

HONG KONG

No. 1 OF 1958.



I assent.

Officer Administering the Government.

9th January, 1958.

An Ordinance to amend certain laws of the Colony on the transfer to the Director of Social Welfare of certain functions now discharged by the Secretary for Chinese Affairs.

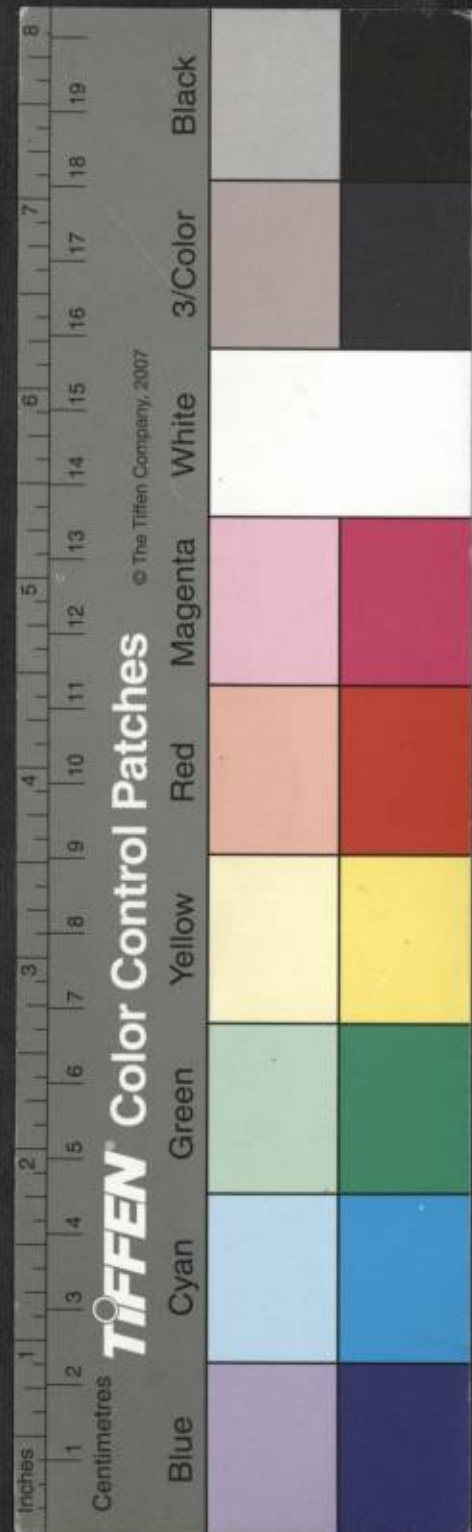
[10th January, 1958.]

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 Transfer of Functions Short title.
of the Secretary for Chinese Affairs Ordinance, 1958.

2. The Ordinances specified in the second column of the Amendment
of enact-
ments.
Schedule and the subsidiary legislation made thereunder specified in the third column are amended by the deletion from the provisions set opposite each such enactment and shown in the fourth column of the title "Secretary for Chinese Affairs" and the substitution therefor of the following—

"Director of Social Welfare".



SCHEDULE.

Item.	Title of Ordinance.	Title of subsidiary legislation.	Provisions.
1.	Adoption Ordinance, 1956. (No. 22 of 1956).	—	Whole Ordinance.
2.	Protection of Women and Juveniles Ordinance, 1951. (No. 1 of 1951).	Protection of Women and Juveniles (Ward Registration) Regulations, 1951.	Whole Ordinance.
3.			Whole Regulations.
4.			Whole Regulations.
5.	Female Domestic Service Ordinance, Chapter 60.	—	Whole Ordinance.
6.	Offences against the Person Ordinance, Chapter 212.	—	Sections 43 and 44.
7.	Asiatic Emigration Ordinance, 1915. (No. 30 of 1915).	—	Subsections (1) and (2) of section 38; subsections (1) and (2) of section 41; subsections (1) and (2) of section 46; and section 54

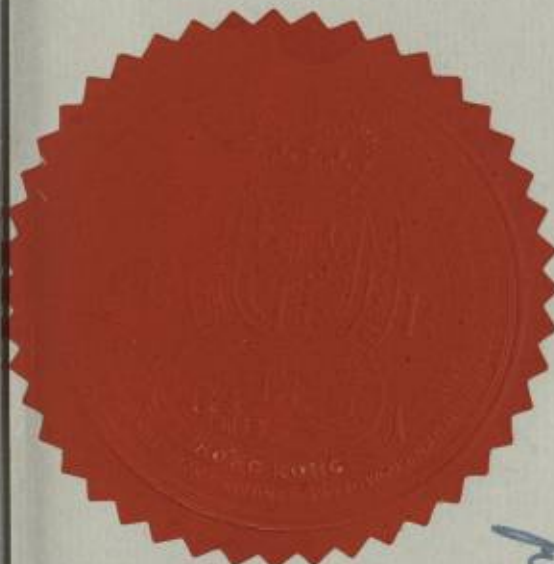
Passed the Legislative Council of Hong Kong, this 8th day of January, 1958.

Deputy Clerk of Councils.

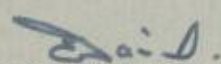
(Secretariat GR1/1806/57)

HONG KONG

No. 2 OF 1958.



I assent.


Officer Administering the Government.

9th January, 1958.

An Ordinance to amend the Education Ordinance, 1952.

[]

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 Education (Amendment) Ordinance, 1958, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*. Short title and commencement.

2. Section 2 of the Education Ordinance, 1952 (hereinafter referred to as the principal Ordinance), is amended by— Amendment of section 2. (33 of 1952).

(a) the deletion of the definition of "books and documents";

- (b) the insertion, before the definition of the word "building", of the following new definition—

" "authorized architect" means a person whose name is, for the time being, on the register of authorized architects kept under section 3 of the Buildings Ordinance, 1955;";

(68 of 1955).

- (c) the insertion, after the definition of the word "building", of the following new definitions—

" "Building Authority" has the meaning assigned to it by section 2 of the Buildings Ordinance, 1955;

"Chief Officer" means the Chief Officer of the Fire Brigade;";

- (d) the insertion, after the definition of "Director", of the following new definitions—

" "document" includes any text-book, exercise book, accounts, counterfoil, pamphlet, publication, newspaper, poster, drawing, sketch, film, film-strip, slide, gramophone record, and other printed, written or recorded matter, whether relating to instruction, recreation, school management or otherwise;

"evening instruction" means any instruction, of which the greater part in any one day takes place after 6 p.m.;";

- (e) the insertion in the definition of the word "manager" after the word "school", of the following—

"or of the activities of the pupils in any school";

- (f) the insertion, after the definition of the word "manager", of the following new definitions—

" "permitted teacher" means a person who is permitted to be employed as a teacher by virtue of a permit issued under section 26;

"post secondary college" means a school which provides for post secondary education;";

- (g) the deletion of the definition of the word "principal" and the substitution therefor of the following—

" "principal" means that teacher recommended by the supervisor and approved by the Director as such under section 28A;";

- (h) the insertion, after the definition of the word "principal", of the following new definition—

" "pupils' association" means an association, in any school, consisting wholly or mainly of persons under twenty-one years of age undergoing primary education or secondary education in that school, and a branch, in any school, of any association consisting wholly or mainly of persons under twenty-one years of age undergoing primary education or secondary education, whether or not in the same school;";

- (i) the deletion of the definition of the word "school" and the substitution therefor of the following—

" "school" means an institution, organization or place which provides or where there is provided for ten or more persons during any one day, whether or not at the same time, kindergarten, primary, secondary, post secondary or further education or other educational course, and in the case of instruction given by means of correspondence delivered by hand or through the postal services, the institution or place where the instruction is prepared or where the work of the pupils is received, despatched, or examined;"; and

- (j) the deletion of the definition of the words "school premises" and the substitution therefor of the following—

" "school premises" includes places used for the purposes of a school and school recreation rooms, boarding houses, playing fields and playing grounds;";

Amendment
of section 6.

3. Section 6 of the principal Ordinance is amended by—
- (a) the insertion in subsection (1), after the word "schools", of the following—
"and the managers, teachers and pupils thereof";
 - (b) the deletion of subsection (2) and the substitution therefor of the following—

"(2) The Governor in Council may by order in the *Gazette* exempt for such period, if any, as may be specified in the order either wholly or in part from the provisions of this Ordinance or of the regulations, and either absolutely or subject to such conditions as he may think fit to impose, any school or class or category of school, and the managers, teachers or pupils thereof :

Provided that nothing in any such order exempting a school from the provisions of section 8 shall prevent application for registration being made for such school and the registration of such school in accordance with the provisions of Part II and where any such registration is made such exemption shall cease to have effect. "

- (c) the deletion, from subsection (3), of the words "instruction in each week total less than five" and the substitution therefor of the following—
"academic instruction in each week total less than five, and, in like manner, may exempt, the managers, teachers or pupils thereof".

Amendment
of section 8.

4. Section 8 of the principal Ordinance is amended by being renumbered subsection (1) of section 8, and by the insertion therein of the following new subsection—

"(2) Where any school provides evening instruction in addition to other instruction, there shall be deemed to be a separate school in respect of such evening instruction and such separate school shall be separately registered under this Ordinance. "

5. Section 10 of the principal Ordinance is amended by—
- (a) the deletion from subsection (1) of the word "section" and the substitution therefor of the following—

"sections 10A and";

- (b) the deletion from subsection (3) of the last word and the substitution therefor of the following—

"school".

6. The principal Ordinance is amended by the addition after section 10 of the following new sections—

"Schools in premises not designed and constructed for the purposes of a school.

10A. (1) An application for registration of a school which is to be operated in premises not designed and constructed for the purposes of a school shall be accompanied by—

- (a) a certificate from the Director of Public Works as to his opinion with regard to the suitability of the premises, in relation to the loading for which they were designed and constructed, for the purposes of a school;
- (b) a certificate from the Director of Public Works that the premises do not have structural timber floors;
- (c) a certificate from the Chief Officer that the use of the premises for the purposes of a school would not give rise to any undue risk of fire or danger from panic in the event of fire;
- (d) where the premises are situated in a part of the Colony to which the Buildings Ordinance, 1955, applies, a notice in writing from the Building Authority, or any officer of the Public Works Department, to whom the Building Authority may, under subsection (2) of section 2 of that Ordinance, have delegated the exercise of the powers vested in him by section 16 thereof, that, if the school is registered, he does not intend, in exercise of the

Amendment
of section
10.

Addition
of new
sections
10A and
10B.

powers vested in him by section 16 of that Ordinance, to prohibit the use of the premises for the purposes of a school; and

(e) where the Director of Public Works has, in a certificate issued for the purposes of paragraph (a), certified that it is his opinion that the premises are not, by reason of the loading for which they were designed and constructed, suitable for the purposes of a school, a certificate from an authorized architect that the premises are in sound structural condition.

(2) In giving a certificate for the purposes of paragraph (c) of subsection (1), the Chief Officer may prescribe any provisions which he considers should be made to minimize the risk of fire or the danger from panic in the event of fire, and may specify whether or not such provisions are to be made before the school is registered.

(3) Every application to the Director of Public Works, the Building Authority or the Chief Officer for a certificate or notice, as the case may be, required for the purposes of subsection (1), shall be made in the form prescribed by the Director and shall be accompanied by plans of the premises showing the parts thereof to be used for the purposes of a school.

(4) Without prejudice to any other provisions of this Ordinance, no school which is to be operated in premises not designed and constructed for the purposes of a school shall be registered—

- (a) where the application for registration was not accompanied by all the certificates and notices required by subsection (1); or
- (b) where, if, in the exercise of the powers vested in him by subsection (2), the Chief Officer has specified provisions which are to be made before the school is registered, such provisions have not been made.

(5) The Director of Public Works may appoint any officer of the Public Works Department to exercise the powers and perform the duties required, by the provisions of this section, to be exercised or performed by him.

(6) Nothing in this section shall be deemed to affect any powers vested in the Building Authority under any of the provisions of the Buildings Ordinance, 1955.

Post secondary colleges not to be registered without consent of Governor.

10B. No post secondary college shall be registered unless the Governor has consented to such registration."

7. Section 11 of the principal Ordinance is amended by—

Amendment of section 11.

(a) the deletion of paragraph (a) and the substitution therefor of the following—

"(a) that there would be any danger to persons using the proposed school premises whether arising inside or outside such premises or that there would be a risk of any such danger; or";

(b) the deletion of paragraph (b);

(c) the deletion, from paragraph (c), of the words "reasons of health" and the substitution therefor of the following—

"any reason whatsoever";

(d) the deletion, from paragraph (j), of the word "constitution" and the substitution therefor of the following—

"composition";

(e) the insertion, after paragraph (l), of the following new paragraph—

"(ll) that any part of the proposed school premises—
(i) were to have been used for the purposes of a school in relation to which registration has previously been refused; or

- (ii) have been used for the purposes of a school whose registration has been cancelled either under the Education Ordinance, 1913, or under this Ordinance; or”.

Addition of new section 11A.

8. The principal Ordinance is amended by the addition, after section 11, of the following new section—

“Provisions as to change of use in buildings in which school is operated.

11A. (1) Without prejudice to any other provisions of this Ordinance, where, in the opinion of the Chief Officer, any change in the design or structure of the building in which or in part of which a school is operated or in the use of any part of such building has so increased the risk of fire in the building or the danger from panic in the event of fire that there is an undue danger or risk of danger to persons using the school premises, he may deliver to the Director a notice specifying the provisions which he considers should be made to minimize such danger or may deliver to the Director a notice that, in his opinion, there is such a danger.

(2) The Director may, by notice in writing to the supervisor of the school, require to be made all or any of the provisions specified in a notice under subsection (1) from the Chief Officer.”

Amendment of section 12.

9. Section 12 of the principal Ordinance is amended by—

- (a) the deletion, from the end of subsection (1), of the full-stop and the substitution therefor of the following—

“; or”;

- (b) the insertion in subsection (1), after paragraph (e), of the following new paragraphs—

“(f) where, in the case of a school which is operated in premises which are, in the opinion of the Director of Public Works or any officer of the Public Works Department appointed by him for the purposes of section 10A, unsuitable, by reason of the loading for which the premises were designed and constructed, for the purposes of a school, he has, under the provisions of this Ordinance, received a report from an authorized architect that the premises are not in sound structural condition; or

- (g) where, under section 11A, he has received a notice from the Chief Officer that it is the opinion of the Chief Officer that there is an undue danger or risk of danger to persons using the school premises; or

- (h) where a notice under subsection (2) of section 11A has not, within two months of the service thereof, or within such further period as the Director may permit, been complied with.”;

- (c) the deletion of subsection (2) and the substitution therefor of the following—

“(2) If the registration of all the managers of a school has been cancelled, the Director shall, unless any manager of the school is, under subsection (1) of section 32, permitted to continue to act as manager, cancel the registration of such school.”.

10. Subsection (1) of section 13 of the principal Ordinance is amended by the insertion after the word “the” where it first occurs of the following—

Amendment of section 13.

“registered”.

11. Section 14 of the principal Ordinance is amended by—

Amendment of section 14.

- (a) the deletion, from subsection (4), of the word “All” and the substitution therefor of the following—

“Subject to the provisions of this Ordinance, all”;

- (b) the deletion, from subsection (6), of the words “and any change of principal”.

12. Section 15 of the principal Ordinance is amended by—

Amendment of section 15.

- (a) the deletion, from subsection (1), of the words “or in the event of the supervisor approved by the Director being no longer acceptable as such to the majority of the management committee,”;

- (b) the insertion, after subsection (2), of the following new subsection—

“(3) In the event of the supervisor approved by the Director being no longer acceptable as such to the majority of the management committee, he shall

cease to be supervisor and the management committee shall forthwith recommend for the Director's approval another of their members as supervisor."

Amendment of section 16.

13. Section 16 of the principal Ordinance is amended by the insertion, after the word and comma "administered,", of the following—

"or that the composition of the management committee is not such as is likely to ensure the efficient administration of the school,".

Repeal and replacement of section 18.

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

"Registration of manager.

18. (1) Upon due application by any person for registration as a manager of a school, the Director shall, subject to the provisions of subsection (2) and of section 19 and after such inquiry as may be necessary, register the applicant as a manager of the school of which he seeks to be a manager and shall notify the manager in the prescribed form of his registration.

(2) No person shall be registered as a manager of a school of which there is already one registered manager or a management committee unless the application is accompanied by a written recommendation signed by the registered manager or a majority of the management committee as the case may be."

Amendment of section 19.

15. Section 19 of the principal Ordinance is amended by the deletion from paragraph (h) of the words "to be given permission to teach as an unregistered teacher under this Ordinance or under the Education Ordinance, 1913" and the substitution therefor of the following—

"in any application under section 26 or in any application under the Education Ordinance, 1913, for permission to teach".

16. Section 20 of the principal Ordinance is amended by the insertion, after subsection (1), of the following new subsection— Amendment of section 20.

"(1A) If the Director is satisfied that a person registered as a manager of any school is, in the opinion of a majority of the members of the management committee, unacceptable as a manager, the Director shall cancel the registration of that person as manager of that school."

