

HONG KONG

No. 1 OF 1968.



I assent.

Governor.

11th January, 1968.

An Ordinance to amend further the University Ordinance.

[12th January, 1968.]

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 University (Amendment) Ordinance 1968.

Short title.

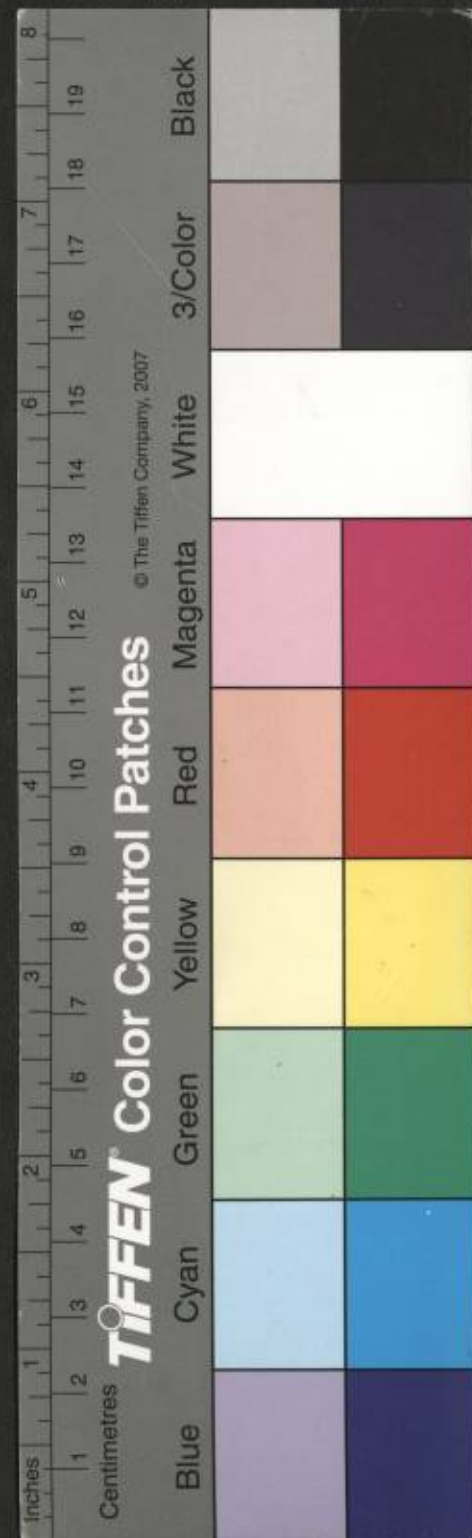
2. Section 1 of the principal Ordinance is amended by inserting the following after "University"—
"of Hong Kong".

Amendment of section 1. (Cap. 1053.)

3. Section 2 of the principal Ordinance is amended—
(a) by inserting the following new definition after the definition of "Chancellor"—

Amendment of section 2.

"Pro-Chancellor" means the Pro-Chancellor of the University;"; and



- (b) by deleting the definition of "Court", "Council", "Senate", "Convocation", and "Institute of Oriental Studies" and substituting the following—

"Court", "Council", "Senate" and "Convocation" mean, respectively, the Court, the Council, the Senate and Convocation of the University;"

Amendment of section 4.

4. Section 4 of the principal Ordinance is amended by deleting "without any further licence" and substituting the following—

“, subject to the Charities (Land Acquisition) Ordinance.”

Amendment of section 5.

5. Subsection (4) of section 5 of the principal Ordinance is amended by inserting the following after "the Chancellor"—

"or Pro-Chancellor".

Amendment of section 8.

6. Section 8 of the principal Ordinance is amended by deleting subsections (3) and (4) and substituting the following—

"(3) The Council may, on the recommendation of the Senate, form, dissolve or reform such institutes, schools, centres, units and other sub-divisions of studies and learning as it may from time to time consider desirable."

Amendment of section 12.

7. Section 12 of the principal Ordinance is amended—

- (a) in subsection (1), by inserting the following after "the Chancellor,"—

"the Pro-Chancellor,";

- (b) by inserting the following new subsection after subsection (3)—

"(3A) The Chancellor may appoint a person to be the Pro-Chancellor of the University. The Pro-Chancellor shall exercise such powers and perform such duties as may be prescribed by the statutes."; and

- (c) by inserting the following new subsection after subsection (5)—

"(5A) If, by reason of an amendment to the statutes, an officer ceases to be designated as such, he shall nevertheless continue to be entitled to the protection, with respect to the termination of his appointment, conferred by subsection (5)."

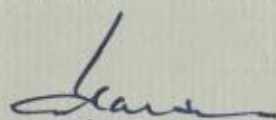
8. The principal Ordinance is amended by adding the following new section after section 15—

Addition of new section 16.

"Saving.

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

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR 48/3231/55)

HONG KONG

No. 2 OF 1968.



I assent.

Governor.

11th January, 1968.

An Ordinance to amend further the Telecommunication Ordinance.

[12th January, 1968.]

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 Telecommunication (Amendment) Ordinance 1968. Short title.

2. Section 2 of the principal Ordinance is amended by inserting, after the definition of "radiocommunication", the following— Amendment of section 2. (Cap. 106.)

"sound broadcast receiving apparatus" means an apparatus which is capable of receiving sound only, transmitted by means of radiocommunication or by wire for reception by the general public;".

Amendment
of section 8.

3. Section 8 of the principal Ordinance is amended by inserting the following new subsection after subsection (3)—

“(4) Notwithstanding anything contained in subsection (1), no licence shall be required under that subsection in respect of—

- (a) any sound broadcast receiving apparatus; or
- (b) any material or component part of such sound broadcast receiving apparatus.”

Addition of
new section
23A.

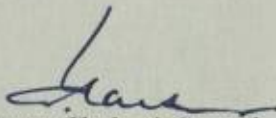
4. The principal Ordinance is amended by adding, after section 23, the following new section—

“Penalty for selling message received on sound broadcast receiving apparatus. 23A. Any person who, without the consent of the Authority,—

- (a) sells; or
- (b) offers for sale; or
- (c) publishes or reproduces for reward,

any message or information, or the sense or meaning of any message or information received by him or by any other person by means of a sound broadcast receiving apparatus shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.”

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

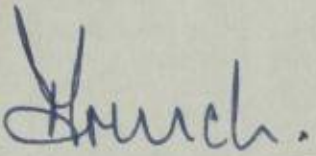
(Secretariat GR 32/2961/46II (TC 93/67))

HONG KONG

No. 3 OF 1968.



I assent.


Governor.

11th January, 1968.

An Ordinance to amend the Mental Health Ordinance.

[12th January, 1968.]

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 Mental Health (Amendment) Ordinance 1968. Short title.

2. Section 29 of the principal Ordinance is amended by inserting the following paragraph after paragraph (e)— Amendment of section 29. (Cap. 136.)

“(e) upon remand by a court or magistrate under section 51 for the purposes of observation, investigation and treatment; or”.

3. Section 51 of the principal Ordinance is amended— Amendment of section 51.

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

“(1) (a) If a court or magistrate is of the opinion that any person who is

charged before the court or magistrate with an offence, including a person in respect of whom an information or charge for an indictable offence is being heard or has been heard by the magistrate in accordance with the provisions of Part III of the Magistrates Ordinance, may be or is alleged to be a mentally disordered person, the court or magistrate may remand such person—

(Cap. 227.)

- (i) to a mental hospital; or
- (ii) to a prison; or

(Cap. 280.)

(iii) to a training centre established under section 3 of the Training Centres Ordinance in the case of a person not less than sixteen years of age but under twenty-one years of age; or

(Cap. 226.)

(iv) to a place of detention appointed under section 16 of the Juvenile Offenders Ordinance in the case of child or young person within the meaning of that Ordinance.

for observation, investigation and treatment for any period not exceeding fourteen days and on the making of any such order shall adjourn the proceedings against such person for such period and may extend such period of fourteen days by further periods of seven days each so that the total period of remand does not in any case exceed forty-two days.

- (b) Without prejudice to the provisions of any other Ordinance, any person remanded under paragraph (a) to a prison, a training centre or a place of detention for observation, investigation and treatment may be removed in the custody of an officer of the Prisons Department or a public officer appointed by the

Director of Social Welfare in the case of a child or young person, from the prison, training centre or place of detention for the purpose of attending a Government psychiatric clinic for observation, investigation and treatment.

- (c) The Training Centres Ordinance shall apply *mutatis mutandis* to any person remanded to a training centre under paragraph (a) for observation, investigation and treatment.
- (d) The Remand Home Rules shall apply to any child or young person remanded to a place of detention under paragraph (a) for observation, investigation and treatment.”.

(Cap. 226,
sub. 1c.)

- (b) by inserting after subsection (1) the following new subsection—

“(1A) (a) A court or magistrate may, in lieu of remanding a person under subsection (1), admit him to bail in accordance with the periods specified in subsection (1) on his procuring or producing such surety or sureties as the court or magistrate thinks fit.

- (b) In the case of any person admitted to bail under paragraph (a) it shall be a condition of the recognizance—
 - (i) that he shall undergo observation, investigation and treatment by a medical officer at such mental hospital or Government psychiatric clinic as may be specified in the recognizance; or
 - (ii) that he shall undergo observation, investigation and treatment by a suitably qualified medical practitioner named in the recognizance.
- (c) In the case of any person admitted to bail under paragraph (a) it may be a condition of the recognizance

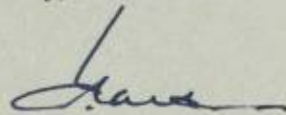
that the person reside in a mental hospital for the purposes of observation, investigation and treatment for such period, within the period specified in the recognizance, as may be required by the examining medical officer or medical practitioner.

- (d) Notwithstanding any other provision of this Ordinance, where arrangements have been made for the reception of any person so required to reside at a mental hospital for the purposes of any observation, investigation and treatment he may be admitted to the mental hospital.
- (e) Where a court or magistrate is satisfied by information on oath that a person admitted to bail under paragraph (a) has failed to observe any of the conditions of the recognizance taken under this subsection the court or magistrate may issue a warrant for the apprehension of the person; and the recognizance may be enforced in like manner, as a recognizance may be enforced under the Criminal Procedure Ordinance or under Part II of the Magistrates Ordinance, as the case may be.”; and

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

- (c) by deleting “(1) or (2)” from subsection (3) and substituting therefor the following—
“(1), (1A) or (2)”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

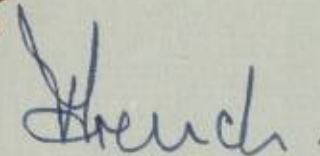
(Secretariat GR 11/3231/52¹¹)

HONG KONG

No. 4 OF 1968.



I assent.



—Governor.

11th January, 1968.

An Ordinance to amend the Summary Offences Ordinance.

[12th January, 1968.]

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 1968. Short title.

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

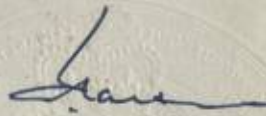
Addition of
new section 6A.
(Cap. 228.)

“Touting.

6A. (1) Any person who in a public place, to the annoyance of or in a manner likely to annoy any other person, importunes such person to buy any article or thing or to give his custom to any business, whether or not the article or thing is offered for sale, or the business is carried on, by such first-mentioned person, shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

(2) In subsection (1), "business" includes any services provided by way of trade or business."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

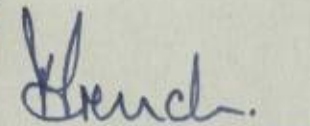
(Secretariat GR 37/2961/46)



HONG KONG

No. 5 OF 1968.

I assent.



Governor.

11th January, 1968.

An Ordinance to repeal certain Ordinances.

[12th January, 1968.]

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

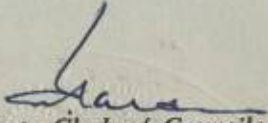
1. This Ordinance may be cited as the Law Revision (Miscellaneous Repeals) Ordinance 1968. Short title.

2. The Ordinances specified in the Schedule hereto are hereby repealed. Repeal of certain Ordinances.

SCHEDULE.

Item.	Chapter Number.	Title.
1.	Chapter 119	Japanese Treaty of Peace Order 1952 (Application to Hong Kong) Ordinance.
2.	Chapter 262	Trade Marks Register (Reconstruction) Ordinance.
3.	Chapter 264	Enemy Property (B.M.A.) Ordinance.
4.	Chapter 284	Alien Enemies (Re-vesting of Trade Marks) Ordinance.
5.	Chapter 293	Distribution of German Enemy Property Ordinance.
6.	Chapter 350	Land Transactions (Enemy Occupation) (Jurisdiction) Ordinance.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

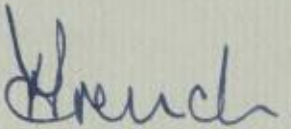
(Secretariat GR 14/3231/67)



HONG KONG

No. 6 OF 1968.

I assent.



—
Governor.

11th January, 1968.

An Ordinance to amend further the Magistrates Ordinance.

[12th January, 1968.]

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 Magistrates (Amendment) Ordinance 1968. Short title.
2. Section 21 of the principal Ordinance is amended by— Amendment of section 21. (Cap. 227.)
 - (a) deleting "before a magistrate to testify as aforesaid." in subsection (2) and substituting the following—
"before a magistrate—
 - (a) to testify as aforesaid, unless the complaint or information has been dismissed; and
 - (b) to show cause why he should not be punished under subsection (5) for his refusal or neglect so to appear.";

- (b) deleting "of twenty dollars" in subsection (4) and substituting the following—
"not exceeding five hundred dollars"; and
- (c) inserting the following new subsection after subsection (4)—
"(5) The magistrate before whom a person is brought pursuant to a warrant under subsection (2) may, unless such person satisfies the magistrate that he had reasonable cause for his refusal or neglect to appear at the time and place appointed by the summons, impose upon such person a fine not exceeding five hundred dollars."

Amendment of section 114.

