

(7) A notice required or authorized by this section to be given by the bailee to the bailor must contain a sufficient description of the goods to which the notice relates and a statement of the sum which the bailee claims to be due to him by way of his charges in relation to the goods, together with—

- (a) in the case of a notice that the goods are ready for redelivery or a notice to treat the dispute as determined, a statement that if the bailor fails, within the period of twelve months beginning with the date of the giving of the notice, both to pay the said sum and to take delivery of the goods or give directions as to their delivery they are liable to be sold in accordance with the provisions of this Ordinance;
- (b) in the case of a notice of the bailee's intention to sell the goods, a statement of the date of the giving of the notice that the goods are ready for redelivery or, where there has been a dispute between the bailor and bailee, the date on which the dispute was determined, and a statement that if the bailor fails, within the period of fourteen days beginning with the date of the giving of the notice of the bailee's intention to sell the goods, both to pay the said sum and to take delivery of the goods or give directions as to their delivery they are liable to be sold in accordance with the provisions of this Ordinance.

Notices.
1952, c. 43, s. 2.

3. (1) In this Ordinance, unless the context otherwise requires, the expression "notice" means a notice in writing in English or Chinese.

(2) A notice required or authorized by this Ordinance to be given by a bailee to a bailor shall, where the bailor is a corporation, be duly given if it is given to the secretary or clerk of the corporation.

(3) A notice required or authorized by this Ordinance to be given by a bailee to a bailor of the bailee's intention to sell the goods shall be given by sending it by post in a registered letter.

(4) A notice required or authorized by this Ordinance to be given by a bailee to a bailor, other than a notice of the bailee's intention to sell the goods, may be given either—

- (a) by delivering it to the bailor; or
- (b) by leaving it at his proper address; or
- (c) by post.

(5) For the purposes of this section, and of section 8 of the Interpretation and General Clauses Ordinance, in its application

(Cap. 1.)

to this section, the proper address of a person to whom a notice falling within the provisions of subsection (3) or (4) is required or authorized to be given shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and, in any other case, be the last known address of the person to whom the notice is to be given.

4. (1) Where goods are sold by virtue of the provisions of this Ordinance, any amount by which the gross proceeds of the sale exceed the charges of the bailee in relation to the goods shall be recoverable by the bailor from the bailee and any amount by which the said charges exceed the gross proceeds of the sale shall be recoverable by the bailee from the bailor.

Procedure
after sale.
1952, c. 43, s. 3.

(2) Where goods are so sold, the bailee shall, before the expiration of the period of seven days beginning with the date of the sale of the goods, prepare a record in relation to the goods containing the following particulars, that is to say—

- (a) a sufficient description of the goods;
- (b) the method, date and place of the sale;
- (c) where the goods are sold by public auction, the name and principal place of business of the auctioneer, and where they are sold otherwise than by public auction and the gross proceeds of the sale thereof are not less than twenty dollars, the name and address of the buyer;
- (d) the amount of the gross proceeds of the sale; and
- (e) a statement of each item of the charges of the bailee in relation to the goods and the transaction to which each item relates,

and shall, during the period of six years beginning with the date on which the record is prepared, keep the record together with a copy of the notice of the bailee's intention to sell the goods and the certificate of posting of the letter in which the notice was sent, and shall at any reasonable time during the said period of six years, if so requested by or on behalf of the bailor, produce the record, copy and certificate, or any of them, for inspection by the bailor or a person nominated in that behalf by him.

(3) A person who fails to comply with the provisions of subsection (2) or who produces a document kept for the purposes thereof which is to his knowledge false in a material particular shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars and to imprisonment for three months.

5. (1) References in this Ordinance to goods accepted by a bailee in the course of a business for repair or other treatment shall, in relation to goods of any class, be construed as references

Supplemental
provisions.
1952, c. 43, s. 4.

to goods of that class accepted by him for repair or other treatment in the course of a business consisting of or comprising the acceptance by him of goods of that class for repair or other treatment (whether or not the repair or other treatment is effected by him) wholly or mainly from persons who deliver to him, otherwise than in the course of a business, goods of that class for repair or other treatment.

(2) References in this Ordinance to the charges of the bailee in relation to any goods shall, subject to the provisions of any agreement between the bailor and the bailee, be construed as references to the amount agreed between them as the charge for the repair or other treatment of the goods or, if no amount has been so agreed, a reasonable charge therefor and, in a case where the goods have been sold, the following additional amounts that is to say—

- (a) a reasonable charge for storing the goods during the period beginning with the date of the giving of the notice that the goods are ready for redelivery, or, where there has been a dispute between the bailor and bailee, the date on which the dispute was determined, and ending with the date of the sale;
- (b) any costs of or in connexion with the sale; and
- (c) the cost, if any, of insuring the goods.

(3) References in this Ordinance to a bailor or bailee of goods shall, as respects a period during which his rights and obligations in relation to the goods are vested in any other person, be construed as references to that other person.

(4) The powers conferred on a bailee by this Ordinance shall be in addition to and not in derogation of any powers exercisable by him independently of this Ordinance.

6. (1) Where the bailee of goods accepted before the commencement of this Ordinance for repair or other treatment does not at the commencement of this Ordinance know any address of the bailor, the bailee shall not be disentitled to sell the goods by reason only that paragraphs (b) and (c) of subsection (3) of section 2 are not complied with, if the following provisions are complied with, that is to say—

- (a) within the period of six months beginning with the commencement of this Ordinance, the bailee publishes in an English or Chinese newspaper a notice complying with the requirements of subsection (4);

- (b) at all premises used or appropriated by the bailee after the commencement of this Ordinance for accepting for repair or other treatment goods of the class to which the goods so accepted belong, there is, throughout the period of twelve months immediately following the expiration of the said period of six months or throughout that portion of the said period of twelve months during which the premises are so used or appropriated, conspicuously displayed in the part of the premises so used or appropriated a notice written in English and Chinese indicating that, in the case of goods of that class accepted before the commencement of this Ordinance for repair or other treatment, this Ordinance confers on the bailee a right of sale exercisable in certain circumstances after an interval of not less than eighteen months from the commencement of this Ordinance,

but the bailee shall not be entitled to sell the goods before the expiration of the period of eighteen months beginning with the commencement of this Ordinance.

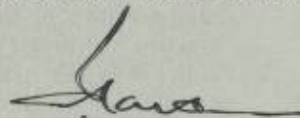
(2) Where the provisions of subsection (1) are complied with in relation to any goods, the bailee shall, notwithstanding anything in subsection (3) of section 2, be entitled to sell them otherwise than by public auction, and paragraph (ii) of the proviso to the said subsection (3) of section 2 shall not apply in relation to those goods.

(3) Where goods are sold by virtue of the fact that subsections (1) and (2) have been complied with, then sections 2 to 5 shall have effect in relation to the goods subject to the following modifications, that is to say—

- (a) for any reference in subsection (2) of section 4 to a copy of the notice of the bailee's intention to sell the goods and the certificate of posting of the letter in which the notice was sent there shall be substituted a reference to a statement of the name and issue of the newspaper in which the notice under paragraph (a) of subsection (1) was published;
- (b) for the reference in paragraph (a) of subsection (2) of section 5 to the giving of the notice that the goods are ready for redelivery there shall be substituted a reference to the publication of the notice under paragraph (a) of subsection (1).
- (4) A notice under paragraph (a) of subsection (1) in relation to any goods must contain—
 - (a) a sufficient description of the class to which the goods belong;

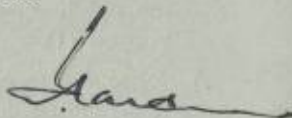
- (b) the name under which the bailee carries on the business consisting of or comprising the acceptance of goods of that class for repair or other treatment and the address of the bailee's principal place of business or, where the bailee is a corporation, the registered or principal office of the corporation, and if the name or the address have changed during the twelve months immediately preceding the date of the publication of the notice, the last such name or, as the case may be, the last such address preceding the change thereof; and
- (c) a statement that if the bailor of the goods fails within the period of eighteen months beginning with the commencement of this Ordinance both to pay the sum which the bailee claims to be due to him by way of his charges in relation to the goods and to take delivery of the goods or give directions as to their delivery they are liable to be sold in accordance with the provisions of this Ordinance.
- (5) Where the bailee of goods accepted before the commencement of this Ordinance for repair or other treatment does not at the commencement of this Ordinance know any address of the bailor and at any time during the period of eighteen months beginning with the commencement of this Ordinance a dispute arises between the bailor and the bailee by reason of either or both of the matters mentioned in subsection (4) of section 2, subsections (1) to (4) shall not apply in relation to the goods, but sections 2 to 5 shall apply in relation thereto as they apply in a case where a dispute arises between the bailor and the bailee before the giving of the notice of the bailee's intention to sell the goods.

Passed by the Hong Kong Legislative Council this 13th day of August, 1969.



Deputy Clerk of Councils.

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



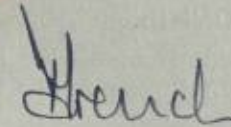
Deputy Clerk of Councils.

HONG KONG

No. 43 of 1969.



I assent.



Governor.

14th August, 1969.

An Ordinance to provide for the incorporation of the Hong Kong Society for the Protection of Children.

[15th August, 1969.]

WHEREAS—

- (1) By section 3 of the Society for the Protection of Children Incorporation Ordinance the President, the Chairman of the Executive Council and the Honorary Treasurers for the time being of the Hong Kong Society for the Protection of Children were incorporated as a body corporate under the name of "The Corporation of the Hong Kong Society for the Protection of Children":
- (2) It is considered expedient that the Hong Kong Society for the Protection of Children be incorporated as a body corporate to carry on and continue the work and activities heretofore carried on by The Corporation of the Hong Kong Society for the Protection of Children aforesaid:

Preamble.

(Cap. 1058.)

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 Hong Kong Society for the Protection of Children Incorporation Ordinance 1969.

Interpretation. 2. In this Ordinance, unless the context otherwise requires—
“Chairman” means the Chairman of the Executive Committee of the Hong Kong Society for the Protection of Children;

“constitution” means the constitution of the Hong Kong Society for the Protection of Children for the time being in force;

“Executive Committee” means the Executive Committee of the Hong Kong Society for the Protection of Children established under the constitution;

(Cap. 1058.) “former body corporate” means The Corporation of the Hong Kong Society for the Protection of Children incorporated by the Society for the Protection of Children Incorporation Ordinance;

“President” means the President of the Hong Kong Society for the Protection of Children;

“Secretary” means the Honorary Secretary of the Executive Committee;

“Society” means the Hong Kong Society for the Protection of Children.

Incorporation. 3. The Hong Kong Society for the Protection of Children shall be a body corporate 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, and may from time to time break, change, alter and make anew the said seal as the Society may deem fit.

Powers of the Society. (Cap. 305.)

4. The Society shall have power—

- (a) subject to the Charities (Land Acquisition) Ordinance, to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate in the Colony and also to invest moneys on deposit in any banks or upon mortgage of any lands, buildings, messuages or tenements in the Colony or upon debentures, stock, funds, shares or securities of any corporation or company carrying on business or having an office in the Colony and also to purchase and acquire goods and chattels of what nature or kind soever;

(b) to build, rebuild, demolish, alter, vary, renew, maintain and repair any buildings, messuages or tenements acquired by the Society or in which it is interested and to effect any improvements thereto;

(c) to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, pledge, demise, let, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, debenture stocks, stocks, funds, shares, securities, vessels, goods, chattels, property and assets for the time being vested in or belonging to the Society upon such terms as the Society may think fit;

(d) to borrow money upon such terms as the Society may think fit, and subject to subsection (17) of section 4 of the Summary Offences Ordinance, to raise money by private or public subscription;

(Cap. 228.)

(e) to accept donations, grants or subsidies from any person or Government Authority or other body or organization;

(f) to establish, support and subscribe to provident funds, pension and retirement and similar schemes for the benefit of employees of the Society and their dependants and to grant and pay pensions or gratuities to and otherwise aid, support or assist any such persons;

(g) generally to do such other acts and things as are incidental or conducive to the aims and objects of the Society.

5. (1) On the commencement of this Ordinance all those pieces or parcels of ground specified in the second column of the Schedule, together with all rights, easements and appurtenances thereto belonging, shall vest in the Society for the unexpired residue of the respective terms of years created by the Crown leases or Conditions of Grant specified opposite thereto in the third column of the Schedule, subject to the payment of rent and performance of the covenants and conditions reserved by and contained in the said Crown leases and Conditions of Grant.

Vesting of property, etc. in the Society. Schedule.

(2) All debentures, stocks, funds, shares, securities, vessels, goods, chattels and other movable assets vested in or belonging to or held for or on behalf of or in trust for the former body corporate and all moneys subscribed for the purposes of the former body corporate and all investments of such moneys and all interest, income and profits arising from such investments and all securities therefor shall at the commencement of this Ordinance, be transferred to, vest in, belong to or be held for or on behalf of or in trust for the Society.

(3) All contractual and other rights exercisable or enforceable by the former body corporate shall, on the commencement of this Ordinance, be exercisable by the Society in place of the former body corporate.

(4) On the commencement of this Ordinance, the Society shall become liable for all debts and liabilities and for the performance of all contractual and other obligations of the former body corporate.

Members.

6. The Society shall consist of those members of the Hong Kong Society for the Protection of Children who were such members immediately before the commencement of this Ordinance and of all such persons who shall continue to be members of the Society or who shall hereafter be admitted to membership of the Society in accordance with the constitution.

Constitution.

7. (1) The constitution of the Hong Kong Society for the Protection of Children in force immediately prior to the commencement of this Ordinance shall continue to be the constitution of the Society but the same may be amended or varied at any time or from time to time in accordance with the provisions of the constitution subject nevertheless to the provisions of this Ordinance relating to any matter expressly dealt with herein.

(2) The constitution shall not be amended without the consent in writing of the Registrar of Companies.

Registration.

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

- (a) notice of the address of the principal office of the Society and any change thereof; and
- (b) a copy of the constitution and any amendment thereto certified as correct by the Chairman; and
- (c) a list of the names, occupations and addresses of the President, the members and the Secretary of the Executive Committee and any change therein, certified as correct by the Chairman; and
- (d) a list of the names and addresses of the members for the time being of the Society and any change therein, certified as correct by the Chairman.

(2) Every document required to be registered in accordance with subsection (1) shall be forwarded to the Registrar of Companies within twenty-eight days of the commencement of this Ordinance or within twenty-eight days of any change or amendment, as the case may be.

(3) The Society shall pay such fees for registering any document with any public registry as may be prescribed under section 304 of the Companies Ordinance for the registration of a document with the Registrar of Companies.

(Cap. 32.)

(4) Any person may inspect any of the documents registered under this section on payment of such fee as may be prescribed by section 305 of the Companies Ordinance for the inspection of documents kept by the Registrar of Companies.

(Cap. 32.)

(5) The registration of the list mentioned in paragraph (c) of subsection (1) shall be conclusive evidence of the facts mentioned in such list.

9. (1) All deeds, documents and other instruments requiring the seal of the Society shall be sealed in the presence of two members of the Executive Committee and shall also be signed by those members and such signing shall be taken as sufficient evidence of the due sealing and execution of such deeds, documents and other instruments.