17. Subsection (1) of section 21 of the principal Ordinance is amended by the deletion of the words "is authorized to teach under section 25" and the substitution therefor of the following— Amendment of section 21.

"a permitted teacher".

18. Section 22 of the principal Ordinance is amended by the deletion of the words "receipt of an application" and the substitution therefor of the following— Amendment of section 22.

"due application by any person".

19. Section 23 of the principal Ordinance is amended by— Amendment of section 23.

(a) the deletion, from paragraph (c), of the words "has been refused permission to teach as an unregistered teacher either under this Ordinance or under the Education Ordinance, 1913" and the substitution therefor of the following—

"is a person in respect of whom an application under section 26 has previously been refused or who, under the Education Ordinance, 1913, has previously been refused permission to teach";

(b) the deletion, from paragraph (f), of the words "to be given permission to teach as an unregistered teacher" and the substitution therefor of the following—

"in any application under section 26".

20. Section 24 of the principal Ordinance is amended by the insertion in paragraph (b) after the word "misconduct" of the following— Amendment of section 24.

"or is incompetent".

Repeal and replacement of section 25.

21. Section 25 of the principal Ordinance is repealed and replaced by the following—

“Permission needed to employ unregistered teacher.”

25. (1) A person who is not registered as a teacher may teach only if he is a permitted teacher and may teach only in the school specified in the permit issued under section 26 in respect of such person and subject to any limitations which may be specified in such permit.

(2) A person who is not registered as a teacher shall not be employed as a teacher unless at the time of application for a permit to employ him there is no suitable registered teacher available for employment in the school in which he is to be permitted to teach.”.

Amendment of section 26.

22. Section 26 of the principal Ordinance is amended by—

(a) the deletion from subsection (1) of the word “authority” and the substitution therefor of the following—

“permission”;

(b) the deletion from subsection (2) of—

(i) the words “an authority in writing” and the substitution therefor of the following—

“a permit”;

(ii) the word “unregistered” and the substitution therefor of the following—

“permitted”;

(c) the deletion of subsection (3) and the substitution therefor of the following—

“(3) Such permit shall prescribe the school in which such permitted teacher may be employed and may in the discretion of the Director impose such limitations as he may think fit.”.

Amendment of section 27.

23. Section 27 of the principal Ordinance is amended by the deletion of the words “authorize an unregistered teacher to teach” and the substitution therefor of the following—

“issue a permit under section 26 in respect of any teacher”.

24. Section 28 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 28.

“Grounds for cancellation of permit to employ permitted teacher.”

28. (1) The Director may cancel any permit issued under section 26 on any of the grounds on which he would be entitled to cancel the registration of a teacher as set out in section 24.

(2) The Director shall cancel the permit issued under section 26 in respect of any permitted teacher whose employment in the school in which he is permitted to be employed as a teacher is terminated.”.

25. The principal Ordinance is amended by the addition after Part V of the following new part—

Addition of new Part VA.

“PART VA.

APPOINTMENT AND DUTIES OF PRINCIPALS.

Appointment and cancellation of appointment of principal.

28A. (1) The management committee of any school shall recommend for the Director's approval a teacher to be the principal who shall be responsible for the teaching and discipline of the school and shall, subject to the directions of the management committee, have authority over the other teachers and pupils of the school for such purpose.

(2) The Director may withhold his approval if he is not satisfied that the person recommended is a fit and proper person to act as principal for the purposes of this Ordinance.

(3) If at any time it appears to the Director that the principal approved by him is no longer a fit and proper person to act as principal he may withdraw his approval and such person shall cease to be principal.

(4) If for any other reason any principal ceases to act as such, the supervisor shall forthwith notify the Director in writing.

Resignation etc. of principal.

28B. In the event of the Director withholding or withdrawing his approval of the principal recommended by the management committee or in the event of the principal approved by the Director ceasing to

act as such by reason of resignation, dismissal, illness, absence, cancellation of his registration as a teacher or of a permit to employ him as a teacher or other cause, the management committee shall forthwith recommend for the Director's approval another teacher to be principal."

Amendment of section 29.

26. Section 29 of the principal Ordinance is amended by the deletion of the words "granting authority for an unregistered teacher to teach" and the substitution therefor of the following—
"issuing a permit under section 26 in respect of any person".

Amendment of section 30.

27. Section 30 of the principal Ordinance is amended by the deletion of the word "authority" and the substitution therefor of the following—
"a permit under section 26".

Repeal and replacement of section 31.

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

"Procedure upon refusal to register, cancellation of registration, etc. Appeals.

31. (1) Subject to the provisions of subsection (3), whenever the Director has come to a decision in the exercise of his discretion under a provision specified in the first column of the table hereunder, he shall serve notice in writing thereof upon the person specified in relation thereto in the second column of the said table, stating the grounds for such decision, and shall supply to such person a copy of this section, of section 32, and of sections 33 to 36.

TABLE.

Section 11.	Applicant.
Subsection (1) of section 12.	Supervisor.
Subsection (2) of section 14.	Person recommended as supervisor.
Subsection (3) of section 14.	Person ceasing to be supervisor.
Section 19.	Applicant.
Subsection (1) of section 20.	Manager concerned.
Section 23.	Applicant.

Section 24.	Teacher concerned.
Section 27.	Applicant.
Subsection (1) of section 28.	Supervisor.
Subsection (2) of section 28A.	Supervisor.
Subsection (3) of section 28A.	Supervisor.

(2) A person upon whom a notice is served under subsection (1) may, within twenty-one days of such service, appeal by notice in writing in the manner prescribed by subsection (1) of section 34 to the Appeals Board constituted under section 33.

(3) Where any order under subsection (2) or (3) of section 6 has granted exemption from section 8, this section shall not apply in relation to any decision of the Director in the exercise of his discretion under subsection (2) or (3) of section 14, section 19, subsection (1) of section 20, section 27, subsection (1) of section 28 or subsection (2) or (3) of section 28A."

29. Section 32 of the principal Ordinance is repealed and replaced by the following—

"Relaxation of cancellation of registration of school or teacher during appeal. Certificates, etc.

32. (1) Where the registration of any school, manager or teacher has been cancelled under subsection (1) of section 12, subsection (1) of section 20 or section 24, respectively, or where a permit under section 26 to employ as a teacher a person who is not registered as a teacher is cancelled under subsection (1) of section 28, the Director may, by notice in writing to the supervisor of the school, the manager or the teacher, whose registration has been cancelled or, where a permit under section 26 has been cancelled, to the supervisor of the school in which the permitted teacher was permitted to teach, as the case may be, permit the school to continue to operate, the manager to continue to act as manager or the teacher or permitted teacher to continue to teach, in accordance with such conditions, if any, as he may see fit to impose, during the time limited for appeal, or during an appeal in respect of such cancellation to the Appeals Board or further appeal to the Governor

Repeal and replacement of section 32.

in Council or, in special circumstances, during such further time as the Director may specify, and any school continuing to operate and any manager or teacher continuing to act or teach, pursuant to any such permission and in accordance with any such conditions imposed on the giving thereof, shall, during the continuance in operation of such permission, be deemed to be lawfully continuing to operate, act or teach, as the case may be.

(2) Any person who receives notice under subsection (1) of section 31 of a decision of the Director under subsection (1) of section 12, subsection (1) of section 20, section 24 or subsection (1) of section 28 shall forthwith deliver to the Director any certificate of registration or any permit issued to him under the provisions of this Ordinance, whether or not notice of appeal under subsection (2) of section 31 has been given.”.

Addition of new Part VIA.

30. The principal Ordinance is amended by the addition after Part VI of the following new Part—

“PART VIA.

ADDITIONAL POWERS OF DIRECTOR IN RELATION TO TEACHERS.

Additional powers of Director to refuse to register and to cancel registration of teacher; to refuse to issue and to cancel permit under section 26; and procedure and appeals.

32A. (1) The Director may—

- (a) refuse to register a person as a teacher;
- (b) cancel, at any time, the registration of any person as a teacher;
- (c) refuse to issue a permit under section 26 to employ as a teacher a person who is not registered as a teacher; or
- (d) cancel, at any time, any such permit,

where he is satisfied that the environment in which that person received his education or any part thereof has been such as to make him unsuitable as a teacher in the Colony.

(2) Where, under paragraph (a) or (b) of subsection (1), the Director refuses to register a person as a teacher or cancels the registration of any person as a teacher, he shall serve notice in writing of his decision upon such person.

(3) Where, under paragraph (c) or (d) of subsection (1), the Director refuses to issue a permit under section 26 to employ as a teacher a person who is not registered as a teacher or cancels any such permit, he shall serve notice in writing of his decision upon the person making application to employ such person or the supervisor of the school in which such person is employed, as the case may be.

(4) Any person upon whom a notice is served in accordance with the provisions of subsection (2) or (3) may, within twenty-one days of such service, appeal, by way of petition, to the Governor in Council.

(5) Upon any such appeal, the Governor in Council may confirm, reverse or vary the decision of the Director.

(6) Where under subsection (1) the Director either cancels the registration of a person as a teacher or cancels a permit under section 26 to employ a person who is not registered as a teacher, the Director may, by notice in writing to the teacher or to the supervisor of the school in which the permitted teacher was employed at the date of cancellation, as the case may be, permit the teacher or permitted teacher to continue to teach in accordance with such conditions, if any, as he may see fit to impose, during the time limited for appeal or during an appeal in respect of such cancellation to the Governor in Council.”.

31. Subsection (3) of section 33 of the principal Ordinance is amended by the insertion after the word “procedure” of the following—

Amendment of section 33.

“and may make standing orders for that purpose”.

32. Section 34 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 34.

“Procedure of Appeals Board.

34. (1) A person wishing to appeal under subsection (2) of section 31 (hereinafter referred to as the appellant) shall within the period prescribed by that subsection deliver to the secretary of the Appeals Board a statement in English (in duplicate) giving notice of his appeal and stating the grounds thereof. The secretary shall forthwith notify the Director of such

notice and grounds of appeal, and shall give to the appellant and the Director at least fourteen days notice of the date for hearing the appeal.

(2) Upon being notified of a notice of appeal, the Director shall forthwith forward to the secretary of the Appeals Board a copy of the notice served upon the appellant under subsection (1) of section 31.

(3) At an adjourned hearing of an appeal no person shall be present as a member of the Appeals Board unless he has been present at all previous hearings of such appeal.

(4) At the hearing of the appeal the appellant or his duly authorized representative and the Director or any person duly appointed by him for such purpose shall be entitled to be present and to be heard.

(5) The hearing of an appeal may be open to the public or in camera or partly open to the public and partly in camera at the discretion of the Appeals Board.

(6) The Appeals Board may determine the appeal in the absence of the Director or the appellant provided that due notice of its meeting has been given to both parties.

(7) The onus of proving that the grounds stated by the Director under subsection (1) of section 31 for his decision are not correct or do not justify such decision shall be upon the appellant.

(8) Save with the consent of the Appeals Board, neither the Director nor the appellant may at the hearing rely upon any grounds other than those stated by the Director in accordance with subsection (1) of section 31 or by the appellant in accordance with subsection (1) of this section."

Addition of new section 34A.

33. The principal Ordinance is amended by the addition after section 34 of the following new section—

"Powers of Appeals Board and certain offences.

34A. (1) For the purposes of hearing an appeal the Appeals Board shall have the following powers—

- (a) to hear, receive and examine evidence on oath;
- (b) to summon any person to attend any hearing of the Appeals Board to give evidence or

produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession subject to all just exceptions;

- (c) to order an inspection of any premises;
- (d) to enter and view any premises.

(2) A witness summons shall be in such form as the Chairman of the Appeals Board shall direct and shall be signed by the Chairman and countersigned by the secretary thereof.

(3) Any person who being summoned to attend as a witness or to produce any document or any other thing at a hearing of the Appeals Board refuses or neglects to do so or to answer any questions put to him by or with the concurrence of the Board shall be guilty of an offence and shall be liable to a fine of five hundred dollars and to imprisonment for three months:

Provided that no person shall be bound to incriminate himself and every witness shall in respect of any evidence given by him before the Appeals Board be entitled to the same privileges to which he would be entitled if giving evidence before a court of justice.

(4) Any person who behaves in an insulting manner or uses any threatening or insulting expression to or in the presence of the Appeals Board shall be guilty of an offence and shall be liable to a fine of five hundred dollars and to imprisonment for three months."

34. Section 35 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 35.

"Decision of Appeals Board and notification thereof.

35. (1) The Appeals Board may confirm, reverse or vary the decision of the Director.

(2) The secretary of the Board shall serve upon the Director and the appellant notice in writing of the decision of the Board together with the reasons therefor."

Repeal and replacement of section 36.

35. Section 36 of the principal Ordinance is repealed and replaced by the following—

“Further appeal to Governor in Council.

36. (1) The Director or the appellant may make further appeal by way of petition to the Governor in Council from a decision of the Appeals Board within fourteen days of the service of notice of such decision.

(2) On consideration of such petition, the Governor in Council may confirm, reverse or vary the decision of the Board.”.

Amendment of section 37.

36. Section 37 of the principal Ordinance is amended by—

(a) the deletion of subsection (1) and the substitution therefor of the following—

“(1) Notwithstanding any other provision of this Ordinance, if it appears to the Governor in Council that it would be prejudicial to the public interest or the welfare of pupils or of education generally that any school, manager or teacher should be registered or continue to be registered or that any person should be or continue to be a permitted teacher, the provisions of this section shall apply.”;

(b) the deletion of subsection (2) and the substitution therefor of the following—

“(2) The Governor in Council may cause to be served upon the supervisor or proposed supervisor of such school, or upon such manager or proposed manager, such teacher or the supervisor of the school in which such person is or is to be employed as a teacher, a notice in writing referring to this section and calling upon him to show cause why the registration of such school, manager or teacher or permit to employ such person as a teacher should not be refused or cancelled.”;

(c) the deletion from subsection (3) of the words “authority for such person to teach” and the substitution therefor of the following—

“permit to employ such person as a teacher”;

(d) the deletion from subsection (4) of the words “teacher or other person” and the substitution therefor of the following—

“or teacher”;

(e) the deletion from subsection (6) of the words “an authority for an unregistered teacher to teach” and the substitution therefor of the following—

“a permit to employ as a teacher a person who is not registered as a teacher”; and

(f) the addition, at the end thereof, of the following new subsections—

“(8) Where, at the time cancellation of the registration of a manager is ordered under subsection (6), such manager is also registered as manager of another school or schools, the Director shall also cancel the registration of that person as a manager of such other school or schools.

(9) Where, under subsection (6), the registration of a manager or teacher or a permit to employ as a teacher a person who is not registered as a teacher is cancelled, such manager or teacher or the person in respect of whom such permit was issued shall not thereafter be registered either as a manager or a teacher nor shall a permit be issued under section 26 in respect of such manager, teacher or person :

Provided that the Governor may, in his discretion in any particular case, waive the provisions of this subsection either permanently or for such period or subject to such conditions as he thinks fit.”.

37. Section 38 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 38.

“Effect of closure, under section 37, of school on managers and teachers.

38. (1) Where, under subsection (6) of section 37, the registration of a school has been cancelled, the Director shall cancel the registration of all the managers thereof and if any manager of such school is also registered as manager of another school or schools, the Director shall, at the same time, also cancel the registration of such person as a manager of such other school or schools.

(2) Where, under subsection (6) of section 37, the registration of a school is cancelled, the Director shall, at the same time, also cancel the registration of all the registered teachers then employed in the school and any permits issued under section 26 to employ in the school any persons who are not registered as teachers.

(3) A registered manager or a registered teacher or the holder of a permit under section 26 to employ as a teacher a person who is not registered as a teacher adversely affected by the operation of this section may, within fourteen days of the order under subsection (6) of section 37 that the registration of the school be cancelled, appeal, by way of petition to the Governor in Council.

(4) Upon the cancellation under subsection (1) of the registration of any manager and upon the cancellation under subsection (2) of the registration of any teacher or of a permit to employ as a teacher a person who is not registered as a teacher, such manager or teacher or the person in respect of whom such permit was issued, as the case may be, shall not, save where an appeal under this section has been successful, thereafter be registered either as a manager or teacher nor shall a permit be issued under section 26 in respect of such manager, teacher or person :

Provided that the Governor may, in his discretion in any particular case, waive the provisions of this subsection permanently or for such period or subject to such conditions as he thinks fit."

Amendment of section 39.

38. Section 39 of the principal Ordinance is amended by the deletion of paragraph (b) and the substitution therefor of the following—

"(b) any Government medical officer to be a medical officer of schools or assistant medical officer of schools; and"

Amendment of section 41.

39. Section 41 of the principal Ordinance is amended by—

(a) the insertion in paragraph (c), after the word "teaching" wherever it occurs in each case, of the following—
"or activities";

(b) the deletion, from paragraph (d), of the words "the authority of an unregistered teacher to teach" and the substitution therefor of the following—

"a permit to employ a permitted teacher".

40. Subsection (1) of section 42 of the principal Ordinance is amended by— Amendment of section 42.

(a) the deletion of the words "direct him to take within a time to be stated in the notice such measures" and the substitution therefor of the following—

"give to him such directions";

(b) the insertion, after the full stop at the end thereof, of the following—

"Any such notice may specify a period of time within which the directions must be complied with."