3. Section 114 of the principal Ordinance is amended—
- (a) in paragraph (a), by—
- (i) deleting "ten" and substituting the following—
"fourteen"; and
 - (ii) inserting the following after "magistrate"—
"or within such extended time as may be ordered upon application made in accordance with section 114A"; and
- (b) in paragraph (b), by deleting "twenty days after the said conviction, order or determination" and substituting the following—
"fifteen days after the day on which the notice of appeal was given"; and
- (c) in paragraph (c), by deleting "fifteen days after the day of his conviction or the order or determination" and substituting the following—
"ten days after the day on which the notice of appeal was given".

Addition of new section 114A.

4. The principal Ordinance is amended by adding the following new section after section 114—

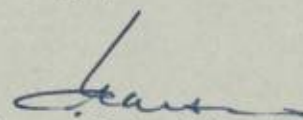
"Extension of time for giving notice of appeal under section 114.
[cf. 15 & 16, Geo. 6 & 1 Eliz. 2, s. 84.]

114A. (1) Where it appears to a magistrate or to a judge, on application made in accordance with subsection (2), that any person wishing to appeal against any conviction, order or determination by any magistrate has failed to give the notice of appeal required by section 114 within the period of fourteen days prescribed by paragraph (a) thereof, the magistrate or the judge, as the case may be, may, on good cause being shown by the applicant, order that such

notice may be given within such further time as shall be specified in such order.

- (2) An application under subsection (1) shall be made in writing and—
- (a) where the application is being made to a magistrate, shall be sent by the applicant to the magistrates' clerk; or
 - (b) where the application is being made to a judge, shall be sent by the applicant to the Registrar.
- (3) Where an order is made under subsection (1)—
- (a) the magistrates' clerk or the Registrar, as the case may be, shall give notice of the order to the applicant and to the respondent and, if he is not the respondent, to the Attorney General; and
 - (b) if the order was made by a judge, the Registrar shall also give notice thereof to the magistrates' clerk.
- (4) An application may be made under subsection (1) to a judge notwithstanding the refusal by a magistrate of an application thereunder."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat L/M B 1450/66)

HONG KONG

No. 7 OF 1968.



I assent.

Krench

Governor.

11th January, 1968.

An Ordinance to amend further the Juvenile Offenders Ordinance.

[12th January, 1968.]

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 Juvenile Offenders (Amendment) Ordinance 1968. Short title.

2. Section 3 of the principal Ordinance is amended by deleting subsections (5) and (6). Amendment of section 3. (Cap. 226.)

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.

Law

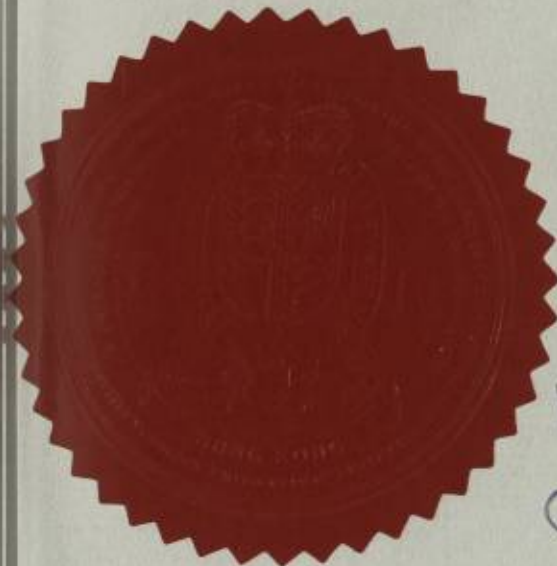
Deputy Clerk of Councils.

(Secretariat L/M B 1967/66)



HONG KONG

No. 8 OF 1968.



I assent.

Governor.

25th January, 1968.

An Ordinance to amend the law relating to the formal validity of wills.

[1st July, 1968.]

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 Wills (Formal Validity) Ordinance 1968 and shall come into operation on the 1st day of July 1968.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires—
“internal law” in relation to any territory or state means the law which would apply in a case where no question of the law in force in any other territory or state arose;

Interpretation.
1963 c. 44, s. 6(1).

“state” means a territory or group of territories having its own law of nationality;

“will” includes any testamentary instrument or act, and “testator” shall be construed accordingly.

General rule as to formal validity.
1963 c. 44, s. 1.

3. A will shall be treated as properly executed if its execution conformed to the internal law in force in the territory where it was executed, or in the territory where, at the time of its execution or of the testator's death, he was domiciled or had his habitual residence, or in a state of which, at either of those times, he was a national.

Additional rules.
1963 c. 44, s. 2.

4. (1) Without prejudice to section 3, the following shall be treated as properly executed—

- (a) a will executed on board a vessel or aircraft of any description, if the execution of the will conformed to the internal law in force in the territory with which, having regard to its registration (if any) and other relevant circumstances, the vessel or aircraft may be taken to have been most closely connected;
- (b) a will so far as it disposes of immovable property, if its execution conformed to the internal law in force in the territory where the property was situated;
- (c) a will so far as it revokes a will which under this Ordinance would be treated as properly executed or revokes a provision which under this Ordinance would be treated as comprised in a properly executed will, if the execution of the later will conformed to any law by reference to which the revoked will or provision would be so treated;
- (d) a will so far as it exercises a power of appointment, if the execution of the will conformed to the law governing the essential validity of the power.

(2) A will so far as it exercises a power of appointment shall not be treated as improperly executed by reason only that its execution was not in accordance with any formal requirements contained in the instrument creating the power.

Certain requirements to be treated as formal.
1963 c. 44, s. 3.

5. Where (whether in pursuance of this Ordinance or not) a law in force outside Hong Kong falls to be applied in relation to a will, any requirement of that law whereby special formalities are to be observed by testators answering a particular description, or witnesses to the execution of a will are to possess certain qualifications, shall be treated, notwithstanding any rule of that law to the contrary, as a formal requirement only.

Construction of wills.
1963 c. 44, s. 4.

6. The construction of a will shall not be altered by reason of any change in the testator's domicile after the execution of the will.

7. Where under this Ordinance the internal law in force in any territory or state is to be applied in the case of a will, but there are in force in that territory or state two or more systems of internal law relating to the formal validity of wills, the system to be applied shall be ascertained as follows—

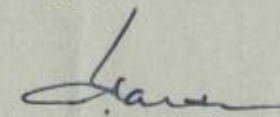
- (a) if there is in force throughout the territory or state a rule indicating which of those systems can properly be applied in the case in question, that rule shall be followed; or
- (b) if there is no such rule, the system shall be that with which the testator was most closely connected at the relevant time, and for this purpose the relevant time is the time of the testator's death where the matter is to be determined by reference to circumstances prevailing at his death, and the time of execution of the will in any other case.

8. In determining for the purposes of this Ordinance whether or not the execution of a will conformed to a particular law, regard shall be had to the formal requirements of that law at the time of execution, but this shall not prevent account being taken of an alteration of law affecting wills executed at that time if the alteration enables the will to be treated as properly executed.

9. (1) This Ordinance shall not apply to a will of a testator who died before the commencement of this Ordinance and shall apply to a will of a testator who dies after its commencement whether the will was executed before or after its commencement, but so that a will which was executed before its commencement and which, but for the provisions of this Ordinance, would be valid shall not thereby be invalidated.

(2) The validity of a will which is valid under section 3 of the Wills Ordinance shall not be affected by any thing in this Ordinance, except insofar as the will may be revoked or altered by any subsequent will valid under this Ordinance.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 24th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

(Secretariat GR 47/4841/58)

Application where two or more systems of law in force in territory or state.
1963 c. 44, s. 6(2).

Determination of conformity of execution of will to particular law.
1963 c. 44, s. 6(3).

Extent of application.
1963 c. 44, s. 7(4).

(Cap. 30.)

HONG KONG

No. 9 OF 1968.



I assent.

Governor.

25th January, 1968.

An Ordinance to amend further the Legal Aid 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 Legal Aid (Amendment) Ordinance 1968 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 19 of the principal Ordinance is amended by inserting after subsection (1), the following—

Amendment of section 19. (Cap. 91.)

“(1A) (a) Where a court makes an order for costs in favour of an aided person, there also shall be payable by the person against whom the order for costs is made the court fees and other fees and charges which, but for paragraphs (a) and (b) of subsection (3) of section 14, would have been payable by the aided person.

- (b) Any court fees and other fees and charges which become payable to an aided person under paragraph (a) shall be paid to the Director, who alone shall be capable of giving a good discharge therefor."

Addition of new section 19B.

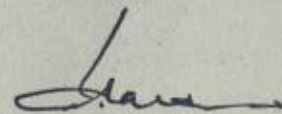
3. The principal Ordinance is amended by adding, after section 19A, the following new section—

"Disposal by Director of moneys paid to him.

19B. Upon receipt of all moneys paid to him pursuant to section 19 or 19A, the Director shall—

- (a) retain—
- (i) any sum paid by virtue of an order or agreement for costs made in the aided person's favour;
 - (ii) a sum equal to the amount, if any, by which any property recovered or preserved is charged for the benefit of the Director by virtue of subsection (2) of section 18; and
 - (iii) any costs recovered in proceedings taken by the Director in his own name under regulations made under this Ordinance;
- (b) pay to the Registrar of the Supreme Court any court fees and other fees and charges paid to him pursuant to subsection (1A) of section 19; and
- (c) pay the balance to the aided person or, if the court so directs, to the court or to some other person."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 24th day of January, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

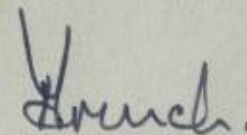
(Secretariat GR 9/3221/49111)

HONG KONG

No. 10 OF 1968.



I assent.



Governor.

29th February, 1968.

An Ordinance to amend further the School Medical Service Board Incorporation Ordinance.

[1st March, 1968.]

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 School Medical Service Board Incorporation (Amendment) Ordinance 1968 and shall come into operation on the 1st day of March 1968.

Short title and commencement.

2. Section 8 of the principal Ordinance is amended—

Amendment of section 8. (Cap. 1111.)

(a) in subsection (1), by deleting "ending on the 30th day of September 1965, and thereafter for every period of twelve months ending on the 30th day of September in each year" and substituting the following—

"commencing on the 1st day of October 1967 and ending on the 31st day of March 1969, and thereafter for every period of twelve months ending on the 31st day of March in each year"; and

- (b) in subsection (3), by deleting "1st day of March" and substituting the following—
"1st day of September".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 28th day of February, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

(Secretariat GR 7/3921/47III)

HONG KONG

No. 11 OF 1968.



I assent.

Governor.

14th March, 1968.

An Ordinance to amend various laws conferring powers on justices of the peace.

[15th March, 1968.]

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 Justices of the Peace (Miscellaneous Amendments) Ordinance 1968. Short title.

2. The enactments specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column of the Schedule. Amendment of specified enactments. Schedule.

SCHEDULE.

[s. 2.]

Enactment.

Amendment.

Gambling Ordinance.

(1) Section 16 is repealed and replaced by the following—

(Cap. 148.)

"Power to authorize entry of common gaming house.

Schedule.

16. (1) If a police officer of or above the rank of assistant superintendent has reason to believe that any place is a common gaming house, he may issue to any police officer an authorization in the appropriate form set out in the Schedule.

Enactment.

Amendment.

(2) A police officer to whom an authorization is issued under subsection (1), and any other police officer acting under his direction, may—

- (a) enter, by force if necessary, the place specified in the authorization and search the same;
- (b) arrest any person found in such place;
- (c) search any person found in such place; and
- (d) seize and detain—
 - (i) all cards, dice, balls, counters, tables, lottery tickets, betting slips and other implements or appliances of gaming or gambling found in such place or on any person found therein;
 - (ii) any thing found in such place or on any person found therein which may be used as a card, dice, ball, counter, table, lottery ticket or other implement or appliance of gaming or gambling;
 - (iii) any money or security for money which is being used for the purpose of gaming, gambling or betting in such place or is found on the keeper of such place.

(3) No female shall be searched under this section except by a female.

(4) Anything seized under paragraph (d) of subsection (2) shall, on conviction of the keeper of such place for an offence under section 6, be forfeited by the court."

(2) Section 17 is amended by deleting "the officer entering the same under a warrant issued under this Ordinance, or in the presence of any assistants by whom he may be accompanied as aforesaid; and it shall be lawful for the magistrate before whom any person may be taken by virtue of the warrant to direct all such implements of gaming or gambling and betting slips to be forfeited or destroyed" and substituting the following—

"any police officer who has entered such place under section 16".

(3) Section 18 is repealed and replaced by the following—

"Obstruction of police officers.

18. Any person who obstructs a police officer in the exercise of the powers conferred on him by section 15 or 16 shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months."

(4) Section 19 is amended by deleting "Where any police officer authorized under section 16 to enter any place is wilfully prevented from or obstructed or delayed in entering the same

Enactment.

Amendment.

or any part thereof, or where any external or internal door of or means of access to any such place so authorized to be entered is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part thereof of any officer authorized as aforesaid, or for giving" and substituting the following—

"Where the entry of a police officer to any place under section 16 is obstructed, or any external or internal door of or means of access to any place entered under that section is found to be fitted or provided with any bolt, bar or chain, or any means or contrivance, for the purpose of obstructing or giving".

(5) Section 20 is amended in subsection (1) by—

(a) deleting "in pursuance of" and substituting the following—

"under";

(b) deleting "preventing, obstructing or delaying the entry into such place or any part thereof of any officer authorized as aforesaid" and substituting the following—

"obstructing the entry of any police officer to such place under section 16"; and

(c) deleting "acts" and substituting the following—
"act".

(6) The Schedule is amended by deleting the form of warrant and substituting the following—

"FORM OF AUTHORIZATION UNDER SECTION 16.

WHEREAS I, (here insert name and rank of police officer issuing authorization), have reason to believe that (here insert description of place) is a common gaming house:

NOW, THEREFORE, in exercise of the power conferred by section 16(1) of the Gambling Ordinance, I issue this authorization to (here insert name and rank of police officer to whom authorization is issued).

Date

.....
Signature of issuing officer."

Criminal Procedure Ordinance.