Execution of documents.

(2) The Executive Committee shall be responsible for the safe custody of the common seal of the Society.

10. 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 any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

Saving.

11. The Society for the Protection of Children Incorporation Ordinance is hereby repealed.

Repeal.
(Cap. 1058.)

SCHEDULE.

[s. 5(1)]

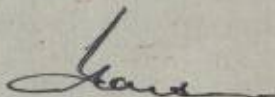
Item.	Description of Property.	Crown leases and Conditions of Grant.
1.	Shaukiwan Inland Lot No. 620	Conditions of Grant No. 5914
2.	Kowloon Inland Lot No. 6075	Conditions of Grant No. 4587
3.	Kowloon Inland Lot No. 7942	Crown lease dated 19th October 1968
4.	2/13th undivided shares in Hung Hom Inland Lot No. 401	Crown lease dated 11th November 1964

Passed by the Hong Kong Legislative Council this 13th day of August, 1969.



Deputy Clerk of Councils.

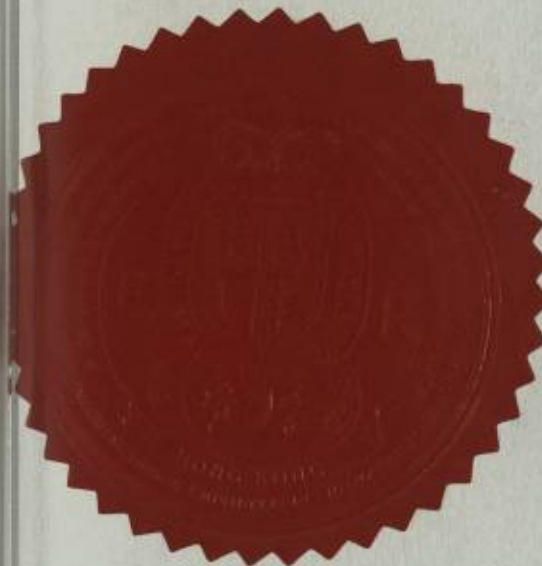
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



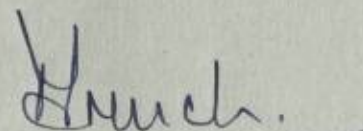
Deputy Clerk of Councils.

HONG KONG

No. 44 OF 1969.



I assent.



Governor.

28th August, 1969.

An Ordinance to amend further the Immigration (Control and Offences) Ordinance.

[29th August, 1969.]

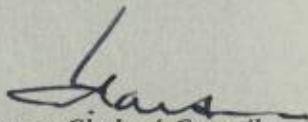
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Immigration (Control and Offences) (Amendment) Ordinance 1969. Short title.

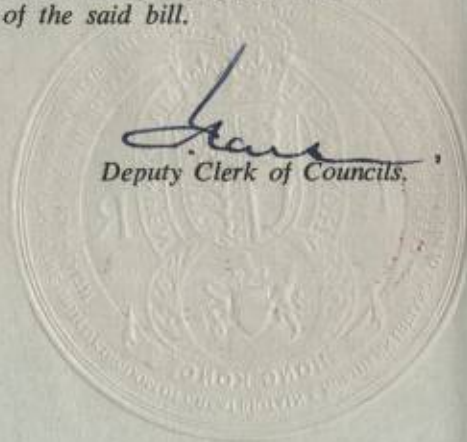
2. Section 20 of the principal Ordinance is amended in subparagraph (iv) of paragraph (b) of subsection (1) by— Amendment of section 20. (Cap. 243.)

- (a) deleting "if the holder thereof is an alien,"; and
- (b) deleting ", not more than one year prior to his arrival in the Colony,".

Passed by the Hong Kong Legislative Council this 27th day of August, 1969.


Deputy Clerk of Councils.

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

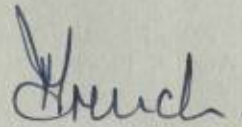


HONG KONG

NO. 45 OF 1969.



I assent.



Governor.

28th August, 1969.

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

[15th February, 1969.]

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

1. This Ordinance may be cited as the Public Transport Services (Kowloon and New Territories) (Amendment) (No. 2) Ordinance 1969 and shall be deemed to have come into operation on the 15th day of February 1969.

Short title and commencement.

2. Section 8 of the principal Ordinance is amended—

(a) in subsection (1), by deleting the full stop at the end thereof, substituting a colon and adding the following proviso—

Amendment of section 8. (Cap. 318.)

“Provided that in respect of the financial year of the Company beginning on the 15th February

1969 and ending on the 14th February 1970 the rate of royalty to be paid by the Company to the Government under this section shall be fifteen *per cent.*”;

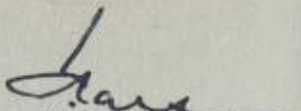
- (b) in subsection (3), by deleting “twenty *per cent* of the gross receipts of the Company” and substituting the following—

“the royalty at the rate specified in subsection (1)”;
and

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

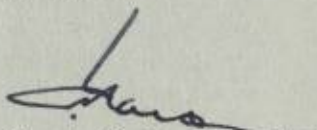
“(6) The Legislative Council may, by resolution, amend the rate of royalty specified in subsection (1), or amend that rate for any yearly period beginning on the 15th February and ending on the 14th February of the following year; and any resolution under this subsection may have retrospective effect to the 15th February in the year in which it is passed.”.

Passed by the Hong Kong Legislative Council this 27th day of August, 1969.



Deputy Clerk of Councils.

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



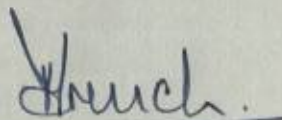
Deputy Clerk of Councils.

HONG KONG

No. 46 OF 1969.



I assent.



Governor.

28th August, 1969.

An Ordinance to consolidate and amend the law relating to pharmacy and poisons.

[]

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

1. This Ordinance may be cited as the Pharmacy and Poisons Ordinance 1969, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title
and commence-
ment.

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

Interpretation.

“agricultural poison” means any poison specified in the Schedule and any preparation or substance containing such poison;

Schedule.

“authorized seller of poisons” means a registered pharmacist carrying on business on his own account or a body corporate or an unincorporated body of persons authorized to sell poisons under section 11;

“Board” means the Pharmacy and Poisons Board established under section 3;

“dispensing” in relation to a medicine or poison includes the compounding or mixing of substances (including poisons) and the supplying of the same;

“duly qualified veterinary surgeon” means a member of the Royal College of Veterinary Surgeons of Great Britain, or a person holding a diploma or certificate from a veterinary training institution or examining body prescribed by regulations made under paragraph (n) of section 29;

“institution” means—

- (a) any hospital or maternity home within the meaning of the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance; (Cap. 165.)
- (b) any clinic within the meaning of the Medical Clinics Ordinance; and (Cap. 343.)
- (c) any such hospital, maternity home or clinic maintained by the Crown;

“labelled” means any statement forming part of or affixed to a container in which pharmaceutical products are sold, which statement may, subject to any regulations made under this Ordinance, be printed in English or Chinese;

“listed seller of poisons” means a person whose name is entered on the list kept under section 25 of persons entitled to conduct the retail sale of poisons included in Part II of the Poisons List;

“manufacture” means the preparation of pharmaceutical products for sale or distribution but shall not include the individual dispensing on a prescription or otherwise of any pharmaceutical product, and “manufacturer” has a corresponding meaning;

“pharmaceutical product” and “medicine” mean any substance or mixture of substances (whether or not poisons are included in such mixture) dispensed or manufactured for use in the treatment of human or animal ailments;

“poison” means a substance which is specified in the Poisons List;

“Poisons List” means the Poisons List prescribed by regulations;

“registered” means—

- (a) in relation to a pharmacist, a person whose name has been entered on the register of pharmacists under section 5;
- (b) in relation to premises, such premises as are entered on the register of premises under section 13;
- (c) in relation to a medical practitioner, a person duly registered or deemed to be registered under the Medical Registration Ordinance; (Cap. 161.)
- (d) in relation to a dentist, a person duly registered or deemed to be registered under the Dentists Registration Ordinance; (Cap. 156.)

“sale by way of wholesale dealing” means the sale of goods to a person who is authorized by this Ordinance to resell such goods;

“Secretary” means the secretary to the Board.

(2) It shall be a sufficient compliance with any requirement in this Ordinance that premises be under the personal control of a registered pharmacist if for not less than two-thirds of the hours of each day the premises are open for business a registered pharmacist is present at the premises and exercises control and supervision over the persons employed therein.

(3) Where in this Ordinance any document is required to be signed by any person, that person shall write his name or make his mark on the document but the affixing of a chop shall not be an adequate signature.

3. (1) There shall be for the purposes of this Ordinance a Board to be called the Pharmacy and Poisons Board.

The Pharmacy
and Poisons
Board.

(2) The Board shall consist of—

- (a) the Director of Medical and Health Services;
- (b) the Professor of Pharmacology at the University of Hong Kong;
- (c) the Government Chemist;
- (d) the Chief Pharmacist of the Medical and Health Department;
- (e) one medical officer in the Medical and Health Department appointed by the Governor;

- (f) one legally qualified person appointed by the Governor to act as the legal adviser to the Board;
- (g) three registered pharmacists (not being public officers) nominated by the Pharmaceutical Society of Hong Kong and appointed by the Governor;
- (h) one registered medical practitioner (not being a public officer) nominated by the Hong Kong Chinese Medical Association and appointed by the Governor; and
- (i) one registered medical practitioner (not being a public officer) nominated by the Hong Kong Branch of the British Medical Association and appointed by the Governor.

(3) The members of the Board appointed by the Governor shall hold office for a period of three years from the date of their appointment or for such lesser period as the Governor may appoint.

4. (1) The Director of Medical and Health Services shall be the Chairman of the Board and as Chairman shall have both a deliberative and a casting vote.

(2) If the Chairman of the Board is absent from any meeting of the Board, the members present at such meeting shall elect from among their number a member to act as chairman and the person so elected shall have all the powers of the Chairman for the purposes of that meeting.

(3) The Board shall meet at such times and at such places as the Chairman shall from time to time direct.

(4) Five members of the Board shall constitute a quorum at meetings.

(5) A vacancy among the members of the Board or any defect in their appointment shall not affect the validity of any proceedings of the Board.

(6) At meetings of the Board all questions shall be decided by the votes of a majority of the members of the Board present.

(7) The Board may make standing orders for regulating the procedure and the conduct of its meetings.

5. (1) The Board shall cause the Secretary to enter in a register (in this Ordinance referred to as the register of pharmacists), the names and addresses of all persons qualified to be registered as pharmacists under this Ordinance.

Chairman of Board and meetings.

The register of pharmacists.

(2) The register of pharmacists shall be kept at the headquarters of the Medical and Health Department in the office of the Secretary and shall be open for inspection by any person during the usual hours of business without payment of fee.

(3) The Board shall cause a copy of the register of pharmacists to be published in the *Gazette* once every twelve months.

(4) The register kept in accordance with the provisions of the Pharmacy and Poisons Ordinance repealed by this Ordinance shall be deemed to be, for the purposes of this Ordinance, the register under this section and every person whose name appears therein shall be deemed to be a pharmacist registered in accordance with this Ordinance.

(Cap. 138.)

6. A certificate purporting to be under the seal of the Board and signed by the Chairman or the Secretary, or a copy of the *Gazette* containing a copy of the register of pharmacists printed within the preceding twelve months, shall, until the contrary is proved, be evidence in any court that the persons whose names are set out in such certificate or copy of the *Gazette* were registered as pharmacists at the date shown on such certificate or *Gazette*.

Evidence of registration.

7. (1) The Secretary may amend the register of pharmacists as to the address or any other particulars relating to a pharmacist whose name appears therein, if satisfied that such amendment is necessary for the purposes of preserving the accuracy of the register.

Correction of register.

(2) The Secretary shall make such entries in the register of pharmacists as the Board in the exercise of its powers under this Ordinance may direct.

(3) The Board may direct the deletion of any entry in the register of pharmacists relating to a pharmacist who—

- (a) requests in writing that his name be so deleted;
- (b) has died;
- (c) has been absent from the Colony for a period of not less than two years without giving to the Secretary or the Board notice of his intention to return;
- (d) the Board is satisfied obtained registration by fraudulent means.

Qualifications for registration as pharmacists.

8. (1) Subject to the provisions of this Ordinance, there may be registered as a pharmacist any person who—

- (a) holds a diploma in pharmacy of the University of Hong Kong;
- (b) is duly registered as a pharmaceutical chemist or chemist and druggist with the Pharmaceutical Society of Great Britain;
- (c) holds a certificate of a Commonwealth pharmaceutical institution which has entered into an agreement for reciprocity of registration with the Pharmaceutical Society of Great Britain;
- (d) has successfully completed a course of training and study and who has passed any examinations thereon that may have been prescribed by the Board; and
- (e) holds any diploma or certificate, other than a certificate to which paragraph (c) refers, and who has satisfied the Board by examination or otherwise that he has the skill and experience in pharmacy equivalent to that possessed by a person to whom paragraphs (a) to (d) relate.

(2) Notwithstanding anything contained in subsection (1), the Board may require any applicant for registration as a pharmacist to prove his competency by examination or to undergo such further period of training as the Board may specify.

(3) For the purposes of conducting examinations on behalf of the Board, there shall be a committee of examiners consisting of the following persons—

- (a) the Professor of Pharmacology at the University of Hong Kong;
- (b) the Government Chemist;
- (c) the Chief Pharmacist of the Medical and Health Department;
- (d) one medical officer in the Medical and Health Department appointed by the Board; and
- (e) one registered pharmacist (not being a public officer) appointed by the Board.

Certificate of registration as a pharmacist.

9. (1) Upon the registration of a person as a pharmacist the Secretary shall issue to him a certificate of registration as a pharmacist.

(2) If a certificate issued under subsection (1) is lost or destroyed, or if for any other reason a registered pharmacist requires a duplicate certificate to be issued, the Secretary shall, on being satisfied that the original certificate of registration has been lost or destroyed or that a duplicate certificate is required for good reason, and upon payment of a prescribed fee (if any), issue to the pharmacist a certified duplicate of the certificate of registration.

(3) If the name of any pharmacist is removed from the register of pharmacists in accordance with a direction of a Disciplinary Committee under section 16, that pharmacist shall forthwith return to the Secretary the certificate of registration and any certified duplicate thereof (if any), or if the said certificate or duplicate has been lost or destroyed the pharmacist shall deliver to the Secretary a signed statement to that effect.

10. (1) Any person who, with intent to deceive—

- (a) forges, or uses, or lends to or allows to be used by any other person a certificate of registration as a pharmacist or any other certificate issued under any enactment, whether of this Colony or elsewhere, relating to pharmacy; or
- (b) makes or has in his possession a document so closely resembling any such certificate as aforesaid as to be calculated to deceive,

shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars.

(2) In this section, the expression "forges" has the same meaning as in the Forgery Ordinance.

11. (1) A business comprising the retail sale of poisons carried on by a registered pharmacist or by a body corporate or an unincorporated body of persons shall be an authorized seller of poisons if the actual sale of poisons is conducted on premises duly registered under this Ordinance by a registered pharmacist or in his presence and under his supervision.