41. The principal Ordinance is amended by the addition in Part VIII, after section 42, of the following new sections— Addition of new sections 42A and 42B.

"No teacher or pupil of school whose registration has been cancelled to be on school premises thereafter.

42A. Where the registration of a school has been cancelled under section 12 or section 37, no teacher or pupil of the school shall, save with the permission in writing of the Director, thereafter enter or remain upon or in the premises in which the school was operated.

Power of Director to direct closure of school or to give directions or make requirements and direct closure of school.

42B. (1) Where, in the opinion of the Director—

- (a) there is any danger whatsoever or risk of such danger to persons in a school; or
- (b) the conduct of the managers, teachers or pupils of a school is or has been unsatisfactory,

he may, by order in writing—

- (i) direct the closure of the school or prohibit the use of any place for the purposes of a school for such period as he thinks fit; or

- (ii) give such directions or make such requirements as he considers necessary, and may direct the closure of the school or prohibit the use of any place for the purposes of a school until such directions or requirements have been complied with to his satisfaction.

(2) No person other than a public officer acting in the course of his duty shall, save with the permission of the Director, enter or remain upon or in the premises of any school the closure of which has for the time being been directed under subsection (1) or any place the use of which has for the time being been prohibited under that subsection."

Amendment
of section
43.

42. Section 43 of the principal Ordinance is amended by—

- (a) the insertion, after paragraph (b) of the following new paragraph—
 - "(bb) schools operated in premises which are, by reason of the loading for which they were designed and constructed, unsuitable for the purposes of a school;"
- (b) the deletion, from paragraph (g) of subsection (1) of the words "books and";
- (c) the insertion in subsection (1), after paragraph (g), of the following new paragraph—
 - "(gg) the control of activities of managers, teachers, pupils and other persons in schools and of pupils' associations;"
- (d) the insertion in subsection (1), after paragraph (q), of the following new paragraph—
 - "(qq) the control of entrances to and exits from school premises;"
- (e) the deletion, from subsection (1), of paragraph (r) and the substitution therefor of the following—
 - "(r) the duties of supervisors and principals;"

- (f) the insertion in subsection (1), after paragraph (u), of the following new paragraph—

"(uu) requiring the supervisor to give to the Director such information concerning the school or pupils therein as may be requested by him;" and

- (g) the deletion of subsection (2).

43. Section 47 of the principal Ordinance is amended by— Amendment
of section
47.

- (a) the deletion from paragraph (c), of the words "an unregistered teacher authorized under section 25 to teach in that school" and the substitution therefor of the following—
 - "a permitted teacher";
- (b) the deletion, from sub-paragraph (ii) of paragraph (e), of the words "authority to employ or to be employed as an unregistered teacher" and the substitution therefor of the following—
 - "permission to employ as a teacher a person who is not registered as a teacher";
- (c) the deletion from sub-paragraph (iii) of paragraph (e) of the words and comma ", a registered teacher or of being authorized to teach as an unregistered teacher" and the substitution therefor of the following—
 - "or a registered teacher or of any person in respect of whom an application has been made under section 26 for permission to employ him as a teacher";
- (d) the insertion in paragraph (f) after the word "supervisor" of the following—
 - "or principal";
- (e) the deletion from paragraph (m) of the number and word "32 or";
- (f) the deletion of paragraph (n) and the substitution therefor of the following—
 - "(n) is the owner or acts as a manager or teacher of a school which is carried on in contravention of an order made under subsection (1) of section 42A;"

(g) the insertion after paragraph (n) of the following new paragraphs—

- “(o) enters or remains upon or in any premises or building in contravention of section 42A or subsection (2) of section 42B;
- (p) being a member of the management committee of a school fails to recommend the appointment of a principal in accordance with section 28A or 28B.”.

Addition of new sections 47A and 47B.

44. The principal Ordinance is amended by the addition after section 47 of the following new sections—

“Evidence.

47A. In any prosecution for an offence against this Ordinance or any regulation made thereunder—

- (a) where it is proved that any equipment, materials or documents of an educational nature or suitable for the purposes of a school were found at any place it shall be presumed until the contrary is proved that an educational course was provided at such place;
- (b) where it is proved that any person did any act in connexion with the organization or running of a school it shall be presumed until the contrary is proved that such person took part in the management of such school;
- (c) where it is proved that any person was in charge of or issued instructions to any person under twenty-one years of age on any school premises it shall be presumed until the contrary is proved that such person was teaching in that school.

Liability of landlord, etc.

47B. (1) Where it is proved to the satisfaction of a magistrate that a school which is not registered in accordance with section 8, not being a school exempted from the provisions of that section by virtue of section 6 or any order made thereunder, is being operated upon any premises, he may order that a notice in writing of the fact shall be served upon the landlord or tenant of the premises, or if such landlord or tenant is absent or under disability upon his

attorney, agent or rent collector, or if such landlord or tenant is a corporation upon the secretary or manager thereof.

(2) After service of a notice under subsection (1), any magistrate may, at the request of any such landlord, tenant, attorney, agent, rent collector, secretary or manager, make an order (which shall be recognized and given effect to in any proceeding in any court) terminating, as from the date of the order, the tenancy of the premises upon which such school is being operated, and thereupon such tenancy shall cease and determine for all purposes and any tenant or occupier of such premises or such part may thereafter be treated as a trespasser.

Any such order shall be sufficient authority to any police officer to enter, by force if necessary, into the premises and give possession of the same, or any part thereof specified in the order, to the landlord or his agent :

Provided that—

- (a) such entry shall not be made at any time except between 9 a.m. and 5 p.m.; and
- (b) the powers given by this subsection shall be in addition to and not in derogation of any powers conferred by or under any other enactment.

(3) If, after service of a notice under subsection (1), a school which is not registered in accordance with section 8, not being a school exempted from the provisions of that section by virtue of section 6 or any order made thereunder, is operated on the premises in respect of which such notice was given, the person upon whom such service is made (and the landlord or tenant of the premises also, if the person upon whom such service is made be an attorney, agent, rent collector, secretary or manager for and on behalf of the landlord or tenant) shall be guilty of an offence and shall be liable to a fine of five thousand dollars and imprisonment for two years, unless he proves to the satisfaction of the magistrate that he neither knew nor had reasonable means of knowing that such school was being operated.

(4) In this section—

“landlord” includes the holder of any lease or tenancy who has sub-let his holding or any part thereof;

“tenancy” includes any sub-tenancy;

“tenant” includes any sub-tenant.

Power to enter certain school premises and to remove persons therefrom.

47C. (1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that the provisions of section 42A or subsection (2) of section 42B have been or are being contravened, he may grant a search warrant authorizing any police officer named therein to enter, at any time, any premises or place and to search the premises or place and every person found therein and to remove therefrom any person who is or is reasonably suspected to be contravening the provisions of section 42A or subsection (2) of section 42B, as the case may be.

(2) In relation to any premises or place other than a dwelling house, it shall be lawful, if there is reasonable ground for suspecting that the provisions of section 42A or subsection (2) of section 42B have been or are being contravened, for any police officer—

(a) designated by the Commissioner and so authorized by him; and

(b) in possession, at the time, of satisfactory documentary evidence of his authority,

to enter, at any time, any such premises or place, without a warrant and if necessary by force, and to search such premises or place and every person found therein and to remove therefrom any person who is or is reasonably suspected to be contravening the provisions of section 42A or subsection (2) of section 42B, as the case may be.

(3) For the purposes of this section—

“Commissioner” means the Commissioner of Police of the Colony, a deputy commissioner or an assistant commissioner.”.

45. Section 48 of the principal Ordinance is amended by— Amendment of section 48.

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

(b) the addition thereto, after subsection (1), of the following new subsection—

“(2) In addition to any of the methods permitted by subsection (1), a notice in writing under section 47B may be served by posting the notice upon a conspicuous part of the premises to which it relates.”.

46. Section 50 of the principal Ordinance is amended by— Amendment of section 50.

(a) the deletion from subsection (1) of the words “authorized under section 25 hereof to teach at such school as an unregistered teacher, and the supervisor of such school shall be deemed to have authority hereunder to employ such teacher” and the substitution therefor of the following—

“a permitted teacher”;

(b) the deletion from subsection (3) of—

(i) the words “have authority thereunder to teach” and the substitution therefor of the following—

“be a permitted teacher”;

(ii) the words “authority to teach” and the substitution therefor of the following—

“a permit to employ a person who is not registered as a teacher”.

47. (1) The marginal note to section 27 of the principal Ordinance is amended by the deletion of the word “authorize” and the substitution therefor of the following— Alteration to marginal notes.

“issue permit to employ”.

(2) The marginal note to section 37 of the principal Ordinance is deleted and the following new marginal note is substituted therefor—

“Special powers of Governor in Council for purposes of public interest, welfare of pupils or education generally.”.

Effect of section 6 on registered schools.

48. Nothing in section 6 of this Ordinance shall affect the registration of any school which is registered or deemed to be registered under the principal Ordinance at the coming into operation of this Ordinance.

Provision for a reprint of the principal Ordinance as amended and of this Ordinance.

49. (1) The Government Printer shall, if directed by the Governor, cause to be prepared and published a reprint of the principal Ordinance and all the Schedules thereto incorporating therein all additions, omissions, substitutions and amendments effected by this Ordinance and by any other enactment amending the principal Ordinance or the Schedules thereto, and shall, if so directed, print as part of such reprint and as an appendix thereto sections 1 and 48 of this Ordinance together with this section.

(2) The publication of such reprint and appendix shall be notified by the Colonial Secretary in the *Gazette* and, with effect from the date of such notification, such reprint and appendix shall be deemed authentic copies of the principal Ordinance and the Schedules thereto as amended and of this Ordinance and shall be judicially noticed as such, and further shall be deemed to be official copies for the purposes of subsection (3) of section 7 of the Interpretation Ordinance.

(Cap. 1).

(3) If any inconsistency is shown to exist between a provision of any enactment authorized to be published in such reprint and appendix and that provision as published in such reprint and appendix, the provision as enacted shall prevail.

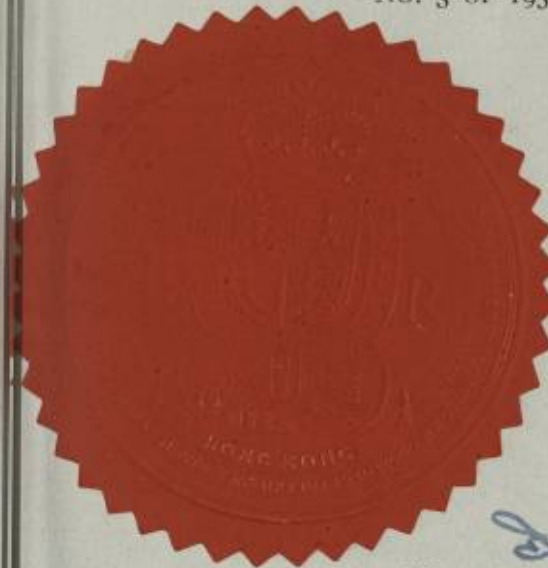
Passed the Legislative Council of Hong Kong, this 8th day of January, 1958.

H. J. Lagan
Deputy Clerk of Councils.

(Secretariat GR23/3231/52)

HONG KONG

No. 3 OF 1958.



I assent.

D. J. L.

Officer Administering the Government.

9th January, 1958.

An Ordinance further to amend the Town Planning Ordinance, Chapter 131.

[10th January, 1958.]

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 Town Planning Short title. (Amendment) Ordinance, 1958.

2. Section 11 of the Town Planning Ordinance (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following—

Repeal and replacement of section 11. (Cap. 131).

“Revocation, replacement and amendment of approved plans.

11. (1) The Governor in Council may—

- (a) revoke in whole or in part any approved plan; or
- (b) refer any approved plan to the Board for—
 - (i) replacement by a new plan, or
 - (ii) amendment.

(2) Notification of any revocation or reference under subsection (1) shall be published in the *Gazette* and noted by the Land Officer on the copy of the plan deposited under section 10.

(3) Upon any reference under paragraph (b) of subsection (1), a new plan in replacement of the plan referred or any amendment to the plan referred, as the case may be, shall be prepared, exhibited, considered, submitted, approved and deposited in accordance with the foregoing provisions of this Ordinance in like manner as the plan it replaces or amends and to this intent where the reference is under sub-paragraph (ii) of paragraph (b) of subsection (1), the word "plan" in sections 4 to 10 shall be construed as referring to the plan showing the amendment.

(4) A plan referred to the Board shall be replaced by the new approved plan or read as one with any approved amendment, as the case may be. The Land Officer shall endorse accordingly the copy of the plan deposited under section 10 which has been replaced or amended.

(5) Any draft amendment prepared under subsection (3) shall be deemed to be a draft plan for the purposes of subsection (6) of section 9 of the Buildings Ordinance, 1955."

(68 of 1955).

Amendment of section 12.

3. Section 12 of the principal Ordinance is amended by the deletion of the words "Until so revoked or replaced, approved plans" and the substitution therefor of the following—

"Approved plans".

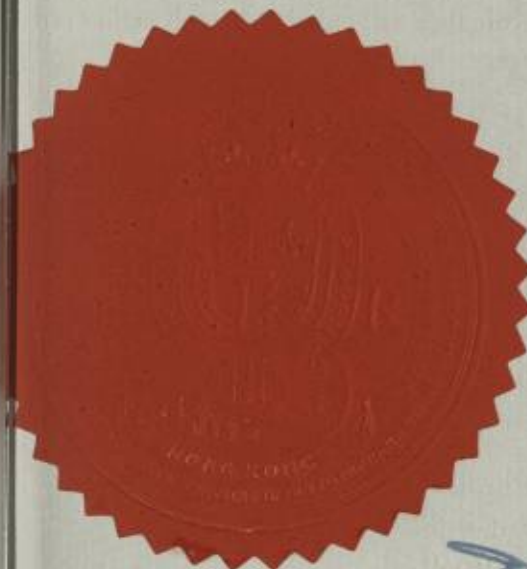
Passed the Legislative Council of Hong Kong, this 8th day of January, 1958.

Deputy Clerk of Councils.

(Secretariat BL L/M3355/57)

HONG KONG

No. 4 OF 1958.



I assent.

Officer Administering the Government.

9th January, 1958.

An Ordinance to amend the Hong Kong Airport (Control of Obstructions) Ordinance, 1957.

[10th January, 1958.]

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 Hong Kong Airport (Control of Obstructions) (Amendment) Ordinance, 1958. Short title.

2. (1) Section 3 of the Hong Kong Airport (Control of Obstructions) Ordinance, 1957 (hereinafter referred to as the principal Ordinance) is amended by the insertion in paragraph (b) of subsection (1) after the word "in" in the first place where it occurs of the following—

Amendment of section 3. (27 of 1957).

"or by".

(G.N.A.
102/57).

(2) For the avoidance of doubt, it is hereby declared that the Hong Kong Airport (Control of Obstructions) Order, 1957, which was enacted on the 10th day of December, 1957, shall be deemed to have been enacted under paragraph (b) of subsection (1) of section 3 of the principal Ordinance as amended by subsection (1) of this section.

Amend-
ment of
section 5.

3. Section 5 of the principal Ordinance is amended by—

- (a) the insertion after the word "Aviation" of the following—
"after consultation with the Director of Public Works"; and
- (b) the substitution of a comma for the full stop at the end thereof and by the insertion thereafter of the following—
"and specify the date by which the building works of such demolition or reduction in height shall be commenced."

Amend-
ment of
section 8.

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

- (a) the insertion after the figure "8" of the following—
"(1)";
- (b) the deletion of the words "lighting of an amber colour or of a colour resembling amber." and the substitution therefor of the following—
"occluding light of any colour.";
- (c) the addition after subsection (1) of the following new subsections—
"(2) For the purposes of this section, the expression "occluding light" includes any light which is cut off from view at regular or irregular intervals or which is visible suddenly or intermittently.
(3) This section shall not apply to navigational or signal lights, or to any occluding light of an intensity of less than two hundred candle-power."; and
- (d) the deletion from the marginal note thereto of the word "amber" and the substitution therefor of the following—
"occluding".

5. The principal Ordinance is amended by the addition after section 8 of the following new section—

Addition
of new
section 8A.

"Power to
prohibit
lighting.

8A. Where in the opinion of the Governor in Council the safety of aircraft so requires, he may by order prescribe areas within which no person shall expose to the sky or permit to be exposed to the sky any type of lighting specified in or by such order."

6. Section 12 of the principal Ordinance is amended by the deletion of paragraph (b) and the substitution therefor of the following—

Amend-
ment of
section 12.

"(b) for the demolition or reduction in height of any building which is required to be demolished or reduced in height by an order under paragraph (c) of subsection (1) of section 3, in any case—

(i) where the building works of such demolition or reduction have not been commenced by the date specified in a notice under section 5; or

(ii) where such demolition or reduction has not been completed by the date specified in a notice under section 5; or

(iii) where the Director of Public Works is of opinion that such demolition or reduction is unlikely to be completed by the date specified in a notice under section 5;"

7. Section 20 of the principal Ordinance is amended by—

Amend-
ment of
section 20.