Section 13 is amended by inserting the following after "justice of the peace"—

"or before the Commissioner of Prisons, the Deputy Commissioner of Prisons or a senior superintendent or superintendent of prisons".

(Cap. 221.)

*Enactment.**Amendment.*

(Cap. 232.)

Police Force Ordinance.

(1) Section 26 is amended by deleting "or justice of the peace" and substituting the following—

"justice of the peace or gazetted police officer".

(2) The Schedule is amended by inserting the following after "Justice of Peace"—

"Gazetted Police Officer".

(Cap. 233.)

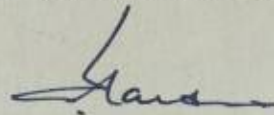
Hong Kong Auxiliary Police Force Ordinance.

(1) Section 11 is amended by deleting "or a justice of the peace" and substituting the following—

"a justice of the peace, the Commandant, a regular gazetted police officer or a gazetted officer of or above the rank of senior superintendent".

(2) The Schedule is amended by deleting "Magistrate/ Justice of the Peace."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 13th day of March, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

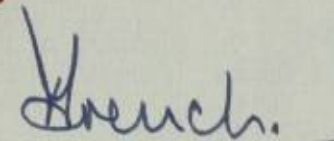
(Secretariat CR 277/65)

HONG KONG

No. 12 OF 1968.



I assent.



Governor.

14th March, 1968.

An Ordinance to amend further the Dentists Registration Ordinance.

[15th March, 1968.]

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 Dentists Registration (Amendment) Ordinance 1968. Short title.

2. Section 2 of the principal Ordinance is amended in subsection (1) by— Amendment of section 2. (Cap. 156.)

(a) inserting after the definition of "certificate of registration" the following definitions—

"Chairman" means the chairman of the Council established under section 4;

"complainant" means any person from whom a complaint against, or information in respect of a registered dentist or an applicant for registration has been received by the Secretary in accordance with regulations made under section 29;"

- (b) deleting "paragraph (f)" from the definition of "due inquiry" and substituting therefor the following—
"paragraph (h)";
- (c) inserting after the definition of "due inquiry" the following definition—
" "Legal Adviser" means the person appointed to be Legal Adviser to the Council under section 4;";
- (d) deleting the fullstop at the end of the definition of "repealed Ordinance" and substituting therefor a semicolon; and
- (e) inserting after the definition of "repealed Ordinance" the following definition—
" "Secretary" means the Secretary of the Council appointed under section 4.".

Amendment of section 3.

3. Section 3 of the principal Ordinance is amended by deleting "paragraph (i)" from subsection (1) and substituting therefor the following—
"paragraph (l)".

Amendment of section 18.

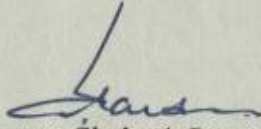
4. Section 18 of the principal Ordinance is amended in subsection (1) by inserting the following after "inquiry"—
"into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 29".

Amendment of section 29.

5. Section 29 of the principal Ordinance is amended by deleting paragraphs (f), (g), (h), (i) and (j) and substituting therefor the following paragraphs—
- "(f) the receipt of complaints or information about any registered dentist or any applicant for registration and the establishment of a committee to be known as the Preliminary Investigation Committee to make a preliminary investigation into any such complaint or information and to determine whether or not there shall be an inquiry under section 18;
- (g) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council whilst it is inquiring under section 18 into a complaint or information, in the preliminary investigation of which he took part;

- (h) the procedure to be followed in relation to—
(i) the submission of complaints and information to the Preliminary Investigation Committee;
(ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
(iii) the formulation of charges arising out of complaints and information;
(iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints or information;
(v) inquiries held by the Council under this Ordinance;
- (i) any certificate, form or other document required for carrying out the purposes of this Ordinance;
- (j) the duties of the Legal Adviser to the Council;
- (k) the duties of the Secretary of the Council;
- (l) the establishment of classes of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry, within the meaning of subsection (2) of section 2, and in particular—
(i) the qualifications for becoming a member of any such class;
(ii) the dental work which a member of any such class may undertake and the conditions, if any, under which he may do so;
(iii) the establishment of a roll or record of such classes; and
(iv) the title to be used by a member of any such class indicating his membership thereof; and
- (m) generally, the carrying into effect of the provisions of this Ordinance."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 13th day of March, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

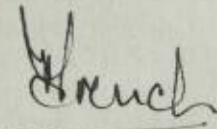
(Secretariat GR 37/3231/49II)

HONG KONG

No. 13 OF 1968.



I assent.


Governor.

28th March, 1968.

An Ordinance to apply a sum not exceeding one thousand nine hundred and sixty-five million, three hundred and fifty-three thousand and ten dollars to the Public Service of the financial year ending the 31st day of March 1969.

[1st April, 1968.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March 1969, has been estimated at the sum of one thousand nine hundred and sixty-five million, three hundred and fifty-three thousand and ten dollars:

Preamble.

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

1. This Ordinance may be cited as the Appropriation (1968-69) Ordinance 1968. Short title.

Appropriation from the general revenues and other funds.

Schedule.

2. A sum not exceeding one thousand nine hundred and sixty-five million, three hundred and fifty-three thousand and ten dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April 1968, and ending on the 31st day of March 1969, and the said sum so charged may be expended in the manner expressed in the Schedule.

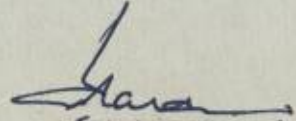
SCHEDULE.

[s. 2.]

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
21.	His Excellency the Governor's Establishment ...	833,000
22.	Agriculture and Fisheries Department	13,619,900
23.	Audit Department	1,816,100
24.	Census and Statistics Department	2,987,500
25.	Civil Aviation Department	10,632,100
26.	Colonial Secretariat and Legislature	18,603,700
27.	Commerce and Industry Department	18,285,700
28.	Defence: Hong Kong Regiment (The Volunteers)	2,388,500
29.	Defence: Hong Kong Auxiliary Air Force	1,585,700
30.	Defence: Essential Services Corps and Directorate of Manpower	436,400
31.	Defence: Auxiliary Fire Service	505,000
32.	Defence: Auxiliary Medical Service	1,753,600
33.	Defence: Civil Aid Services	2,417,400
34.	Defence: Registration of Persons Office	1,719,500
35.	Defence: Miscellaneous Measures	81,140,100
36.	Education Department	288,604,300
37.	Fire Services Department	33,189,000
38.	Immigration Department	7,932,600
39.	Information Services Department	6,948,000
40.	Inland Revenue Department	10,534,100
41.	Judiciary	11,187,800
42.	Kowloon-Canton Railway	9,271,400
43.	Labour Department: Labour Division	5,203,500
44.	Labour Department: Mines Division	545,600
45.	Legal Department	3,865,000
46.	Marine Department	21,709,900
47.	Medical and Health Department	134,938,600
48.	Miscellaneous Services	44,348,600
49.	New Territories Administration	13,448,700

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
50.	Pensions	49,132,000
51.	Police Force: Hong Kong Police	144,759,600
52.	Police Force: Auxiliary Police	3,653,700
53.	Post Office	59,293,200
54.	Printing Department	8,523,200
55.	Prisons Department	19,863,500
56.	Public Debt	5,041,710
57.	Public Services Commission	209,100
58.	Public Works Department	107,630,500
59.	Public Works Recurrent	100,127,200
60.	Public Works Non-recurrent: Headquarters	6,629,000
61.	Public Works Non-recurrent: Buildings	186,357,300
62.	Public Works Non-recurrent: Civil Engineering	96,091,900
63.	Public Works Non-recurrent: Waterworks	76,431,000
64.	Radio Hong Kong	4,441,200
65.	Rating and Valuation Department	3,742,500
66.	Registrar General's Department	5,741,600
67.	Registry of Trade Unions	414,100
68.	Resettlement Department	42,398,800
69.	Royal Observatory	3,507,200
70.	Secretariat for Chinese Affairs	3,326,600
71.	Secretariat for Chinese Affairs: Public Enquiry Service	377,300
72.	Social Welfare Department	15,857,900
73.	Stores Department	21,278,800
74.	Subventions: Medical	54,608,800
75.	Subventions: Social Welfare	9,888,400
76.	Subventions: Miscellaneous	22,287,000
77.	Treasury	4,756,400
78.	Universities	68,084,000
79.	Urban Services Department and Urban Council ...	68,005,600
80.	Urban Services Department: City Hall	4,068,200
81.	Urban Services Department: Housing Division ..	9,739,400
82.	Urban Services Department: New Territories Division	8,594,100
83.	World Refugee Year Schemes	40,900
	TOTAL	\$1,965,353,010

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 28th day of March, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

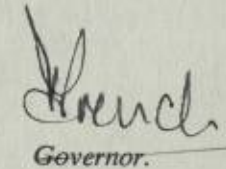
(Secretariat FIN 4/2291/63)

HONG KONG

No. 14 OF 1968.



I assent.



Governor.

28th March, 1968.

An Ordinance to amend the Registered Trustees Incorporation Ordinance.

[29th March, 1968.]

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

- | | |
|--|---|
| <p>1. This Ordinance may be cited as the Registered Trustees Incorporation (Amendment) Ordinance 1968.</p> | <p>Short title.</p> |
| <p>2. The Long Title to the principal Ordinance is amended by inserting after "persons" a comma and the following—
"and of trustees of charities".</p> | <p>Amendment of Long Title.
(Cap. 306.)</p> |
| <p>3. Section 2 of the principal Ordinance is amended—
(a) by being renumbered as subsection (1) thereof; and
(b) in the definition of "body of persons", by—
(i) deleting the comma after "Ordinance" in paragraph (b) and substituting therefor a semicolon; and</p> | <p>Amendment of section 2.</p> |

(ii) deleting the following—

“the objects of which in either case do not involve the acquisition of gain by such community of persons or body or association of persons or its individual members, as the case may be;” and

(c) by inserting the following definition after the definition of “certificate”—

““charity” means any trust or organization established by deed or otherwise for a charitable purpose within the meaning of section 2 of the Charities (Land Acquisition) Ordinance;” and

(d) by inserting the following new subsections—

“(2) Where the objects of any body of persons or charity involve the acquisition of gain by such body of persons or charity or any of its individual members or trustees, as the case may be, such body of persons or charity shall not be a body of persons or charity for the purposes of this Ordinance.

(3) For the purposes of subsection (2), the receipt by an individual member or trustee of any body of persons or charity of remuneration in respect of any professional services rendered to such body of persons or charity where the will, deed, rules, regulations or other instrument creating, constituting or regulating the same so permits shall not be an acquisition of gain.”.

Amendment of
section 3.

4. Section 3 of the principal Ordinance is amended—

(a) by inserting in subsection (1) after “body of persons” the following—

“or charity”;

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

“(2) Every application shall be—

- (a) in writing signed by the trustees;
- (b) franked denoting payment of the prescribed fee;
- (c) accompanied by the particulars specified in the First Schedule or such of them as are applicable to the case; and
- (d) accompanied by the documents specified in that Schedule or such of them as are applicable to the case.”.

5. Section 4 of the principal Ordinance is amended—

Amendment of
section 4.

(a) in subsection (1)—

(i) by inserting the following after “body of persons”—
“or charity”;

(ii) by inserting the following after “such body”—
“or charity”; and

(b) by inserting the following in subsection (3) after “such body of persons”—

“or charity”.

6. Section 7 of the principal Ordinance is amended—

Amendment of
section 7.

(a) by inserting the following after “body of persons” wherever it occurs—

“or charity”; and

(b) by inserting after “that body”, the following—

“or charity”.

7. Section 8 of the principal Ordinance is amended by inserting the following after “body of persons” in each place where those words occur—

Amendment of
section 8.

“or charity”.

8. Section 12 of the principal Ordinance is amended—

Amendment of
section 12.

(a) by inserting the following after “body of persons”—

“or charity”; and

(b) by inserting the following after “such body”—

“or charity”.

9. Section 13 of the principal Ordinance is amended by inserting the following after “body of persons” in each place where those words occur—

Amendment of
section 13.

“or charity”.

10. Section 14 of the principal Ordinance is amended by inserting the following after “body of persons”—

Amendment of
section 14.

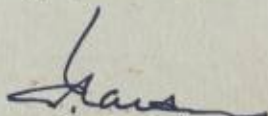
“or charity”.

11. The First Schedule to the principal Ordinance is amended by inserting the following after “body of persons” in each place where those words occur—

Amendment of
First Schedule.

“or charity”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 28th day of March, 1968, and is found by me to be a true and correctly printed copy of the said Bill.

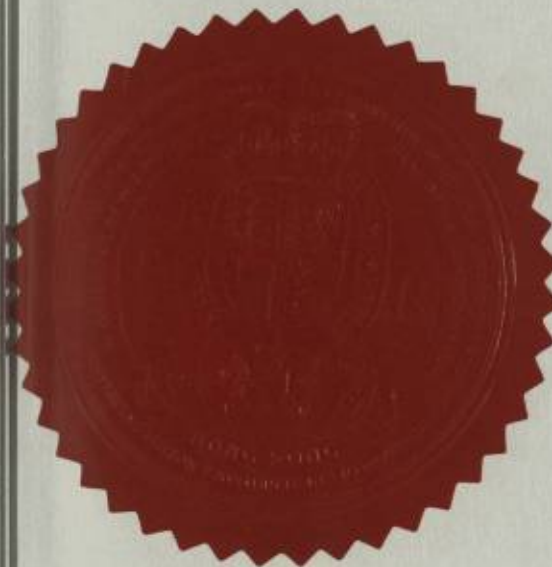


Deputy Clerk of Councils.

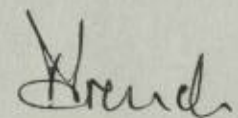
(Secretariat BL 2/3220/54)

HONG KONG

No. 15 OF 1968.



I assent.



—Governor.

28th March, 1968.

An Ordinance to amend the Charities (Land Acquisition) Ordinance.

[29th March, 1968.]

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 Charities (Land Acquisition) (Amendment) Ordinance 1968.

Short title.