(2) The name, the certificate of registration and a notice setting out the hours of attendance of each registered pharmacist engaged in, or employed by an authorized seller of poisons in, the business shall be displayed in a conspicuous place in the premises where he is so engaged or employed.

Misuse of certificates of registration.

(Cap. 209.)

Authorized sellers of poisons.

(3) No registered pharmacist employed by an authorized seller of poisons shall at the same time engage in the retail sale of poisons on his own account and in employment with any other authorized seller of poisons without first obtaining the written authority of the Board.

(4) The Board may grant a registered pharmacist written authority under subsection (3) on such conditions as it thinks fit.

12. Each set of premises of an authorized seller of poisons where poisons are kept for the purposes of retail sale shall be under the personal control of a registered pharmacist.

13. (1) An authorized seller of poisons shall register each set of premises where the retail sale of poisons is conducted.

(2) The Board shall cause a register to be kept (in this Ordinance referred to as the register of premises) in which shall be entered the address of each set of premises where poisons are sold and the name of the authorized seller of poisons who is the proprietor of the business carried on at such premises.

(3) An authorized seller of poisons, who applies to register any set of premises under this section, shall pay such fee in respect of the application as may be prescribed, and for each year subsequent to the first year of registration he shall pay such fee as may be prescribed for the retention of such premises on the register of premises.

(4) The registration of any premises registered under this section shall lapse at the expiration of twenty-eight days after—

- (a) a change of the ownership of the business conducted therein, unless application is made for the retention of such premises on the register and the fee prescribed in that behalf paid; or
- (b) the end of the registration year, if the fees prescribed for the retention of the registration of such premises have not been paid.

14. (1) An authorized seller of poisons shall in the month of January in each year send to the Secretary a list showing the addresses of all sets of premises where he conducts the retail sale of poisons and showing the name of the registered pharmacist having personal control of each such set of premises.

(2) Where any change occurs in the address of the business of an authorized seller of poisons or where any registered pharmacist whose name is displayed in any premises registered under

this Ordinance ceases to be employed or engaged in such premises, the authorized seller of poisons shall, within twenty-eight days, give the Secretary notice in writing setting out particulars of such change.

(3) An authorized seller of poisons who fails to comply with the provisions of this section shall be guilty of an offence.

15. (1) When a complaint is received by the Board regarding the conduct of a registered pharmacist, an employee of a registered pharmacist, a body which is an authorized seller of poisons or an officer or employee of or partner in such body, or when any such person or body is convicted of an offence under this Ordinance or when it otherwise appears necessary or desirable to the Board that the conduct of any such person or body should be inquired into, the Board shall, for the purpose of such inquiry, appoint a Disciplinary Committee consisting of—

- (a) the medical officer in the Medical and Health Department appointed by the Governor under paragraph (e) of subsection (2) of section 3 who shall be the chairman of the Disciplinary Committee; and
- (b) two registered pharmacists (not being public officers) nominated by the Pharmaceutical Society of Hong Kong.

(2) The Governor shall appoint a legally qualified person to act as the legal adviser to a Disciplinary Committee.

16. (1) A Disciplinary Committee appointed under section 15 shall hold an inquiry into the conduct of any person or body in respect of whom or which it is appointed and shall cause notice thereof to be served on the person or body concerned at least twenty-eight days before the date of such inquiry.

(2) A Disciplinary Committee may, if it thinks fit, at the conclusion of an inquiry under this section—

- (a) where the inquiry is in respect of a registered pharmacist or an employee of a registered pharmacist, direct the Secretary either—
 - (i) to censure the registered pharmacist; or
 - (ii) subject to subsection (5), to remove his name from the register of pharmacists and not to re-enter it thereon for such period as the Disciplinary Committee directs;
- (b) where the inquiry is in respect of a body which is an authorized seller of poisons or in respect of an officer or employee of or partner in such body, direct that—
 - (i) that body be disqualified, for such period as may be specified in the direction, from being an authorized seller of poisons; or

Premises required to be under the control of a registered pharmacist.

Registration of premises.

Annual return.

Appointment of Disciplinary Committee.

Powers of a Disciplinary Committee.

- (ii) subject to subsection (5), any or all of the premises of that body shall be removed from the register of premises and be disqualified, for such period as may be specified in the direction, from being registered therein.
- (3) (a) A person or body in respect of whom or which a direction has been made under subsection (2) may, within twenty-eight days after receipt of notice under subsection (1) of section 19, appeal to the Supreme Court.
- (b) On any such appeal, the Supreme Court may affirm, reverse or vary the direction of the Disciplinary Committee and the decision of the Supreme Court on such appeal shall be final.
- (4) The Disciplinary Committee may, subject to subsection (5), cause its decision in any inquiry held under this section to be published in the *Gazette*, with or without an account of the proceedings.
- (5) No direction under sub-paragraph (ii) of paragraph (a) or (b) of subsection (2) shall be given effect to and no publication under subsection (4) shall be made—
- (a) until after the expiry of the time limited for an appeal under paragraph (a) of subsection (3); or
- (b) where there is an appeal to the Supreme Court, until such appeal has been determined or withdrawn.
- (6) The Disciplinary Committee may, of its own motion or on the application of the person or body concerned,—
- (a) without fee or on payment of such fee not exceeding the amount of the fee payable on registration as a pharmacist as the Disciplinary Committee determines, direct the Secretary to restore to the register of pharmacists the name of any person which has been removed therefrom;
- (b) direct that a disqualification from being an authorized seller of poisons shall cease;
- (c) without fee or on payment of such fee not exceeding the amount of the fee payable on registration of premises as the Disciplinary Committee determines, direct that any premises removed from the register of premises be restored thereto.

17. (1) In any case under section 16, where the person convicted of an offence or guilty of misconduct is an employee of the authorized seller of poisons, the Disciplinary Committee shall not give any direction unless proof is given to its satisfaction of some

Liability of authorized sellers of poisons for acts of employees.

one or more of the facts specified in subsection (2), and it is of the opinion that having regard to the facts so proved the authorized seller of poisons ought to be regarded as responsible for the offence or misconduct.

(2) The facts as to some one or more of which the Disciplinary Committee must be satisfied before giving any such direction as is mentioned in subsection (1) are—

- (a) that the offence or misconduct in question was instigated or connived at by the authorized seller of poisons or in the case of a body corporate, by an officer of that body corporate or in the case of an unincorporated body of persons, by any member of such body;
- (b) that the authorized seller of poisons or any person employed by him, or, in the case of a body corporate or an unincorporated body of persons, any officer or member of such body, as the case may be, had been guilty, at some time within twelve months before the date upon which the offence or misconduct in question took place, of a similar offence or misconduct and that the authorized seller of poisons had, or ought reasonably to have had, knowledge of that previous offence or misconduct;
- (c) if the offence or misconduct in question was a continuing offence or continuing misconduct, that the authorized seller of poisons had, or reasonably ought to have had, knowledge of the continuance thereof;
- (d) in the case of an offence under this Ordinance, that the authorized seller of poisons had not used due diligence to enforce the execution of this Ordinance.

(3) In this section references to the responsibility, knowledge or diligence of an authorized seller of poisons shall, in the case of a body corporate or an unincorporated body of persons, be construed as references to the responsibility, knowledge or diligence of that body as a whole.

18. In any inquiry conducted by the Disciplinary Committee the decision of the committee shall be taken on the vote of a majority of the members.

Voting of Disciplinary Committee.

19. (1) The Secretary shall cause notice of any direction given by the Disciplinary Committee to be given to the registered pharmacist or authorized seller of poisons, as the case may be, to whom the direction relates, and, where the Disciplinary Committee refuses an application for a direction the Secretary shall cause notice of the refusal to be given to the applicant. A notice

Provisions as to directions given by Disciplinary Committee.

required by this subsection to be given to any person shall be sent to him by registered letter to his address shown in the register of pharmacists or the register of premises, as the case may be, and if more than one address is shown in such register to any of his addresses shown therein.

(2) A direction given by the Disciplinary Committee, other than a direction given on the application of the person to whom it relates, shall take effect at the expiration of such period, not exceeding three months, as the Committee may, having regard to all the circumstances of the case, think fit to direct.

(3) Where a direction given by the Disciplinary Committee has taken effect the Secretary shall make such alterations in the register of premises as are necessary to give effect to the direction.

20. (1) Any person, other than a registered pharmacist or an authorized seller of poisons, who takes or uses in connexion with any business engaged in the retail sale of poisons, or in the dispensing, compounding, or manufacturing of drugs, poisons or pharmaceutical products, any title, emblem or description which might reasonably be taken to suggest that he or any person employed by him is a registered pharmacist or that he is an authorized seller of poisons or that he or any person employed by him possesses any academic qualification other than the academic qualifications that he or his employee in fact possesses shall be guilty of an offence.

(2) For the purposes of this section the terms "chemist", "druggist", "pharmacist", "pharmaceutical chemist", "pharmaceuticalist", "member of the Pharmaceutical Society", or the Chinese terms "化學師" (*Fa hok sz*), "藥師" (*Yeuk sz*), "藥劑師" (*Yeuk tsai sz*), "藥劑化學師" (*Yeuk tsai fa hok sz*), "藥劑學家" (*Yeuk tsai hok ka*), "藥學會會員" (*Yeuk hok wui wui yuen*), or any combination of such terms in any language shall be deemed to be calculated to suggest that the person having control of the business is a registered pharmacist or that a registered pharmacist is employed in that business.

(3) For the purposes of this section the terms "pharmacy", "dispensary", "drug-store" or the Chinese term "藥房" (*Yeuk fong*) used in connexion with premises shall be deemed to be calculated to suggest that such premises are premises registered under this Ordinance as premises of an authorized seller of poisons and are under the control of a registered pharmacist.

Restriction
on use of
certain titles,
etc.

21. Subject to sections 28 and 32, no poison included in Part I of the Poisons List shall be sold except on premises duly registered under this Ordinance as premises of an authorized seller of poisons by a registered pharmacist or in his presence and under his supervision.

Conditions of
sale of Part I
poisons.

22. (1) Subject to this Ordinance, no authorized seller of poisons shall sell any poison included in Part I of the Poisons List to any person unless that person is a fit and proper person to whom the poison may be sold and is either—

Limitations on
sale of Part I
poisons.

- (a) so certified in writing in the manner prescribed by regulations by a person authorized by regulations to give a certificate for the purposes of this section; or
- (b) known by the seller or by some registered pharmacist in the employment of the seller at the premises where the sale is affected.

(2) Every authorized seller of poisons shall keep in each set of registered premises at which poisons included in Part I of the Poisons List are sold a poisons book.

(3) The seller of any poison included in Part I of the Poisons List shall not deliver it until—

- (a) he has made or caused to be made an entry in the poisons book stating the date of the sale, the name and address of the purchaser and of the person by whom any certificate under paragraph (a) of subsection (1) was given, the name and quantity of the article sold, and the purpose for which it was stated by the purchaser to be required; and
- (b) the purchaser has affixed his signature to the entry in the poisons book and the registered pharmacist by or in the presence of whom the sale was made has immediately thereafter countersigned such entry.

(4) Any authorized seller of poisons who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

23. No person shall have in his possession any poison included in Part I of the Poisons List otherwise than in accordance with the provisions of this Ordinance, the proof whereof shall lie upon him.

Possession
of Part I
poisons
prohibited.

24. Every person other than an authorized seller of poisons or a listed seller of poisons carrying on a retail business in premises at which poisons are found shall until the contrary is proved be presumed to have such poisons in his possession for the purposes of sale.

Possession of
poisons by
retailers.

Listed sellers
of poisons.

25. (1) The Board shall cause to be kept for the purposes of this Ordinance a list of persons who, not being authorized sellers of poisons within the meaning of this Ordinance are, subject to the provisions of this Ordinance, to be entitled to conduct the retail sale of a class or classes of poisons included in Part II of the Poisons List, and shall cause to be entered on that list of persons the name of any person who being the occupier of any premises makes an application to be entitled to conduct the retail sale of that class or those classes of poisons on those premises in accordance with this Ordinance.

(2) For the purposes of subsection (1) the Board shall cause to be issued to each listed seller of poisons a licence which shall set out the class or classes of poisons which that listed seller is entitled to sell.

(3) The Board may direct the Secretary not to enter in, or to remove from, the list the name of any person who fails to pay the fees prescribed or who in the opinion of the Board is, for any sufficient reason relating to him personally or to his premises, not fit to be on the list. In the case of a direction to remove the name of any person from the list, the Board shall serve a notice on that person stating its grounds for such removal and advising him of his right to appeal under subsection (5).

(4) The Board may direct the Secretary to refuse the application of any person if it is of the opinion that there are in the neighbourhood of the premises of which such person is the occupier sufficient facilities for the sale of such poisons.

(5) Any person aggrieved by the refusal of the Board to grant his application or by the removal of his name from the list under this section may, within twenty-eight days of the decision, appeal from such refusal or removal to the Supreme Court, the decision of which shall be final.

(6) Any listed seller of poisons shall be guilty of an offence if he uses in connexion with his business any title, emblem or description reasonably calculated to suggest that he is entitled to sell any poison other than a poison which he is under this Ordinance entitled to sell.

(7) All persons whose names are included in the list kept under section 23 of the Pharmacy and Poisons Ordinance repealed by this Ordinance shall, until the 1st day of January 1970, be deemed to be listed sellers of poisons under this section and no such person shall be required to obtain a licence to sell any class or classes of poisons included in Part II of the Poisons List before that date.

(Cap. 138.)

26. Subject to sections 28 and 32, no poison included in Part II of the Poisons List shall be sold except by authorized sellers of poisons on premises duly registered under this Ordinance or by listed sellers of poisons.

Conditions of
sale of Part II
poisons.

27. No person who is authorized to sell poisons included in either Part I or Part II of the Poisons List shall sell any such poison unless the container of the poison is labelled in accordance with regulations and displays—

Poisons to be
labelled, etc.

- (a) the name of the poison;
- (b) in the case of a preparation of which one or more of the ingredients is a poison, particulars as to the proportion each poison bears to the total of the ingredients in the preparation;
- (c) the word "poison" or such other statement as may be prescribed in respect of that substance or class of substance;
- (d) the name of the seller of the poison and the address of the premises in which it was sold.

28. (1) Nothing in sections 21, 22, 26 and 27 shall apply to—

Exemption with
regard to
medicines.

- (a) a medicine which is supplied by a registered medical practitioner for the purposes of medical treatment, by a registered dentist for the purposes of dental treatment or by a duly qualified veterinary surgeon for the purposes of animal treatment; or
- (b) a medicine which, for the purpose of medical treatment, is supplied by a person who, although not a registered medical practitioner, practises medicine in a clinic in such circumstances that, by virtue of subsection (8) of section 8 of the Medical Clinics Ordinance, he is not by reason solely of such practice guilty of an offence under section 28 of the Medical Registration Ordinance, if, but only if, the medicine is supplied by him in the course of his practice in that clinic; or
- (c) a medicine which is dispensed by an authorized seller of poisons on premises duly registered under this Ordinance; or
- (d) a poison forming part of the ingredients of a medicine which is supplied by an authorized seller of poisons on premises duly registered under this Ordinance,

(Cap. 343.)

(Cap. 161.)

if the provisions of this section are satisfied in relation thereto.