(a) the deletion of the words "section 3 or section 7," and the substitution therefor of the following—

"section 3, 7 or 8A,"; and

(b) the deletion of the words "or of the provisions of section 8,".

8. Section 22 of the principal Ordinance is amended by—

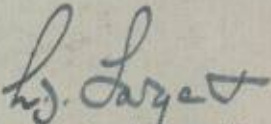
Amend-
ment of
section 22.

(a) the deletion in sub-paragraph (i) of paragraph (b) of subsection (1) of the semi-colon at the end thereof and by the insertion thereafter of the following—

"of an order under section 8A; or";

(b) the deletion in sub-paragraph (iii) of paragraph (b) of subsection (1) of the words "with section 8 or".

Passed the Legislative Council of Hong Kong, this 8th day of January, 1958.




Deputy Clerk of Councils.

(Secretariat GR5/3231/55)

HONG KONG

No. 5 OF 1958.

I assent.



Officer Administering the Government.

22nd January, 1958.

An Ordinance to amend the Hong Kong Tourist Association Ordinance, 1957.

[24th January, 1958.]

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 Hong Kong Tourist Association (Amendment) Ordinance, 1958. Short title.

2. Section 3 of the Hong Kong Tourist Association Ordinance, 1957 (hereinafter referred to as the principal Ordinance), is amended by the deletion of subsection (2) and the substitution thereof of the following— Amendment of section 3. (29 of 1957).

"(2) The Association shall consist of—

- (a) *ex-officio* members, who shall be the persons appointed to the Board of Management under section 9; and

(b) ordinary members and associate members admitted to membership under section 6.”.

Repeal and replacement of section 5.

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

“Ordinary and associate membership.

5. (1) Any international passenger carrier, recognized travel agent, hotel proprietor, tourist agent or trade association shall be eligible for admission to membership of the Association as an ordinary member.

(2) Any person (which expression includes any body of persons corporate or unincorporate) who is interested in travel and tourist development, either commercially or otherwise, and who is not eligible for membership under subsection (1), shall be eligible for admission to membership of the Association as an associate member.

(3) An associate member shall be entitled to attend meetings of the Association, but shall not be entitled to take part in the proceedings or to vote at any such meeting.”.

Amendment of section 6.

4. Section 6 of the principal Ordinance is amended by the insertion in subsection (1) after the word “Board” of the following—

“and in the case of an application for associate membership, shall be sponsored by two ordinary members”.

Amendment of section 7.

5. Section 7 of the principal Ordinance is amended by the insertion between the words “any” and “member” of the following—

“ordinary or associate”.

Passed the Legislative Council of Hong Kong, this 22nd day of January, 1958.

L. J. Lopez
Deputy Clerk of Councils.

(Secretariat GR5/2091/57)

HONG KONG

No. 6 OF 1958.



I assent.

[Signature]
Officer Administering the Government.

22nd January, 1958.

An Ordinance to amend the provisions of the Merchandise Marks Ordinance, Chapter 41.

[24th January, 1958.]

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 Merchandise Marks (Amendment) Ordinance, 1958. Short title.

2. Section 2 of the Merchandise Marks Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 2. (Cap. 41).

(a) in the definition “false trade description” by the insertion after the word “false” in the second and third places where it occurs of the following—

“or misleading”;

(b) by the addition after the definition “goods” of the following new definition—

““import” means to bring or cause to be brought into the Colony by land, air or water;”;

- (c) by the addition after the definition "person" of the following new definition—
" "possession" includes physical and constructive possession ;";
- (d) in the definition of "trade description"—
- (i) in paragraph (b) by the insertion after the word "produced" of the following—
"or printed or published";
- (ii) in paragraph (e) by the deletion of the comma after the word "copyright" and the substitution therefor of the following—
"; or";
- (iii) by the insertion after paragraph (e) of the following new paragraphs—
"(f) as to the standard of quality or the fitness for purpose of any goods, according to a classification commonly used or recognized in the trade; or
(g) as to the strength, performance or behaviour of any goods,";
- (e) in the definition "trade mark" by—
- (i) the deletion of the figures "1905" and the substitution therefor of the following—
"1938"; and
- (ii) the deletion of the words and figures "section 91 and the proviso to subsection (1) of section 98 of the Patents and Designs Act, 1907" and the substitution therefor of the following—
"section 91 of the Patents and Designs Act, 1907, and section 106 of the Patents Act, 1949";
- (f) by the addition after subsection (3) of the following new subsection—
"(4) Without prejudice to the generality of the definitions "false trade description" and "trade description", a trade description (to whichever of the matters mentioned in the definition "trade description" it relates) shall be deemed to be a false

trade description if it is calculated to be misunderstood as, or mistaken for, an indication as to the same or some other such matter which would be false or misleading in a material respect as regards the goods to which the description is applied, and anything calculated to be misunderstood as, or mistaken for, an indication of any of those matters shall be deemed for those purposes to be a trade description."

3. Section 3 of the principal Ordinance is amended—

Amendment
of section 3.

- (a) in paragraph (e) of subsection (1) by—
- (i) the substitution of a comma for the semi-colon after the words "trade mark"; and
- (ii) the insertion after the word "or" at the end thereof of the following—
"for the purpose of making, or applying to goods, a false trade description; or";
- (b) by the deletion of subsection (2) and the substitution therefor of the following—
"(2) Any person who sells, or exposes or has in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall be guilty of an offence, unless he proves either—
- (a) that, having taken all reasonable precautions against committing an offence against this Ordinance, he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark or trade description, and that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the person from whom he obtained such goods or things; or
- (b) that otherwise he had acted innocently."

- (c) by the deletion of subsection (3) and the substitution therefor of the following—

“(3) Any person who is guilty of an offence against this Ordinance shall be liable—

- (a) upon conviction on indictment to a fine of one hundred thousand dollars and imprisonment for five years, and
(b) upon summary conviction to a fine of fifty thousand dollars and imprisonment for two years.

(3A) Where a body corporate is convicted of an offence against this Ordinance, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.”;

- (d) by the deletion of subsection (4) and the substitution therefor of the following—

“(4) Any goods or things by means of or in relation to which any offence (including any attempt to commit an offence) has been committed against any of the provisions of this Ordinance, whether or not any person has been convicted in respect thereof, shall be liable to forfeiture, and the court or magistrate to whom any application for forfeiture is made, upon being satisfied that such goods or things or any part thereof are so liable, may order the same to be destroyed or, after obliteration of any false trade marks or trade descriptions applied thereto, to be otherwise disposed of as such court or magistrate may think fit.”;

- (e) by the deletion of subsection (5).

Amendment
of section 5.

4. Section 5 of the principal Ordinance is amended by the insertion after subsection (1) of the following new subsection—

“(1A) Goods delivered in pursuance of a request made by reference to a trade mark or mark or trade description appearing in any sign, advertisement, invoice, wine list,

business letter, business paper or other commercial communications shall for the purpose of paragraph (e) of subsection (1) be deemed to be goods in connexion with which a trade mark or mark or trade description is used.”.

5. Section 11 of the principal Ordinance is amended—

- (a) by the deletion of subsection (1) and the substitution therefor of the following—

Amendment
of section
11.

“(1) If information is given upon oath to any magistrate that there is reasonable cause for suspecting that any goods or things, by means of or in relation to which any offence (including any attempt to commit an offence) against any of the provisions of this Ordinance has been or is being committed, are in any house, premises, vessel or other place or in the possession of any person, it shall be lawful for the magistrate, by warrant under his hand directed to any police officer, to cause such house, premises, vessel or other place to be entered or such person to be apprehended, if need be by force, and searched at any time by day or by night, and any such goods, or things, whether specified in the warrant or not, to be seized and carried away or placed under guard on the spot as shall appear to such officer expedient; and any such goods or things seized under any such warrant shall be brought before or referred to a magistrate, as soon as may be, for the purpose of its being determined whether the same or any part thereof are or are not liable to forfeiture under this Ordinance.”;

- (b) in subsection (2), by the deletion of the words “If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Ordinance is unknown or cannot be found” and the substitution therefor of the following—

“Notwithstanding that the owner of any goods or things seized under this section is known or can be found”.

Amendment
of section
14.

6. Section 14 of the principal Ordinance is amended—
- (a) by the insertion after the figures "14" of the following—
" (1) ";
 - (b) in paragraph (a) by the insertion after the words "United Kingdom" of the following—
"or the Colony";
 - (c) by the addition after paragraph (g) of the following new subsections—
 " (2) Paragraph (a) and sub-paragraph (i) of paragraph (c) of subsection (1) shall apply to a mark being, or purporting to be, a certification trade mark registered or deemed to be registered under the provisions of the Trade Marks Ordinance, 1954, in the name, as proprietor thereof, of a person in the Colony in the same manner as they apply to the trade mark of a manufacturer, dealer or trader in the Colony.
 (3) For the purposes of this section the word "foreign" means any place outside the Colony and the United Kingdom."

(No. 47
of 1954).

Amendment
of section
16.

7. Section 16 of the principal Ordinance is amended—
- (a) by the insertion after the figures "16" of the following—
" (1) ";
 - (b) by the addition of the following new subsection—
 " (2) Notwithstanding anything in the definition "false trade description" and without prejudice to the provisions of section 14, no trade mark within the meaning of the Trade Marks Ordinance, 1954, or part of such a trade mark, shall be treated as a false trade description merely by reason that such description may be misleading in relation to any goods to which the trade mark is applied, if the following conditions are satisfied, that is to say—
 (a) on the 24th day of January, 1958, the trade mark either is registered under the Trade Marks Ordinance, 1954, or is in

(No. 47
of 1954).

use to indicate a connexion in the course of trade between those goods and the proprietor of the trade mark; and

- (b) the trade mark as applied is used to indicate a connexion in the course of trade between the goods and the person who is the proprietor of the trade mark or between the goods and a person who is registered under section 58 of the Trade Marks Ordinance, 1954, as a registered user of the trade mark; and
- (c) the person who is the proprietor of the trade mark is the same person as, or a successor in title of, the proprietor on the 24th day of January, 1958."

8. Subsection (1) of section 19 of the principal Ordinance is amended by the deletion of the full stop at the end thereof and the substitution therefor of the following— Amendment
of section
19.

"and providing for the protection and payment of informers and matters relating to the seizure of any article or thing in connexion with any such prosecution."

9. The principal Ordinance is amended by the addition after section 19 of the following new section— Addition
of new
section 20.

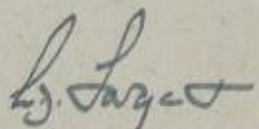
20. Where any property has come into the possession of the Crown or any public officer acting in pursuance of the provisions of any regulations made under this Ordinance, the provisions of section 48 of the Magistrates Ordinance shall, subject to the provisions of such regulations, apply to such property in all respects as though such property had come into the possession of the police in connexion with a criminal offence and such section shall be construed as though reference to the Crown or such public officer, as the case may be, were substituted therein for reference to the police."

"Power
to make
orders with
respect to
property in
possession
of the
Crown etc.
(Cap. 227).

Commence-
ment of
certain
provisions.

10. The amendments made by paragraph (a), sub-paragraph (iii) of paragraph (d) and paragraph (f) of section 2 and by section 7 shall not come into operation until the 1st day of August, 1958.

Passed the Legislative Council of Hong Kong, this 22nd day of January, 1958.



Deputy Clerk of Councils.

(Secretariat GR3/3231/51)

HONG KONG

No. 7 OF 1958.



I assent.



Officer Administering the Government.

22nd January, 1958.

An Ordinance to amend the Man Mo Temple Ordinance, Chapter 154.

[24th January, 1958.]

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 Man Mo Temple Short title. (Amendment) Ordinance, 1958.

2. The Man Mo Temple Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after section 1 of the following new section—

Addition
of new
section 1A.
(Cap. 154).

"Interpre-
tation.

1A. In this Ordinance—

(1 of 1870).
(Cap. 317).

"Tung Wah Hospital" means the corporation created by the Tung Wah Hospital Incorporation Ordinance, 1870, and continued by the Tung Wah Hospital Ordinance."

Repeal and replacement of section 8.

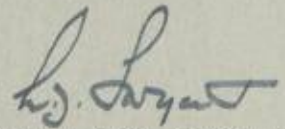
3. Section 8 of the principal Ordinance is repealed and replaced by the following—

"Man Mo Temple Fund.

8. The Man Mo Temple Fund shall be used for the following objects—

- (a) to provide for the upkeep of the Man Mo Temple and the maintenance of the customary religious observances thereof;
- (b) to keep the buildings belonging to the Man Mo Temple Fund in good repair and to alter, add to, pull down or rebuild any of the said buildings;
- (c) to develop any property belonging to the Man Mo Temple Fund either by pulling down any existing premises or structures and rebuilding thereon or in any other manner as the Tung Wah Hospital see fit;
- (d) to maintain schools in Hong Kong for children of Chinese race;
- (e) to assist any charitable or philanthropic institution of benefit to the Chinese community of Hong Kong;
- (f) to apply, with the approval of the Governor, any part of its income for the purposes of any hospital managed or administered by the Tung Wah Hospital, or for or towards the building of any new hospital to be managed or administered by the Tung Wah Hospital."

Passed the Legislative Council of Hong Kong, this 22nd day of January, 1958.




Deputy Clerk of Councils.

(Secretariat GR3246/57)

HONG KONG

No. 8 OF 1958.

I assent.



Officer Administering the Government.

22nd January, 1958.

An Ordinance to amend the Tung Wah Hospital Ordinance, Chapter 317.

[24th January, 1958.]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

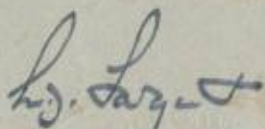
1. This Ordinance may be cited as the Tung Wah Hospital Short title. (Amendment) Ordinance, 1958.

2. Section 5 of the Tung Wah Hospital Ordinance is amended by the addition after subsection (4) of the following new subsection—

Amendment of section 5. (Cap. 317).

"(4A) The corporation shall have power, with the approval of the Governor, to apply or grant any sum of money from its funds for the development of any property belonging to the Man Mo Temple Fund."

Passed the Legislative Council of Hong Kong, this 22nd day of January, 1958.



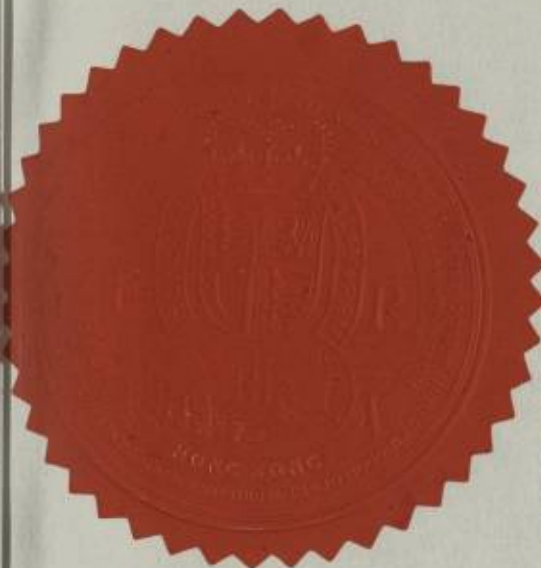
Deputy Clerk of Councils.

(Secretariat GR3246/57)

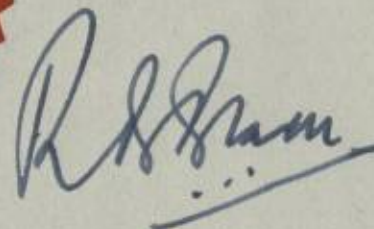


HONG KONG

No. 9 OF 1958.



I assent.



Governor.

6th March, 1958.

An Ordinance to amend the Inland Revenue Ordinance, Chapter 112.

[7th March, 1958.]

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 Inland Revenue Short title, (Amendment) Ordinance, 1958.

2. Section 2 of the Inland Revenue Ordinance (hereinafter referred to as the principal Ordinance) is amended—

(a) by being re-numbered subsection (1) of section 2;

Amendment
of
section 2.
(Cap. 112,
1956
Reprint).

(b) by the insertion after the definition of the expression "tax" of the following new definition—

“ “the Commonwealth” shall be deemed to include those territories and their dependencies which are named in the Third Schedule;”
Third Schedule.

(c) by the addition thereto of the following new subsection—

“(2) The Governor in Council may, from time to time, amend the Third Schedule by order published in the *Gazette*.”.

Amendment of section 4.

3. Section 4 of the principal Ordinance is amended—

(a) by the deletion in subsection (1) of the words “his authorized representative” and the substitution therefor of the following—

“his executor or the authorized representative of such person or such executor”;

(b) by the deletion of the comma and the word “or” at the end of paragraph (b) of subsection (4) and the substitution therefor of a full stop;

(c) by the deletion of paragraph (c) of subsection (4);

(d) by the addition after subsection (5) of the following new subsection—

“(6) Notwithstanding anything contained in this section, where the Commissioner is of the opinion that any tax deemed to be in default under the provisions of subsection (1) of section 71 has for the time being become irrecoverable, he may communicate to the Financial Secretary the names and descriptions of the persons charged with such tax together with particulars of the tax in default.”.

Amendment of section 28.