2. Section 2 of the principal Ordinance is amended in paragraph (c) of the definition of "charity" by—

Amendment of section 2. (Cap. 305.)

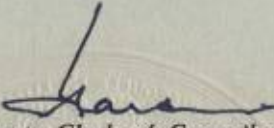
(a) inserting after "body of persons" the following—

"or charity within the meaning of the Registered Trustees Incorporation Ordinance"; and

(b) deleting "under the Registered Trustees Incorporation Ordinance" and substituting therefor the following—

"thereunder".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 28th day of March, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

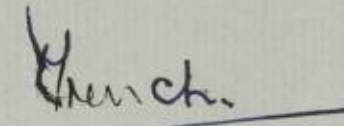
(Secretariat BL 2/3220/54)



HONG KONG

No. 16 OF 1968.

I assent.


Governor.

10th April, 1968.

An Ordinance to amend further the Cremation Ordinance.

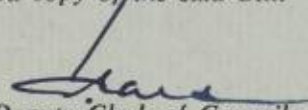
[11th April, 1968.]

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 Cremation (Amendment) Ordinance 1968. Short title.

2. Section 10 of the principal Ordinance is amended by deleting "magistrate" and substituting the following— Amendment of section 10. (Cap. 133.)
"coroner".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of April, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR 1/4041/47)



HONG KONG

No. 17 OF 1968.



I assent.

French.

Governor.

10th April, 1968.

An Ordinance to amend further the Public Health and Urban Services Ordinance.

[11th April, 1968.]

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 Health and Urban Services (Amendment) Ordinance 1968. Short title.

2. Section 77 of the principal Ordinance is amended by deleting subsection (1) and substituting the following— Amendment of section 77.
(Cap. 132.)

“(1) The Authority may in relation to the slaughter of animals or birds for food for human consumption make regulations prescribing or providing for—

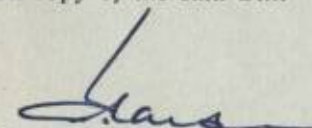
- (a) the regulation or control (including prohibition) of slaughtering in any place other than a slaughterhouse;
- (b) the maintenance and cleanliness of slaughterhouses;

- (c) the management and operation of slaughterhouses, including the exclusion or removal of persons therefrom;
- (d) the control of the admission of animals to slaughterhouses;
- (e) the control of animals in slaughterhouses;
- (f) the examination, inspection and marking of animals intended for slaughter;
- (g) the methods, instruments and appliances which may be used when slaughtering is carried out;
- (h) the inspection and marking as fit for human consumption of the carcasses and offals of animals slaughtered in slaughterhouses and restriction of the use of such marks;
- (i) the disposal, treatment, and processing of waste matters, refuse and by-products resulting from the slaughter of animals or birds in slaughterhouses;
- (j) control of the transport of carcasses, parts of carcasses, and offals from any slaughterhouse to any other place;
- (k) in the case of public slaughterhouses—
 - (i) the payment of fees or charges for the use of any slaughterhouse or for the use of any services provided therein or in connexion therewith;
 - (ii) the persons by whom all or any of the activities of any slaughterhouse may be carried on;
 - (iii) registration of owners of animals to be slaughtered;
 - (iv) the time within which animals shall be slaughtered;
 - (v) the conferring on public officers or any public body of power to detain animals or carcasses, to direct the slaughter of animals and to dispose of animals and the carcasses and other parts of animals;
 - (vi) the maintenance of good order in slaughterhouses;
- (l) in the case of private slaughterhouses—
 - (i) the registration, licensing or prohibition thereof, and fees or charges in connexion with such registration or licensing;

(ii) requirements as to construction, lighting, ventilation and drainage, and as to the periodic painting or limewashing, of the premises or any parts thereof; and

(iii) the control of fees or charges levied for the use of any such slaughterhouse or for the use of any facilities provided thereat.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of April, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

(Secretariat GR 8/3281/54II)

HONG KONG

No. 18 OF 1968.



I assent.

N. S. Ming
Acting Governor.

2nd May, 1968.

An Ordinance to amend further the Holidays Ordinance.

[3rd May, 1968.]

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 Holidays (Amendment) Ordinance 1968.

Short title.

2. Section 3 of the principal Ordinance is amended—

Amendment of
section 3.
(Cap. 149.)

(a) by deleting paragraphs (c), (d), (e) and (f) and substituting therefor the following—

“(c) Lunar New Year’s Day;

(d) the second day of Lunar New Year;

(e) the third day of Lunar New Year;

(f) in a year in which Lunar New Year’s Day or the second day of Lunar New Year or the third day of the Lunar New Year is a Sunday, the fourth day of the Lunar New Year;”;

(b) by deleting “Day” from paragraph (p).

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 1st day of May, 1968, and is found by me to be a true and correctly printed copy of the said Bill.

[Handwritten signature]

Deputy Clerk of Councils.

(Secretariat GR 9/761/46)



HONG KONG

No. 19 OF 1968.



I assent.

[Handwritten signature]

Acting Governor.

2nd May, 1968.

An Ordinance to provide for the incorporation of The St. Stephen's Girls' College Council.

[3rd May, 1968.]

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 St. Stephen's Girls' College Council Incorporation Ordinance 1968. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
"constitution" means the constitution of The St. Stephen's Girls' College Council approved from time to time by its members for the time being in accordance with the constitution for the time being in operation;

"corporation" means the body incorporated by section 3.

3. The St. Stephen's Girls' College Council shall be a body corporate, and shall have the name "The St. Stephen's Girls' College Council" and in that name shall have perpetual succession and may sue and be sued in all courts in the Colony and shall have and may use a common seal. Incorporation.

Power of corporation.

4. The corporation shall have full power—

- (a) to manage, administer and operate St. Stephen's Girls' College;
- (b) subject to the provisions of the Charities (Land Acquisition) Ordinance, to acquire, accept leases of, purchase, take or otherwise hold and enjoy any land, buildings, messuages or tenements of what nature or kind soever and wheresoever situate;
- (c) to acquire, by purchase or otherwise, goods and chattels of any kind or description;
- (d) to invest moneys on deposit in any bank in the Colony or elsewhere within the British Commonwealth or in any Hong Kong or British Commonwealth government bonds or on mortgage of any land, buildings, messuages or tenements in the Colony, or in or on debentures, debenture-stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony or elsewhere within the British Commonwealth;
- (e) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, buildings, messuages, tenements, mortgages, debentures, debenture-stocks, stocks, funds, securities, vessels, goods and chattels for the time being vested in the corporation, upon such terms as the corporation may deem fit;
- (f) to erect any buildings, messuages or tenements and effect any improvement thereto;
- (g) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscriptions;
- (h) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the corporation as provided by its constitution for the time being or for carrying into effect the provisions of this Ordinance.

(Cap. 305.)

Vesting of property.

5. On the commencement of this Ordinance the corporation shall succeed to all the property, rights, privileges, obligations and liabilities of the unincorporated The St. Stephen's Girls' College Council.

Members.

6. The corporation shall consist of such members as shall be provided by its constitution.

7. All the existing members of the unincorporated The St. Stephen's Girls' College Council shall be the first members of the corporation.

Existing members to become members.

8. The existing constitution of the unincorporated The St. Stephen's Girls' College Council shall be the constitution of the corporation:

Existing constitution to become constitution of the corporation.

Provided that the same may be changed or amended by the corporation from time to time in the manner provided by the constitution for the time being in operation.

9. (1) The corporation shall forward to the Registrar of Companies for registration the following—

Registration with Registrar of Companies.

- (a) notice of the address of the registered office of the corporation and any change thereto;
- (b) a copy of the constitution and any amendment thereto, certified as correct by the chairman of the corporation;
- (c) a list of the names and addresses of the members of the corporation and any change therein, certified as correct by the chairman of the corporation; and
- (d) the name and address of any person appointed under section 10 to sign deeds, documents and other instruments and any change therein, certified correct by the chairman of the corporation.

(2) Notification in accordance with subsection (1) shall be made within twenty-eight days or in the case of any amendment, change or appointment, within twenty-eight days of such amendment, change or appointment, as the case may be.

(3) Any person may inspect any of the documents registered under this section, upon payment of such fee as may be prescribed under section 305 of the Companies Ordinance for the inspection of a document.

(Cap. 32.)

(4) The corporation shall pay such fee for registering any document under this section as is specified in the Eighth Schedule to the Companies Ordinance, as if the corporation were a company not having a share capital.

(Cap. 32.)

10. (1) The seal of the corporation shall not be affixed to any deed, document or instrument except by the authority of a resolution of the corporation.

Sealing of deeds.

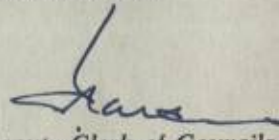
(2) All deeds, documents and other instruments requiring the seal of the corporation shall be signed by the chairman and the secretary of the corporation or by such other person or persons

as the corporation shall from time to time appoint and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

Saving.

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

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 1st day of May, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

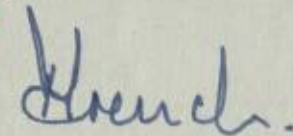
(Secretariat GR 13/3231/67)

HONG KONG

No. 20 OF 1968.



I assent.



Governor.

23rd May, 1968.

An Ordinance to amend further the Resettlement Ordinance.

[24th May, 1968.]

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

1. This Ordinance may be cited as the Resettlement (Amendment) Ordinance 1968.

Short title.

2. Section 51 of the principal Ordinance is amended in subsection (1)—

Amendment of section 51. (Cap. 304.)

(a) by inserting the following after paragraph (g)—

“(gg) the fees to be paid for the occupation of land in resettlement estates, resettlement factory areas and cottage resettlement areas authorized by permit under section 52A;” and

(b) by inserting the following after paragraph (i)—

“(ii) the sum to be paid by tenants occupying premises to which an electricity supply has been connected;”.

Addition of section 52A and 52B.

3. The principal Ordinance is amended by adding after section 52 the following new sections—

“Authorized occupation of land in resettlement estates, resettlement factory areas and cottage resettlement areas.

52A. (1) A competent authority may by permit in writing authorize the tenant of any premises in a resettlement estate or a resettlement factory area or the authorized occupant of premises in a cottage resettlement area to occupy an area of land within the resettlement estate, resettlement factory area or cottage resettlement area for such purposes as are specified in the permit.

(2) A person to whom a permit has been granted under subsection (1) shall pay such fees as may be prescribed for the occupation of the land.

(3) A permit granted under subsection (1) shall be subject to such conditions as may be specified in the permit.

(4) A permit granted under subsection (1) may be cancelled by the competent authority at any time, whether or not any condition under which it is issued has been contravened and shall be deemed to be cancelled immediately upon the termination of the tenancy or the revocation of the occupation permit of the person to whom the permit was granted.

Emergency closure of premises in resettlement estates, resettlement factory areas and cottage resettlement areas.

52B. (1) If, in the opinion of a competent authority, any building in any resettlement estate, resettlement factory area, cottage resettlement area, Class I area or Class II area is or is likely to become dangerous by reason of fire, wind, rain or any other cause, the competent authority may by order declare the building to be dangerous.

(2) On the making of an order under subsection (1)—

- (a) every tenancy of the building created in accordance with section 27 shall terminate forthwith;
- (b) every occupation permit that has been granted by a competent authority in respect of the building or such part thereof in accordance with section 43 shall be deemed to be revoked forthwith;
- (c) the competent authority may revoke any licence granted under section 50C in respect

of the land on which the building is constructed.

(3) Where an order has been made under subsection (1)—

- (a) every person in the building shall quit forthwith the same when required to do so by an authorized officer; and
- (b) any authorized officer may evict any person who fails to quit forthwith the building when required to do so by an authorized officer.

(4) In the exercise of his powers under subsection (3) an authorized officer, with such assistance of police officers as he considers necessary, may use such force as is reasonably necessary to evict any person who fails to quit the building when required to do so by an authorized officer.”

4. Section 54 of the principal Ordinance is amended by deleting paragraph (b) of subsection (1) and substituting therefor the following—

Amendment of section 54.

“(b) take possession of any property—

(i) which appears to him to have been abandoned in any public place in a resettlement estate, resettlement factory area, cottage resettlement area, Class I area or Class II area; or

(ii) which has been placed in or on or affixed to any premises in any resettlement estate, resettlement factory area, cottage resettlement area, Class I area or Class II area which are the subject of a tenancy, occupation permit or licence under this Ordinance, in contravention of any condition of any such tenancy, occupation permit or licence; or

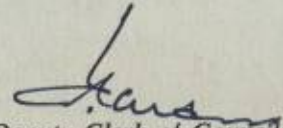
(iii) which obstructs the competent authority in the proper maintenance of any public place in any resettlement estate, resettlement factory area, cottage resettlement area, Class I area or Class II area.”

5. The Second Schedule to the principal Ordinance is amended by adding the following below the heading “COTTAGE RESETTLEMENT AREAS.”—

Amendment of Second Schedule.

“Fo Tan (火炭平房區)”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of May, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

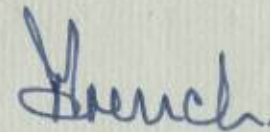
(Secretariat BL 4/741/67)

HONG KONG

No. 21 OF 1968.



I assent.



Governor.

23rd May, 1968.

An Ordinance to amend further the Motor Vehicles Insurance (Third Party Risks) Ordinance.

[24th May, 1968.]

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 Motor Vehicles Insurance (Third Party Risks) (Amendment) Ordinance 1968.

Short title and commencement of section 3.

(2) Section 3 shall come into operation on the 1st day of August 1968.

2. Section 3 of the principal Ordinance is amended, in the proviso to subsection (1), by deleting "two hundred thousand" and substituting the following—

Amendment of section 3. (Cap. 272.)

"four hundred thousand".

Amendment of
section 4.

3. Section 4 of the principal Ordinance is amended, in paragraph (c) of subsection (4), by deleting "two hundred thousand" and substituting the following—

"four hundred thousand".

Amendment of
section 5.

4. Section 5 of the principal Ordinance is amended by deleting "or required under the proviso to subsection (1) of section 3".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of May, 1968, and is found by me to be a true and correctly printed copy of the said Bill.