(2) The medicine shall be distinctly labelled with the name and address of the person by whom it is supplied or dispensed.

(3) On the day on which the medicine is supplied or dispensed, or, if that is not reasonably practicable, on the day next following that day, there shall be entered in a book which is used regularly for the purpose, the following particulars—

- (a) the date on which the medicine was supplied or dispensed;
- (b) the ingredients of the medicine and the quantity of the medicine supplied;
- (c) if the medicine was dispensed by an authorized seller of poisons, the name or initials of the person by whom, and the name, and if it is known, the address of the person to whom, and the date on which, the prescription was given.

(4) The provisions of subsection (3) shall, in the case of a medicine supplied on a prescription on which the medicine has been supplied by the seller on a previous occasion, be deemed to be complied with if, when the medicine is supplied, the date and the quantity supplied are entered in the book on that day or, if that is not reasonably practicable, on the day next following that day, together with a sufficient reference to an entry in the book duly recording the dispensing of the medicine on the previous occasion.

(5) In the case of a medicine which is supplied or dispensed by a person who is an authorized seller of poisons and is compounded by the person supplying or dispensing it or by a person in his employment, the medicine shall have been compounded by or in the presence of and under the supervision of a registered pharmacist.

Power to make regulations.

29. Subject to the approval of the Legislative Council and to section 31, the Board may make regulations—

- (a) prescribing the nature and scope of courses of training and study, and examinations to be completed by persons to qualify for registration as pharmacists, and the fees payable in respect of such courses and examinations;
- (b) prescribing the form of certificate of registration as a pharmacist and the fees to be paid on the issue of such certificate and for the issue of duplicates of certificates of registration;
- (c) prescribing fees for the registration of premises where the retail sale of poisons is conducted and for the reten-

tion of premises on the register of premises in each year subsequent to the year of first registration and upon a change of ownership of the business or of address of the premises at which the business is conducted;

- (d) dispensing with or relaxing all or any of the provisions of sections 22, 27 and 28;
- (e) dispensing with or relaxing with respect to poisons any of the provisions of this Ordinance relating to the sale of poisons;
- (f) prescribing the form of certificates to be given to persons to whom a poison included in Part I of the Poisons List may be sold, and specifying the class of persons authorized to make such certificates;
- (g) prescribing the form of a book to be kept for the recording of the sales of poisons in Part I of the Poisons List;
- (h) providing for the licensing of wholesale dealers in poisons and for the keeping of such registers or records by wholesale dealers in poisons as may be prescribed;
- (i) regulating and controlling the sale of poisons included in Part II of the Poisons List by listed sellers of poisons, prescribing fees for the making of entries in and alterations to the list of listed sellers of poisons, for the retention of the name of any person on that list for any year subsequent to that of the first entry, and for a change of ownership or address of the business;
- (j) providing for the licensing of manufacturers and the control of the manufacture of pharmaceutical products and poisons;
- (k) providing for the regulation of the type of containers in which various poisons or classes of poisons may be stored or sold and for the labelling of containers in which such poisons are sold;
- (l) providing for the regulating of the storage and transport of medicines and poisons;
- (m) prescribing fees for the licensing of wholesale dealers in poisons and of manufacturers;
- (n) prescribing, for the purposes of this Ordinance, the veterinary training institutions or examining bodies the certificates or diplomas of which shall entitle the holders of the same to be recognized as duly qualified veterinary surgeons;

- (o) generally providing for the regulating and controlling of the selling, compounding and dispensing of poisons and medicines;
- (p) providing for the licensing of retail sellers of pharmaceutical products who are not authorized sellers of poisons or listed sellers of poisons;
- (q) providing for the registration of all pharmaceutical products imported into, or manufactured in Hong Kong;
- (r) prescribing a list of poisons, to be called the Poisons List, which list shall have two divisions to be known as Part I and Part II respectively.

Regulations relating to agricultural poisons.

30. (1) The Governor in Council may make regulations controlling the import, export, purchase, sale and possession of agricultural poisons.

Schedule.

(2) The Governor may, by order published in the *Gazette*, amend the Schedule.

Poisons Committee.

31. (1) For the purposes of advising the Board on the classification and distribution of poisons in Part I and Part II of the Poisons List and matters relating to the control of the manufacture and distribution of poisons and pharmaceutical products, there shall be a Poisons Committee consisting of—

- (a) the registered medical practitioners appointed under paragraphs (h) and (i) of subsection (2) of section 3; and
- (b) five other members of the Board appointed by the Board, including two of the members appointed under paragraph (g) of subsection (2) of section 3.

(2) In determining the distribution of poisons in Part I and Part II of the Poisons List the Board shall, after considering the advice of the Poisons Committee, have regard to the desirability of restricting to Part II substances which are in common use, or are likely to come into common use, and which it is reasonably necessary to include in the said Part II if the public are to have adequate facilities for obtaining them.

Exemption with respect to sales wholesale and sales to certain persons.

32. Except as provided by regulations, nothing in this Ordinance shall extend to or interfere with—

- (a) the sale of poisons by way of wholesale dealing; or
- (b) the sale of poisons to be exported to purchasers outside the Colony; or

- (c) the sale of a substance to a registered medical practitioner, registered dentist or duly qualified veterinary surgeon for the purpose of his profession; or
- (d) the sale or supply of a substance for use in or in connexion with an institution; or
- (e) the sale of a substance by a person carrying on a business, in the course of which poisons are regularly sold to either—
 - (i) a person who requires the substance for the purpose of his trade or business; or
 - (ii) a Government department or an officer of the Crown requiring the substance for the purpose of the public service; or
 - (iii) a person or institution concerned with education or scientific research, if the substance is required for the purposes of that education or research.

33. (1) Any person who contravenes section 21, 23, 26, 27 or 28 shall be guilty of an offence.

Offences.

(2) In the case of proceedings against a person under this Ordinance for or in connexion with the sale, exposure for sale or supply of a poison effected by an employee—

- (a) it shall not be a defence that the employee acted without the authority of the employer; and
- (b) any material fact known to the employee shall be deemed to have been known to the employer.

(3) Notwithstanding any provision in any Ordinance prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Ordinance may be commenced at any time within the period of twelve months next after the date of the commission of the offence.

34. Any person who is guilty of an offence under this Ordinance shall, unless a penalty is otherwise expressly provided, be liable on conviction to a fine of one thousand dollars, and to a further fine of one hundred dollars for every day during which the offence continues subsequent to the day on which he was convicted of such offence.

Penalties.

35. (1) The Chairman may authorize in writing any public officer to be an inspector for the purposes of this Ordinance.

Inspection and enforcement of Ordinance.

(2) An inspector authorized under this section shall, for the purpose of enforcing the provisions of this Ordinance and of any regulations made thereunder, have power—

- (a) at all reasonable times to enter—
- (i) any premises which are on the register of premises; and
 - (ii) any premises at which any listed seller of poisons carries on business; and
 - (iii) the premises of a person licensed to sell or supply poisons wholesale on such premises in accordance with regulations made under section 29; and
 - (iv) any premises where the dispensing or manufacturing of pharmaceutical products is carried on;
- (b) upon the production of his authority as an inspector, at any time to enter and search any place and to stop, board and search any vessel, vehicle, train or aircraft in which he has reason to suspect that an offence under this Ordinance is being or has been committed;
- (c) in any premises entered pursuant to paragraph (b), to seize and detain any article, document or thing which appears to him to be or to contain evidence of an offence against this Ordinance;
- (d) to make such examination and inquiry and to do such other things, including the taking, on payment therefor, of samples, as may be necessary for the purposes of the inspection;
- (e) to seize and detain any substance or article consisting of or containing any poison which he has reasonable cause to suspect is in the possession of any person in contravention of section 23.

(3) Any person who wilfully delays or obstructs an inspector in the exercise of any powers under this section, or refuses to allow any sample to be taken in accordance with this section, or fails without reasonable excuse to give any information which he is duly required under this section to give shall be guilty of an offence.

(4) Any person appearing to an inspector to be in charge of premises where a business which includes the sale of poisons is conducted shall be guilty of an offence if, without reasonable excuse, he fails to disclose particulars sufficient to identify the owner of the business upon being required so to do by the inspector.

(5) Nothing in this section shall authorize an inspector appointed under this Ordinance to enter or inspect the premises of a registered medical practitioner, a registered dentist or a duly qualified veterinary surgeon, other than those premises where the dispensing, manufacturing or compounding of pharmaceutical products is carried on.

36. (1) Any magistrate may, on application by the Crown, order to be forfeited any substance or article consisting of or containing any poison with respect to which any offence under this Ordinance has been committed, whether any person has been convicted of such offence or not, and upon the making of any order of forfeiture such substance or article shall be deemed to be the property of the Crown free from all rights of any person.

Forfeiture.

(2) In any proceedings on application under subsection (1), any statement or other indication of the nature of any substance or article written upon or attached to any substance, article or container shall, until the contrary is proved, be deemed to be a true description of the substance or article or of the contents of the container, as the case may be.

37. Nothing in this Ordinance shall apply to the sale, manufacturing, dispensing or compounding of traditional Chinese medicines as listed in the Chinese Herbal Materia Medica (本草綱目) or which are made from herbs customarily used by the Chinese people.

Ordinance not to apply to traditional Chinese medicines.

38. The Pharmacy and Poisons Ordinance is repealed.

Repeal.
(Cap. 138.)

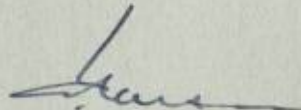
SCHEDULE.

[ss. 2 & 30.]

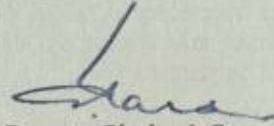
Phosphorus compounds, the following—

- Bis-dimethylaminophosphorous anhydride;
- Diethylparanitrophenyl thiophosphate;
- Hexaethyl tetraphosphate;
- Octamethyl pyrophosphoramidate;
- Tetraethyl pyrophosphate;
- together with homologous and related compounds.

Passed by the Hong Kong Legislative Council this 27th day of August, 1969.


Deputy Clerk of Councils.

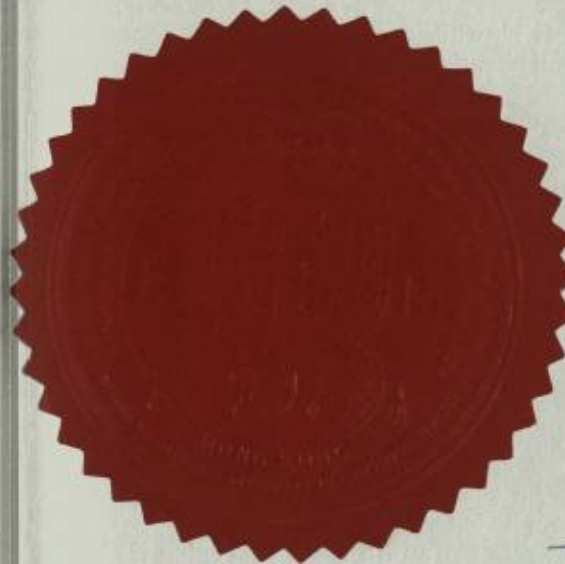
*This printed impression has been carefully compared
by me with the bill, and is found by me to be a true and
correctly printed copy of the said bill.*

A handwritten signature in cursive script, appearing to read "Hana", written in dark ink.

Deputy Clerk of Councils.

HONG KONG

No. 47 OF 1969.



I assent.

Governor.

28th August, 1969.

An Ordinance to amend the law relating to innocent misrepresentations and the Sale of Goods Ordinance.

[29th August, 1969.]

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 Misrepresentation Ordinance 1969.

Short title.

2. Where a person has entered into a contract after a misrepresentation has been made to him, and—

(a) the misrepresentation has become a term of the contract; or

(b) the contract has been performed,

or both, then, if otherwise he would be entitled to rescind the contract without alleging fraud, he shall be so entitled, subject to the provisions of this Ordinance, notwithstanding the matters mentioned in paragraphs (a) and (b).

Removal of certain bars to rescission for innocent misrepresentation.

1967. c. 7, s. 1.

Damages for
misrepresentation.
1967, c. 7, s. 2.

3. (1) Where a person has entered into a contract after a misrepresentation has been made to him by another party thereto and as a result thereof he has suffered loss, then, if the person making the misrepresentation would be liable to damages in respect thereof had the misrepresentation been made fraudulently, that person shall be so liable notwithstanding that the misrepresentation was not made fraudulently, unless he proves that he had reasonable grounds to believe and did believe up to the time the contract was made that the facts represented were true.

(2) Where a person has entered into a contract after a misrepresentation has been made to him otherwise than fraudulently, and he would be entitled, by reason of the misrepresentation, to rescind the contract, then, if it is claimed, in any proceedings arising out of the contract, that the contract ought to be or has been rescinded the court or arbitrator may declare the contract subsisting and award damages in lieu of rescission, if of opinion that it would be equitable to do so, having regard to the nature of the misrepresentation and the loss that would be caused by it if the contract were upheld, as well as to the loss that rescission would cause to the other party.

(3) Damages may be awarded against a person under subsection (2) whether or not he is liable to damages under subsection (1), but where he is so liable any award under subsection (2) shall be taken into account in assessing his liability under subsection (1).

Avoidance of
certain
provisions
excluding
liability
for mis-
representation.
1967, c. 7, s. 3.

4. If any agreement (whether made before or after the commencement of this Ordinance) contains a provision which would exclude or restrict—

- (a) any liability to which a party to a contract may be subject by reason of any misrepresentation made by him before the contract was made; or
- (b) any remedy available to another party to the contract by reason of such a misrepresentation,

that provision shall be of no effect except to the extent (if any) that, in any proceedings arising out of the contract, the court or arbitrator may allow reliance on it as being fair and reasonable in the circumstances of the case.

Amendment of
sections 13
and 37 of Sale
of Goods
Ordinance.
1967, c. 7, s. 4.
(Cap. 26.)

5. The Sale of Goods Ordinance is amended—

- (a) in section 13 by deleting in subsection (3) "or where the contract is for specific goods, the property in which has passed to the buyer,";
- (b) in section 37 by inserting, after "or" in the first place where it occurs, the following—

"(except where section 36 otherwise provides)".

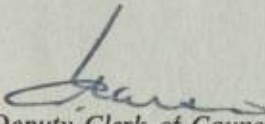
6. Nothing in this Ordinance shall apply in relation to any misrepresentation or contract of sale which is made before the commencement of this Ordinance.

Saving for past
transactions.
1967, c. 7, s. 5.

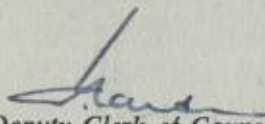
7. This Ordinance binds the Crown.

Application
to Crown.

Passed by the Hong Kong Legislative Council this 27th day of August, 1969.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 48 OF 1969.



I assent.

Hurch

Governor.

28th August, 1969.

An Ordinance to amend further the Public Health and Urban Services Ordinance, to remove doubt as to the validity of the Public Conveniences (Conduct and Behaviour) By-laws and to validate the Private Cemeteries By-laws.

[29th August, 1969.]

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 1969.

Short title.