4. Section 28 of the principal Ordinance is amended by the insertion in paragraph (a) of the proviso after the word “annum” of the following—

“or such other rate as may from time to time be declared by a resolution of the Legislative Council”.

5. The principal Ordinance is amended by the addition after the Second Schedule of the following new Schedule—

Addition of new Schedule.

“THIRD SCHEDULE. [s. 2.]

Aden	Mauritius
Antigua	Montserrat
Australia	New Hebrides
Bahamas	New Zealand
Barbados	Nigeria
Basutoland	North Borneo
Bechuanaland	Northern Rhodesia
Bermuda	Nyasaland Protectorate
British Guiana	Pakistan
British Honduras	St. Christopher Nevis and Anguilla
British Solomon Islands	St. Helena
Brunei	Sarawak
Canada	Seychelles
Ceylon	Sierra Leone
Channel Islands	Singapore
Cyprus	Somaliland Protectorate
Falkland Islands	Southern Rhodesia
Federation of Malaya	South-West Africa
Fiji	Swaziland
Gambia	Tanganyika
Ghana	Tonga
Gibraltar	Trinidad and Tobago
Gilbert and Ellice Islands	Uganda Protectorate
Hong Kong	Union of South Africa
India	United Kingdom of Great Britain and Northern Ireland
Isle of Man	Virgin Islands
Jamaica	Windward Islands
Kenya	Zanzibar”.
Malta	

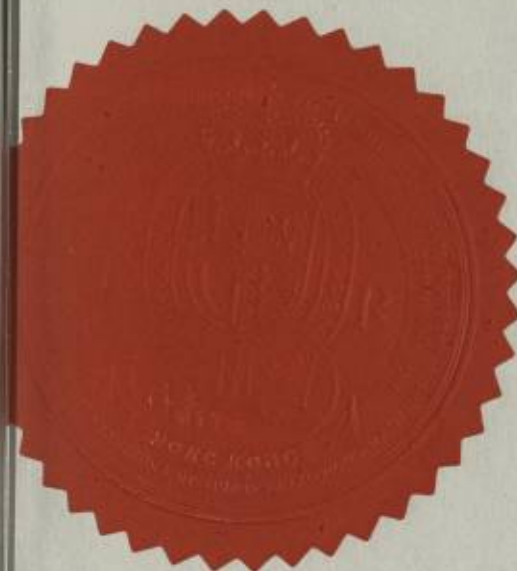
Passed the Legislative Council of Hong Kong, this 6th day of March, 1958.

Deputy Clerk of Councils.

(Secretariat GR2/2301/47V)

HONG KONG

No. 10 OF 1958.



I assent.

Governor.

6th March, 1958.

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1957.

[7th March, 1958.]

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, 1957, in addition to the charge upon the revenue of the Colony authorized by the Appropriation (1956-57) Ordinance, 1956 : (10 of 1956).

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 Short title. Appropriation (1956-57) Ordinance, 1958.

Appropriation.

2. A sum of seventeen million six hundred and forty-nine thousand four hundred and seventy 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, 1957, the appropriation of the sum so charged being approved as specified in the Schedule.

SCHEDULE.

Number of Vote	Title of Vote	Amount of Vote
		\$
2	Agriculture, Fisheries & Forestry Department	112,498
4	Broadcasting Department	4,932
5	Civil Aviation Department	105,254
9	Defence:—	
	I—Directorate of Manpower	15,044
14	Kowloon Canton Railway	2,493,917
15	Labour Department:—	
	A—Labour Division	202
19	Miscellaneous Services	8,198,199
20	New Territories, District Administration	266,001
21	Pensions	104,976
23	Post Office	173,197
27	Public Relations Office	9,787
34	Registrar General's Department	10,020
35	Registry of Trade Unions	1,388
39	Stores Department	6,052,144
41	Treasury:—	
	A—Treasury	101,911
	Total	<u>\$17,649,470</u>

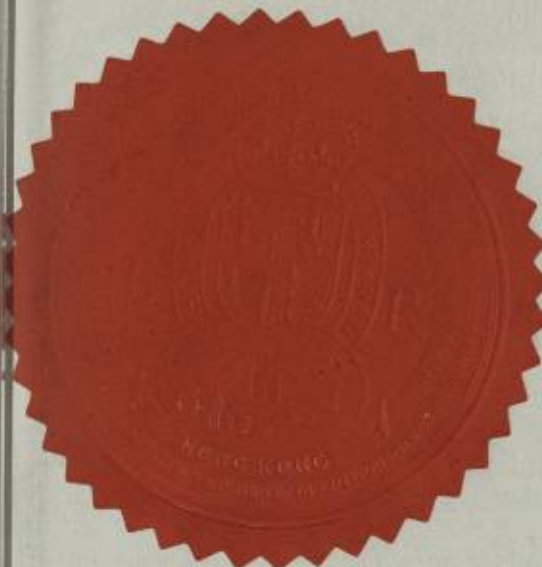
Passed the Legislative Council of Hong Kong, this 6th day of March, 1958.

L. Lopez
Deputy Clerk of Councils.

(Secretariat GR1/2311/56)

HONG KONG

NO. 11 OF 1958.



I assent.

[Signature]
Governor.

27th March, 1958.

An Ordinance to amend the Workmen's Compensation Ordinance, 1953.

[28th March, 1958.]

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 Workmen's Compensation (Amendment) Ordinance, 1958. Short title.

2. Subsection (1) of section 2 of the Workmen's Compensation Ordinance, 1953, (hereinafter referred to as the principal Ordinance) is amended by the deletion of the words "as is for the time being specified in the First Schedule hereto". Amendment of section 2.

Amendment
of section 3.

3. Section 3 of the principal Ordinance is amended—

- (a) by the deletion from the definition of the expression "partial incapacity" of the word "Second" appearing in the proviso thereto;
- (b) by the deletion from the definition of the expression "total incapacity" of the word "Second" appearing in the proviso thereto.

Amendment
of section 4.

4. Section 4 of the principal Ordinance is amended—

- (a) by the deletion of the words and commas ", or selected for appointment to," appearing in the proviso thereto;
- (b) by the deletion of the words and comma "before the date upon which this Ordinance comes into operation," appearing in the proviso thereto.

Amendment
of section 8.

5. Subsection (1) of section 8 of the principal Ordinance is amended by the deletion of the word "Second" appearing respectively in paragraph (a) and paragraph (b) thereof.

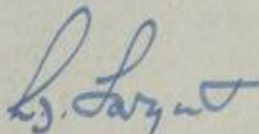
Repeal of
First
Schedule.

6. The principal Ordinance is amended by the repeal of the First Schedule thereto.

Amendment
of heading
to Second
Schedule.

7. The principal Ordinance is amended by the deletion of the word "Second" from the heading of the Second Schedule thereto.

Passed the Legislative Council of Hong Kong, this 26th day of March, 1958.



Deputy Clerk of Councils.

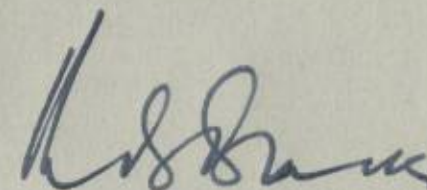
(Secretariat GR7569/45II)

HONG KONG

No. 12 OF 1958.



I assent.



Governor.

2nd April, 1958.

An Ordinance to apply a sum not exceeding six hundred and forty-eight million, one hundred and twenty-one thousand, seven hundred and ten dollars to the Public Service of the financial year ending the 31st day of March, 1959.

[3rd April, 1958.]

WHEREAS the expenditure required for the service of this Preamble. Colony for the financial year ending on the 31st day of March, 1959, has been estimated at the sum of six hundred and forty-eight million, one hundred and twenty-one thousand, seven hundred and ten dollars :

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

1. This Ordinance may be cited as the Appropriation Short title. (1958-59) Ordinance, 1958.

Appropriation from the general revenues and other funds.

Schedule.

2. A sum not exceeding six hundred and forty-eight million, one hundred and twenty-one thousand, seven hundred and ten dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April, 1958, and ending on the 31st day of March, 1959, and the said sum so charged may be expended in the manner expressed in the Schedule.

SCHEDULE.

[s. 2.]

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
1.	His Excellency the Governor's Establishment	459,800
2.	Agriculture, Fisheries and Forestry Department ..	4,445,100
3.	Audit Department	792,200
4.	Broadcasting Department	2,139,600
5.	Civil Aviation Department	4,369,500
6.	Colonial Secretariat and Legislature	3,524,500
7.	Commerce and Industry Department	6,010,700
8.	Co-operatives and Marketing Department	568,200
Defence		
9A.	R.H.K.D.F. Headquarters and Hong Kong Regiment	2,096,700
9B.	Hong Kong Royal Naval Volunteer Reserve ...	882,200
9C.	Hong Kong Auxiliary Air Force	1,155,700
9D.	Essential Services Corps	96,900
9E.	Auxiliary Fire Service	254,000
9F.	Auxiliary Medical Service.....	1,074,200
9G.	Civil Aid Services	1,964,500
9H.	Registration of Persons	469,000
9I.	Directorate of Manpower	64,900
9J.	Miscellaneous Measures	18,175,000
10.	Education Department	31,124,700
11.	Fire Brigade	4,871,900
12.	Inland Revenue Department	3,721,300

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
13.	Judiciary	3,067,700
14.	Kowloon Canton Railway	4,292,900
Labour Department		
15A.	Labour Division	1,279,100
15B.	Mines Division	116,800
16.	Legal Department	931,800
17.	Marine Department	14,032,200
18.	Medical Department	43,427,300
19.	Miscellaneous Services	11,520,000
20.	New Territories, District Administration	2,178,700
21.	Pensions	15,231,000
Police Force		
22A.	Hong Kong Police	57,355,900
22B.	Hong Kong Police (Auxiliaries)	1,528,300
23.	Post Office	19,452,700
24.	Printing Department	2,585,900
25.	Prisons Department	8,586,900
26.	Public Debt	3,247,710
27.	Public Relations Office	758,800
28.	Public Services Commission	29,400
29.	Public Works Department	30,976,500
30.	Public Works Recurrent	29,977,000
31.	Public Works Non-Recurrent	186,750,000
32.	Quartering	2,886,100
33.	Rating and Valuation Department	725,100
34.	Registrar General's Department	1,307,400
35.	Registry of Trade Unions	192,600

“Vice-Chancellor”, “Pro-Vice-Chancellor”, “Treasurer”, “Deans of Faculties”, “Registrar”, “Bursar” and “Librarian” respectively mean the Vice-Chancellor, Pro-Vice-Chancellor, Treasurer, Deans of Faculties, Registrar, Bursar and Librarian of the University;

“Court”, “Council”, “Senate”, “Convocation”, and “Institute of Oriental Studies” respectively mean the Court, the Council, the Senate, Convocation, and the Institute of Oriental Studies of the University;

“officers” and “teachers” respectively mean the officers and teachers of the University;

“statutes” mean the statutes of the University;

“University” means the University of Hong Kong.

(2) For the purposes of this Ordinance, “good cause”, when used with reference to removal from office, membership or place and with reference to such of the members of the University and of the officers and teachers as shall be designated by the Ordinance and statutes, means, in the opinion of the Council after due inquiry, inability to perform efficiently the duties of the office, neglect of duty, or such misconduct, whether in an official or a private capacity, as renders the holder unfit to continue in office.

Visitors.

3. Should Her Majesty deign to become a Visitor of the University, or to appoint some other person in that behalf, Her Majesty or such other person shall forthwith become a Visitor as aforesaid and shall exercise such powers of supervision as may seem good to Her.

Incorporation.
(Cap. 319).

4. Notwithstanding the repeal of the University Ordinance, the University shall continue in being with the name and style of “The University of Hong Kong”, by which name the members of the University as defined from time to time by Statute IV in the Schedule to this Ordinance shall constitute one body politic and corporate with perpetual succession and a common seal, and

with full power by and in such name to sue and be sued, and without any further licence to take by gift or otherwise, purchase and hold, grant, demise or otherwise dispose of real or personal estate, and with the other powers conferred by, under or by virtue of this Ordinance.

5. All the property vested in the University immediately before the coming into operation of this Ordinance shall continue to be so vested subject, so far as leasehold property is concerned, to the payment of the rents reserved by, and the performance and observance of the covenants, obligations and conditions on the part of the lessee contained in the Crown leases or conditions of grant of such property. Property.

6. (1) Contracts on behalf of the University may be made as follows— Form of contracts.

- (a) a contract which, if made between private persons, would be required by law to be in writing, and if made according to English law to be under seal, may be made on behalf of the University in writing under the common seal of the University;
- (b) a contract which, if made between private persons, would be required by law to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the University in writing signed by any person acting under the express or implied authority of the Council;
- (c) a contract which, if made between private persons would be valid by law, although made by parole only and not reduced into writing, may be made by parole on behalf of the University by any person acting under the express or implied authority of the Council.

(2) A contract made according to this section shall be effectual in law and shall bind the University and its successors and all other parties thereto.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorized by this section to be made.

(4) Instruments under seal made on behalf of the University, sealed with the common seal of the University, signed by the Chancellor or Vice-Chancellor or Treasurer and countersigned by the Registrar, shall be deemed to be duly executed.

Dividends prohibited.

7. No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the University to or among any of its members except by way of prize, reward, or special grant.

Court, Council and Senate, their constitutions, powers and duties.

8. (1) There shall be a Court, a Council and a Senate whose respective constitutions, powers, and duties shall be prescribed by this Ordinance and the statutes.

(2) The Court shall, subject to the provisions of this Ordinance and the statutes, be the supreme governing body of the University.

(3) The Council shall be the executive body of the University, and shall provide for the custody and use of the University seal, and subject to the provisions of this Ordinance and the statutes, it shall administer the property and manage the affairs of the University.

(4) Subject to the provisions of this Ordinance and the statutes, and to the financial control of the Council, the Senate shall have the regulation of all matters relating to education in the University.

(5) No act or resolution of the Court, the Council, or the Senate shall be invalid by reason only of any vacancy in, or any want of qualification by or invalidity in the election or appointment of any member of, any such body.

9. (1) There shall be Faculties of Arts, Science, Medicine, Engineering and Architecture, and such other Faculties as may be constituted by the Court on the recommendation of the Council and the Senate. In the Faculty of Arts due provision shall be made for the study of the Chinese language and literature.

Faculties and Institutes.

(2) There shall be a Board and a Dean of each Faculty with such powers respectively as may be prescribed by this Ordinance and the statutes.

(3) There shall be an Institute of Oriental Studies whose constitution, powers, and duties shall be as prescribed by the statutes.

(4) The Court, on the recommendation of the Council and the Senate, may form such other institutes of studies and learning as may from time to time be desirable.

10. (1) There shall be a Convocation of the University, whose constitution, powers and privileges shall be as prescribed by the statutes.

Convocation.

(2) Convocation shall have such and so many representatives in the Court and on such conditions as may be prescribed by the statutes.

11. For the purpose of advising the Council with regard to the award of honorary degrees, there shall be an Honorary Degrees Committee which shall consist of such persons as shall be provided by the statutes.

Honorary Degrees Committee.

12. (1) The Court, the Council, the Senate, and the Board of any Faculty respectively may establish such committees as they think fit.

Committees generally.

(2) Unless otherwise expressly provided, any committee may consist partly of persons who are not members of the Court, the Council, the Senate or the Board of any Faculty, as the case may be.

(3) Subject to the provisions of this Ordinance and the statutes, the Court, the Council, the Senate, and the Board of any Faculty respectively may, with or without restrictions or conditions as they think fit, delegate any of their powers and duties to any committee.

Officers and teachers, their appointment, powers, duties and emoluments.

13. (1) The officers shall be the Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Treasurer, the Deans of the Faculties, the Registrar, the Bursar, the Librarian, and such other persons as may be designated as officers by the statutes.

(2) The Chancellor shall be the chief officer of the University.

(3) The Governor shall be the Chancellor. In the absence of the Governor the officer administering the Government or the Governor's Deputy shall be the Acting Chancellor, and as such shall have all the powers and duties of the Chancellor.

(4) The Vice-Chancellor shall be the principal academic and administrative officer of the University.

(5) The Vice-Chancellor, the Pro-Vice-Chancellor, the Treasurer, the Registrar, the Bursar, the Librarian, and the other officers designated as such by the statutes shall be appointed by the Council in accordance with the statutes, and the Council shall not terminate any such appointment otherwise than for good cause.

(6) The Deans of the Faculties shall be appointed in accordance with the statutes.

(7) The Teachers shall be the Professors, Readers, Lecturers, and such other persons as may be designated Teachers by the statutes. The Teachers shall be appointed by the Council, and the Council shall not terminate any such appointment otherwise than for good cause after due consideration of the recommendation of the Senate.

(8) Notwithstanding the provisions of subsections (5) and (7), any officer or teacher—

- (a) who is appointed after or continued in employment beyond a retiring age determined by the Council; or
- (b) whose employment is temporary, part-time or probationary,

may be removed from office in accordance with the terms of his contract of service or on any other lawful grounds, without any reason for such removal being assigned.

(9) An appeal shall lie to the Chancellor from any decision of the Council to terminate the appointment of any officer or teacher.