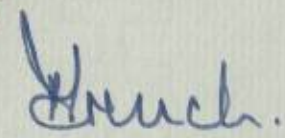

Deputy Clerk of Councils.

(Secretariat ECON 6/5591/51IV)

HONG KONG

No. 22 OF 1968.

I assent.


Governor.

23rd May, 1968.

An Ordinance to amend the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance.

[24th May, 1968.]

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 Industrial Employment (Holidays with Pay and Sickness Allowance) (Amendment) Ordinance 1968.

Short title.

2. Section 5 of the principal Ordinance is amended by deleting subsections (1) and (2) and substituting therefor the following—

Amendment of
section 5.
(Cap. 333.)

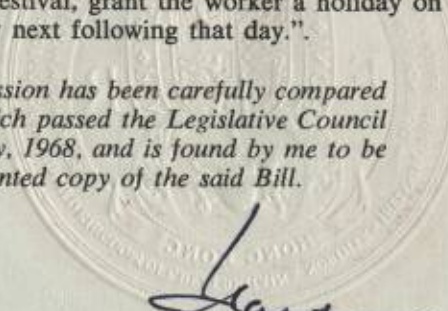
"(1) Save as provided in subsections (2), (3), (4) and (5), every worker shall be granted a holiday on each of the following days—

- (a) Lunar New Year's Day;
- (b) the second day of Lunar New Year;

- (c) Ching Ming (清明) Festival;
- (d) Tuen Ng (端午, Dragon Boat) Festival;
- (e) the day following the Chinese Mid-Autumn (中秋) Festival; and
- (f) Chinese Winter Solstice (冬節) Festival.

(2) Save as provided in subsections (3), (4) and (5), an employer who has, not less than fifteen days before the Chinese Winter Solstice (冬節) Festival, posted in the industrial undertaking a notice of his intention to do so, shall, in lieu of granting a worker a holiday on the day of the Chinese Winter Solstice (冬節) Festival, grant the worker a holiday on the first day of January next following that day."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of May, 1968, and is found by me to be a true and correctly printed copy of the said Bill.



Lans
Deputy Clerk of Councils.

(Secretariat GR 2/3231/68)

HONG KONG

No. 23 OF 1968.



I assent.

French

Governor.

6th June, 1968.

An Ordinance to amend the Separation and Maintenance Orders Ordinance.

[7th June, 1968.]

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 Separation and Maintenance Orders (Amendment) Ordinance 1968. Short title.
2. Section 2 of the principal Ordinance is amended— Amendment of section 2. (Cap. 16.)
 - (a) by deleting the definition of "Christian marriage or its civil equivalent";
 - (b) by inserting the following new definition after the definition of "habitual drunkard" and "drug addict"—

"monogamous marriage" has the same meaning as in the Matrimonial Causes Ordinance;"; and

(c) in the definition of "wife" and "married woman" by deleting "any Christian marriage or its civil equivalent recognized by the law of the Colony" and substituting the following—

"a monogamous marriage".

3. Section 5 of the principal Ordinance is amended—

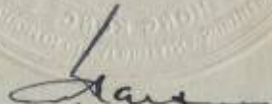
(a) by deleting "two hundred and fifty" in paragraph (c) and substituting the following—

"one thousand"; and

(b) by deleting "thirty" in paragraph (d) and substituting the following—

"one hundred and twenty".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 5th day of June, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR 43/3231/48)

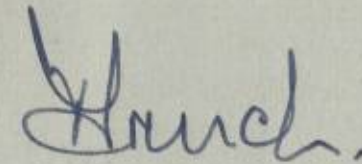
Amendment of section 5.

HONG KONG

No. 24 OF 1968.



I assent.



Governor.

27th June, 1968.

An Ordinance to amend the Registration of United Kingdom Patents Ordinance.

[28th June, 1968.]

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 Registration of United Kingdom Patents (Amendment) Ordinance 1968.

Short title.

2. The principal Ordinance is amended by adding the following new sections after section 7—

Addition of new sections 7A—7D. (Cap. 42.)

"Crown, 12, 13 and 14 Geo. 6, c. 87, s. 21(2). (Cap. 300.)

(24 of 1968.)

7A. Subject to the provisions of this Ordinance and of subsection (3) of section 5 of the Crown Proceedings Ordinance, a certificate of registration, whether issued before or after the commencement of the Registration of United Kingdom Patents (Amendment) Ordinance 1968, shall, after the commencement of that Ordinance, have the same effect against the Crown as it has against a subject.

Use of patented inventions for the services of the Crown.

12, 13 and 14 Geo. 6, c. 87, s. 46(1), (2), (3), (4), (5) and (7).
See 2 and 3 Eliz. 2, c. 32, 3rd Sch.

7B. (1) (a) Notwithstanding anything in this Ordinance or any other law, the Government, and any person authorized in writing by the Governor, may use any patented invention for the services of the Crown in accordance with the following provisions of this section.

(b) An invention for which a patent has been granted in the United Kingdom shall, upon the issue of a certificate of registration of such patent under this Ordinance (but not any earlier) become a patented invention for the purposes of this section, and shall remain a patented invention only for so long as the patent remains in force in the United Kingdom, save that if a declaration is made under this Ordinance that the exclusive privileges and rights conferred by such certificate have not been acquired the invention shall not be or be regarded as having been a patented invention within the meaning of this section.

(2) If and so far as the patented invention has before the priority date in the United Kingdom of the relevant claim of the complete specification been duly recorded by or tried by or on behalf of any department of Her Majesty's Government in the United Kingdom or the United Kingdom Atomic Energy Authority or the Government otherwise than in consequence of the communication thereof directly or indirectly by the person or persons entered as grantee or proprietor of the patent on the register of patents kept pursuant to the Patent Act 1949 or by any person from whom he derives title, any use of the invention by virtue of this section may be made free of any royalty or other payment to the person entitled under the relevant certificate of registration issued under this Ordinance to the privileges and rights conferred by such certificate. In this subsection the expression "priority date" has the meaning assigned to it in section 5 of the aforesaid Act.

(3) If and so far as the patented invention has not been so recorded or tried as aforesaid, any use of the invention made by virtue of this section at any time after the issue under this Ordinance of the certificate of registration of the patent granted for that invention, or in consequence of any such communica-

(12, 13 and 14 Geo. 6, c. 87.)

tion as aforesaid, shall be made upon such terms as may be agreed upon, either before or after the use, between the Government and the person entitled under the certificate of registration to the privileges and rights conferred thereby, or as may in default of agreement be determined by the court on a reference under section 7D.

(4) The authority of the Governor in respect of a patented invention may be given under this section either before or after the certificate of registration of the patent for the invention is issued and either before or after the acts in respect of which the authority is given are done, and may be given to any person whether or not he is authorized directly or indirectly by the person entitled under the certificate of registration to the privileges and rights conferred thereby to use the invention.

(5) Where any use of a patented invention is made by the Government, or by any person with the authority of the Governor, under this section, then, unless it appears to the Governor that it would be contrary to the public interest so to do, the Colonial Secretary shall notify the holder of the certificate of registration issued under this Ordinance as soon as is practicable after the use is begun, and furnish him with such information as to the extent of the use as he may from time to time require.

7C. (1) In relation to any use of a patented invention, within the meaning of paragraph (b) of subsection (1) of section 7B, made for the services of the Crown—

- (a) by the Government, or by a person authorized by the Governor under section 7B; or
- (b) by the person entitled under the certificate of registration to the privileges and rights conferred thereby, to the order of the Government,

the provisions of any licence, assignment or agreement made, whether before or after the commencement of the Registration of United Kingdom Patents (Amendment) Ordinance 1968, between the person entitled under the certificate of registration to the privileges and rights conferred thereby, or any person who derives title from him or from whom he derives title, and any person other than the Government shall be

Right of third parties in respect of Crown use.
12, 13 and 14 Geo. 6, c. 87, s. 47.

(24 of 1968.)

of no effect so far as those provisions restrict or regulate the use of the invention, or any model, document or information relating thereto, or provide for the making of payments in respect of any such use, or calculated by reference thereto.

(2) Where an exclusive licence granted otherwise than for royalties or other benefits determined by reference to the use of the invention is in force in the Colony, then—

- (a) in relation to any use of the patented invention which, but for the provisions of this section and section 7B, would constitute an infringement of the rights of the licensee, subsection (3) of section 7B shall have effect as if for the reference to the person entitled under the certificate of registration to the privileges and rights conferred thereby there were substituted a reference to the licensee; and
- (b) in relation to the use of the patented invention by the licensee by virtue of an authority given under section 7B, that section shall have effect as if the said subsection (3) were omitted.

(3) Subject to the provisions of subsection (2), where the patent has been assigned to the person entitled under the certificate of registration thereof to the privileges and rights conferred by such certificate in consideration of royalties or other benefits determined by reference to the use of the patented invention, then—

- (a) in relation to any use of the invention by virtue of section 7B, subsection (3) of that section shall have effect as if the reference to the person entitled under the certificate of registration to the privileges and rights conferred thereby included a reference to the assignor, and any sum payable by virtue of that subsection shall be divided between the person entitled as aforesaid and the assignor in such proportion as may be agreed upon between them or as may in default of agreement be determined by the court on a reference under section 7D; and

- (b) in relation to any use of the invention made for the services of the Crown by the person entitled under the certificate of registration to the privileges and rights conferred thereby to the order of the Government, subsection (3) of section 7B shall have effect as if that use were made by virtue of an authority given under that section.

(4) Where, under subsection (3) of section 7B, payments are required to be made by the Government to a person entitled under a certificate of registration to the privileges and rights conferred thereby in respect of any use of patented invention, any person, being the holder of an exclusive licence in force in the Colony (not being such a licence as is mentioned in subsection (2) of this section) authorizing him to make that use of the invention, shall be entitled to recover from the person entitled under the certificate of registration to the privileges and rights conferred thereby such part (if any) of those payments as may be agreed upon between that person and the person entitled as aforesaid to the said privileges and rights, or as may in default of agreement be determined by the court under section 7D to be just having regard to any expenditure incurred by that person—

- (a) in developing the said invention; or
- (b) in making payments to the person entitled as aforesaid to the said privileges and rights, other than royalties or other payments determined by reference to the use of the invention, in consideration of the licence,

and if, at any time before the amount of any such payment has been agreed upon between the Government and the person entitled as aforesaid to the said privileges and rights that person gives notice in writing of his interest to the Colonial Secretary, any agreement as to the amount of that payment shall be of no effect unless it is made with his consent.

7D. (1) Any dispute as to the exercise by the Government or a person authorized by the Governor of the powers conferred by section 7B, or as to terms for the use of a patented invention for the services of the Crown thereunder, or as to the right of any person to receive any part of a payment made in pursuance of subsection (3) of that section, may be referred to

Reference of
disputes as
to Crown
use.
12, 13 & 14
Geo. 6, c. 87,
s. 48.

the Supreme Court by either party to the dispute in such manner as may be prescribed by rules of court.

(2) In any proceedings under this section in which the Attorney General represents the Crown or the Government, the Attorney General may—

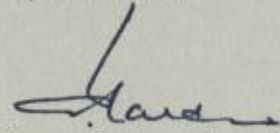
- (a) if the person entitled under the relevant certificate of registration to the privileges and rights conferred thereby is a party to the proceedings, apply for a declaration, on any of the grounds upon which such a declaration may be made under section 8, that the exclusive privileges and rights conferred by such certificate of registration have not been acquired;
- (b) in any case, put in issue the validity of the certificate without applying for such a declaration as aforesaid.

(3) If in such proceedings as aforesaid any question arises whether an invention has been recorded or tried as mentioned in section 7B, and the disclosure of any document recording the invention, or of any evidence of the trial thereof, would in the opinion of the Governor be prejudicial to the public interest, the disclosure may be made confidentially to counsel for the other party or to an independent expert mutually agreed upon.

(4) In determining under this section any dispute between the Government and any person as to terms for the use of an invention for the services of the Crown, the court shall have regard to any benefit or compensation which that person or any person from whom he derives title may have received, or may be entitled to receive, directly or indirectly from the Government in respect of the invention in question.

(5) In any proceedings under this section the court may at any time order the whole proceedings or any question or issue of fact arising therein to be referred to a special referee or an arbitrator on such terms as the court may direct; and references to the court in the foregoing provisions of this section shall be construed accordingly.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 26th day of June, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR 54/3231/47)

HONG KONG

No. 25 OF 1968.



I assent.

Amich.

Governor.

11th July, 1968.

An Ordinance to amend further the Legal Practitioners Ordinance.

[12th July, 1968.]

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

1. This Ordinance may be cited as the Legal Practitioners (Amendment) Ordinance 1968. Short title.

2. Section 2 of the principal Ordinance is amended— Amendment of section 2. (Cap. 159.)

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

(b) by deleting the definition of "accountant's certificate" and substituting therefor the following—

"“accountant's report” means a report delivered in accordance with the provisions of section 8;”;

(c) by inserting after the definition of "Disciplinary Committee" the following—

"“employee” includes a former employee”; and

(d) by adding the following new subsection—

“(2) For the avoidance of doubt, it is hereby declared that any conduct of an articled clerk, enrolled student or employee of a solicitor which would reasonably be regarded as disgraceful, dishonourable or discreditable by a solicitor of good repute shall be deemed misconduct.”.

Amendment of section 6.

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

- (a) by deleting “by the applicant” where it first occurs;
 (b) by deleting paragraph (a) and substituting therefor the following—

“(a) evidence showing, to the satisfaction of the Registrar, payment by the applicant of the current subscription due to the Society;” and

- (c) by inserting after “solicitors” in paragraph (ii) of the proviso the following—

“or where a receiving order in bankruptcy is in force against him.”.

Amendment of section 8.

4. Section 8 of the principal Ordinance is amended—

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

“1965 c. 31 s. 9.

