal Ordinance is amended in paragraph (a) of the proviso by inserting, after "proceedings", the following—
 " , other than an assessment to additional tax under section 82A."

Amendment of section 80.

6. Section 80 of the principal Ordinance is amended—

(a) in subsection (1)—
 (i) by deleting, in paragraph (a), "section 51(1) or (3)" and substituting the following—
 "section 51(3)"; and

(ii) by deleting, in paragraph (c), "51(2), (6)," and substituting the following—

"51(6)";

(b) by deleting subsection (1A);

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

"(2) Any person who without reasonable excuse—

(a) makes an incorrect return by omitting or understating anything in respect of which he is required by this Ordinance to make a return, either on his behalf or on behalf of another person or a partnership;

(b) makes an incorrect statement in connexion with a claim for any deduction or allowance under this Ordinance;

(c) gives any incorrect information in relation to any matter or thing affecting his own liability to tax or the liability of any other person or of a partnership;

(d) fails to comply with the requirements of a notice given to him under section 51(1); or

(e) fails to comply with section 51(2),

shall be guilty of an offence: Penalty a fine of two thousand dollars and a further fine of treble the amount of tax which has been undercharged in consequence of such incorrect return, statement or information, or would have been so undercharged if the return, statement or information had been accepted as correct, or which has been undercharged in consequence of the failure to comply with a notice under section 51(1) or a failure to comply with section 51(2), or which would have been undercharged if such failure had not been detected."; and

(d) by inserting, after subsection (2), the following new subsections—

"(2A) In the case of an offence under paragraph (d) of subsection (2), the court may order the person convicted to comply with the requirements of the notice given to him under section 51(1) within such time as may be specified in the order.

(2B) Any person who does not comply with an order of the court under subsection (1) or (2A) or under section 51(4B)(b) shall be guilty of an offence: Penalty a fine of five thousand dollars."

7. Section 81 of the principal Ordinance is amended by deleting "one thousand dollars" and substituting the following—

"fifty thousand dollars".

Amendment of section 81.

8. Section 82A of the principal Ordinance is amended—

Amendment of section 82A.

(a) in subsection (1)—

(i) by deleting the comma at the end of paragraph (c) and substituting the following—
 " ; or";

(ii) by inserting, after paragraph (c), the following new paragraphs—

"(d) fails to comply with the requirements of a notice given to him under section 51(1); or

(e) fails to comply with section 51(2)."; and

(iii) by deleting "the amount of tax which has been undercharged in consequence of the incorrect return, statement or

information, or which would have been so undercharged if the return, statement, or information had been accepted as correct" and substituting the following—

"treble the amount of tax which—

- (i) has been undercharged in consequence of such incorrect return, statement or information, or would have been so undercharged if the return, statement or information had been accepted as correct; or
 - (ii) has been undercharged in consequence of the failure to comply with a notice under section 51(1) or a failure to comply with section 51(2), or which would have been undercharged if such failure had not been detected".
- (b) in subsection (4) by deleting sub-paragraph (i) of paragraph (a) and substituting the following—
- "(i) inform such person of the alleged incorrect return, incorrect statement or incorrect information or alleged failure to comply with the requirements of the notice given to him under section 51(1) or the alleged failure to comply with section 51(2) in respect of which the Commissioner or deputy commissioner intends to assess additional tax under subsection (1);"; and
- (c) by inserting, after subsection (4), the following new subsection—
- "(4A) Notwithstanding subsection (4), if the Commissioner or deputy commissioner is of the opinion that the person he proposes to assess to additional tax under subsection (1) is about to leave the Colony, he need not serve a notice under paragraph (a) of subsection (4), but may assess that person to additional tax under subsection (1).".

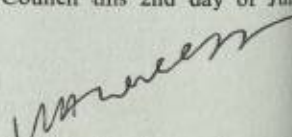
Amendment of
section 82B.

9. Section 82B of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

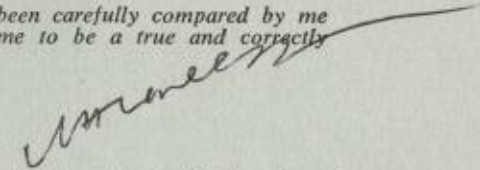
"(1) Any person who has been assessed to additional tax under section 82A may, within one month after notice of assessment is given to him, give notice of appeal to the Board; but no such notice shall be entertained unless it is given in writing to the clerk to the Board and is accompanied by—

- (a) a copy of the notice of assessment;
- (b) a statement of the grounds of appeal from the assessment;
- (c) a copy of the notice of intention to assess additional tax given under subsection (4) of section 82A, if any such notice was given; and
- (d) a copy of any written representations made under subsection (4) of section 82A."

Passed by the Hong Kong Legislative Council this 2nd 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.

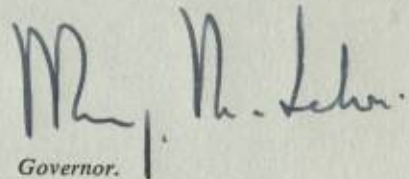
Wm. W. Schenck

HONG KONG

No. 44 OF 1975



I assent.


Governor.

3rd July, 1975.

An Ordinance to amend the Acetylating Substances (Control) Ordinance 1975.