2. Section 2 of the principal Ordinance is amended—

- (a) by deleting the definition of "health officer";
- (b) by inserting, after the definition of "offensive trade", the following—

Amendment of section 2. (Cap. 132.)

"owner" includes a person holding premises direct from the Crown whether under lease, licence or otherwise, a mortgagee in possession and a

person receiving the rent of any premises, solely or with another, on his own behalf or that of any person, or who would receive the same if such premises were let to a tenant;"; and

- (c) in the definition of "sewer", by inserting after "or drain" the following—

"which part lies outside the lot boundary".

Amendment of section 15.

3. Section 15 of the principal Ordinance is amended by inserting, after subsection (1), the following new subsection—

"(1A) Regulations made under this section may provide that, where an owner of premises cannot be found or ascertained or is absent from the Colony or under disability, the regulations shall apply to an agent of the owner."

Amendment of section 35.

4. Section 35 of the principal Ordinance is amended—

- (a) in paragraph (b), by deleting the full stop and substituting a comma;

- (b) by adding, after paragraph (b), the following—

"and any such regulations may provide that they shall apply only in relation to such latrines, bath-houses or washhouses as are specified from time to time by order published in the *Gazette*."

Amendment of section 77.

5. Section 77 of the principal Ordinance is amended, in paragraph (l) of subsection (1)—

- (a) in sub-paragraph (ii), by deleting "and" in the third place where it occurs;

- (b) in sub-paragraph (iii), by deleting the full stop and substituting the following—

"; and"; and

- (c) by inserting, after sub-paragraph (iii), the following—

"(iv) the payment of fees or charges for the inspection of animals or carcasses and for anything done in connexion with or consequent on any inspection."

Amendment of section 94.

6. Section 94 is amended, in subsection (1)—

- (a) in paragraph (d), by deleting "and";

- (b) in paragraph (e), by deleting "and exhaust in square feet." and substituting the following—

"; and"; and

- (c) by inserting, after paragraph (e), the following—

"(f) except where the premises are air-conditioned with positive pressure, the nett area of exhaust in square feet."

7. The principal Ordinance is amended by adding, after section 112, the following new section—

Addition of new section 112A.

"Authority may order human remains to be buried or cremated. (Cap. 174.) Seventh Schedule.

- 112A. (1) The Authority may—

- (a) subject to the provisions of subsection (1) of section 16 of the Births and Deaths Registration Ordinance, cause a notice in the form of Form E specified in the Seventh Schedule to be served on a person who has the right to effect the disposal of any human remains, requiring him to cause them to be lawfully buried or cremated within such period as may be specified in the notice; and

- (b) if the human remains referred to in the notice are not lawfully buried or cremated within the period specified in the notice, take possession of the human remains and arrange for their disposal in any manner it may think fit.

- (2) The Authority may take possession of any human remains and arrange for their disposal in any manner it may think fit, if it is satisfied that—

- (a) no person who has the right to dispose of the human remains is in the Colony or can be readily ascertained or found; or

- (b) every person who has the right to dispose of the human remains is under disability.

- (3) Any person who—

- (a) fails to comply with a notice served on him under paragraph (a) of subsection (1); or

- (b) after the expiration of any period specified in a notice under paragraph (a) of subsection (1), has in his possession without the written permission of the Authority any human remains to which the notice relates,

shall be guilty of an offence.

- (4) For the purposes of this section, "human remains" does not include skeletal remains.

(5) Nothing in this section shall derogate from any provision in any enactment which permits the use of any human remains or the removal and use of part of any human remains for therapeutic purposes or for purposes of medical education or research.”

Amendment of section 116.

8. Section 116 of the principal Ordinance is amended—
- (a) in paragraph (e) of subsection (1), by inserting after “therefrom” the following—
“, and fees or charges payable in relation thereto”; and
- (b) in paragraph (e) of subsection (2), by deleting “, exhumation and removal”.

Amendment of section 124.

9. Section 124 of the principal Ordinance is amended by deleting subsection (1) and substituting the following new subsection—

“(1) Where a person who has the right to effect the disposal of the human remains of any person—

- (a) within the period of forty-eight hours after the human remains are received into any mortuary—
(i) has not made to the person having the management or control of the mortuary a claim to possession thereof; or
(ii) abandons the right to effect the disposal thereof; or
- (b) having made a claim to possession of the human remains within such period of forty-eight hours, does not take possession of the human remains and remove them from the mortuary within forty-eight hours after he has made the claim,

the right to effect the disposal of the human remains shall vest in the Authority, and the Authority may arrange for the disposal of them in any manner it may think fit.”

Amendment of section 151.

10. Section 151 of the principal Ordinance is amended by deleting subsection (2).

Amendment of Third Schedule.

11. The Third Schedule to the principal Ordinance is amended by inserting after “112(2) Urban Council Director of Urban Services” the following—

“112A(1), Urban Council Director of Urban Services”.
(2) and (3)

12. The Seventh Schedule to the principal Ordinance is amended by adding, after Form D, the following new form—

Amendment of Seventh Schedule.

“FORM E.

[s. 112A(1)(a).]

PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.

(Chapter 132).

(section 112A(1)).

Notice to bury or cremate human remains.

To
(person who has the right to effect the disposal of the remains of the deceased).

WHEREAS
(specify name of deceased), hereinafter referred to as “the deceased”, died at
(specify place of death) on or about the day of 19.....
(specify date of death):

AND WHEREAS—

- (a) a certificate of registration of such death was issued under subsection (1) of section 17 of the Births and Deaths Registration Ordinance on the day of 19.....
(specify date of issue); or
- (b) an order under subsection (1) of section 17 of the Births and Deaths Registration Ordinance to bury or cremate the body of the deceased was obtained from
(specify name of person making order), a coroner, on the day of 19..... (specify date of order); or
- (c) written sanction/direction* to bury the body of the deceased was given under subsection (1) of section 16 of the Births and Deaths Registration Ordinance by
(specify name of person making order), Registrar of Births and Deaths/deputy registrar of births and deaths/district registrar of births and deaths*, on the day of 19..... (specify date of order); or
- (d) a permit to bury the body of deceased was issued under subsection (1) of section 16 of the Births and Deaths Registration Ordinance by
(specify name of inspector or other officer in charge the issued permit) of the
police station (specify name of police station at which the application for a permit was made) on the day of 19..... (specify date of issue):

(complete whichever of paragraphs (a), (b), (c) or (d) is applicable and delete other paragraphs)

HONG KONG

No. 49 OF 1969.



I assent.

Hurch.

Governor.

28th August, 1969.

An Ordinance to amend further the Stamp Ordinance.

[29th August, 1969.]

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

1. This Ordinance may be cited as the Stamp (Amendment) (No. 2) Ordinance 1969.

Short title.

2. Section 3 of the principal Ordinance is amended by inserting, after the definition of "executed", the following—

Amendment of section 3. (Cap. 117.)

"exempted institution" means any charitable, ecclesiastical or educational institution or trust of a public character where—

- (a) any profits derived from any trade or business of such institution or trust are applied solely for its charitable, ecclesiastical or educational purposes and not expended substantially outside the Colony; and

- (b) either such trade or business is exercised in the course of the actual carrying out of the expressed object of such institution or trust, or the work in connexion with such trade or business is mainly carried out by persons for whose benefit such institution or trust is established, and

which the Collector recognizes as such by certificate in writing.”.

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

“Certificate with respect to voluntary dispositions *inter vivos*.
Schedule.

12B. (1) Whenever a reference is made in sub-head (1) of head 53 of the Schedule to a voluntary disposition *inter vivos* of land or to a conveyance or transfer of land operating as a voluntary disposition *inter vivos* being certified at a particular amount such reference means that such disposition, conveyance or transfer contains a statement certifying that the transaction effected by the instrument does not form part of a larger transaction or series of transactions in respect of which the value, or aggregate value, of the land exceeds that amount.

(2) Where a conveyance or transfer of land is, under subsection (4) of section 27, deemed to be a conveyance or transfer of land operating as a voluntary disposition *inter vivos*, and the instrument is certified in accordance with section 12A, the parties to the transaction shall produce to the Collector, if the value of the land conveyed or transferred does not exceed forty thousand dollars, a certificate in accordance with subsection (1) for the purposes of paragraph (a) or (b), as the case may be, of sub-head (1) of head 53 of the Schedule. If such certificate is attached to the instrument, the instrument shall be deemed to be certified in accordance with this section.”.

4. Section 14 of the principal Ordinance is amended in subsection (2)—

- (a) by deleting “and revenue stamps” in paragraph (a); and
(b) by deleting “and revenue stamps of any denomination” in paragraph (b).

5. Section 21 of the principal Ordinance is amended in subsection (2) by deleting “registers” and substituting the following—

“presents for registration”.

Addition of new section 12B.

Amendment of section 14.

Amendment of section 21.

6. Section 26 of the principal Ordinance is amended—

Amendment of section 26.

(a) in subsection (9)—

(i) by deleting the full stop at the end of paragraph (c) and substituting a semicolon; and

(ii) by inserting the following new paragraph—

“(d) a banker and the Government for the purpose of the Exchange Fund established under section 3 of the Exchange Fund Ordinance.”; and

(Cap. 66.)

(b) by inserting, after subsection (11), the following new subsection—

“(12) For the purposes of this section, where one foreign currency is sold and another foreign currency is purchased, or where there is a barter of foreign currency for foreign currency, under the same exchange contract, only one cancellation note shall be executed in respect of such contract.”.

7. Section 27 of the principal Ordinance is amended—

Amendment of section 27.

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

“(1) Subject to subsection (1A), any voluntary disposition *inter vivos*, and any conveyance or transfer operating as a voluntary disposition *inter vivos*, shall be chargeable with stamp duty under head 53 in the Schedule.”;

(b) in subsection (3), by inserting before “conveyance” wherever it occurs the following—

“disposition,”;

(c) in subsection (5)—

(i) by deleting “A” at the beginning and substituting the following—

“The foregoing provisions of this section shall not apply to a”; and

(ii) by deleting “shall not be charged with duty under this section,”; and

(d) in subsection (6), by inserting before “conveyed” wherever it occurs the following—

“disposed of,”.

8. Section 33A of the principal Ordinance is amended, in paragraph (a) of subsection (3), by deleting “the lease” in the first place where it occurs and substituting the following—

Amendment of section 33A.

“a lease”.

Amendment of section 40.

9. Section 40 of the principal Ordinance is amended, in subsection (4), by inserting after paragraph (d) the following new paragraph—

“(dd) all bills of exchange and promissory notes which constitute a gift to or a payment from an exempted institution shall be wholly exempt from duty.”.

Amendment of section 49.

10. Section 49 of the principal Ordinance is amended by—

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

(b) inserting the following new subsection—

“(2) Nothing in paragraph (a) of subsection (1) shall derogate from the powers of the Attorney General in respect of the prosecution of criminal offences.”.

Amendment of the Schedule.

11. The Schedule to the principal Ordinance is amended—

(a) in head 11, subhead (5), by deleting in the second column “for every \$1,000 or part thereof” where they occur in each of the two paragraphs (a);

(b) in heads 17 and 18, by deleting in the second column the bracket and the following—

- “(a) 20 cents.
- (b) Before lodgement.
- (c) The person lodging.”;

(c) in head 17, by inserting in the second column the following—

- “(a) 20 cents.
- (b) Before lodgement.
- (c) The person lodging.”;

(d) in head 18,—

(i) by deleting in the first column “, if passed through a bank other than the bank of issue”; and

(ii) by inserting in the second column the following—

- “(a) 20 cents.
- (b) Before issue.
- (c) The person issuing.”;

(e) in head 27, by inserting in the first column in the appropriate place below “May be adhesive stamp.” the following—

“Exemption.

Exchange contract cancellation note in respect of an exchange contract which constitutes a gift to or a payment from an exempted institution.”;

(f) in head 44, by deleting in the first column paragraph (h) of the *Exemptions* and substituting the following—

“(h) Receipt for a gift to or a payment from—

(i) any fund which is wholly administered or controlled by the Government or by any public officer in his official capacity; or

(ii) an exempted institution.”;

(g) in head 48, subhead (1), by deleting in the second column “stamping” in paragraph (a) and substituting the following—

“transfer”;

(h) by deleting head 53 and substituting the following—

“VOLUNTARY DISPOSITION
inter vivos, as beneath.

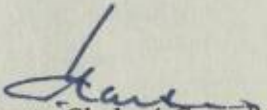
53. (1) Voluntary disposition *inter vivos* of land, and conveyance or transfer of land operating as a voluntary disposition *inter vivos*—

- | | |
|--|---|
| (a) if the value of the land disposed of, conveyed or transferred does not exceed \$20,000 and the instrument is certified in accordance with section 12B at \$20,000 (whether or not there is any consideration); | (a) \$20. |
| (b) if the value of the land disposed of, conveyed or transferred exceeds \$20,000 but does not exceed \$40,000 and the instrument is certified in accordance with section 12B at \$40,000 (the duty on the consideration, if any, to be calculated on the amount or value of the consideration on the day of the date of the instrument); | (b) 30 days after execution. |
| | (c) All persons executing |
| | (a) \$1 for every \$100 or part thereof of the amount or value of the consideration and \$2 for every \$100 or part thereof of the difference between the value of the land and the amount or value of the consideration; or where there is no consideration, \$2 for every \$100 or part thereof of the value of the land. |
| | (b) 30 days after execution. |
| | (c) All persons executing. |

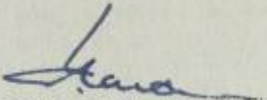
53. (2) Voluntary disposition *inter vivos* of land or other property, and conveyance or transfer of land or other property operating as a voluntary disposition *inter vivos*, other than that to which subhead (1) of this head applies.
- (a) \$2 for every \$100 or part thereof of the value of the land or other property.
 - (b) 30 days after execution.
 - (c) All persons executing.

TRANSFER OF SHARES or marketable securities, see section 27(1A)."

Passed by the Hong Kong Legislative Council this 27th day of August, 1969.

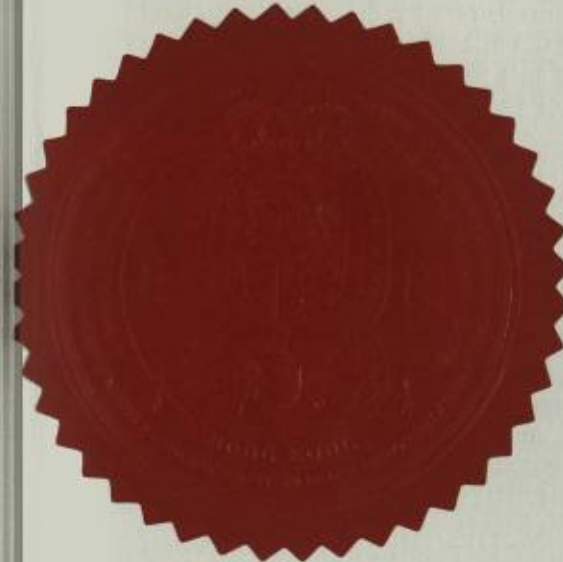

Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 50 of 1969.



I assent.

French.

Governor.

28th August, 1969.

An Ordinance to amend further the Mental Health Ordinance.

[29th August, 1969.]

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 1969. Short title.