(1) Every solicitor shall once in each period of twelve months ending with the 31st day of October or such other date as may be prescribed by the Committee, unless he satisfies the Committee that owing to the circumstances of his case it is unnecessary so to do, deliver by post or otherwise to the Committee a report signed by an accountant (in this section referred to as “an accountant’s report”) and containing such information as may be prescribed by rules made by the Committee under paragraph (b) of subsection (1) of section 73:

Provided that an accountant’s report shall be delivered to the Committee not more than six months (or such other period as any rules made under paragraph (b) of subsection (1) of section 73 may prescribe) after the end of the accounting period specified in that report.”;

(b) in subsection (2)—

(i) by deleting “certificate” wherever it occurs and substituting therefor the following—

“report”; and

(ii) in paragraph (c), by deleting “twelve” and substituting therefor the following—

“six”; and

(c) in subsection (4), by deleting “accountant’s certificate” and substituting therefor the following—

“accountant’s report”.

5. Section 9 of the principal Ordinance is amended by deleting subsection (2) and substituting therefor the following—

Amendment of section 9.

“(2) Where it appears necessary or desirable to the Committee that the conduct of a solicitor, an employee of a solicitor, an articled clerk, or an enrolled student should be investigated as a result of a complaint being made to it or otherwise, the Committee for the purpose of such investigation may appoint a Disciplinary Committee consisting of not less than three members of the Disciplinary Committee Panel.”.

6. Section 20 of the principal Ordinance is amended in subsection (1) by deleting “of the Chief Justice” and substituting therefor the following—

Amendment of section 20.

“in writing of the Society”.

7. The principal Ordinance is amended by adding, after Part II, the following new Part—

Addition of new Part IIA.

“PART IIA.

CONTROL OF SOLICITOR’S PROPERTY IN CERTAIN CASES.

Power of Committee to deal with property of certain solicitors. 5 & 6 Eliz. 2 c. 27, s. 31. Schedule.

26A. (1) If the Committee has reasonable cause to believe that a solicitor, or any solicitor’s employee or articled clerk, has been guilty of dishonesty in connexion with that solicitor’s practice as a solicitor or in connexion with any trust of which that solicitor is a trustee, the provisions of the Schedule, except paragraph 7 thereof, and, if the Committee is satisfied that the solicitor, employee or articled clerk has been guilty as aforesaid, the said paragraph 7, shall apply in relation to that solicitor.

(2) Where the name of the solicitor is removed from or struck off the roll or a solicitor is suspended from practice, that solicitor shall within twenty-one days from the material date satisfy the Committee that he has made suitable arrangements for making available to his clients or to some other solicitor or solicitors instructed by his clients or by himself—

- (a) all deeds, wills, documents constituting or evidencing title to any property, papers, books of accounts, records, vouchers and other documents in his or his firm's possession or control, or relating to any trust of which he is the sole trustee or co-trustee only with one or more of his partners, clerks or servants; and
- (b) all sums of money due from him or his firm to, or held by him or his firm on behalf of, his clients or subject to any such trust as aforesaid.

and if he fails so to satisfy the Committee, the Schedule shall apply in relation to him.

(3) In subsection (2), the expression "the material date" means whichever is the latest of the following dates, that is to say—

- (a) the date when the order of the Disciplinary Committee or of the court by or in pursuance of which the solicitor's name is removed from or struck off the roll, or the solicitor is suspended from practice, is to take effect;
- (b) the last date on which an appeal against that order may be lodged;
- (c) the date on which any such appeal is dismissed or abandoned.

(4) In this section and in the Schedule, the expressions "trust" and "trustee" shall extend to implied and constructive trusts and to cases where the trustee has a beneficial interest in the trust property and to the duties incident to the office of a personal representative and trustee, where the context includes a personal representative.

26B. (1) Where—

- (a) a complaint is made to the Committee that there has been undue delay on the part of a solicitor in connexion with any matter in

Solicitors guilty of undue delay in certain matters.
1965 c. 31, s. 11.

which he or his firm has been instructed on behalf of a client or any matter which relates to the administration of a trust of which that solicitor is the sole trustee or co-trustee only with one or more of his partners, employees or articulated clerks; and

- (b) the Committee has by notice in writing invited the solicitor to give an explanation in respect of that matter; and
- (c) the solicitor has, within a period of not less than eight days specified in the said notice, failed to give an explanation in respect of that matter which the Committee regards as sufficient and satisfactory; and
- (d) the solicitor has been notified in writing by the Committee that he has so failed,

Schedule.

the provisions of the Schedule, other than paragraphs 7 and 8 thereof, shall apply in relation to that solicitor, but as regards the documents specified in paragraph 1, and the sums of money specified in paragraph 10, of the Schedule, only in so far as they relate to the matter complained of:

Provided that for the purposes of the proviso to paragraph 6 of the Schedule, the Committee may take copies of, or extracts from, documents which relate to the matter complained of or to that matter and to other matters in the solicitor's practice.

(2) In this section the expressions "trust" and "trustee" have the same meanings as in section 26A.

26C. (1) Where—

- (a) the Committee has reasonable cause to believe that the representatives of a deceased solicitor who immediately before his death was practising as a solicitor in his own name, or as a sole solicitor under a firm name, have been guilty of dishonesty or undue delay in administering the affairs of that solicitor's practice or in connexion with any trust of which that solicitor was the sole trustee or co-trustee only with one or more of his clerks or servants; or
- (b) a solicitor dies and immediately before his death the provisions of the Schedule applied to him,

Control of deceased solicitor's practice in certain circumstances.
1965 c. 31, s. 13.

Schedule.

the provisions of the Schedule, other than paragraph 7 thereof, shall apply in relation to such personal representatives and shall continue to apply to the personal representatives of the solicitor last mentioned as they apply or applied, as the case may be, in relation to the solicitor referred to in those provisions and as if the words "the personal representatives" were, with the necessary adaptations, substituted for the words "the solicitor" wherever these words occur in those provisions.

(2) In this section the expressions "trust" and "trustee" have the same meanings as in section 26A.

On death of solicitor practising on his own account Committee to deal with banking accounts of practice, 1965 c. 31, s. 14.

26D. On the death of a solicitor who immediately before his death was practising as a solicitor in his own name or as a sole solicitor in a firm name the right to operate on or otherwise deal with any banking account in the name of the solicitor or his firm, being an account in the title of which the word "client" appears, shall, notwithstanding anything in this Ordinance or otherwise to the contrary, vest in the Committee to the exclusion of any personal representatives of such solicitor and shall be exercisable as from the death of the solicitor."

8. Section 27 of the principal Ordinance is repealed and replaced by the following—

"Power of Court to admit barristers.

27. (1) The Court may, in such manner as may be prescribed by the Chief Justice, admit as a barrister of the Supreme Court in Hong Kong, any person who satisfies the following requirements, that is to say—

- (a) he has been called to the Bar in England or Northern Ireland or admitted as an advocate in Scotland;
- (b) he is not at the time of the application disbarred or removed from the roll of advocates in Scotland or suspended from practice as such barrister or advocate;
- (c) he is not in practice as a solicitor either on his own account or as a partner or salaried employee in a legal firm in any country where a qualified person is able to practise both as a barrister and solicitor at the same time and does not intend whilst enrolled as a barrister in the Colony to practise as a

solicitor either on his own account or as a partner or salaried employee in a legal firm in any such country;

- (d) he has since the date of his call to the Bar in England or Northern Ireland, or his admission as an advocate in Scotland, been engaged in active practice as a barrister or advocate, in any part of the Commonwealth for a period of not less than twelve months which period may include—

- (i) if he has obtained a certificate issued by the Council of Legal Education that he has satisfactorily completed the Council's Post Final Practical Course, the period of such course;

- (ii) any period spent as a pupil in the chambers of a practising barrister in England or Northern Ireland or of a member of the Faculty of Advocates in Scotland;

- (iii) any period spent as a pupil in the chambers of a practising barrister (of not less than five years standing as a barrister) in Hong Kong; and

- (e) he has been ordinarily resident in Hong Kong for a period of at least eight consecutive months immediately prior to the date of his application for admission or satisfies the Court that he intends to be ordinarily resident in the Colony.

(2) The Court may admit a person as a barrister under this section—

- (a) with the right only to such limited practice as may be prescribed by the Chief Justice, notwithstanding that such person does not satisfy the requirements of paragraph (d) of subsection (1); or

- (b) either generally or for the purpose of any particular case or cases and may impose on a person so admitted restrictions and conditions as the Court may see fit, notwithstanding that such person does not satisfy the requirements of paragraph (e) of subsection (1)."

Repeal and replacement of section 27.

Amendment of section 28.

9. Section 28 of the principal Ordinance is amended by inserting after "Chief Justice", in the second place where it occurs, the following—

"together with an affidavit showing the manner in which he satisfies the requirements set out in subsection (1) of section 27".

Amendment of section 30.

10. Section 30 of the principal Ordinance is amended in subsection (1) by deleting "entitled to the issue to him of a practising certificate" and substituting therefor the following—

"qualified to practise as a barrister".

Repeal and replacement of section 31.

11. Section 31 of the principal Ordinance is repealed and replaced by the following—

"Qualifications for practising as barrister.

31. No person shall be qualified to practise as a barrister unless—

- (a) his name is for the time being on the roll of barristers;
- (b) he is not disbarred or suspended from practice outside Hong Kong;
- (c) he has in force a current practising certificate;
- (d) he has not been suspended from practice under the provisions of section 32 or 37;
- (e) he has not ceased to be a member of the Bar in England or Northern Ireland or an advocate in Scotland; and
- (f) he is not a solicitor on his own account or a partner or a salaried employee of a legal firm in any country where a qualified person is able to practise both as a barrister and as a solicitor at the same time."

Addition of new section 50A.

12. The principal Ordinance is amended by adding, after section 50, the following new section—

"Recovery of moneys in certain cases.
1965 c. 31, s. 7.

50A. Nothing in paragraph (b) of subsection (2) of section 45 or in section 50 shall prevent the recovery of moneys paid or to be paid by a solicitor on behalf of a client in respect of anything done by the solicitor while acting for the client without holding a practising certificate in force provided that such moneys would have been recoverable if that solicitor had held such a certificate in force when so acting."

13. Section 53 of the principal Ordinance is amended—

Amendment of section 53.

(a) by inserting in subsection (1), after the word "solicitor" where it last occurs, the following—

"or whose practising certificate has been determined by virtue of paragraph (ii) of the proviso to section 6 in consequence of a receiving order in bankruptcy being in force against him"; and

(b) by deleting subsection (3) and substituting therefor the following—

"(3) No solicitor shall, in connexion with his practice as a solicitor, without written permission of the Society, which may be given for such period and subject to such conditions as the Society may think fit, employ or remunerate any person, who, to his knowledge, has been convicted of a criminal offence involving dishonesty."

14. Section 73 of the principal Ordinance is amended in subsection (1)—

Amendment of section 73.

(a) in paragraph (a), by deleting sub-paragraph (i) and substituting therefor the following—

"(i) the conduct and discipline of solicitors, solicitor's employees, articled clerks and enrolled students;";

(b) in paragraph (b)—

(i) in sub-paragraphs (v) and (vi), by deleting "certificate" wherever it occurs and substituting therefor the following—

"report";

(ii) by deleting sub-paragraph (vii) and substituting therefor the following—

"(vii) the form of accountant's report and the information to be contained therein in accordance with subsection (1) of section 8;"; and

(iii) in sub-paragraph (viii), by deleting "certificate" and substituting therefor the following—

"report".

15. Section 76 is amended by deleting sub-paragraph (b) and substituting therefor the following—

Amendment of section 76.

"(b) any person who on the 1st day of August 1964 was bound under articles entered into before the 1st day

of January 1963 or was enrolled as a student in accordance with the provisions of the repealed Ordinance may be admitted and enrolled in accordance with the provisions of section 3 of this Ordinance if he would have complied with the provisions of the repealed Ordinance, if this Ordinance had not been enacted;”.

Addition of
new Schedule.

16. The principal Ordinance is amended by adding at the end the following new Schedule—

“1965 c. 31,
Sch. 1.

SCHEDULE. [ss. 26A, 26B & 26C.]

PROPERTY IN THE CONTROL OR POSSESSION OF CERTAIN
SOLICITORS AND OTHER PERSONS.

1. The Committee may require the production or delivery to any person appointed by the Committee at a time and place to be fixed by the Committee, and may take possession, of all deeds, wills, documents constituting or evidencing the title to any property, papers, books of account, records, vouchers and other documents in the possession or control of the solicitor or his firm, or relating to any trust of which he is the sole trustee or is co-trustee only with one or more of his partners, employees or articulated clerks.

2. If any person having possession or control of any such documents fails to comply forthwith with any such requirement—

- (a) he shall be guilty of an offence and be liable on summary conviction to a fine of one thousand dollar; and
- (b) the Supreme Court or a judge thereof may, on the application of the Committee, order that person to comply with the requirement within such time as may be specified in the order, and may at the same time further order that on that person's failure to comply with such requirement one or more members of the Committee, or one or more persons appointed by the Committee for the purpose, may forthwith enter upon any premises (using such force as is reasonably necessary for the purpose) to search for, and take possession of, the documents referred to in paragraph 1.

3. Upon taking possession of any such documents, the Committee shall serve upon the solicitor and every person from whom those documents were received, or from whose premises they were taken by virtue of an order made under paragraph 2, a notice giving particulars and the date of taking possession thereof.

4. Any requirement of notice under this Schedule shall be made in writing under the hand of such person as may be appointed by the Committee for the purpose and may be

served on any person either by personal service or by being sent by registered post addressed to his last known place of business or residence.

5. Within fourteen days after the service of a notice under paragraph 3, the solicitor or other person upon whom the notice was served may apply to a judge of the Supreme Court in chambers for an order directing the Committee to return those documents to the person from whom they were received, or from whose premises they were taken, as the case may be, by the Committee, or to such other person as the applicant may require; and on the hearing of any such application the judge may make such order with respect to the matter as he may think fit.

6. If no application is made under paragraph 5, or if the judge to whom any such application is made directs that the documents shall remain in the custody or control of the Committee, the Committee may make inquiries to ascertain the person to whom those documents belong and may deal with those documents in accordance with the directions of that person:

Provided that, before dealing with such documents, the Committee may take copies of, or extracts from, any such documents.