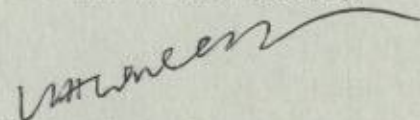
[4th July, 1975]

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 Acetylating Substances (Control) (Amendment) Ordinance 1975. Short title.

2. Section 16(2) of the principal Ordinance is amended by deleting "\$10,000" and substituting the following— Amendment of section 16. (9 of 1975.)
"\$100,000".

Passed by the Hong Kong Legislative Council this 2nd 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.

Wm. [unclear]

Clerk to the Legislative Council.



I assent.

Wm. [unclear]
Governor.

HONG KONG

No. 45 OF 1975

Clerk to the Legislative Council.



I assent.

Governor.

3rd July, 1975.

An Ordinance to amend the Pharmacy and Poisons Ordinance.

[4th 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 Pharmacy and Poisons (Amendment) Ordinance 1975. Short title.

2. Section 29 of the principal Ordinance is amended—

(a) by being renumbered as subsection (1);

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

“(ea) exempting any article or substance from the provisions of this Ordinance;”;

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

“(h) providing for the licensing of wholesale dealers in poison, including the establishment of a committee for that purpose, and for a right of appeal to the Supreme Court against a decision of such committee concerning the issue, revocation or suspension of a licence to deal in wholesale poisons;”;

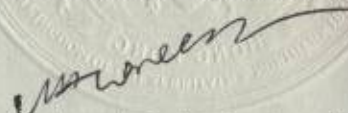
Amendment of
section 29,
(Cap. 138.)

- (d) by inserting after paragraph (h) the following new paragraph—
 “(ha) providing for the keeping of such registers or records by wholesale dealers in poison as may be prescribed;”;
- (e) by deleting paragraph (j) and substituting the following—
 “(j) providing for the licensing of manufacturers by the Board, including a right of appeal to the Supreme Court against a decision by the Board concerning the issue, revocation or suspension of a licence to manufacture;”;
- (f) by inserting after paragraph (j) the following new paragraph—
 “(ja) providing for the control of the manufacture of pharmaceutical products and poisons;”;
- (g) by inserting at the end thereof the following new subsection—
 “(2) A regulation made under this section may provide that a contravention thereof shall be an offence and may prescribe penalties for such offence not exceeding the penalties specified in section 34.”.

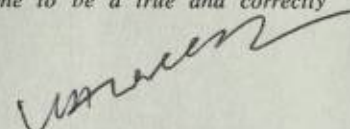
Amendment of
 section 35.

3. Section 35 of the principal Ordinance is amended in subsection (2) by deleting “and of any regulations made thereunder”.

Passed by the Hong Kong Legislative Council this 2nd day of July, 1975.

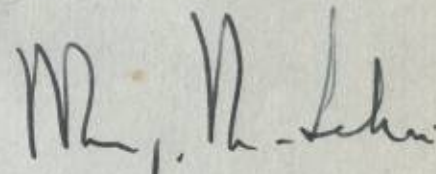

 Clerk to the Legislative Council.

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.

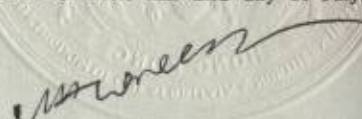

 Governor

- (e) by deleting paragraph (j) and substituting the following—
“(j) providing for the licensing of manufacturers by the Board, including a right of appeal to the Supreme Court against a decision by the Board concerning the issue, revocation or suspension of a licence to manufacture;”;
- (f) by inserting after paragraph (j) the following new paragraph—
“(ja) providing for the control of the manufacture of pharmaceutical products and poisons;”;
- (g) by inserting at the end thereof the following new subsection—
“(2) A regulation made under this section may provide that a contravention thereof shall be an offence and may prescribe penalties for such offence not exceeding the penalties specified in section 34.”.

Amendment of section 35.

3. Section 35 of the principal Ordinance is amended in subsection (2) by deleting “and of any regulations made thereunder”.

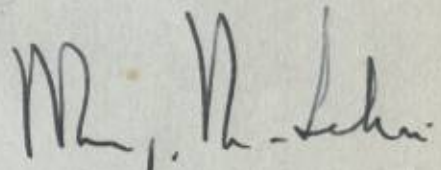
Passed by the Hong Kong Legislative Council this 2nd day of July, 1975.


Clerk to the Legislative Council.

HONG KONG

No. 46 OF 1975

I assent.


Governor.

17th July, 1975.

An Ordinance to amend the Landlord and Tenant (Consolidation) 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 Landlord and Tenant (Consolidation) (Amendment) (No. 3) Ordinance 1975. Short title.

2. Section 6 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 6. (Cap. 7.)

^{“Re-entry by Crown.}

6. (1) Where—

- (a) there is a breach of any condition of an order made under section 4 in respect of premises on land which the landlord holds under a Crown lease or other tenancy from the Crown; or
- (b) prior to the making by the Governor of an order under section 4 in respect of any such premises there has been made an assignment or underlease of, or an agreement to assign or underlet, an undivided share of or in the land together with the right to the exclusive possession, use, occupation or enjoyment of any portion of any building to be erected thereon pursuant to such order.

such breach, or assignment or underlease, or agreement to assign or underlet shall be deemed to be a breach of a covenant in the Crown lease, or of a condition or stipulation 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.

(Cap. 126.)

(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.

W. W. W. W.

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. J. M. S. L.

Governor.