2. Section 31 of the principal Ordinance is amended in subsections (1) and (3) by inserting after "District Judge" wherever it occurs the following— Amendment of section 31. (Cap. 136.)

" , magistrate or justice of the peace".

3. Section 68 of the principal Ordinance is amended by inserting, after "District Judge", the following— Amendment of section 68.

" , magistrate or justice of the peace".

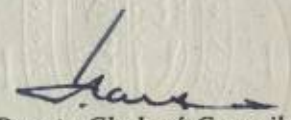
Addition of
new section 71.

4. The principal Ordinance is amended by adding after section 70 the following new section—

"Powers of
a magistrate
and a
justice of
the peace.
(Cap. 227.)

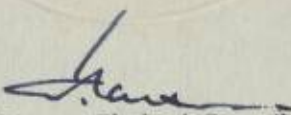
71. For the purpose of the exercise of the power conferred by section 31 a magistrate and a justice of the peace may exercise the powers conferred on a magistrate by the Magistrates Ordinance of requiring the attendance before him of any person who may be able to assist him in the exercise of such power and of receiving on oath the evidence of any person."

Passed by the Hong Kong Legislative Council this 27th day of August, 1969.



Deputy Clerk of Councils.

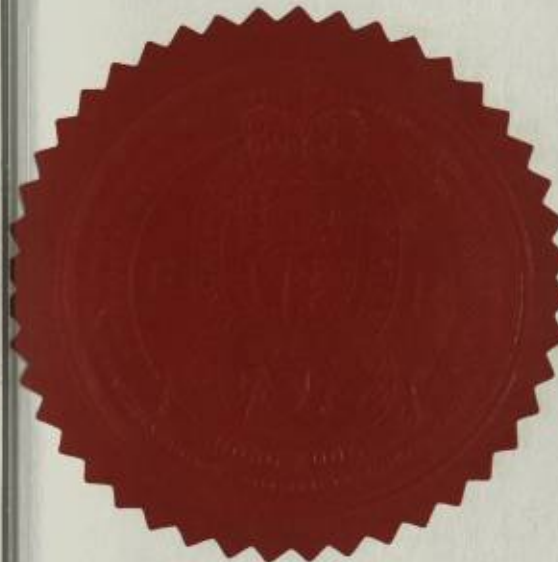
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



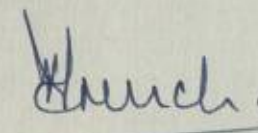
Deputy Clerk of Councils.

HONG KONG

No. 51 OF 1969.



I assent.



Governor.

28th August, 1969.

An Ordinance to amend further the Inland Revenue Ordinance.

[29th August, 1969.]

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

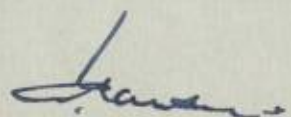
1. This Ordinance may be cited as the Inland Revenue (Amendment) (No. 3) Ordinance 1969.

Short title.

2. Section 65 of the principal Ordinance is amended in subsection (1) by deleting "forty" and substituting the following—
"sixty".

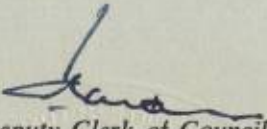
Amendment of
section 65.
(Cap. 112.)

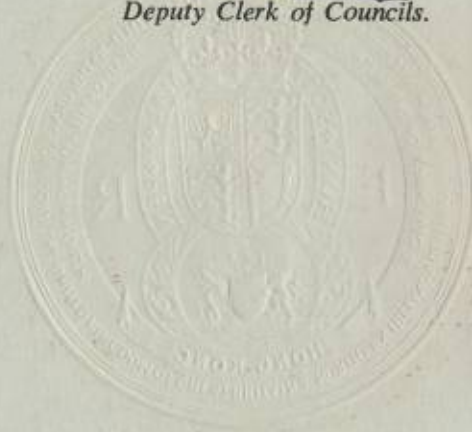
Passed by the Hong Kong Legislative Council this 27th day of August, 1969.



Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

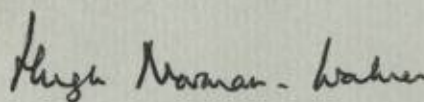


HONG KONG

No. 52 OF 1969.



I assent.



Acting Governor.

23rd October, 1969.

An Ordinance to amend the Offences against the Person Ordinance to give effect to the Convention on the Prevention and Punishment of the Crime of Genocide.

[24th October, 1969.]

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 Offences against the Person (Amendment) (No. 2) Ordinance 1969.

Short title.

2. The principal Ordinance is amended by adding after section 9 the heading "GENOCIDE." and the following new section—

Addition of heading and new section 9A. (Cap. 212.)

"Genocide. **9A.** (1) A person commits the felony of genocide if he commits any act falling within the definition of "genocide" in Article II of the Genocide Convention as set out in the Schedule.

Schedule.

(2) A person guilty of an offence of genocide shall on conviction on indictment—

- (a) if the offence consists of the killing of any person, be sentenced to imprisonment for life;
- (b) in any other case, be liable to imprisonment for fourteen years.

(3) Proceedings for an offence of genocide shall not be instituted except by or with the consent of the Attorney General.

(4) In this section—

“Genocide Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on 9th December 1948.”

3. The principal Ordinance is amended by adding, at the end thereof, the following new Schedule—

“SCHEDULE.

[s. 9A.]

ARTICLE II OF GENOCIDE CONVENTION.

In the present Convention genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.”.

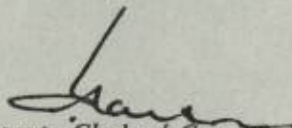
4. The Magistrates Ordinance is amended in the Second Schedule—

- (a) in Part I, by adding after item 7 the following new item—
“8. Genocide and any conspiracy or incitement to commit genocide.”;
- (b) in Part III, by adding after item 7 the following new item—
“8. Genocide and any conspiracy or incitement to commit genocide.”.

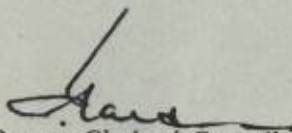
Addition of
Schedule.

Consequential
amendment to
Magistrates
Ordinance.
(Cap. 227.)

Passed by the Hong Kong Legislative Council this 22nd day of October, 1969.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 53 OF 1969.



I assent.

Hugh Moman-Walner

Acting Governor.

23rd October, 1969.

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March 1969.

[24th October, 1969.]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ended the 31st day of March 1969, in addition to the charge upon the revenue and other funds of the Colony authorized by the Appropriation (1968-69) Ordinance 1968:

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 Supplementary Appropriation (1968-69) Ordinance 1969.

Short title.

Appropriation
from general
revenue and
other funds.

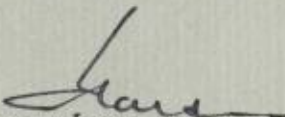
Schedule.

2. A sum of twenty-seven million, five hundred and fifty-four thousand eight hundred and eighty-nine dollars is hereby charged upon the revenue and other funds of the Colony for the service of the financial year ended the 31st day of March 1969, the appropriation of the sum so charged being approved as specified in the Schedule.

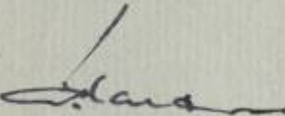
SCHEDULE.

Number of Vote.	Head of Expenditure.	Amount of Vote.
		\$
23.	Audit Department	114,010
29.	Defence: Hong Kong Auxiliary Air Force	43,573
33.	Defence: Civil Aid Services	147,247
34.	Defence: Registration of Persons Office	6,077
38.	Immigration Department	128,680
39.	Information Services Department	40,665
40.	Inland Revenue Department	49,305
41.	Judiciary	39,403
43.	Labour Department: Labour Division	261,771
44.	Labour Department: Mines Division	114,086
45.	Legal Department	437,624
49.	New Territories Administration	147,587
50.	Pensions	4,135,386
52.	Police Force: Auxiliary Police	318,975
53.	Post Office	11,897,912
55.	Prisons Department	943,421
58.	Public Works Department	2,939,714
64.	Radio Hong Kong	34,803
65.	Rating and Valuation Department	47,552
67.	Registry of Trade Unions	11,787
68.	Resettlement Department	173,262
69.	Royal Observatory	168,598
70.	Secretariat for Home Affairs	1,952,211
72.	Social Welfare Department	1,056,821
76.	Subventions: Miscellaneous	441,733
77.	Treasury	391,346
79.	Urban Services Department and Urban Council ...	547,106
84.	Transport Department	964,234
	TOTAL	\$27,554,889

Passed by the Hong Kong Legislative Council this 22nd day of October, 1969.

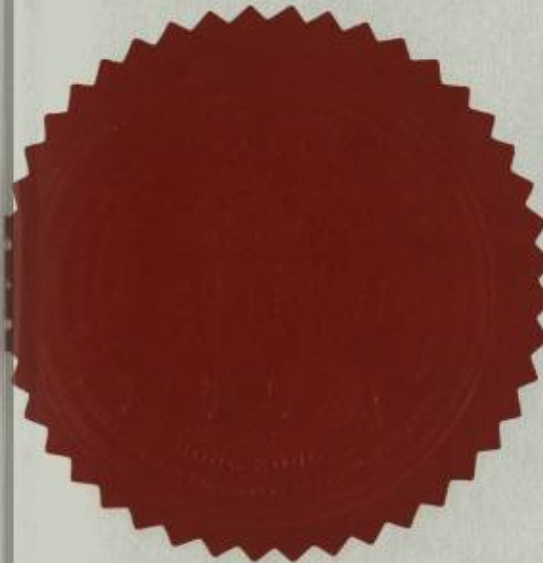

Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

HONG KONG

No. 54 OF 1969.



I assent.

Hugh Norman Walker

Acting Governor.

6th November, 1969.

An Ordinance to amend the Interpretation and General Clauses Ordinance.

[7th November, 1969.]

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 Interpretation and General Clauses (Amendment) Ordinance 1969. Short title.

2. Section 3 of the principal Ordinance is amended— Amendment of section 3. (Cap. 1.)

(a) in the definition of "Governor" by deleting paragraph (b) and substituting the following—

"(b) the Acting Governor";

(b) by deleting the definition of "officer administering the Government";

(c) in paragraph (a) of the definition of "street" and "road" by inserting, after "passage", the following—
"tunnel".

Amendment of section 34.

3. Section 34 of the principal Ordinance is amended in subsections (1) and (2) by deleting "meeting" wherever it occurs and substituting in each place the following—

"sitting".

Repeal and replacement of section 55.

4. Section 55 of the principal Ordinance is repealed and replaced by the following—

"Change of title of office.

55. The Governor may, by notice (which may be given retrospective effect) in the *Gazette*, declare a change in title of any public office or public body, or of any person referred to in any Ordinance, and such change of title shall have effect from the date specified in such notice or, if no date is specified therein, from the date of publication thereof in the *Gazette* and with effect from such day, any reference in any Ordinance to the former title of such public office, public body or person shall be read and construed as a reference to that office, body or person by such new title as the Governor may have so declared."

Amendment of section 64.

5. Section 64 of the principal Ordinance is amended—

(a) by deleting subsections (1) and (2) and substituting the following—

"(1) Where any Ordinance confers upon any person a right of appeal or objection to the Governor in Council, such appeal or objection shall be governed by rules made in accordance with subsection (2).

(2) The Governor in Council may make rules governing the procedure to be followed in appeals or objections to the Governor in Council."

(b) in subsection (3)—

(i) by inserting after "appeal" wherever it occurs the following—

"or objection";

(ii) by inserting, after "appealing", the following—

"or making an objection";

(c) in subsections (4) and (5) by inserting, after "appeal" wherever it occurs, the following—

"or objection".

6. Section 77 of the principal Ordinance is amended by deleting "thereof" at the second place where it occurs and substituting the following—

"of an imperial enactment".

7. The principal Ordinance is amended by adding, after section 91, the following new section—

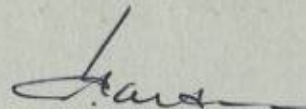
"Prosecution of offences.

91A. Where any Ordinance provides that no prosecution for an offence shall be commenced without the consent of some person other than the Attorney General, such a provision shall not derogate from the powers of the Attorney General in respect of the prosecution of that offence."

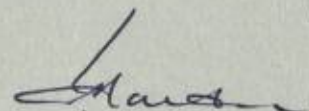
8. The Third Schedule to the principal Ordinance is amended by deleting "to the easternmost point of Tsing Yi Rock, thence a straight line drawn true north from the easternmost point of Tsing Yi Rock to Tsing Yi" and substituting the following—

"to the south-easternmost point of Tsing Yi".

Passed by the Hong Kong Legislative Council this 5th day of November, 1969.


Deputy Clerk of Councils.

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


Deputy Clerk of Councils.

Amendment of section 77.

Addition of new section 91A.

Amendment of Third Schedule.

HONG KONG

No. 55 of 1969.



I assent.

Hugh Newman-Andrews

Acting Governor.

20th November, 1969.

An Ordinance to amend the Workmen's Compensation Ordinance.

[1st January, 1970.]

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

1. (1) This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance 1969 and, subject to subsection (2), shall come into operation on the 1st day of January 1970.

Short title and commencement.

(2) Section 25 shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

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

Amendment of section 2.
(Cap. 282.)

(a) in paragraph (a), by deleting "seven" and substituting the following—

"one thousand five";

- (b) in paragraph (d), by deleting "dwelling in his house; or" and substituting the following—

"employed by such employer and who resides with the employer."; and

- (c) by deleting paragraphs (e) and (f).

3. Section 3 of the principal Ordinance is amended—

- (a) by inserting, before the definition of "Commissioner", the following new definition—

"accident insurance business" means the business of effecting contracts of insurance against the liability of an employer for personal injury by accident to any workman in his employment arising out of and in the course of such employment;";

- (b) in the definition of "Commissioner", by deleting "and includes a deputy commissioner of labour and any labour officer appointed in that behalf in writing by the said Commissioner";

- (c) by inserting after the definition of "compensation" the following new definition—

"contract of apprenticeship" includes a contract of improvership or learnership;";

- (d) by inserting, after the definition of "Court", the following new definition—

"damages" means any damages recoverable by a workman independently of this Ordinance in the case of personal injury to the workman by accident arising out of and in the course of his employment;";

- (e) by deleting the definition of "insurer" and substituting the following—

"Full Court" means the Full Court constituted under section 3 of the Full Court Ordinance;

(Cap. 2.)

"insurance company" and "insurer" mean a person carrying on accident insurance business in the Colony;";

- (f) by deleting the definition of "member of the family" and substituting the following—

"member of the family" means—

- (a) a wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother,

son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, daughter-in-law or sister-in-law and any such person is included whether the relationship is created by blood or by any adoption recognized as valid by the law of the Colony; and

- (b) any other person who at the time of the injury resides with the workman as a member of his household;";

- (g) in the definition of "partial incapacity", by deleting "as reduces his earning capacity in every" and substituting the following—

"(which may include disfigurement) as reduces his earning capacity in any".

4. Section 4 of the principal Ordinance is amended—

Amendment of section 4.

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

- (b) in paragraph (b), by deleting "; and" and substituting a colon;

- (c) by deleting paragraph (c); and

- (d) by inserting the following new subsection—

"(2) The exercise and performance of the powers and duties of any public body shall for the purposes of this Ordinance, unless a contrary intention appears, be deemed to be the trade or business of such public body."