(10) Subject to the foregoing provisions of this section, the Council may appoint a Pro-Vice-Chancellor to exercise the powers and perform the duties of the Vice-Chancellor during a vacancy in that office, or during the absence or inability of the Vice-Chancellor.

(11) The powers and duties of the officers and teachers, the periods and conditions for and upon which they hold office and their emoluments shall be such as are prescribed by this Ordinance, the statutes, and the terms of their respective appointments; but the Council may assign to any officer or teacher, subject in the case of the Chancellor to his consent, such further powers and duties as it may think fit.

(12) The contract of service or employment of any member of the staff of the University who is not an officer or teacher may be determined in accordance with the terms of his contract of service or employment, or on any other lawful grounds, without any reason for such termination being assigned.

14. (1) Subject to the provisions of this Ordinance, the University shall be governed in accordance with the provisions of the statutes. Statutes.

(2) The Council may propose to the Court additions to, or the amendment or repeal of, any of the statutes, whereupon on the recommendation by the Court to the Chancellor, the Chancellor may make any such addition, amendment, or repeal as recommended by the Court.

(3) Every such addition, amendment and repeal made by the Chancellor in accordance with subsection (2) of this section, shall be published in the *Gazette*, and may be published in the

Gazette of the University or in such other manner as the Chancellor may direct.

(4) The statutes contained in the Schedule hereto shall be deemed to have been made under this Ordinance.

(Cap. 1). (5) The Interpretation Ordinance shall apply for the purposes of the interpretation of the statutes as it applies for the purposes of the interpretation of an Ordinance, and all expressions defined in this Ordinance shall bear the same meaning when used in the statutes, unless other provision is made in the statutes or a contrary intention otherwise appears.

Examiners. 15. All examinations held by the University shall be conducted in such manner as the statutes and any regulations made thereunder may prescribe :

Provided that for degree examinations for the final year and such other examinations for degrees as the Senate may from time to time recommend, at least one external and independent examiner shall be appointed for each subject or group of subjects forming part of the course of studies required, if practicable.

Power to confer degrees, etc. 16. The University shall have power—
(a) to confer such degrees as may be specified in the statutes ;
(b) to award diplomas and certificates and such other academic distinctions as may be specified in the statutes ;
(c) to provide such lectures and instruction for persons not members of the University as the University may determine, and to grant certificates to such persons.

Repeal. (Cap. 319). 17. The University Ordinance is repealed :

Provided that the officers and auditors of the University appointed under the provisions of the Ordinance repealed by this section, who held office immediately before the commencement of this Ordinance, shall be deemed to have been appointed and to hold office under the provisions of this Ordinance.

SCHEDULE.
STATUTES OF THE UNIVERSITY.

ARRANGEMENT OF STATUTES.

<i>Statute.</i>	<i>Page.</i>
I. Interpretation	10
II. Congregations	10
III. Degrees and other academic distinctions	10
IV. Members of the University	11
V. The Vice-Chancellor	12
VI. The Pro-Vice-Chancellor	12
VII. The Treasurer	12
VIII. The Deans of the Faculties	12
IX. The Registrar and other officers	13
X. The Auditors	13
XI. The Teachers of the University	13
XII. Honorary and Emeritus Professors	14
XIII. Procedure Generally	14
XIV. The Court	14
XV. Meetings of the Court	15
XVI. Powers of the Court	16
XVII. The Council	16
XVIII. Powers of the Council	17
XIX. The Honorary Degrees Committee	18
XX. Financial Procedure	19
XXI. The Senate	19
XXII. Powers of the Senate	20
XXIII. The Teaching Departments	21
XXIV. The Institute of Oriental Studies	21
XXV. The Boards of the Faculties	22
XXVI. Powers of the Boards of the Faculties	22
XXVII. Convocation	23
XXVIII. Examinations	24

STATUTES OF THE UNIVERSITY.

STATUTE I.

Interpretation.

In these statutes unless the context otherwise requires—

“Ordinance” means the University Ordinance;

“University”, “statutes”, “Court”, “Council”, “Senate”, “Convocation”, “Chancellor”, “Vice-Chancellor”, “Pro-Vice-Chancellor”, “Treasurer”, “Deans of Faculties”, “Institute of Oriental Studies”, “Registrar”, “Bursar”, “Librarian”, “officer”, “Teacher”, shall have respectively the same meanings as they have in the Ordinance;

“academic year” means such period, not exceeding twelve consecutive months, and “term” and “academic term” mean such part of an academic year, as the Senate shall from time to time determine.

STATUTE II.

Congregations.

1. The time, place and procedure of the congregations of the whole University shall be determined by the Chancellor.

2. The Chancellor, or in his absence the Vice-Chancellor, shall preside at congregations.

3. At least one congregation shall be held in each academic year.

STATUTE III.

Degrees and other academic distinctions.

1. The University may confer any of the following degrees—

Bachelor of Arts—B.A.

Bachelor of Science—B.Sc.

Bachelor of Science with Honours—B.Sc. (Hons.)

Bachelor of Medicine and Bachelor of Surgery—M.B., B.S.

Bachelor of Science in Engineering—B.Sc. (Eng.)

Bachelor of Architecture—B.Arch.

Master of Arts—M.A.

Master of Arts in Education—M.A. (Ed.)

Master of Science—M.Sc.

Master of Surgery—M.S.

Master of Science in Engineering—M.Sc. (Eng.)

Master of Architecture—M. Arch.

Doctor of Science—D.Sc.

Doctor of Medicine—M.D.

Doctor of Laws *honoris causa*—LL.D. *honoris causa*.

2. The University may award any of the following diplomas and certificates—

Diploma in Education—Dip. Ed.

Diploma in Social Study—Dip. Soc. St.

Diploma in Pharmacy—Dip. Pharm.

Certificate in Social Study—Cert. Soc. St.

3. Degrees shall be conferred by the Chancellor, or in his absence the Vice-Chancellor, at congregations of the whole University.

4. No person shall be allowed to proceed to any degree without examination or other adequate test, but honorary degrees may be conferred as the Chancellor thinks fit on the recommendation of the Council as advised by the Honorary Degrees Committee.

5. No degree in medicine or surgery shall be conferred on any person who has not completed a five years' course of medical study at a University or other place of learning, including at least two years at the University of Hong Kong; and no degree in any other Faculty shall be conferred on any person who has not completed at least a three years' course of study at a University or other place of learning, including at least one year at the University of Hong Kong.

6. No new degree shall be established or other distinction of honour or merit adopted without reference to the Senate.

7. No person shall be deprived of any degree, diploma, certificate or other academic distinction except for good cause by the Chancellor on the joint recommendation of the Council and the Senate.

STATUTE IV.

Members of the University.

The members of the University shall be—

the Chancellor;

the Vice-Chancellor, the Pro-Vice-Chancellor, and the Treasurer;

the Deans of the Faculties, the Registrar, the Bursar, and the Librarian;

the members of the Court;

the members of the Council;

the members of the Senate;

the members of the Boards of the Faculties;

the Honorary and Emeritus Professors;

the teachers;

the wardens of University and attached Halls;

the graduates, and

the undergraduates.

A member of the University shall continue to be a member so long as he possesses any one of the qualifications set out in this statute.

STATUTE V.

The Vice-Chancellor.

1. The Vice-Chancellor shall be appointed by the Council after consultation with the Senate.
2. The Vice Chancellor may resign by written notice addressed to the Council.
3. The Vice Chancellor shall be a member of every committee of the Court, Council or Senate, and of every committee of the Board of any Faculty.
4. The Vice-Chancellor shall have power to appoint a person to act as Pro-Vice-Chancellor, as the Dean of a Faculty, as the Head of a Department, as the Registrar, as the Bursar or as the Librarian during a temporary vacancy in such a post or the temporary absence from duty or inability of the holder of such a post.

STATUTE VI.

The Pro-Vice-Chancellor.

1. The Pro-Vice-Chancellor shall be appointed from among the Professors of the University by the Council.
2. Subject to the Ordinance and the statutes and in the absence of the Vice-Chancellor, the Pro-Vice-Chancellor may act as Vice-Chancellor.
3. The Pro-Vice-Chancellor shall hold office for three years.
4. The Pro-Vice-Chancellor may resign by written notice addressed to the Council.

STATUTE VII.

The Treasurer.

1. The Treasurer shall be appointed by the Council for three years and shall be eligible for re-appointment.
2. The Treasurer may resign by written notice addressed to the Council.

STATUTE VIII.

The Deans of the Faculties.

1. The Dean of each Faculty shall be elected from the members of the Faculty by the Board of the Faculty, or failing such election shall be appointed by the Council, for three years at a time, and shall be eligible for re-election or re-appointment.
2. Whenever the office of Dean becomes vacant a new Dean shall forthwith be elected or appointed.
3. The Dean shall be chairman of the Board of his Faculty; he shall be a member of all committees of the Faculty; and he shall present candidates for degrees (except honorary degrees) in the subjects of the Faculty.
4. The Dean of a Faculty may resign by written notice addressed to the Board of the Faculty.

STATUTE IX.

The Registrar and other officers.

1. The Registrar—
 - (a) shall be appointed by the Council;
 - (b) shall keep a register of all members of the University under their respective qualifications as specified in Statute IV;
 - (c) shall be the custodian of the records of the University;
 - (d) shall discharge such duties as are specified in the Ordinance and statutes and such other duties as may be determined by the Council;
 - (e) may exercise his functions as Secretary to the Boards of the Faculties by deputy.
2. The Bursar—
 - (a) shall be appointed by the Council;
 - (b) shall be responsible for the keeping of all University accounts and such inventories as the Council may determine;
 - (c) shall be responsible for the general maintenance of all University buildings, properties, and grounds;
 - (d) shall discharge such other duties in connexion with University finance and otherwise as may be determined by the Council.
3. The Librarian—
 - (a) shall be appointed by the Council after consultation with the Senate;
 - (b) shall discharge such duties as may be determined by the Council after consultation with the Senate.
4. The Deputies and Assistants—
 - (a) Any Deputy or Assistant Registrar, Bursar or Librarian shall be an officer.
 - (b) Any Deputy or Assistant Librarian shall be appointed by the Council after consultation with the Senate.

STATUTE X.

The Auditors.

1. The Court shall appoint an auditor or auditors, who shall not be members of the Court, the Council, the Senate, the Board of any Faculty or any committee.
2. Auditors shall hold office for one year at a time, and shall be eligible for re-appointment.

STATUTE XI.

The Teachers of the University.

1. In addition to the person designated as such by the Ordinance, the Tutors and the Demonstrators shall be teachers.
2. The teachers whose services are exclusively at the disposal of the University shall not during the tenure of their appointments engage in outside practice for reward without the consent of the Council.

STATUTE XII.

Honorary and Emeritus Professors.

1. Upon the recommendation of the Senate, the Council may appoint Honorary Professors and may confer the title of Emeritus Professor upon any professor who has retired from office.

2. An Honorary or Emeritus Professor shall not *ex officio* be a member of the Court, Council, Senate or the Board of any Faculty.

STATUTE XIII.

Procedure Generally.

1. In the absence of the president or chairman and, if there is a vice-president or vice-chairman, of the vice-president or vice-chairman from a meeting of the Court, Council, Senate, the Board of any Faculty or any committee, the members present at that meeting shall choose a president or chairman, as the case may be, to act at that meeting.

2. Except as provided in the statutes, the Court, Council, Senate, Boards of the Faculties, and any committee shall determine and may make rules for the time, place, and procedure of their respective meetings.

3. The minutes of all meetings of every committee held since the last preceding meeting of the parent body shall be laid on the table at each meeting of that body, whether it be the Court, Council, Senate or the Board of any Faculty.

4. The minutes of all meetings of the Boards of the Faculties held since the last preceding meeting of the Senate shall be laid on the table at each meeting of the Senate.

5. The minutes of all meetings of the Court shall be sent to Convocation.

6. In the case of equality of votes on a question at a meeting of the Court, Council, Senate, the Board of any Faculty or any committee, the president or chairman of the meeting shall have a casting vote.

STATUTE XIV.

The Court.

1. The court shall consist of—

(a) the Chancellor, the Vice-Chancellor, and the Treasurer;

(b) life members;

(c) the following members *ex officio*:
the members of the Council,
the members of the Senate,
the Registrar;

(d) the following elected members:

(i) five members elected by the unofficial members of the Legislative Council from among their own number,

(ii) five members elected by Convocation from their own number, and one such member in addition for every hundred members beyond five hundred, provided that the total number of the members elected by Convocation shall not exceed ten; and provided further that members of Convocation who are members of the Court by virtue of the provisions of paragraph (a), (b), (c) or (d)(i) of this statute shall not be eligible for election by Convocation.

(iii) five members elected by the Court,

(iv) three members elected by the Grant-in-aid Schools Council; and

(e) not more than twenty members, not being already included in any of the foregoing classes, appointed by the Chancellor.

2. Vacancies shall be filled as they occur or as soon thereafter as conveniently may be.

3. Any member of the Court except an *ex officio* member may resign by written notice addressed to the Secretary to the Court.

4. The *ex officio* members shall continue members so long only as they hold the office in virtue of which they became members of the Court.

5. The elected members shall hold office for three years at a time and shall be eligible for re-election.

6. The appointed members shall hold office for three years at a time and shall be eligible for re-appointment.

7. The Registrar shall be Secretary to the Court.

8. If any appointed or elected member leaves the Colony and either remains absent for three months or more or gives notice of his intended absence for three months or more the appointing or electing person or body may appoint or elect, as the case may require, another person to act as member in his place during his absence. The acting member shall vacate his office either on the return of the absent member to the Colony, or on the expiry of the absent member's term of office, whichever first happens.

STATUTE XV.

Meetings of the Court.

1. The Court shall meet at least once in each academic year.

2. The Chancellor shall be the president and the Vice-Chancellor the vice-president of the Court.

3. The Chancellor may convene a meeting of the Court at any time.

4. One-fourth of the members of the Court for the time being shall form a *quorum*.

5. The Vice-Chancellor may require any officer or teacher to be present at a meeting of the Court to assist the Vice-Chancellor or the Secretary.

STATUTE XVI.

Powers of the Court.

Subject to the provisions of the Ordinance and the statutes, the Court shall have power—

- (a) to recommend to the Chancellor additions to, or the amendment or repeal of any of the statutes on the proposal of the Council;
- (b) to consider the annual budget estimates and to make representations thereon to the Council;
- (c) to consider the annual accounts together with any comments that may have been made by the auditors;
- (d) to consider any reports that may be made by the Council to the Court;
- (e) to discuss any motion on general University policy that may be introduced by a member; and
- (f) to appoint life members and to prescribe the procedure for making such appointments.

STATUTE XVII.

The Council.

1. The Council shall consist of—
the Vice-Chancellor, who shall be chairman;
the Treasurer;
the Colonial Secretary;
the Dean of each Faculty;
four members appointed by the Chancellor;
three members, not being officers or teachers, elected by the Court;
and
one member elected by the Senate.
2. The four members appointed by the Chancellor shall be appointed for a period of three years, shall be eligible for re-appointment, and may resign by written notice addressed to the Secretary to the Council.
3. The three members elected by the Court and the member elected by the Senate shall be elected for a period of three years, shall be eligible for re-election, and may resign by written notice addressed to the Secretary to the Council.
4. The Registrar shall be the Secretary but not a member of the Council.
5. Seven members of the Council shall form a quorum.
6. The powers of the Council may be exercised notwithstanding any vacancy in its number, but if at any time and as long as the number of members of the Council is less than ten the Council shall discontinue the exercise of its powers.
7. The Vice-Chancellor may require any officer or teacher to be present at a meeting of the Council.
8. If any appointed or elected member leaves the Colony and either remains absent for two months or more or gives notice of his intended absence for two months or more the appointing or electing person or body may appoint or elect, as the case may require, another person to act as member in his place during his absence. The acting member shall vacate his office either on the return of the absent member to the Colony or on the expiry of the absent member's term of office whichever first happens.

STATUTE XVIII.

Powers of the Council.

1. The Council shall administer the affairs of the University other than those vested by the Ordinance or the statutes in some other authority of the University or in an officer.