7. The Supreme Court or a judge thereof may, on the application of the Committee, order that no payment shall be made without the leave of the Supreme Court or a judge thereof by any banker named in the order out of any banking account in the name of the solicitor or his firm.

8. (1) The Supreme Court or a judge thereof, on the application of the Committee, may from time to time order that for such time not exceeding eighteen months as the Court or judge, as the case may be, thinks fit, postal packets (as defined by section 2 of the Post Office Ordinance) addressed to the solicitor or his firm at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postmaster General or the officers acting under him to a person appointed under paragraph 1 or otherwise as the Court or judge, as the case may be, directs, and the same shall be done accordingly.

(2) Where such an order is made under sub-paragraph (1), the Committee shall pay to the Postmaster General the like charges (if any) as would have been charged and payable—

- (a) in respect of an application or instructions by the addressee, in the case of a permanent change of his place of business, for the re-direction or delivery of postal packets to which the order relates to him at the address of the person to whom they are to be re-directed, sent or delivered under the order, during the time specified in the order; and
- (b) in respect of the re-direction or re-transmission of any individual postal packet in accordance with the

(Cap. 98.)

order, if the packet had been re-directed or re-transmitted in accordance with such application or instructions as aforesaid.

9. In any case where the Committee has taken possession of documents under paragraph 1, and has not been required to return them by virtue of paragraph 5, the following paragraphs shall apply, but without prejudice to the application of paragraph 16 so far as it affects any of the preceding paragraphs.

10. The Committee may, on a resolution in that behalf made by the Society, take control of all sums of money due from the solicitor or his firm to, or held by him or his firm on behalf of, his or his firm's clients or subject to any trust of which he is the sole trustee or co-trustee only with one or more of his partners, employees or articulated clerks, and for that purpose the Committee shall serve on the solicitor or his firm, and, except where the provisions of section 26D apply, on any banker and on any other person having possession or control of any such sums of money a notice together with a certified copy of such resolution, prohibiting the payment out of such sums of money otherwise than pursuant to paragraph 12 or 13.

11. Within fourteen days of the service of a notice under paragraph 10 the solicitor or his firm, or the banker or other person upon whom the notice was served, may apply to a judge of the Supreme Court in chambers for an order directing the Committee to withdraw the notice and on the hearing of any such application the judge may make such order with respect to the matter as he may think fit.

12. Subject to the service of any notice under paragraph 10, and to any application that may be made under paragraph 11, the Committee or any person in that behalf appointed by the Committee may withdraw the moneys, or from time to time any part of the moneys, in any banking account in the name of the solicitor or his firm, and any moneys in the office of the solicitor or his firm due to or held on behalf of his clients, and pay them into a special account or special accounts in the name of the Committee or such person appointed as aforesaid and may operate on, and otherwise deal with, such special account or accounts as the solicitor or his firm might have operated on, or otherwise dealt with, the said banking account:

Provided that a banker with whom such special account or accounts is or are kept shall be under no obligation to ascertain whether that account or those accounts is or are being so operated on or otherwise dealt with.

13. (1) Subject to paragraphs 11 and 12, the Committee may serve a notice on the solicitor, or his firm or banker or other person upon whom a notice has been served under paragraph 10, directing that, immediately after the expiration of eight days from the service of the first-mentioned notice, such moneys as are referred to in that notice be transferred in accordance with the directions of the Committee:

Provided that—

(a) no such directions shall be given by the Committee except with the approval of the person to whom the said moneys belong, being in the case of a trust the trustee, and, where the solicitor is the sole trustee or a trust or a co-trustee thereof only with one or more of his partners, clerks or servants, the person beneficially entitled to such moneys; and

(b) the person upon whom such first-mentioned notice has been served as aforesaid shall be under no obligation to ascertain whether such approval has been obtained.

(2) In any case where the Committee is unable to ascertain the person to whom the said moneys belong or where the Committee otherwise thinks it expedient so to do, the Committee may apply to the Supreme Court or a judge thereof for directions as to the transfer of such moneys.

14. If any person fails to comply with the requirements of any notice given under paragraph 10 or 13—

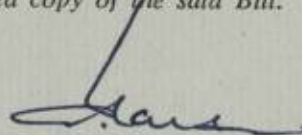
(a) he shall be guilty of an offence and be liable on summary conviction to a fine of one thousand dollars; and

(b) the Supreme Court or a judge thereof may, on the application of the Committee, order that person to comply with the requirements of the notice within such time as may be specified in the order.

15. Subject to any order for the payment of costs, that may be made on an application under paragraph 2, 5, 7, 8, 11 or 14 or sub-paragraph (2) of paragraph 13, any costs incurred by the Committee for the purposes of this Schedule shall be paid by the solicitor and shall be recoverable from him as a debt owing to the Committee.

16. The Committee may make rules with respect to the procedure to be followed in giving effect to the provisions of paragraphs 1, 3, 4, 6, 10 and 12, and sub-paragraph (1) of paragraph 13 and with respect to any matters incidental, ancillary or supplemental to those provisions."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of July, 1968, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR 7/3231/66)

HONG KONG

No. 26 OF 1968.



I assent.

Hutch.

Governor.

11th July, 1968.

An Ordinance to amend the Training Centres Ordinance.

[12th July, 1968.]

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 Training Centres (Amendment) Ordinance 1968.

Short title.

2. Section 3 of the principal Ordinance is amended by deleting subsection (1) and substituting therefor the following—

Amendment of section 3. (Cap. 280.)

“(1) The Governor may establish institutions, hereinafter referred to as training centres—

- (a) for the training and reformation of offenders who have attained the age of fourteen years and have not attained the age of twenty-one years; and
- (b) to which persons who have attained the age of fourteen years and have not attained the age of twenty-one years may be remanded or committed under subsection (1) of section 4A.”.

Addition of new section 4A.

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

"Remand or committal to custody in a training centre.

[cf. 8 Edw. 7, c. 67, s. 97.]

4A. (1) A court on remanding or committing for trial a person who in the opinion of the court has attained the age of fourteen years and has not attained the age of twenty-one years and who is not released on bail shall, instead of committing him to prison, commit him to custody in a training centre, there to be detained for the period for which he is remanded or until he is thence delivered in due course of law:

Provided that it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied or, in the case of a person who proves to be of so unruly a character that he cannot be safely detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any court, and if it is so revoked the person may be committed to prison.

(3) Nothing in subsection (1) shall affect the power of a juvenile court to remand a child or young person to custody in a place of detention as provided by subsection (1) of section 7 of the Juvenile Offenders Ordinance."

(Cap. 226.)

Amendment of section 8.

4. Section 8 is amended in subsection (1) by—

(a) inserting after "sentenced to detention therein" the following—

"under subsection (1) of section 4 or committed thereto under subsection (1) of section 4A";

(b) deleting the proviso thereto and substituting the following—

"Provided that—

(a) in the event of conflict between the provisions of this Ordinance and the provisions of the Prisons Ordinance or the Mental Health Ordinance the provisions of this Ordinance shall prevail;

(Cap. 234.)
(Cap. 136.)

(b) a person committed under subsection (1) of section 4A shall be treated as a prisoner awaiting trial."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 10th day of July, 1968, and is found by me to be a true and correctly printed copy of the said Bill.

Deputy Clerk of Councils.

(Secretariat GR 14/3231/48II)

HONG KONG

No. 27 OF 1968.



I assent.

Grunch.

Governor.

11th July, 1968.

An Ordinance to validate certain forms used between the 26th day of February 1932 and the 13th day of October 1967 for the purposes of the Estate Duty Ordinance.

[12th July, 1968.]

WHEREAS—

Preamble.

- (a) by section 28 of the Estate Duty Ordinance (hereinafter referred to as the principal Ordinance) which came into operation on the 26th day of February 1932, the Governor in Council was empowered to make such rules, prescribe such forms and generally do such things as he thinks expedient for regulating the practice under the Ordinance;
- (b) doubts have arisen as to whether such forms were prescribed as aforesaid by reason of the fact that no record of any such prescription can now be found;
- (c) the forms set out in the First and Second Schedules were prescribed by the Governor in Council on the 10th day of October 1967 and were published in the *Gazette* as Legal Notices numbered respectively 157 and 158 of 1967

on the 13th day of October 1967 and came into operation on the latter mentioned date;

- (d) for the avoidance of doubt, it is deemed expedient to provide that the forms set out in the First and Second Schedules shall be deemed to have been prescribed on the said 26th day of February 1932:

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

Short title.

1. This Ordinance may be cited as the Estate Duty (Validation of Forms) Ordinance 1968.

Validation of forms, First Schedule. (Cap. 111.)

2. (1) The forms set out in the First Schedule shall by virtue of this Ordinance be deemed to have been prescribed by the Governor in Council under subsection (1) of section 3 of the principal Ordinance on, and to have had full force and effect of law from, the 26th day of February 1932.

Second Schedule.

(2) The forms set out in the Second Schedule shall by virtue of this Ordinance be deemed to have been prescribed by the Governor in Council under section 28 of the principal Ordinance as read with subsection (1) of section 3 and subsection (12) of section 14 of that Ordinance on, and to have had full force and effect of law from, the 26th day of February 1932.

Validation of certain acts done under the principal Ordinance.

3. For the avoidance of doubt it is hereby declared that all acts or things done in pursuance or purported pursuance of the provisions of the principal Ordinance between the 26th day of February 1932 and the 13th day of October 1967 shall be deemed to have been as validly done as if the forms set out in the First and Second Schedules had been prescribed by the Governor in Council on and had had full force and effect of law from the 26th day of February 1932.

FIRST SCHEDULE. [s. 2(1)] I.R. Form E.D. 1

AFFIDAVIT FOR THE COMMISSIONER. Estate Duty Ordinance, Cap. 111, Section 3.

For use only where there is no property passing at the death other than property which devolves on the personal representative of the deceased.

The Chinese characters should be given (in addition to the romanized equivalent) in the case of all Chinese names.

(1) All aliases should be included. In the Estate of (1)

(2) Insert name, address, and description of each person who joins in affidavit or affirmation. I * (2) We make oath (do solemnly and sincerely affirm) and say as follows:—

(3) Probate, Letters of Administration, etc., as case may be. If resealing of a grant is being applied for, add the Court making the original grant and the date on which it was made. I * We desire to obtain a grant * of (3) resealing of grant of the above named of (4) deceased who died on aged at

(4) Insert address, occupation, personal description. (5) Executor, attorney for executor, the person entitled to administration, guardian, etc. 2. (5) I am * We are applying for the grant in my * our capacity of (5)

3. The Statement 'X' hereto annexed is a true and complete statement of (i) the names, ages and relationship to the deceased of all persons surviving the deceased who, under the intestacy or partial intestacy, are entitled in distribution to the estate, (ii) the names and addresses of the personal representatives of all such as have since died and the dates of such deaths, (iii) the names, ages, dates of deaths and the names and addresses of their personal representatives of all persons being beneficiaries under the will of the deceased who either survived the deceased and have since died or predeceased the deceased in such circumstances that their benefits under the will did not lapse on their deaths.

4. The Statement 'Y' hereto annexed is a true and complete statement as regards part 1, of all the names including 'tong' or family names in which the deceased personally owned property in this Colony and of the circumstances in which he/she* came by and the purposes for which he/she* used those names, and as regards part 2, of all the names including 'tong' or family names (other than those falling under part 1) by virtue of which he/she* was entitled on the date of death to any share or interest (whether in possession or in expectancy) in any property in the Colony; and of the name and relationship, if any, to the deceased of the person entitled (whether as owner, trustee, manager or otherwise) to use such name, and of the property held in such name and the extent of the deceased's interest therein.

* Delete whichever is inapplicable.

5. The Account 1 hereto annexed, is a true and complete account of the particulars and value as at the date of the deceased's death, so far as I/we* after diligent search have been able to ascertain, of all the property of the deceased whether in possession, or reversion, within the Colony, (including property over which the deceased had and exercised by will an absolute power of appointment), which by law devolves on the personal representative of the deceased exclusive of property held by the deceased as trustee only and not beneficially. The gross value thereof as at the date of the deceased's death was altogether \$.....

6. The first part of Schedule I hereto annexed contains a true and particular list of the debts due and owing from the deceased at the time of death to persons resident in the Colony or to persons resident out of the Colony but contracted to be paid in the Colony or charged on property situate within the Colony, together with the names and addresses of the several persons to whom they are respectively due and the descriptions and amounts of such debts.

The second part of Schedule I contains a true account of the funeral expenses of the deceased.

7. The said debts are payable by law out of property comprised in Account 1. They were incurred by the deceased *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit. They are not debts in respect of which there is a right to reimbursement from any other property or persons (6).

(6) If there is such right which cannot be obtained adapt to the facts.

8. The aggregate amount of such debts and expenses in the said Schedule I is \$..... which being deducted from the value of the property specified in Account 1 reduces such value to \$..... (7).

(7) If other property is known to exist, but the amount and value are not yet exactly known, a schedule of the known particulars should be annexed and sworn to, and a paragraph to suit the facts inserted here. It must contain the undertaking mentioned in Sec. 9(3); and a statement that fullest enquiries have been made.

* Delete whichever is inapplicable.

(8) Some examples of other kinds of property liable to estate duty will be found under 'examples of other kinds of property' on page 11.

9. To the best of my/our* knowledge and belief there is no other property passing on the death of the deceased and liable to estate duty under any title whatsoever.

10. The Account 2 is a true and complete account of the particulars and value as at the date of the deceased's death of all the property held by the deceased as trustee only and not beneficially.

All of which is true to the best of my/our* knowledge and belief.

(9) Insert appropriate form of jurat.

Affirmed at the Estate
Sworn

Duty Office, Hong Kong, _____

this day

of

19 , the same having

been duly interpreted to

the deponent/affirmant

in

dialect of the Chinese

language by

Before me,

.....
Sworn Interpreter.

A Commissioner, etc.

* Delete whichever is inapplicable.