5. Section 5 of the principal Ordinance is amended—

Amendment of section 5.

- (a) in subsection (1)—

(i) by deleting "resulting in the death or serious and permanent incapacity of" and substituting the following—
"to";

(ii) by deleting the proviso and substituting the following—

"Provided that —

- (a) the employer shall not be liable under this Ordinance in respect of any injury, other than

an injury which results in partial incapacity of a permanent nature, which does not incapacitate the workman for a period of at least three consecutive days from earning full wages at the work at which he was employed; and

- (b) if it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, or that an injury by accident arising out of and in the course of his employment is deliberately aggravated by the workman, any compensation claimed in respect of that injury shall be disallowed; except that where the injury results in death or serious incapacity, the Court on consideration of all the circumstances may award the compensation provided by this Ordinance or such part thereof as it shall think fit.”; and

- (b) by inserting, after subsection (4), the following new subsections—

“(5) When a workman meets with an accident—

- (a) while, with the consent of his employer, being trained in first aid, ambulance or rescue work or engaged in any competition or exercise in connexion therewith;
- (b) in, at or about any premises other than his employer’s while, with the consent of his employer, engaged in any first aid, ambulance, or rescue work or in any competition or exercise in connexion therewith; or
- (c) in, at or about his employer’s premises while engaged in any first aid, ambulance or rescue work,

whereby such workman sustains injury such injury shall, for the purposes of this Ordinance, be deemed to arise out of and in the course of his employment, notwithstanding that in the case of rescue work the workman was acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer,

or that he was acting without instructions from his employer, if when such act was done the workman reasonably acted in order to rescue, succour or protect any other person who had suffered, or who was reasonably believed to be in danger of, injury, or to avert or minimize serious damage to property of the employer.

(6) For the purposes of this Ordinance an accident arising in the course of a workman’s employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of that employment.”.

6. Section 6 of the principal Ordinance is amended—

Amendment of section 6.

- (a) by deleting paragraph (a) and substituting the following—

“(a) if the workman leaves any dependants wholly dependent on his earnings, the amount of compensation shall—

(i) where the accident happens before the 1st day of May 1965, be a sum equal to thirty-six months’ earnings or ten thousand dollars, whichever is less;

(ii) where the accident happens on or after the 1st day of May 1965 and before the 1st day of January 1970, be a sum equal to thirty-six months’ earnings or eighteen thousand dollars, whichever is less; or

(iii) where the accident happens on or after the 1st day of January 1970, be a sum equal to thirty-six months’ earnings or forty-five thousand dollars, whichever is less:

Provided that in no case shall the sum payable under this sub-paragraph be less than seven thousand two hundred dollars;

but where in respect of the same accident compensation has been paid under the provisions of section 7, 7A or 8, there shall be deducted from the sum payable under this paragraph any sums so paid as compensation;”;

- (b) in paragraph (c), by deleting "four" and substituting the following—
"eight".

Repeal and replacement of section 7.

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

"Compensation in case of permanent total incapacity.

7. Where permanent total incapacity results from the injury, the amount of compensation shall—

- (a) where the accident happens before the 1st day of May 1965, be a sum equal to forty-eight months' earnings or fourteen thousand dollars, whichever is less;
- (b) where the accident happens on or after the 1st day of May 1965 and before the 1st day of January 1970, be a sum equal to forty-eight months' earnings or twenty-four thousand dollars, whichever is less; or
- (c) where the accident happens on or after the 1st day of January 1970, be a sum equal to forty-eight months' earnings or sixty thousand dollars, whichever is less:

Provided that in no case shall the sum payable under this paragraph be less than nine thousand six hundred dollars."

Addition of new section 7A.

8. The principal Ordinance is amended by adding, after section 7, the following new section—

"Workman requiring constant attention.

7A. (1) Where permanent total incapacity which results from the injury is of such a nature that the workman is unable to perform the essential actions of life, without the constant attention of another person, in addition to any compensation under other provisions of this Ordinance, such compensation as the Court considers necessary to meet the cost of such constant attention shall be payable under this section.

- (2) Compensation under this section shall be—
- (a) a lump sum payment calculated with regard to the probable duration and cost of the constant attention; or

- (b) (i) periodical payments, payable at such intervals as the Court may order, to cover periods not exceeding a total of two years after the date on which the workman becomes entitled to receive compensation under section 7; and

(ii) if on the expiry of the period of two years prescribed in sub-paragraph (i) the Court considers that the workman is still in need of constant attention, such lump sum payment, as the Court may order, calculated with regard to the probable duration and cost of the constant attention.

(3) No compensation under this section shall be payable in respect of any period during which the workman is receiving free medical treatment as an in-patient in a hospital or otherwise.

(4) Compensation payable under this section shall not exceed twenty-four thousand dollars."

9. Section 8 of the principal Ordinance is amended by inserting, in paragraph (b) of subsection (1), after "injury" in the second place where it occurs, the following—

Amendment of section 8.

"in any employment which the workman was capable of undertaking at that time".

10. Section 9 of the principal Ordinance is amended—

Amendment of section 9.

(a) in subsection (1)—

(i) by deleting "payable at such intervals as may be agreed upon or as the Court may order";

(ii) by deleting "half the difference" and substituting the following—

"two-thirds of the difference"; and

(iii) by substituting a full stop for the colon where it occurs immediately before the proviso and by deleting the proviso;

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

"(1A) For the purposes of this section a period of absence from duty certified to be necessary by a medical practitioner shall be deemed to be a period of total temporary incapacity irrespective of the outcome of the injury.

(1B) Periodical payments under this section shall be payable on the same days as wages would have been payable to the workman if he had continued to be employed under the contract of service or apprenticeship under which he was employed at the time of the accident:

Provided that—

- (a) by agreement or by order of the Court, the periodical payments may be made at shorter intervals; and
- (b) the interval between periodical payments shall not exceed one month.

(1C) In the event of death or permanent incapacity following a period of temporary incapacity whether total or partial, no periodical or lump sum payments paid or payable under this section shall be deducted from any amount of compensation payable under section 6, 7, 7A or 8.

(1D) A workman who has received periodical payments under this section for a period of twenty-four months from the date of the commencement of the temporary incapacity shall no longer be entitled to periodical payments under this section but shall be deemed to have suffered permanent incapacity and the provisions of section 7 or 8, as the case may be, shall apply to the workman.”

Amendment of section 10.

11. Section 10 of the principal Ordinance is amended—

- (a) in subsection (1), by substituting a full stop for the colon where it occurs immediately before the first proviso and by deleting the first and second provisos;
- (b) by inserting, after subsection (1), the following new subsections—

“(1A) Where by reason of the shortness of the time during which a workman has been in the employment of his employer or of the casual nature of the employment, or of the terms of employment, it is impracticable to compute the rate of remuneration of such workman at the date of the accident, regard may be had to the average monthly amount which, during the twelve months previous to the accident, was being earned by a person of similar earning capacity in the same grade employed at the same work by the same employer, or, if there is no

person so employed, by a person of similar earning capacity in the same grade employed in the same class of employment and in the same district.

(1B) Where a workman was, at the date of the accident, under the age of eighteen years his earnings shall, for the purposes of assessing compensation payable in the case of permanent incapacity, be deemed to be such amount as, if the accident had not occurred, he would probably have received upon attaining the age of eighteen years, or at the end of a period of five years after the accident, whichever calculation is more favourable to the workman.

(1C) Where a workman was, at the date of the accident, employed under a contract of apprenticeship his earnings shall, for the purposes of assessing compensation payable in the case of permanent incapacity, be deemed to be such amount as, if the accident had not occurred, he would probably have received upon the completion of his contract of apprenticeship.

(1D) Where the earnings of a workman calculated under any of the provisions of this section amount to less than one hundred dollars per month, the earnings of such workman shall, for the purposes of this Ordinance, be deemed to be one hundred dollars per month.”; and

- (c) in subsection (2), by deleting “subsection (1)” and substituting the following—
“subsections (1) and (1A)”.

12. Section 12 of the principal Ordinance is amended—

Amendment of section 12.

- (a) in subsection (2)—
 - (i) in paragraph (b), by inserting after “7” the following—
“, 7A”; and
 - (ii) by deleting the proviso and substituting the following—
“Provided that—
- (a) where periodical payments are payable under the provisions of sub-paragraph (i) of paragraph (b) of subsection (2) of section 7A or section 9, such payments may be paid by the employer direct to the workman; and

- (b) where compensation has been agreed and approved in accordance with the provisions of section 16, the Commissioner may direct in writing that the compensation shall be paid by the employer direct to the workman.”;
- (b) by deleting subsection (3) and substituting the following—

“(3) Nothing in this section shall prevent an employer from making any payment not exceeding one thousand dollars direct to a workman or dependant on account of a claim which is pending settlement or determination, and the Court or, if the compensation is not paid to the Court, the Commissioner may order that the whole or any part of such payment shall be deducted from the amount of compensation payable to the workman or dependant under the provisions of this Ordinance.”.

Amendment of section 13.

13. Section 13 of the principal Ordinance is amended—

- (a) in subsection (1), by deleting “six” wherever it occurs and substituting in each case the following—
- “twelve”; and
- (b) by inserting, after subsection (2), the following new subsection—

“(2A) Where section 23 applies, notice of an accident to a workman employed by a contractor given in accordance with the provisions of this section to the contractor, or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the contractor, shall be deemed to be notice to the principal.”.

Amendment of section 14.

14. Section 14 of the principal Ordinance is amended—

- (a) by deleting subsections (1) and (2) and substituting the following—
- “(1) Notice of any accident which results—
- (a) in the death of the workman within three days after the accident; or
- (b) in the total or partial incapacity of the workman for a period exceeding three days immediately following the accident,

shall be given in the prescribed form to the Commissioner by the employer not later than seven days after the accident irrespective of whether the accident gives rise to any liability to pay compensation:

Provided that if the happening of such accident was not brought to the notice of the employer or did not otherwise come to his knowledge within such period of seven days then such notice shall be given not later than seven days after the happening of the accident was first brought to the notice of the employer or otherwise first came to his knowledge.

(2) When the death of a workman in any circumstances other than those specified in paragraph (a) of subsection (1) is brought to the notice of, or comes to the knowledge of, his employer, the employer shall, not later than seven days after the death, give notice thereof in the prescribed form to the Commissioner, irrespective of whether the death gives rise to any liability to pay compensation:

Provided that if the death was not brought to the notice of the employer or did not otherwise come to his knowledge within such period of seven days then such notice shall be given not later than seven days after the death was first brought to the notice of the employer or otherwise first came to his knowledge.

(2A) On receipt of a notice under subsection (1) or (2) the Commissioner may make such inquiry as he thinks fit and if it appears to him that a claim for compensation may arise in respect of—

- (a) the death of the workman, he may—
- (i) make such inquiry as he thinks fit to ascertain whether there are any dependants of the deceased workman and, if so, the degree of their dependency;
- (ii) inform such dependants, if any, of the reported cause and circumstances of the death of the workman and advise them of their right to compensation; and
- (iii) if such dependants, or any of them, so wish, make a claim for compensation on their behalf; or
- (b) the incapacity of the workman, he may, if the workman so requests, make a claim for compensation on behalf of the workman.

(2B) In any claim for compensation under section 6 the Court may, for the purposes of subsection (1) of section 12, take into consideration a written report from the Commissioner of his findings on an inquiry under sub-paragraph (i) of paragraph (a) of subsection (2A)."; and

- (b) in subsection (3), by adding after "purposes of" the following—
"paragraph (a) of subsection (1) and".

Amendment of section 16.

15. Section 16 of the principal Ordinance is amended, in subsection (5), by deleting "three" and substituting the following—
"six".

Amendment of section 18.

16. Section 18 of the principal Ordinance is amended by deleting subsection (2) and substituting the following—

"(2) Subject to the provisions of this Ordinance, any periodical payment may, on review under this section, be continued, increased, diminished, converted to a lump sum, or ended. If the accident is found to have resulted in permanent incapacity, the provisions of section 7 or 8 shall apply, as the case may be."

Amendment of section 19.

17. Section 19 of the principal Ordinance is amended—

- (a) by inserting, after "subsection" in the first place where it occurs, the following—
"(1D) or"; and
(b) by inserting, after "Court", the following—
"or an agreement made under section 16".

Amendment of section 20.

18. Section 20 of the principal Ordinance is amended—

- (a) by being renumbered as subsection (1) thereof; and
(b) by inserting the following new subsection—

"(2) The Court shall have jurisdiction to hear and determine any action notwithstanding that the amount claimed exceeds ten thousand dollars."

Repeal and replacement of section 24.

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

"Remedies against both employer and third party.

24. (1) Where the injury in respect of which compensation is payable was caused in circumstances creating a legal liability in some person other than the employer (in this section referred to as the third

party) to pay damages to the workman in respect thereof—

- (a) the workman may both claim compensation under this Ordinance and take proceedings against the third party in the Court to recover damages:

Provided that where any such proceedings are instituted the Court shall, in awarding damages, have regard to the amount which, by virtue of the provisions of paragraph (b), has or is likely to become payable to the employer by the third party; and

- (b) the employer by whom compensation is payable, and any person who may be called on to pay an indemnity under section 23 relating to liability in case of a workman employed by a contractor, shall have a right of action against the third party for the recovery of the compensation or indemnity he is obliged to pay as the result of the accident, and may exercise such right either by joining in an action begun by the workman against the third party or by instituting separate proceedings:

Provided that the amount recoverable under this paragraph shall not exceed the amount of damages, if any, which in the opinion of the Court would have been awarded to the workman but for the provisions of this Ordinance.

(2) A workman shall, before instituting proceedings for damages under subsection (1), in writing notify the employer of his intention to do so and shall likewise notify the employer if he decides to abandon such proceedings or to relinquish or settle his claim for damages, and shall in connexion with any such notification furnish such particulars as the employer may require, and no proceedings in the Court to recover damages against a third party may be instituted by a workman until he has so notified the employer of his intention to institute such proceedings and unless he has lodged a claim for compensation.

(3) Notwithstanding anything to the contrary contained in any enactment, where written notice of intention to institute proceedings under the provisions of paragraph (b) of subsection (1) has been given by an employer to a third party within twelve months of the receipt by the employer of due notice of the accident concerned, no such proceedings shall lapse, or be barred, under any enactment relating to the limitation of actions, until after the expiration of a period of three months from the date upon which a claim to compensation in respect of such injury has been settled under section 16 or finally determined by a court.

(4) Where notice is given to the employer under subsection (2) and the provisions of section 23 apply, the employer shall give notice thereof to any person who may be called on to pay an indemnity under that section."

Amendment of section 25.

20. Section 25 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

"(1) Where any injury is caused to a workman by the negligence, breach of statutory duty or other wrongful act or omission of the employer, or of any person for whose act or default the employer is responsible, nothing in this Ordinance shall limit or in any wise affect any civil liability of the employer independently of this Ordinance:

Provided that any damages awarded to a workman in an action at common law or under any enactment in respect of any such negligence, breach of statutory duty, wrongful act or omission, shall be reduced by the value, as decided by the Court, of any compensation which has been paid or is payable under the provisions of this Ordinance in respect of the injury sustained by the workman."