2. Notwithstanding the generality of the powers vested in the Council by paragraph 1 of this statute and subject to the provisions of the Ordinance and the statutes, the Council shall have power—

- (a) to administer and manage the finances, accounts, investments, property, business, and all affairs whatsoever of the University, and for that purpose to appoint bankers, counsel, solicitors, and such officers or agents as it may be expedient to appoint;
- (b) to recommend the award of honorary degrees;
- (c) to invest the moneys of the University, including any unapplied income, in such stocks, funds, fully paid-up shares or securities, mortgages, or debentures or debenture stock as the Council shall think fit, whether such investments be authorized by the general law for the investment of trust moneys or not, and whether such investments be within the Colony or not, and to invest such moneys in the purchase of leasehold property in the Colony, and to vary any investments by sale and re-investment or otherwise;
- (d) to purchase, grant, sell, convey, assign, surrender, and yield up, exchange, partition, mortgage, demise, reassign, transfer, and accept leases of real and personal property on behalf of the University;
- (e) to provide the buildings, premises, furniture, apparatus, and other means needed for the University;
- (f) to borrow money on behalf of the University and for that purpose to mortgage all or any part of the property of the University, whether real or personal, or give such other security, whether upon such real or personal property or otherwise, as it thinks fit:

Provided that the moneys borrowed and owing by the University shall not at any time exceed in the whole the sum of one hundred thousand dollars except with the sanction of a resolution passed at a meeting of the Council and confirmed by the vote of three-fourths of the members present and voting at a subsequent meeting of the Council specially convened for the purpose and held not less than seven days after the former meeting;

- (g) to enter into, vary, carry out, and cancel contracts on behalf of the University;
- (h) to maintain a University printing press and publish books and other matter on behalf of the University;
- (i) to give directions to the Senate or to any officer or teacher of the University in any financial matter or any matter affecting the property of the University;
- (j) in consultation with the Senate to review the instruction and teaching of the University;
- (k) to co-operate with other Universities and authorities for the regulation and conduct of examinations, for the examination and inspection of schools and other academic institutions, for the extension of University teaching, and for other purposes;
- (l) to entertain and adjudicate upon complaints from, and to redress grievances of, members of the University and persons employed therein;

- (m) to propose to the Court additions to, or the amendment or repeal of any of the statutes;
 - (n) to draft statutes;
 - (o) to prescribe fees;
 - (p) to prescribe the duties of officers, teachers, and other employees whom it may appoint and to fix their remuneration and the terms and conditions of their appointments;
 - (q) to appoint committees within or without the Colony to select candidates for any office to which the Council may appoint;
 - (r) to delegate any of its powers to any member of the Council or to any committee thereof or to any officer or teacher;
 - (s) to do all such other acts and things as may be requisite to perform any duty which the Court may delegate to the Council or to give effect to the powers conferred on the Council by the Ordinance or the statutes.
3. (1) The Council may from time to time make regulations with respect to any of the following matters or for any of the following purposes—
- (a) the administration of the affairs of the University;
 - (b) the form of contracts;
 - (c) the University press and publications;
 - (d) fees;
 - (e) the conduct of elections to such offices or memberships as the Ordinance or the statutes prescribe shall be filled by election;
 - (f) prescribing anything which is by the Ordinance or the statutes to be prescribed by regulations made by the Council; and
 - (g) generally, all matters which by the Ordinance or the statutes it is empowered to regulate.
- (2) All such regulations shall come into operation on the day on which they are made, unless otherwise provided by the Council.

STATUTE XIX.

The Honorary Degrees Committee.

1. The Honorary Degrees Committee shall consist of—
the Chancellor, who shall be chairman;
the Vice-Chancellor, who shall be vice-chairman;
the Dean of each Faculty, and
a member of the Council appointed by the Council.
2. The member appointed by the Council shall hold office for three years at a time and shall be eligible for re-appointment.
3. The Registrar shall be the Secretary but not a member of the Honorary Degrees Committee.

STATUTE XX.

Financial Procedure.

1. The Council shall fix the financial year.
2. The Council shall appoint a Finance Committee, to which persons who are not members of the Council may be appointed, and all matters within the jurisdiction of the Council which have important financial implications shall stand referred to the Finance Committee.
3. The Finance Committee shall submit to the Council, before the beginning of the financial year, draft estimates of income and expenditure, and such estimates, amended as the Council may think fit, shall be approved by the Council before the beginning of the financial year.
4. The Council may revise the estimates during the course of the financial year.
5. The estimates shall show the income and expenditure of the University and the estimated surplus or deficit for the year. The estimated expenditure shall be shown under votes, heads, and sub-heads. Any variation of the amount of any vote, head, or sub-head shall require the sanction of the Council. Any transfer between votes shall require the sanction of the Council. Any transfer between heads shall require the sanction of the Finance Committee. Any transfer between sub-heads shall require the sanction of the Vice-Chancellor and the Treasurer.
6. As soon as practicable after the end of the financial year, a Balance Sheet and Income and Expenditure Account with supporting schedules shall be submitted to the auditors.
7. The audited accounts, with any comments thereon made by the auditors, shall be submitted to the Council.
8. But nothing in this statute shall deprive the Council of power to invest surpluses or prospective surpluses at any time.
9. The current estimates, together with the latest audited account, shall be submitted to the Court at its annual meeting, in order that the observations of the Court may be transmitted to the Council.

STATUTE XXI.

The Senate.

1. The Senate shall consist of—
the Vice-Chancellor, who shall be chairman;
the Director of Education;
the Professors; and
the Heads of the Teaching Departments who are not professors.
2. The Senate shall have power to co-opt two further teachers to serve for such periods as the Senate may determine.
3. The Senate shall meet at least once in each term of every academic year, and at such other times as may be necessary.
4. Seven members of the Senate shall form a quorum.
5. The chairman shall be empowered to require any officer or teacher to attend a meeting of the Senate.
6. The Registrar shall be the Secretary but not a member of the Senate.

STATUTE XXII.

Powers of the Senate.

1. Subject to the provision of the Ordinance and the statutes, and to the availability of the funds provided by the Council, the Senate shall have power—

- (a) in consultation with the Boards of Faculties to provide courses of study for the degrees, diplomas, certificates, and other awards by the University and such other courses of study as may be thought desirable, to direct and regulate the instruction and education in the University, to stimulate the advancement of knowledge by research and publications, and to direct the manner in which examinations shall be conducted;
- (b) to determine what examinations and courses of study in other Universities or places of learning shall be deemed equivalent to examinations and courses of study in the University;
- (c) to advise the Council on the provision of facilities for educational and other academic matters;
- (d) to decide in accordance with the statutes and regulations what persons have qualified for the conferment of degrees (other than Honorary Degrees), and the award of diplomas, certificates, and other marks of distinction;
- (e) to organize the Faculties and to review, refer back, control, amend or disallow any act of the Board of any Faculty, and to give directions to the Boards of the Faculties;
- (f) to fix the time, mode, and conditions of competition for, and to award fellowships, scholarships, and other educational endowments and prizes in accordance with the terms thereof;
- (g) to recommend any person for appointment to the post of teacher;
- (h) to manage the libraries, laboratories, museums, and art galleries of the University;
- (i) to provide for the welfare and discipline of undergraduates and students;
- (j) to require any undergraduate or student on academic grounds to terminate his studies at the University;
- (k) to suspend or expel any undergraduate or student:

Provided that the Vice-Chancellor may, if he thinks it necessary, in any case peremptorily exercise a like power of suspension, pending the decision of the Senate in that case;

- (l) to determine the policy to be followed by the Halls of Residence maintained by the University; and to approve Halls and other accommodation for the residence of students not maintained by the University and to prescribe the conditions under which students may be permitted to reside therein;
- (m) to provide lectures and courses of study for persons who are not members of the University;
- (n) to advise the Council on any matter which may be referred to the Senate by the Council;
- (o) to delegate any of its powers to any member of the Senate or any Committee thereof or the Board of any Faculty or to any officer or teacher; and
- (p) to do all such other acts and things as may be requisite to give effect to the powers conferred on the Senate by the Ordinance or the statutes.

2. (1) The Senate may from time to time make regulations with respect to any of the following matters or for any of the following purposes—

- (a) the admission, registration, residence, welfare, and discipline of students;
- (b) the conditions for the award of degrees, diplomas, certificates, and other marks of distinction;
- (c) courses of study and examinations;
- (d) academic dress;
- (e) the award of scholarships and other educational endowments and prizes;
- (f) the use of the University libraries, laboratories, workshops, and other institutions;
- (g) prescribing anything which is by the Ordinance or the statutes to be prescribed by regulations made by the Senate;
- (h) prescribing conditions under which persons may be exempted from the provisions of any regulation made by the Senate; and
- (i) generally, all matters which by the Ordinance or the statutes it is empowered to regulate.

(2) All such regulations shall be reported to the Council and shall come into operation not earlier than two terms after the day on which they are made, unless otherwise provided by the Council.

STATUTE XXIII.

The Teaching Departments.

1. The Senate shall organize the teachers into Teaching Departments.
2. The list of Teaching Departments and their allocation to Faculties shall be prescribed by regulations made by the Senate.
3. The Head of a Teaching Department shall be appointed by the Vice-Chancellor in consultation with the Dean of the Faculty to which the Department is allocated, and he shall be responsible to the Faculty for the organization of teaching in the Department.
4. Nothing in this statute shall prevent the allocation of a Teaching Department to two or more Faculties.

STATUTE XXIV.

The Institute of Oriental Studies.

1. The purpose of the Institute shall be to provide facilities for research in Chinese and Oriental Studies for Eastern and Western scholars; to promote interest in Oriental Studies generally both within and without the University; to arrange for extramural instruction in Oriental languages and literature; to provide a focus and meeting-place for students of all countries in the field of Oriental Studies; to promote good fellowship among such students; and to increase understanding and goodwill between the peoples of East and West.
2. The name of the Institute shall be: 'The Institute of Oriental Studies of the University of Hong Kong' ('香港大學東方文化研究院').
3. There shall be a Director of the Institute who shall be appointed by the Council and shall be responsible to the Senate for the organization and work of the Institute.

4. There shall be an Advisory Board of the Institute, which shall have power—

- (a) to advise the Senate on any questions relating to the work of the Institute; and
- (b) to do all such other acts and things as may be requisite to perform any duty which the Senate may delegate to it.

5. The Advisory Board shall be constituted in accordance with regulations made by the Senate.

6. The Institute shall be administered by the Director in accordance with the statutes, with the general financial and administrative regulations of the Council, and with any special regulations which may be made from time to time by the Council or the Senate.

STATUTE XXV.

The Boards of the Faculties.

1. The Board of each Faculty shall consist of—
the Vice-Chancellor;
the Dean of the Faculty, who shall be Chairman;
the Professors, Readers, Senior Lecturers, Lecturers and Assistant Lecturers who are members of the Teaching Departments allocated to the Faculty and who are full-time employees of the University;
such other teachers as may be appointed to the Board by the Senate; and
such other persons not being teachers as may be appointed to the Board by the Senate on the recommendation of the Board, provided that the number of such persons shall not exceed one-fourth of the whole number of members of the Board.
2. The Director of the Institute of Oriental Studies shall be *ex officio* a member of the Board of the Faculty of Arts.
3. The persons appointed under paragraph 1 shall hold office for a period of three years and shall be eligible for re-appointment.
4. The Board of each Faculty shall be responsible to the Senate for the teaching of the subjects assigned to that Faculty and shall report thereon to the Senate from time to time.
5. The Registrar shall be the Secretary but not a member of the Boards of the Faculties.

STATUTE XXVI.

Powers of the Boards of the Faculties.

Subject to the provisions of the Ordinance and the statutes, the Board of each Faculty shall have power—

- (a) to advise the Senate on any questions relating to the work of the Faculty; and
- (b) to do all such other acts and things as may be requisite to perform any duty which the Senate may delegate to it.

STATUTE XXVII.

Convocation.

1. (1) Convocation shall consist of the following members—
 - (a) the Chancellor, the Vice-Chancellor, the Treasurer, the Registrar and the Deans of the Faculties;
 - (b) the professors, readers, lecturers, tutors and demonstrators of the University;
 - (c) graduates of the University of such standing as shall be determined by the Council.(2) Persons on whom an Honorary Degree has been conferred shall not, solely by reason thereof, be members of Convocation, but may be elected by Convocation to be members thereof.
2. A register of the members of Convocation shall be kept by the Registrar.
3. Such register shall be conclusive evidence that any person whose name appears therein at the time of claiming to vote in Convocation is entitled to a vote and that any person whose name does not appear therein is not so entitled.
4. The Chancellor, if present, shall preside at the meetings of Convocation.
5. A meeting of Convocation shall be convened at least once in every year and at such other times as Convocation may determine.
6. A meeting of Convocation may also be convened by the direction of the Chairman thereof and shall be convened at the request in writing of at least twenty members.
7. (1) Notice of a meeting of Convocation shall be served—
 - (a) in the case of members thereof resident in the Colony or Macau, by post or otherwise; or
 - (b) in the case of members thereof not resident in the Colony or Macau, by air mail,not less than twenty-one days prior to the meeting.
- (2) Notice of a meeting shall be deemed to have been served if a notice, properly addressed, has been prepaid and put in the post.
- (3) Accidental omission to serve such notice on any member shall not affect the validity of a meeting.
8. Thirty members of Convocation shall form a quorum.
9. All questions which may arise at a meeting of Convocation shall be decided by a majority of votes of the members present and, in case of an equality of votes, the Chairman shall have a casting vote in addition to his original vote.
10. Convocation shall have the following powers—
 - (a) to elect members of the Court from among their own number, in accordance with the provisions of Statute XIV;
 - (b) to elect a Chairman, who shall hold office for such period as Convocation may determine and who shall in the absence of the Chancellor preside at its meetings;
 - (c) to discuss any matter whatsoever relating to the University including any matter referred to it by the Court or the Council and to report its views on such matter to the Court or the Council or the Senate as the case may be;

- (d) to regulate its procedure (save in so far as provision is made therefor by the statutes), and to report its proceedings to the Court, the Council or the Senate;
- (e) to enter into communication directly with the Court, the Council or the Senate on any matter affecting the University;
- (f) generally to do any other act necessary to give effect to the powers conferred on Convocation by the Ordinance or the statutes.

STATUTE XXVIII.

Examinations.

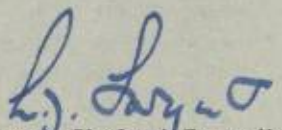
1. Examinations for degrees, diplomas, certificates, and other awards shall be conducted by examiners appointed by the Council and the Senate on the recommendation of the appropriate Boards of Faculties.

2. In respect of every paper in a Degree Examination for a final year and in such other examinations as may be prescribed in accordance with the Ordinance, there shall be an external examiner appointed by the Council on the recommendation of the Senate, who shall not be a teacher.

3. The Vice-Chancellor may in his absolute discretion appoint an examiner or, as the case may be, an external examiner for any examination whenever a vacancy or other emergency requiring such an immediate appointment occurs in relation to that examination.

4. The Registrar shall discharge such duties in respect of examinations as may be delegated to him by the Senate, and he may perform these duties by deputy.

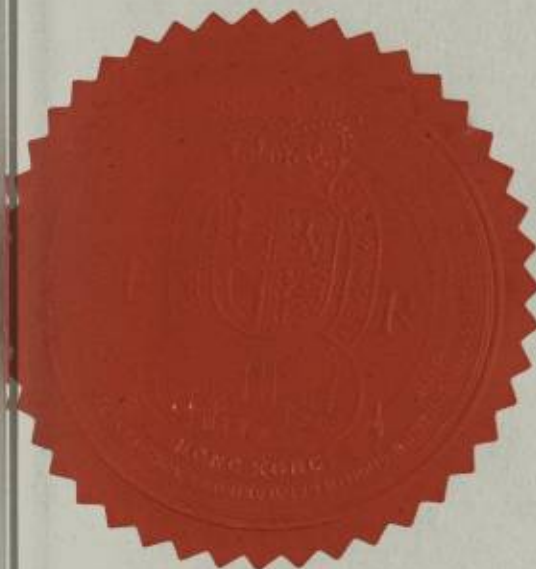
Passed the Legislative Council of Hong Kong, this 2nd day of April, 1958.


Deputy Clerk of Councils.

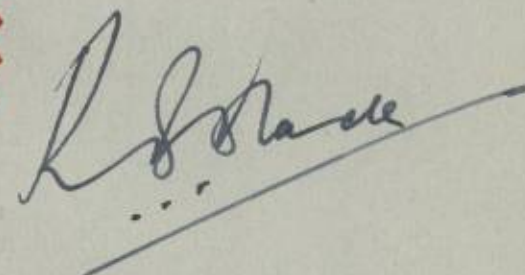
(Secretariat GR48/3231/55)

HONG KONG

No. 14 OF 1958.



I assent.



Governor.

1st May, 1958.

An Ordinance to make provision to give effect in the laws of the Colony to a change in the name of The Mercantile Bank of India, Limited and to validate certain things done before the date of enactment of this Ordinance.

[31st December, 1957.]

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 Mercantile Bank of India, Limited (Change of Name) Ordinance, 1958 and shall be deemed to have come into operation on the 31st day of December, 1957.

Short title
and com-
mencement.

Inter-pretation.

2. In this Ordinance—

“appointed day” means the day on which this Ordinance shall be deemed to have come into operation.

Change of name.
(Cap. 65).
(Cap. 66).

3. (1) The Bank Notes Issue Ordinance and the Exchange Fund Ordinance are amended by the deletion of the words “the Mercantile Bank of India Limited” wherever the same occur and the substitution therefor of the following—

“Mercantile Bank Limited”.

(Cap. 68).

(2) The Foreign Notes (Prohibition of Circulation) Ordinance is amended by the deletion in section 3 of the words “the Mercantile Bank of India” and the substitution therefor of the following—

“Mercantile Bank Limited”.

(Cap. 71).

(3) The Mercantile Bank Note Issue Ordinance is amended by the deletion of the words “the Mercantile Bank of India, Limited” wherever the same occur and the substitution therefor of the following—

“Mercantile Bank Limited”.

Transi-tional provisions.

4. Notwithstanding the provisions of any law to the contrary—

(Cap. 65).
(Cap. 71).