Schedules to be annexed here.

ACCOUNT 1.

Property situate in the Colony which devolves on the personal representative of the deceased.

Note.

(i) In every case where there is insufficient space a separate statement should be annexed and referred to, the totals being inserted here.

(ii) In every appropriate case interest, dividends, rent or profits accrued to date of death must be separately inserted in the column provided.

(iii) In every case where there is no property the word NONE must be inserted against each general or special heading concerned.

(iv) In every case where a professional valuation has been made the valuation report should be annexed and referred to.

(v) The instructions in the margin applicable to particular items must be complied with and in addition any other relevant information to assist identification must be supplied.

(vi) All property, however trivial the value, must be included as the rate for duty may be affected.

CLASS OF PROPERTY.

	General	Special	Remarks	Capital value	Interest, Dividend, Rent, &c. accrued	Gross Capital value
(a) Give name and address of bank, firm, &c.	1. CASH. (現銀) (a) 2. DEPOSITS. (附項)	Cash in the house. 1. in Bank (a) (銀行附項) On current account. (活期) On deposit account. (定期)(a) 2. In any firm, shop or business other than a bank. (各號附項)				
(b) Give name and address of mortgagee, etc. and short relevant particulars.	(b) 3. MONEY OUT on MORTGAGE. (按揭) (b) 4. MONEY OUT on bonds, bills, promissory notes. (揭單)					
(c) Items 5 (1), 9, 10, 11 apply to a private business owned by deceased and may be grouped in the form of a balance-sheet, the aggregate value being entered under item 11 only.	(c) 5. DEBTS owing to deceased. (債項) (d) 6. STOCKS and Shares in Colonial funds. (債票)	1. Book debts. (賬項) 2. Other debts.				
		Carried forward..				

Class of Property.—Continued

	General	Special	Remarks	Capital value	Interest, Dividend, Rent, &c. accrued	Gross Capital value
(d) Describe holdings fully; give nominal value at date of death. Give value and market price where available; if not, letters signed by Secretary of Company or a balance sheet by surviving partner or manager.	(d) 7. SHARES. (股份)	Brought forward.. 1. In public companies in the Colony. 2. In private companies, firms, shops, businesses in the Colony. 3. In foreign companies if deposited in the Colony at date of death and transferable in the Colony.				
	8. HOUSEHOLD GOODS. (傢俬) Clothes. (衣服) Books. (書籍) Pictures & Curios. (字畫古玩) Jewels. (首飾) Carriages & Cars. (馬車) (c) 9. STOCK IN TRADE. (存貨) (c) 10. GOODWILL of business. (招牌舖底) (c) 11. PROFITS of business. (溢利) (e) 12. Ships or share in ships. (船) (f) 13. Policies of Insurance & Bonuses. (保險) (g) Give market not surrender value.	Registered in the Colony. 1. On life of deceased. (s) 2. On life of any other person than deceased.				
(e) Exclude if included elsewhere, e.s. under items 7, 9, 10, 11. (f) Give name and address of insurance Company; money insured and bonuses credited. (g) Give market not surrender value. (h) Annex schedule as in Model A attached.	(h) 14. LAND AND BUILDINGS. (田地物業) 15. Rents on the above, due but unpaid. (租)					
		Carried forward..				

STATEMENT 'X'

(i) Persons entitled in distribution under the intestacy or partial intestacy.

Name	Age	Relationship to the deceased

(ii) Personal representatives of such of the above as have died since the death of the deceased.

Name of personal representative	Address	Name of the deceased person represented	Date of death of such deceased person

(iii) Beneficiaries under the will who survived deceased and have since died or who predeceased him/her but did not thereby lose their benefits.

Name	Age	Date of death	Name of personal representative	Address of personal representative

STATEMENT 'Y'

Part 1.

Name (including "tong" or family names) in which the deceased personally held property in the Colony.

Name	How did he come by the name (e.g. was it given to him, adopted by him, or did he succeed to it?)	For what purpose was the name used

Part 2.

Name (including "tong" or family names) other than those falling under Part 1, by virtue of which the deceased had an interest in property in the Colony.

Name	Name of the person entitled to use the name; relationship to the deceased	Particulars of the property	Extent of deceased's interest

NOTE.—The deponent is required to sign the following certificate.

I certify that, save as appears from the above Statement, the deceased to the best of my knowledge and belief held no property in this Colony under any family or "tong" name; nor had the deceased any interest in any property in this Colony held under any family or "tong" name or under any name whatsoever.

Signature of deponent

ACCOUNT 2.

Property held by the deceased as trustee only.

The values should not be carried to the Summary.

Particulars	Gross capital value \$
(i) Follow the order of Account 1.	
(ii) Give full particulars of the trust; date and names of parties to any deed; name of any testator and date of Probate; names and addresses of beneficiaries.	

.....
Signature of person making the affidavit.

MODEL A.

Schedule of Land and Buildings.

Serial No.	Description	Annual rent if let	Annual rateable value	Nature of annual deductions	Amount of such deductions	Net Amount value	No. of Years purchase	Estimated principal value at date of death

.....
Signature of person making the affidavit.

SUMMARY OF AFFIDAVIT.

(It is not on oath and may be amended).

Value for Duty	As sworn, to be filled in by applicant	As assessed; to be filled in at Estate Duty Office
1. Net value of estate for duty		
2. Deduct value of interests in expectancy on which duty is not now to be paid (section 13(6))		
3. Net value of estate on which duty is to be paid now		
DUTY NOW PAYABLE (The calculation will, if preferred, be made in the E.D. Office.)		
4. Appropriate rate on value as at 1 is		
5. Rate as at 4 on value as at 3 amounts to		
6. Interest thereon at 4% from date of death <i>i.e.</i> from to being amounts to		
7. Total of 5 and 6		
8. Interest at 8% on amount as at 5 from to		
<i>Total duty and interest</i>		

Name of Solicitor (if any)
If communications are to be sent to the Solicitor, the executor should sign here.

RECEIPT FOR DUTY AND INTEREST.

[Stamps will be affixed here].

Received this day of, 19.....,
the sum of \$..... for estate duty and interest thereon.

(Signature)
Deputy Commissioner of Estate Duty.

This receipt does not imply that the amount of duty is not subject to rectification.

EXAMPLES OF OTHER KINDS OF PROPERTY

(See Note 8, page 2).

NOTE.

- 1. Property which the deceased was competent to dispose of other than free property passing under the deceased's will or intestacy.
2. Money which deceased had power to charge on property.
3. Death bed gifts.
4. Gifts made within 3 years of death.
5. Gifts made at any time subject to a reservation in favour of deceased.
6. Joint property passing by survivorship.
7. Policies of insurance on deceased's life kept up by deceased for another's benefit.
8. Annuities provided by deceased to the extent to which a benefit arises to another on deceased's death.
9. The benefit arising to another out of the cesser of deceased's interest in property.

I.R. Form E.D. 12

ACCOUNT FOR THE COMMISSIONER.

Estate Duty Ordinance, Cap. 111, Section 3.

For use where there is property passing on the death for which the executor (if any) is not accountable.

Note.—The Chinese characters should be given (in addition to any romanized equivalent) in the case of all Chinese names.

(1) All 'aliases' must be shewn in addition to the name.

In the Estate of (1) deceased.

(2) Insert the name, address, description of each person who joins in the Affidavit or Affirmation.

I/We* (2) make oath/do solemnly and sincerely affirm* and say as follows:—

(3) Here state the capacity in which the deponent(s) is/are tendering duty e.g. donee of a gift, surviving joint tenant trustee, guardian, etc.

1. I/We* (3) and as such I am/we are* accountable for the duty in respect of certain of the property passing on the death of the above named deceased, late

* Strike out the alternative which does not apply.

(4) Insert address, occupation or personal description. of (4)

(5) State place of death. who died on aged at (5)

2. The Statement 1 hereto annexed is a true and accurate statement of the particulars and value of the property for which I am/we are* accountable. The value at the date of the death was \$.....

3. The Statement 2 hereto annexed is a true and accurate statement of the particulars and value, so far as I am/we are* aware, of all the property passing at the death for which I am/we are* not accountable.

(6) (a) and (b) are alternative. Strike out that which is not applicable.

4. (6) (a) An affidavit/affirmation* for the Commissioner has been delivered on in respect of the free estate of the deceased, but the duty in respect of the property for which I am/we are* accountable has not been paid and is not to be paid by the executor.

(b) So far as I am/we are* aware no affidavit/affirmation* for the Commissioner has been delivered by the executor to the estate.

All of which is true to the best of my/our* knowledge and belief.

(7) Insert appropriate form of jurat.

Affirmed Sworn at the Estate Duty Office, Hong Kong, this day of 19....., the same having been duly interpreted to the deponent/affirmant in dialect of the Chinese language by

Before me,

Sworn Interpreter.

A Commissioner, etc.

* Strike out the alternative which does not apply.

Schedules to be annexed here.

STATEMENT 1.

Property passing on the death for which the person(s) making the affidavit/affirmation* is accountable.

Particulars of Title. <i>e.g.</i> Date, material particulars of and names of parties to any deed; names of testator of any will and date of grant of probate; name and address(es) of present trustee(s) if any; name and address of living beneficiaries. If any of the persons originally entitled are dead state date of death and date of grant of representation.	Particulars of the Property	Value of the date of death
<p>(a) Value of property for which the present deponent(s) is/are* accountable.</p>		

Signature(s) of person(s) making the affidavit/affirmation.*
* Strike out the alternative which does not apply.

STATEMENT 2.

Other property of the deceased known to exist but for which the person making the affidavit/affirmation* is not accountable.

NOTE.

If the executor has delivered or is about to deliver an affidavit for the Commissioner it is sufficient to say so here.

Particulars	Value
<p>Value of the property for which present deponent is not accountable.</p>	

Signature(s) of person(s) making the affidavit/affirmation.*

Name of Solicitor (if any)
If communications are to be sent to the Solicitor the deponent(s) must sign here.

* Strike out the alternative which does not apply.

RECEIPT FOR DUTY AND INTEREST.

Received this day of, 19.....
the sum of \$..... for estate duty and interest thereon.

(Signature)
Deputy Commissioner of Estate Duty.

EXAMPLES OF PROPERTY FOR WHICH THE EXECUTOR IS NOT OR MAY NOT BE ACCOUNTABLE.

1. Gifts made within 3 years of death.
2. Gifts made at any time subject to a reservation in favour of deceased.
3. Joint property passing by survivorship.
4. Policies of insurance on his life kept up for another's benefit.
5. Annuities provided by deceased to the extent to which a benefit arises to another on deceased's death.
6. The benefit arising to another out of the cesser of deceased's interest in property.

SECOND SCHEDULE.

[s. 2(2).]

I.R. Form E.D. 3

INLAND REVENUE DEPARTMENT,
ESTATE DUTY OFFICE,
3rd floor, Club Lusitano Building,
Ice House Street,
Hong Kong.

No.

Hong Kong,

CERTIFICATE OF ASSESSMENT.

Estate Duty Ordinance, Cap. 111.

GENTLEMAN,

....., deceased.

In accordance with Section 14(12) of Cap. 111, I have now assessed the value of the above estate at \$ or under \$ and shall, on payment of the sum set out below, deliver to you or your authorized representative my certificate of receipt of Estate Duty for presentation to the Probate Registrar.

Deputy Commissioner of Estate Duty.

	Estate Duty.	Interest.	Remarks.
Duty at% on \$.....	\$		
Addition under Section 32 of Estate Duty Ordinance, Cap. 111			
Total Duty	\$		
Interest at 4% on \$.....			
from to			
=..... months and days.		\$	
Interest at 8% on \$.....			
from to			
=..... years and days.		\$	
			Total.
Amount paid on	\$	\$	\$
Interest at 8% on \$.....	\$	\$	\$
from to			
=..... years and days.		\$	\$
Balance due	\$	\$	\$

NOTE.—Interest has been calculated to the date of this memorandum only, and is accruing at the rate of \$..... a day, but provided payment is made within one week no recalculation will be required. After the lapse of one week the Commissioner may take such steps as may be necessary to recover duty and full accrued interest without further notice.

Cheques, Drafts and Cashier's Orders should be made payable to "Hong Kong Government" and crossed. They should not be made payable to any individual officer.

MESSRS.

I.R. Form E.D. 11

CORRECTIVE AFFIDAVIT.

Estate Duty Ordinance, Cap. 111, Section 3.

For use where the affidavit for the Commissioner or the account is to be corrected.

NOTE.—The Chinese characters should be given (in addition to any romanized equivalent) in the case of all Chinese names.

(1) All aliases should be included.
 (2) Insert 'I' or 'we' and name, address, and description of each person who joins in affidavit or affirmation.

In the Estate of (1) deceased.

(2)

 make oath (do solemnly and sincerely affirm) and say as follows:—

1. This deceased died on

(3) Affidavit for Commissioner or Account. 2. An (3) was delivered by on

3. It has now been discovered in the circumstances stated overleaf that that (3) requires correction.

4. The Statement I annexed hereto is a true and accurate statement of such necessary correction.

(4) Where allowance is claimed for debts not previously deducted the appropriate paragraph as required on an original affidavit should be inserted here, i.e., para. 6 and 7 of E.D. 1.

5. (4)

6. Save as appears in and by this affidavit and the (3) which has been already delivered no property chargeable with Estate Duty passed or is deemed to have passed, so far as know or believe, on the death of the deceased.

(5) Strike out to meet the facts. When corrections do not affect values strike out this paragraph.

7. It now appears that in the circumstances stated overleaf (5) too little or too much estate duty has been paid, all of which is submitted to the Commissioner of Estate Duty in order that (5) the deficient duty, with interest thereon may be accepted (or) that the overpaid duty may be returned to whose receipt shall be a sufficient discharge.

All of which is true to the best of my knowledge and belief.

(6) Insert appropriate form of jurat.

Sworn/affirmed at Hong Kong
 this day of 19 ..
 the same having been duly interpreted to the deponent or affirmant in
 dialect of the
 language by

Sworn Interpreter

Before me,

A Commissioner, etc.