Amendment of section 28.

21. Section 28 of the principal Ordinance is amended, in subsection (3), by deleting "or mainly".

Addition of new section.

21A. The principal Ordinance is amended by adding the following new section after section 28—

"Application to persons employed on foreign ships.

28A. (1) If the employer submits or has agreed to submit to the jurisdiction of the Court, then, notwithstanding that the accident causing the personal injury occurred outside Hong Kong, this Ordinance shall apply, subject to the modifications in subsections (2), (3) and (4), to seamen and apprentices to the sea service who are workmen within the meaning of this

Ordinance and, having been recruited or engaged in Hong Kong, are members of the crew of a foreign ship.

(2) The notice of accident and the application for compensation may be given or made to the master of the ship as if he were the employer, but where the accident occurred and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident.

(3) In the case of the death of a seaman or apprentice to whom this section applies, the application for compensation shall be made within two years after the death occurred or, where the ship has been or is deemed to have been lost with all hands, within two years after the date on which the ship was, or is deemed to have been, so lost.

(4) Whenever in any proceedings under this Ordinance the testimony of any witness is required in relation to the subject matter of the proceedings, then, upon due proof that the witness cannot be found in Hong Kong, any deposition which the witness may have previously made on oath in relation to the same subject matter before any justice or magistrate in Her Majesty's dominions or in any place where Her Majesty exercises jurisdiction or before any British Consular Officer elsewhere and which, if the proceedings had been under the Merchant Shipping Act 1894, would have been admissible in such proceedings by virtue of sections 691 and 695 of that Act, shall be admissible in evidence subject to similar conditions as are laid down in the said sections 691 and 695.

(57 & 58
Vict. c. 60.)

(5) In this section—

"foreign ship" means any ship other than a Hong Kong ship as defined in subsection (4) of section 28;

"seaman" has the meaning that it has for the purposes of the Merchant Shipping Act 1894."

22. Section 29 of the principal Ordinance is amended—

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

(b) by inserting after "shall" the following—

“, subject to subsection (2),”;

(c) by deleting the colon after "Ordinance" and substituting a full stop; and

Amendment of section 29.

- (d) by deleting the proviso and substituting the following new subsections—

“(2) The Commissioner may, if satisfied that, by reason of old age or serious physical defect or infirmity, a person, if employed as a workman, is specially liable to meet with an accident, or, if he meets with an accident is specially liable to sustain injury, in connexion with any contract of such employment, authorize the person and the employer to enter into an agreement in writing reducing or giving up the right of such person to compensation under the provisions of this Ordinance in respect of any accident which is caused or contributed to by the old age or serious physical defect or infirmity.

(3) An agreement entered into under subsection (2) shall be ineffective unless the Commissioner certifies that in his opinion such agreement is fair and reasonable.”.

Amendment of section 30.

23. Section 30 of the principal Ordinance is amended—

- (a) in subsection (1)—
- (i) by deleting “twelve months” wherever it occurs and substituting in each case the following—
“prescribed period”; and
- (ii) by deleting, in paragraph (e), “incapacity of” and substituting the following—
“incapacity or”;
- (b) in subsection (2)—
- (i) by deleting “twelve months” in the first place where it occurs and substituting the following—
“prescribed period”; and
- (ii) by deleting “twelve months” in the second place where it occurs and substituting the following—
“period”;
- (c) in subsection (3)—
- (i) by deleting “twelve months” in the first place where it occurs and substituting the following—
“prescribed period”; and
- (ii) by deleting “twelve months” in the second place where it occurs and substituting the following—
“period”;

- (d) in subsection (4), by deleting “twelve months” and substituting the following—
“prescribed period”;
- (e) in subsection (5), by deleting “period of twelve months” and substituting the following—
“prescribed period”; and
- (f) by deleting subsection (6) and substituting the following new subsection—
“(6) For the purposes of this section—
- (a) the date of the incapacity shall, in the absence of agreement, be such date as the Court shall determine as being the date upon which the incapacity commenced; and no workman shall be prejudiced in any claim for compensation under this Part by reason only of the fact that the notice of incapacity given to the employer specified some other date;
- (b) the prescribed period shall be the period specified in the fourth column of the Second Schedule in relation to the trade, industry or process specified in the third column of that Schedule.”.

Second Schedule.

24. Section 32 of the principal Ordinance is amended—

- (a) by deleting “of twelve months” and substituting the following—
“specified opposite to that disease in the fourth column of the Second Schedule”; and
- (b) by deleting “the Second” and substituting the following—
“that”.

Second Schedule.

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

Amendment of section 32.

Addition of new Part IIIA.

“PART IIIA.

COMPULSORY INSURANCE.

Interpretation.

34A. In this Part, unless the context otherwise requires—

“Authority” means such person as may be appointed by the Governor by notice in the *Gazette*;

"authorized insurer" means an insurance company for the time being authorized under section 34C to undertake accident insurance business for purposes of this Part;

(Cap. 155.)

"bank" means a bank which holds a valid licence granted under the Banking Ordinance;

"bond" means a bond given under subsection (1) of section 34E;

"insurer", in relation to an employer, means an authorized insurer who is for the time being his insurer under this Part;

"prescribed employment" means any employment prescribed under subsection (1) of section 34B;

"surety", in relation to an employer, means a person who undertakes to satisfy the liability of the employer under a bond.

Application of this Part.

34B. (1) This Part shall apply to such employments as the Governor in Council may by notice in the *Gazette* prescribe.

(2) Notwithstanding section 4, this Part shall not apply to any employment by or under the Crown.

Authorized insurers.

34C. (1) The Authority may, by notice in the *Gazette*, authorize any insurance company to carry on accident insurance business in the Colony for the purposes of this Part subject to such conditions as may be prescribed.

(2) The Authority shall not grant authorization under subsection (1) unless the Authority is satisfied as to the financial stability of the insurance company.

(3) Where the Authority ceases to be satisfied as to the financial stability of any authorized insurer, or where an authorized insurer fails to comply with any condition prescribed under subsection (1), the Authority may, by notice in the *Gazette*, revoke such authorization.

(4) Any insurance company which carries on accident insurance business for the purposes of this Part without authorization under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of one hundred dollars in respect of each workman insured by it.

Compulsory insurance against employer's liability.

34D. (1) Subject to subsection (1) of section 34E, no employer shall employ any workman in any prescribed employment unless there is in force in relation to such workman a policy of insurance issued by an authorized insurer for the full amount of the liability of the employer under this Ordinance and independently of this Ordinance for any injury to such workman by accident arising out of and in the course of his employment.

(2) Where an employer employs workmen in any prescribed employment, the Commissioner may require the employer to produce for inspection by the Commissioner any policy of insurance effected for purposes of subsection (1) or a cover note in respect of such policy of insurance.

(3) Any employer who contravenes subsection (1) or fails without reasonable excuse to comply with any requirement under subsection (2) shall be guilty of an offence and shall be liable on conviction for a first offence to a fine of two thousand dollars and to imprisonment for three months and on conviction for a second or subsequent offence to a fine of five thousand dollars and to imprisonment for six months.

Giving and enforcement of bond.

34E. (1) Notwithstanding subsection (1) of section 34D, the Authority may, if satisfied that a bond, in such sum of money and containing such conditions as may seem fit to the Authority, entered into by an employer with sufficient sureties offers adequate security for the liability of the employer for the purposes of subsection (1) of section 34D, direct that such bond be given and that, so long as it shall continue in force, it shall stand in lieu of a policy of insurance required under subsection (1) of section 34D.

(2) A bond given under subsection (1) shall be made in favour of the Commissioner and shall be deposited with the Commissioner.

(3) Where a bond is given under subsection (1) in relation to a workman and the employer fails to pay to the workman any compensation agreed upon or any compensation or damages adjudged by the Court to be paid by the employer, the Commissioner shall, subject to section 34G, enforce the bond in relation to the workman, and the bond, if given to satisfy the liability of the employer to other work-

men, shall remain in force in relation to the other workmen notwithstanding such enforcement.

Certain conditions in policy to be void.

34F. Any condition in a policy of insurance issued for the purposes of this Part providing that no liability shall arise under the policy, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the accident giving rise to a claim under the policy, shall be of no effect upon the claim made by a workman under section 34H:

Provided that nothing in this section shall be taken to render void any provision in a policy requiring the insured employer to repay to the insurer any sums which the latter may have paid under the policy in satisfaction of any such claim.

Conditions under which liability for payment by insurer or surety arises.

34G. (1) Where in relation to a workman there is in force a policy of insurance or a bond for the purposes of this Part and the employer of the workman becomes liable to pay compensation or damages to the workman, then notwithstanding anything to the contrary in the policy of insurance or bond, the insurer or surety shall pay the compensation agreed upon or the compensation or damages adjudged by the Court to be paid, including any sum payable in respect of costs.

(2) No sum shall be payable by an insurer or surety under this section—

- (a) unless, in the case of compensation agreed upon between the employer and a workman, such insurer or surety has consented to pay the sum agreed upon as compensation to the workman;
- (b) unless, in the case of compensation or damages adjudged by the Court to be paid to a workman, the insurer or surety had sufficient notice of the application to the Court to determine compensation or of the institution of the proceedings for damages, as the case may be, to enable him to apply to be added as a co-defendant;
- (c) in respect of any judgment to pay compensation or damages, while execution thereon is stayed by the Court or pending appeal; or

(d) in respect of a policy of insurance, if before the happening of the accident which was the cause of the injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein.

(3) If sufficient notice of an application to the Court to determine compensation or of the institution of proceedings for damages is given to an insurer or surety to enable him to apply to the Court to be added as a co-defendant, the Court shall, on such application being made, add the insurer or surety as a co-defendant and he shall have the same right to defend the proceedings as if he were the employer.

(4) Where any sum is paid by the insurer or surety which would, were it not for the provisions of this section, not be payable under the policy of insurance or the bond, as the case may be, such sum shall be recoverable by the insurer or surety from the employer.

Right of injured party to proceed against insurer.

34H. Every policy of insurance issued for the purposes of this Part shall be deemed to provide that any workman having a claim against the person insured in respect of the liability in regard to which such policy was issued shall be entitled to recover in his own name, as though he were a party to the policy, directly from the insurer any amount which he would have been entitled to recover from the person insured.

Authorized insurance companies to furnish information.

34I. (1) An authorized insurer shall collect, compile and maintain in the prescribed form in respect of all employers insured by him for the purposes of this Part statistics and information relating to—

- (a) the occurrence and cause of accidents and occupational diseases;
- (b) any settlement of claims for compensation arrived at by agreement;
- (c) any claims for compensation determined by the Court;
- (d) the amount of any premium or charge demanded from or paid by employers in respect of the insurance of workmen;
- (e) the ratio of expenses to benefits;

(f) the amounts paid in commissions to agents; and

(g) the income and expenditure in relation to insurance of employers under this Part,

and shall transmit any such statistics and information to the Commissioner upon demand or at such times as he may direct.

(2) The statistics and information required to be kept under subsection (1) shall be kept separate from statistics and information relating to any other business carried on.

(3) Any authorized insurer who contravenes any of the provisions of this section or fails to transmit to the Commissioner any statistics and information under this section shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars."

Addition of new section 36A.

26. The principal Ordinance is amended by adding, after section 36, the following new section—

"Contract of service not to be terminated during incapacity.

36A. (1) An employer shall not, without the consent of the Commissioner, terminate the contract of service or apprenticeship of a workman who has suffered incapacity in circumstances which entitle him to compensation under the provisions of this Ordinance until either—

(a) the workman has been certified by a medical practitioner as fit to resume the work for which he was employed at the time of the accident; or

(b) compensation for permanent incapacity, whether total or partial, becomes payable to the workman under the provisions of this Ordinance.

(2) Any employer who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars."

Amendment of section 37.

27. Section 37 of the principal Ordinance is amended, in subsection (1),—

(a) by deleting, in paragraph (b), "carrying on in the Colony the business of insuring employers against their liabilities under this Ordinance"; and

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

"(ba) prescribing conditions subject to which an insurance company may carry on accident insurance business in the Colony;"

28. The First Schedule to the principal Ordinance is amended—

Amendment of the First Schedule.

(a) in the third column,—

(i) by deleting "60" where it occurs opposite to item 8 and substituting the following—

"65";

(ii) by deleting "50" where it occurs opposite to item 9 and substituting the following—

"62";

(iii) by deleting "47½" where it occurs opposite to item 10 and substituting the following—

"60";

(iv) by deleting "45" where it occurs opposite to item 11 and substituting the following—

"50";

(v) by deleting "42½" where it occurs opposite to item 12 and substituting the following—

"50";

(vi) by deleting "42½" where it occurs opposite to item 13 and substituting the following—

"45"; and

(vii) by deleting "35" where it occurs opposite to item 14 and substituting the following—

"40";

(b) by inserting after item 24 a new item as follows—

"24A. Loss of hearing, one ear 7"; and

(c) by adding after paragraph (2) at the end of the Schedule a new paragraph as follows—

"(3) Loss of remaining arm, leg or eye if one has already been lost, shall be the difference between the compensation for the total incapacity, and compensation already paid or that which would have been paid for the previous loss of limb or eye."

Amendment of
the Second
Schedule.

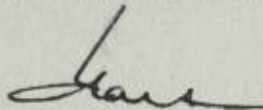
29. The Second Schedule to the principal Ordinance is amended—

- (a) by inserting a new fourth column with the following heading—
“Prescribed period for purposes of section 30.”; and
(b) by inserting in the fourth column opposite to the respective item shown hereunder the following—

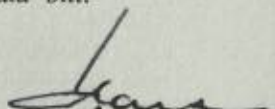
Item.

1. “2 years. In the case of nephritis—4 years.”
2. “2 years.”
3. “3 years.”
4. “1 year.”
5. “2 years.”
6. “1 year.”
7. “1 year.”
8. “1 year. In the case of neoplasm—10 years.”
9. “1 year.”
10. “1 year.”
11. “1 year.”
12. “1 year.”
13. “1 year.”
14. “2 weeks.”
15. “10 years.”
16. “2 months.”
17. “1 year.”
18. “2 months.”
19. “3 years.”
20. “1 year. In the case of arthritis—5 years.”
21. “10 years.”.

Passed by the Hong Kong Legislative Council this 19th day of November, 1969.


Deputy Clerk of Councils.


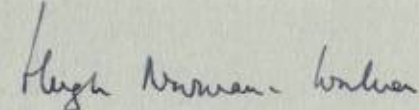
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Deputy Clerk of Councils.

HONG KONG

No. 56 OF 1969.

I assent.

Acting Governor.

20th November, 1969.

An Ordinance to amend the Fire Services Ordinance.

[21st November, 1969.]

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

1. This Ordinance may be cited as the Fire Services (Amendment) Ordinance 1969. Short title.

2. Section 2 of the principal Ordinance is amended in the definition of “fire hazard”— Amendment of section 2. (Cap. 95.)

- (a) by deleting from paragraph (d) the following—
“, provided in the building in accordance with plans referred to in paragraph (c) of this definition.”; and
(b) by inserting after paragraph (d) the following—
“(da) inadequate means of egress from any premises in a building to street level outside the building;”.