(a) Mercantile Bank Limited subject to the provisions of the Bank Notes Issue Ordinance and of the Mercantile Bank Note Issue Ordinance may, after the appointed day, issue bank notes bearing the name “The Mercantile Bank of India, Limited” at any time—

(i) during a period of two years from the appointed day; or

(ii) up to such later date, not later than five years from the appointed day, as may be fixed by the Legislative Council by resolution; and

(b) such notes shall be deemed to be and always to have been—

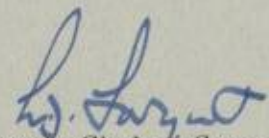
(i) bank notes lawfully issued as defined in section 2 of the Bank Notes Issue Ordinance; and

(ii) legal tender for the purposes of section 3 of that Ordinance.

5. (1) No proceedings, civil or criminal, shall be instituted against Mercantile Bank Limited or against any person employed by Mercantile Bank Limited in respect of any act done or purporting to have been done in the name of The Mercantile Bank of India, Limited during the period between the appointed day and the date of enactment of this Ordinance in any case in which no such proceedings could have been instituted if this Ordinance had been enacted before the appointed day. Indemnity.

(2) All acts and things done by Mercantile Bank Limited and by any person employed by Mercantile Bank Limited after the appointed day shall be deemed to have been validly and lawfully done in all cases where the same would have been validly and lawfully done if this Ordinance had been enacted before the appointed day and in particular, notwithstanding that on the appointed day and for some time thereafter Mercantile Bank Limited had not been authorized by the Financial Secretary, by an order made in exercise of the power conferred on him by section 15 of the Stamp Ordinance, to compound for the payment of duty on unstamped cheques upon the conditions prescribed in that section, all cheques drawn and issued on forms supplied or adopted by Mercantile Bank Limited shall be deemed to have been duly stamped in accordance with subsection (2) of that section during such time. (Cap. 117).

Passed the Legislative Council of Hong Kong, this 30th day of April, 1958.

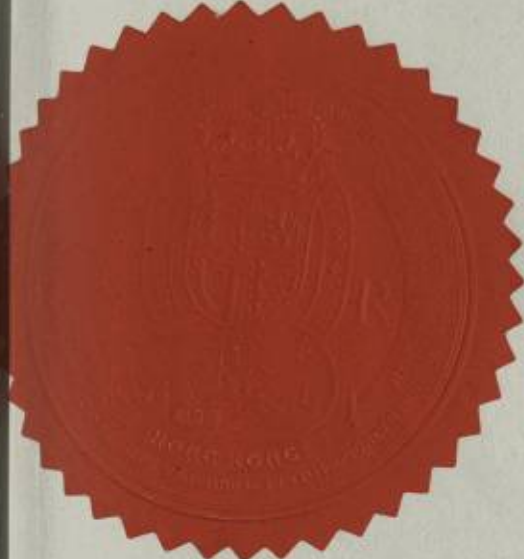

Deputy Clerk of Councils.

(Secretariat GR41/27/3311/47)

HONG KONG

No. 15 OF 1958.

I assent.



[Signature]
Governor.

1st May, 1958.

An Ordinance further to amend the Secretary for Chinese Affairs
Incorporation Ordinance, Chapter 310.

[2nd May, 1958.]

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 Secretary for Chinese Affairs Incorporation (Amendment) Ordinance, 1958. Short title.

2. Section 7A of the Secretary for Chinese Affairs Incorporation Ordinance is amended— Amendment
of section
7A.

(a) by the insertion between the figure and letter "7A." and the word "For" of the following— (Cap. 310).

"(1)";

(b) by the addition after subsection (1) of the following new subsection—

“(2) It is also hereby declared that—

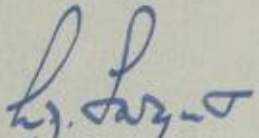
(a) the corporation may invest, in accordance with the provisions of the Trustee Ordinance, such trust funds in the hands of the corporation whether at the time in a state of investment or not; and

(b) notwithstanding such provisions, the corporation shall also have power and shall be deemed always to have had power, in cases where the occupant of the corporation for the time being considers it impracticable for any reason whatsoever for such trust funds to be so invested, to deposit such trust funds in the Hong Kong Savings Bank or such other savings bank as the Governor may approve generally or in any particular case.”;

(c) by the deletion of the marginal note and the substitution therefor of the following—

“Power to accept other trusts, to invest and deposit trust funds.”.

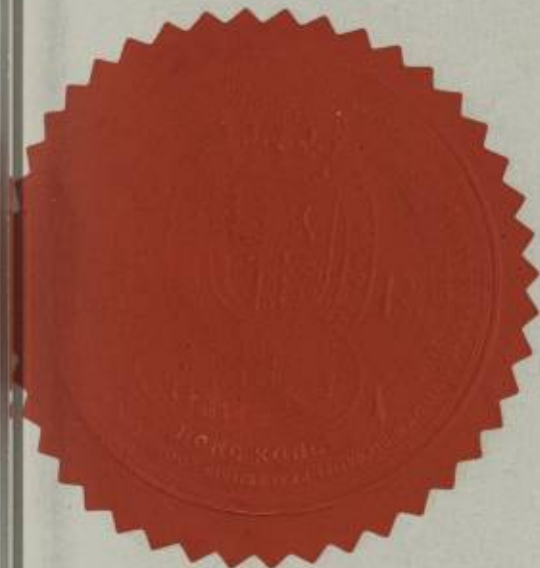
Passed the Legislative Council of Hong Kong, this 30th day of April, 1958.


Deputy Clerk of Councils.

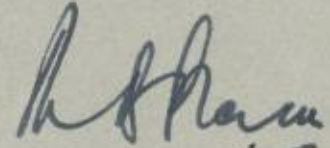
(Secretariat L/M G11827/57)

HONG KONG

No. 16 OF 1958.



I assent.


Governor.

29th May, 1958.

An Ordinance to provide for the clearance and resettlement of squatters.

[]

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

PART I.

General.

1. This Ordinance may be cited as the Resettlement Ordinance, 1958, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title and commencement.

Interpreta-
tion.

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

“authorized officer” means any officer appointed in writing by a competent authority to exercise such of the powers vested in the competent authority as have been delegated by him to the authorized officer;

(68 of
1955).

“building authority” and “building” have the meaning assigned by section 2 of the Buildings Ordinance, 1955;

“competent authority” in relation to any Part of this Ordinance means any person appointed by the Governor under this Ordinance for the purpose of such Part;

“cottage resettlement area” means an area which has been set aside or is deemed to have been set aside as a cottage resettlement area by the Governor in exercise of the power conferred by section 37;

“dependant” means a member of the household of a tenant or of a permittee whose name is included by the authority of a competent authority in a tenancy card or in an occupation permit;

“erection permit” means a permit granted by a competent authority under section 40;

“land” includes all buildings and erections thereon;

“lease” includes an agreement for a lease;

“occupation fee” means such fee as shall be prescribed in an occupation permit;

“occupant” means in respect of any dwelling in a cottage resettlement area a person who holds a valid occupation permit in respect of such dwelling;

“occupation permit” means in respect of any cottage resettlement area, a permit granted under the provisions of section 43;

“occupied” includes occupation as a residence or as business premises, temporary occupation and occupation for agricultural purposes whether by the planting of crops or by the erection of any structure;

“public interest” includes the interests of defence or of the preservation of public order, safety or health or of the provision or maintenance of supplies and services essential to the life of the community;

“resettlement estate” means an area which has been set aside or is deemed to have been set aside as a resettlement estate by the Governor in exercise of the power conferred by section 24;

“squatter” means any person who occupies any land without lawful authority or without the consent of the person entitled to the beneficial occupation of such land;

“tenancy card” means a card issued in accordance with the provisions of section 28 or of section 49;

“tenant” means in respect of any dwelling in a resettlement estate a person to whom tenancy card in respect of such dwelling has been issued and which tenancy card remains unrevoked;

“unlawful structure” means—

(a) any temporary or permanent structure or part thereof erected or maintained—

(i) without lawful authority on Crown land;

(ii) otherwise than in accordance with the terms of the lease or permit on land held on lease or permit from the Crown;

(iii) without the authority of the lessee or permittee on land held on lease or permit from the Crown;

(iv) without the approval of the building authority in cases where such approval is required; or

(v) by a squatter;

(b) any cave or tunnel occupied by a squatter or other person without lawful authority.

Presumption.

3. In any proceedings under this Ordinance any person who is proved to have been an occupant of an unlawful structure shall be deemed to have been at that time a squatter until the contrary has been proved.

Publication of notices and directions.

4. Where any requirement is made or notice or direction given under this Ordinance, it shall not be necessary except where express provision is made therefor, for such requirement, notice or direction to be in writing and the person making such requirement or giving such notice or direction may bring such requirement, notice or direction to the attention of all persons who in his opinion ought to have notice thereof, in such manner as he thinks fit.

Delegation of powers.

5. (1) A competent authority may delegate any of his powers and functions other than any power to make or amend regulations, rules or by-laws, to any public officer and, if the competent authority is a public body, to any committee of such public body.

(2) Any committee of any public body to which powers or functions have been delegated by such public body in accordance with the provisions of subsection (1) may delegate any of such powers and functions to any public officer.

(3) Any person who is aggrieved by a decision of a public officer or of a committee of a public body acting under powers delegated to him or to it in accordance with the provisions of subsection (1) or subsection (2) may appeal against such decision to the competent authority who may amend or revoke such decision.

6. Where any power is conferred upon any person by this Ordinance or any requirement, notice or direction made or given thereunder, such power may be exercised by that person and by other persons acting by direction, and that person and any other persons so acting may use all force reasonably necessary for the exercise of that power. Exercise of power.

7. (1) All fees paid under this Ordinance shall be paid into the general revenue of the Colony. Fees.

(2) The provisions of the Official Signatures Fees Ordinance shall not apply to any document issued under the provisions of this Ordinance. (Cap. 88).

(3) A competent authority may remit—

- (a) any fee payable in respect of the occupation of a building in a resettlement estate or a building owned by the Crown in a cottage resettlement area for any period not exceeding any one month commencing at the commencement of such occupation; and
- (b) any permit fee payable in respect of the occupation of a site in a cottage resettlement area for any period not exceeding three months commencing at the commencement of such occupation.

PART II.

Squatter clearance.

8. (1) The Governor may appoint any person by name or office to be a competent authority for the purpose of this Part of this Ordinance. Appointment of competent authority.

(2) Such appointment may be made in respect of the whole or any part of the Colony but shall be deemed to extend to the whole of the Colony unless otherwise expressed.

9. A competent authority may—

- (a) evict from any unlawful structure upon Crown land any squatter or other occupant thereof;
- (b) remove from Crown land or from any portion thereof any squatter or trespasser;

Power in respect of squatters and unlawful structures on Crown land.

(c) take possession of, demolish and remove any unlawful structure upon Crown land.

Reporting of unlawful structures.

10. (1) If it comes to the notice of the lessee of land held on lease from the Crown or of the permittee of land held on permit from the Crown that any unlawful structure is being erected upon such land or has been erected on such land after the date of coming into operation of this Ordinance, the lessee or permittee shall report, in writing, the erection or existence of such unlawful structure to the competent authority within forty-eight hours of such erection or existence coming to his notice. Penalty on summary conviction five hundred dollars.

(2) If in any proceedings under this section it is proved to the satisfaction of the Court that an unlawful structure has been so erected the lessee or permittee of such land shall be deemed to have known of such erection unless he proves that he did not so know.

Competent authority may require lessee or permittee of land to remove squatters and unlawful structure.

11. (1) A competent authority may by notice in writing require the lessee of land held on lease from the Crown or the permittee of land held on permit from the Crown—

- (a) to evict from any unlawful structure upon such land any squatter or other occupant thereof;
- (b) to remove from such land or from any portion thereof any squatter or trespasser;
- (c) to take possession of, demolish and remove any unlawful structure upon such land.

(2) Any notice given by a competent authority under subsection (1) may specify—

- (a) the time within which the requirement is to be completed; and
- (b) that any work to be done in pursuance of a requirement under paragraph (c) of subsection (1) shall be at the expense of the lessee or permittee, as the case may be.

(3) Upon notice as aforesaid being given, the lessee or permittee, as the case may be, shall act in accordance with the terms thereof.

12. (1) When—

- (a) a lessee or permittee cannot readily be found or for any other reason notice cannot be given as provided in subsection (1) of section 11; or
- (b) a competent authority is satisfied that it is necessary or desirable that such notice should be dispensed with; or
- (c) a lessee or permittee does not comply with such notice,

Power of competent authority in respect of squatters and unlawful structures on land on lease and on permit.

a competent authority may, without giving such notice or any further notice, as the case may be, enter upon land held on lease or permit from the Crown, and exercise thereon the powers provided by paragraphs (a), (b) and (c) of subsection (1) of section 11.

(2) Wherever a competent authority acting under subsection (1) takes possession of, demolishes or removes any unlawful structure, the cost of such demolition or such removal, at the discretion of a competent authority, may be recovered from the lessee or the permittee, as the case may be.

13. (1) If it comes to the notice of a competent authority that any building which he has reason to believe may be an unlawful structure is in course of erection or has been erected, he may serve notice requiring the owner of such building and the owner of the land upon which such building is being erected or has been erected to furnish to him within forty-eight hours of the service of such notice proof to his satisfaction that such building is in accordance with the terms of the Crown lease or permit under which such land is held.

Burden of proof that a building is not an illegal structure.

(2) A notice under this section need not be addressed to the owner of a building or the owner of land by name.

(3) Service of such notice may be effected by handing a copy thereof to any adult person engaged in the building works and by affixing a copy of such notice to such building, or by any other method which the competent authority shall deem to be sufficient.

(4) The owner of the building and the owner of the land upon which the building is being erected or has been erected shall furnish to the competent authority within forty-eight hours of the service of the notice such proof as is referred to in subsection (1).

(5) If no proof has been furnished to the competent authority within forty-eight hours from the service of the notice or if the competent authority is not satisfied from the examination of such proof as has been furnished to him that the building is not an unlawful structure the building shall thereupon be deemed to be an unlawful structure and, notwithstanding the provisions of sections 11 and 12, the competent authority may thereupon enter upon the land and in respect of the building exercise thereon the powers provided by paragraphs (a), (b) and (c) of subsection (1) of section 11.

Property in unlawful structure on removal.

14. (1) Wherever any unlawful structure has been taken possession of, demolished or removed in accordance with the provisions of section 9, 11, 12 or 13, such structure and the materials of which it was comprised shall be deemed to be the property of the Crown free from the rights of any person.

(2) Notwithstanding the provisions of subsection (1), it shall be lawful for the Governor to entertain and to give effect to any moral claim to or in respect of such structure or such materials.

Powers of entry.

15. (1) For the purpose of ascertaining whether any unlawful structure is erected or is being erected on any land held on lease or permit from the Crown, the competent authority or an authorized officer may enter on such land at all reasonable times and inspect such land for such purpose and may require the owner or occupier of such land to permit him to enter on any part of such land for such purpose.

(2) Any person who refuses to permit the competent authority or an authorized officer on proof of his identity, to enter on any land or obstructs the competent authority or an authorized officer in the exercise of his duties under this section shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

Protection of persons acting under sections 9, 11, 12, 13 and 15.

16. No liability shall attach to any person lawfully exercising any power under section 9, 11, 12, 13 or 15 or under any requirement made thereunder for or in respect of any loss of or damage to any goods or chattels of any trespasser or squatter upon Crown land or upon land held on lease or permit from the Crown or of any other occupant of an unlawful structure.

17. (1) Wherever any power has been exercised under section 9, 11, 12 or 13, or under any requirement made thereunder a competent authority may give such directions and take such measures as he may consider desirable or necessary to prevent the re-occupation of any land or of any unlawful structure thereon by squatters and trespassers or the erection on such land of any unlawful structure.

Power of competent authority to prevent re-occupation of land by squatters.

(2) Without prejudice to the generality of subsection (1), a competent authority may station watchmen on any such land for such purpose and the owner or other person entitled to the beneficial occupation of such land shall permit such watchmen to remain on the land and shall not obstruct them in the execution of their duties.

(3) Any person who contravenes the provisions of subsection (2) or who obstructs a watchman so stationed in the execution of his duties shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

18. (1) A competent authority may recover by civil proceedings any sum due under subsection (2) of section 12.

Recovery of sums due by lessee or permittee.

(2) If a lessee does not satisfy a judgment obtained under subsection (1), a right of re-entry upon the land leased shall be deemed to have accrued to Her Majesty under section 2 of the Crown Rights (Re-entry) Ordinance and the provisions of that Ordinance shall apply.

(Cap. 126).

PART III.

Screening of persons for resettlement.

19. (1) The Governor may appoint any person by name, or office, to be a competent authority for the purpose of this Part of this Ordinance.

Appointment of competent authority.

(2) Such appointment may be made in respect of the whole or any part of the Colony, but shall be deemed to extend to the whole of the Colony unless otherwise expressed.

20. (1) Any person who desires to be accommodated in a cottage resettlement area or in a resettlement estate or who resides in an unlawful structure may be required by a competent authority, or by an authorized officer to answer any questions

Questioning of persons in need of resettlement.